

P.L. 2021, CHAPTER 75, *approved May 3, 2021*
Senate, No. 3208 (*First Reprint*)

1 AN ACT concerning accidental death benefits for surviving spouses
2 and surviving children of certain members or retirees of the State
3 Police Retirement System, and supplementing P.L.1965, c.89
4 (C.53:5A-1 et seq.).
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6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
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9 1. a. (1) The surviving spouse or surviving child or children of a
10 retired member of the State Police Retirement System who received an
11 accidental disability retirement allowance in accordance with
12 subsection ¹**[e.] a.**¹ of section 10 of P.L.1965, c.89 (C.53:5A-10)¹**],** or
13 subsection a. thereof provided that the documentation required
14 pursuant to subsection e. is submitted,¹ shall receive the accidental
15 death benefits as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14)
16 ¹, provided that the retired member died before July 8, 2019 and the
17 surviving spouse, child, or children submit documentation that the
18 member would have qualified for a retirement allowance in
19 accordance with subsection e. of section 10 of P.L.1965, c.89
20 (C.53:5A-10)¹, upon the submission to the board of trustees of proper
21 proofs of the death of that retiree, notwithstanding any other provision
22 of law or regulation to the contrary. Notwithstanding the provision of
23 subsection c. of section 10 of P.L.1965, c.89 (C.53:5A-10) or any
24 other provision of law to the contrary, the lump sum benefit of 3 ½
25 times final compensation in subsection e. of section 14 of P.L.1965,
26 c.89 (C.53:5A-14) shall apply.

27 (2) The surviving spouse or surviving child or children, or any
28 legal guardian of the surviving child or children, shall be eligible to
29 receive the accidental death benefits as set forth in section 14 of
30 P.L.1965, c.89 (C.53:5A-14), upon the submission to the board of
31 trustees of proper proofs of the death of the member or retiree,
32 notwithstanding any other provision of law or regulation to the
33 contrary, if the spouse, child, children, or guardian submits sufficient
34 documentation that the deceased member or retiree would have
35 qualified for an accidental disability retirement allowance¹**],** or a
36 recalculation of the service retirement allowance or ordinary disability
37 retirement allowance,¹**]** in accordance with subsection e. of section 10
38 of P.L.1965, c.89 (C.53:5A-10)¹**],** provided that the member or retiree
39 filed before death the written and sworn statement required by that
40 subsection e. indicating the dates and locations of service¹. The

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted November 19, 2020.

1 board of trustees shall require the submission of such information as
2 the deceased member or retiree would have been required to submit in
3 accordance with subsection e. of section 10 of P.L.1965, c.89
4 (C.53:5A-10) and such other information as the board of trustees may
5 deem necessary to make a determination. Notwithstanding any other
6 provision of law to the contrary, the lump sum benefit of 3 ½ times
7 final compensation in subsection e. of section 14 of P.L.1965, c.89
8 (C.53:5A-14) shall apply.

9 (3) Paragraphs (1) and (2) of this subsection shall apply only if the
10 member's or retiree's death was the result of a qualifying condition or
11 impairment of health as defined in subsection e. of section 10 of
12 P.L.1965, c.89 (C.53:5A-10) which the medical board determines to be
13 caused by participation in World Trade Center rescue, recovery, or
14 cleanup operations.

15 b. (1) The surviving spouse of a deceased retired member who is
16 receiving a pension in accordance with section 25 of P.L.1965, c.89
17 (C.53:5A-25) due to the death of the retired member on or before July
18 8, 2019 shall be eligible to apply to the board of trustees and, upon
19 approval of the application by the board, shall receive the accidental
20 death benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-14) if
21 the surviving spouse submits sufficient documentation that the
22 deceased retiree would have qualified for a ¹recalculation of the
23 retiree's service retirement allowance or ordinary disability¹
24 retirement ¹allowance in accordance with¹ under¹ subsection e. of
25 section 10 of P.L.1965, c.89 (C.53:5A-10) but for the fact that the
26 ¹recalculation¹ benefit¹ was not available to the retiree prior to the
27 retiree's death.

28 (2) A surviving spouse who received the pension in accordance
29 with section 25 of P.L.1965, c.89 (C.53:5A-25), but whose eligibility
30 for that pension was terminated because the surviving spouse no
31 longer met the definition of "surviving spouse" as set forth in section 3
32 of P.L.1965, c.89 (C.53:5A-3), shall be eligible to apply to the board
33 of trustees and, upon approval of the application by the board, shall
34 receive the accidental death benefits set forth in section 14 of
35 P.L.1965, c.89 (C.53:5A-14) under the same terms and conditions and
36 pursuant to the same requirements as set forth in paragraph (1) of this
37 subsection. If the former spouse receives the accidental death benefits
38 as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14), a surviving
39 child or children who are receiving benefits pursuant section 25 of
40 P.L.1965, c.89 (C.53:5A-25) shall no longer be eligible to receive
41 those benefits.

42 (3) If there is no surviving spouse or no former surviving spouse
43 because the spouse has died or has declined in writing to apply
44 pursuant to paragraph (2) of this subsection, the surviving child or
45 surviving children who are receiving benefits in accordance with
46 section 25 of P.L.1965, c.89 (C.53:5A-25) on the effective date of this
47 act, P.L. , c. (pending before the Legislature as this bill), or any
48 legal guardian of the child or children, may submit the application and

1 receive the benefits set forth in section 14 of P.L.1965, c.89 (C.53:5A-
2 14) under the same terms and conditions and pursuant to the same
3 requirements as set forth in paragraph (1) of this subsection.

4 (4) The board of trustees shall provide written notification to each
5 surviving spouse, former surviving spouse, and surviving child, and
6 any legal guardian of a surviving child, of the provisions of this
7 subsection, within 30 days after the effective date of this act.

8 (5) In order to receive the benefit provided in this subsection, a
9 surviving spouse, former surviving spouse, or surviving child, or any
10 legal guardian of the surviving child, shall submit an application not
11 later than two years after the effective of this act.

12 (6) The board of trustees shall require the surviving spouse, former
13 surviving spouse, or surviving child, or any legal guardian of the
14 surviving child, to submit such information as the deceased member or
15 retiree would have been required to submit in accordance with
16 subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) and such
17 other information as the board of trustees may deem necessary to
18 review the application and make a determination. Paragraphs (1), (2),
19 and (3) of this subsection shall apply only if the retiree's death was the
20 result of a qualifying condition or impairment of health as defined in
21 subsection e. of section 10 of P.L.1965, c.89 (C.53:5A-10) which the
22 medical board determines to be caused by participation in World Trade
23 Center rescue, recovery, or cleanup operations ¹and if the deceased
24 member or retiree died before July 8, 2019¹.

25 (7) Upon approval of an application, the surviving spouse, former
26 surviving spouse, or surviving child or children, or any legal guardian
27 of the surviving child or children, shall receive the annual payments of
28 the accidental death benefit, and the lump sum death benefit payment,
29 as set forth in section 14 of P.L.1965, c.89 (C.53:5A-14). The annual
30 benefit payments shall apply only for payments made after the
31 effective date of this act. No surviving spouse or former surviving
32 spouse or surviving child, or any legal guardian of the surviving child,
33 shall be granted a retroactive payment based upon the difference
34 between the benefit the person would have received if the benefit
35 pursuant to this subsection had been applicable on the date of death of
36 the retiree and the benefit that the person has received from that date
37 of death to the effective date of this act. The lump sum benefit paid to
38 a beneficiary shall be and shall not exceed 3 ½ times the retiree's final
39 compensation in total regardless of the provision of law under which
40 the lump sum death benefit was paid.

41 (8) The health care benefit premiums to be paid by the State in
42 accordance with subsection h. of section 14 of P.L.1965, c.89
43 (C.53:5A-14) shall apply if the surviving spouse, former surviving
44 spouse, or surviving child or children are still receiving coverage from
45 the employer-sponsored health insurance program or, if that coverage
46 was terminated, can again become eligible for such coverage. If such
47 coverage is no longer available, the surviving spouse, former surviving
48 spouse, or surviving child or children shall be eligible to enroll in the

1 State Health Benefits Program, P.L.1961, c.49 (C.52:14-17.25 et seq.),
2 notwithstanding any provision thereof to the contrary.

3 c. This act, P.L. _____, c. _____ (C. _____)(pending before the
4 Legislature as this bill), shall be known and may be cited as the
5 Trooper I Robert Nagle and Staff Sergeant Bryan McCoy 911 First
6 Responders Act.

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8 2. This act shall take effect immediately.

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13 Provides accidental death benefits in certain circumstances to
14 surviving spouse and surviving child of SPRS member or retiree
15 who participated in 9/11 World Trade Center rescue, recovery, or
16 cleanup operations.