

ASSEMBLY, No. 2485

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblywoman WEINBERG, Assemblymen ZISA,
DiGaetano, T. Smith, Augustine, Arnone, DeSopo, Pascrell,
Steele, Wisniewski and Roma

1 AN ACT concerning the accidental death benefit payable under the
2 Police and Firemen's Retirement System of New Jersey and
3 amending P.L.1944, c.255.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 10 of P.L.1944, c.255 (C.43:16A-10) is amended to
9 read as follows:

10 10. (1) Upon the death of a member in active service as a result of
11 an accident met in the actual performance of duty at some definite time
12 and place, and such death was not the result of the member's willful
13 negligence, an accidental death benefit shall be payable if a report of
14 the accident is filed in the office of the retirement system within 60
15 days next following the accident, but the board of trustees may waive
16 such time limit, for a reasonable period, if in the judgment of the board
17 the circumstances warrant such action. No such application shall be
18 valid or acted upon unless it is filed in the office of the retirement
19 system within five years of the date of such death.

20 The provisions of this subsection shall apply to a member who is a
21 policeman and who dies as a result of an accident or the intentional act
22 of another that occurs during and in the course of the member's
23 attempt to prevent a felony or to apprehend a felon, notwithstanding
24 that the member shall not at the time have been on duty in the service
25 of a public employer. The provisions of this subsection shall also
26 apply to a member who is a fireman and who dies as a result of an
27 accident met in the actual performance of duty as a volunteer fireman
28 in any municipality in the State, provided the member's death was not
29 the result of the member's willful negligence.

30 (2) Upon the receipt of proper proofs of the death of a member on
31 account of which an accidental death benefit is payable, there shall be
32 paid to his widow or widower a pension of 70% of the compensation,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 upon which contributions by the member to the annuity savings fund
2 were based in the last year of creditable service, for the use of herself
3 or himself and the children of the deceased member, to continue during
4 her or his widowhood; if there is no surviving widow or widower or
5 in case the widow or widower dies or remarries, 20% of such
6 compensation will be payable to one surviving child, 35% of such
7 compensation to two surviving children in equal shares and if there be
8 three or more children, 50% of such compensation will be payable to
9 such children in equal shares.

10 If there is no surviving widow, widower or child, 25% of the
11 compensation upon which contributions by the member to the annuity
12 savings fund were based in the last year of creditable service, will be
13 payable to one surviving dependent parent or 40% of such
14 compensation will be payable to two surviving parents in equal shares.

15 In the event of accidental death occurring in the first year of
16 creditable service, the benefits, payable pursuant to this subsection,
17 shall be computed at the annual rate of compensation.

18 (3) If there is no surviving widow, widower, child or dependent
19 parent, there shall be paid to any other beneficiary of the deceased
20 member, his aggregate contributions at the time of death.

21 (4) In no case shall the death benefit provided in subsection (2) be
22 less than that provided under subsection (3).

23 (5) In addition to the foregoing benefits payable under subsection
24 (2) or (3), there shall also be paid in one sum to such beneficiary, if
25 living, as the member shall have nominated by written designation duly
26 executed and filed with the retirement system, otherwise to the
27 executor or administrator of the member's estate, an amount equal to
28 3 * times the compensation upon which contributions by the member
29 to the annuity savings fund were based in the last year of creditable
30 service.

31 (6) In addition to the foregoing benefits, the State shall pay to the
32 member's employer-sponsored health insurance program all health
33 insurance premiums for the coverage of the member's surviving widow
34 or widower and dependent children.

35 (cf: P.L.1996, c.89, s.2)

36

37 2. This act shall take effect immediately and shall be retroactive to
38 April 1, 1996.

39

40

41

STATEMENT

42

43 This bill provides for the payment of the accidental death benefit
44 under the Police and Firemen's Retirement System if a member of
45 PFRS who is a policeman dies as a result of an accident or the
46 intentional act of another that occurs during and in the course of the

1 member's attempt to prevent a felony or to apprehend a felon,
2 notwithstanding that the member shall not at the time have been on
3 duty in the service of a public employer. Under current law, the
4 accidental death benefit is payable upon the death of a police officer
5 member only if the officer's death is the result of an accident met in the
6 actual performance of duty as a police officer.

7 The PFRS accidental death benefit is 70% of the decedent's
8 compensation during the last year of service, payable to the surviving
9 spouse of the decedent. If there is no surviving spouse or the spouse
10 dies or remarries, then specified percentages of such compensation are
11 payable to any surviving children of the officer, the amount depending
12 upon the number of children.

13

14

15

16

17 Provides PFRS accidental death benefit for policeman dying as result
18 of accident or intentional act of another during member's attempt to
19 prevent felony or apprehend felon.