

## CHAPTER 305

**AN ACT** concerning the death benefit of a member in active service of the Police and Firemen's Retirement System and State Police Retirement System, and amending and supplementing P.L.1944, c.255 and P.L.1965, c.89.

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

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

C.43:16A-9 Death of member in active service.

9. (1) Upon the receipt of proper proof of the death of a member in active service on account of which no accidental death benefit is payable under section 10 there shall be paid to such member's widow or widower a pension of 50% of final compensation for the use of himself or herself and children of the deceased member, to continue during his or her widowhood; if there is no surviving widow or widower or in the case the widow or widower dies or remarries, 50% of final compensation shall be payable to one surviving child or, if there are two or more children, 50% of final compensation shall be payable to such children in equal shares.

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

If there is no widow or widower or child, 25% of final compensation will be payable to one surviving parent or 40% of final compensation will be payable to two surviving parents in equal shares.

(2) If there is no widow or widower, child or parent, there shall be paid to any other beneficiary of the deceased member his or her aggregate contributions at the time of death.

(3) In no case shall the death benefit provided in subsection (1) be less than that provided under subsection (2).

(4) In addition to the foregoing benefits payable under subsection (1) or (2), there shall also be paid in one sum to the member's beneficiary, an amount equal to 3 1/2 times final compensation.

(5) a. For the purposes of this section and paragraph (5) of section 10 of P.L.1944, c.255 (C.43:16A-10), a member of the Police and Firemen's Retirement System shall be deemed to be an active member for a period of no more than 93 days while on official leave of absence without pay when such leave is due to any reason other than illness, and for a period of not more than one year in the event of an official leave (a) due to the member's maternity, or (b) to fulfill a residency requirement for an advanced degree, or (c) as a full-time student at an institution of higher education, and (1) while he is disabled due to sickness or injury arising out of or in the course of his employment as a member to whom this act applies, is not engaged in any gainful occupation, and is receiving or entitled to receive periodic benefits (including any commutation of, or substitute for, such benefits) for loss of time on account of such disability under or by reason of workmen's compensation law, occupational disease law or similar legislation and has not retired or terminated his membership; or (2) for a period of no more than two years while on official leave of absence without pay if satisfactory evidence is presented to the retirement system that such leave of absence without pay is due to the member's personal illness other than an illness to which (1) above applies.

b. If a member dies within 30 days after the date of retirement or the date of board approval, whichever is later, a death benefit shall be payable only if he is deemed to be an active member in accordance with this section; provided, however, a member applying for disability benefits shall be deemed an active member if he was covered by the death benefit

provisions of the act at the termination of employment, filed the application for disability retirement with the retirement system within 30 days following such termination of employment and dies within 30 days after the date of retirement or the date of board approval, whichever is later. If a member files an application for disability retirement while in service and otherwise meets the requirements for disability retirement, but dies before the retirement takes effect, the retirement shall be considered effective.

2. Section 12 of P.L.1965, c.89 (C.53:5A-12) is amended to read as follows:

C.53:5A-12 Death benefits.

12. a. Upon the receipt of proper proofs of the death in active service of a member of the retirement system on account of which no accidental death benefit is payable, there shall be paid to the surviving spouse a pension of 50% of final compensation for the use of that spouse and children of the deceased, to continue for so long as the person qualifies as a "surviving spouse" for the purposes of this act; if there is no surviving spouse or in case the spouse dies or remarries, 50% of final compensation shall be payable to one surviving child or, if there are two or more children, 50% of final compensation shall be payable to such children in equal shares.

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

If there is no surviving spouse or child, 25% of final compensation will be payable to one surviving parent or 40% of final compensation will be payable to two surviving parents in equal shares.

b. If there is no surviving spouse, child or parent, there shall be paid to any other beneficiary of the deceased member his aggregate contributions at the time of death.

c. In no case shall the death benefit provided in subsection a. be less than that provided under subsection b.

d. In addition to the foregoing benefits payable under subsection a. or b., there shall also be paid in one sum to the member's beneficiary, an amount equal to 3 1/2 times final compensation.

e. (Deleted by amendment, P.L.1971, c.181.)

f. (Deleted by amendment, P.L.1971, c.181.)

C.43:16A-9.7 Applicability of adjustment in benefit.

3. The adjustment in the benefit to a surviving child or children made pursuant to the amendment of section 9 of P.L.1944, c.255 (C.43:16A-9) by P.L.2019, c.305 shall apply to a benefit entitlement initially granted on or after January 1, 2017, and, if granted on or after that date but before the effective date of P.L.2019, c.305, still in effect on that effective date. The adjustment in the benefit to a surviving child or children pursuant to the amendment of section 9 of P.L.1944, c.255 (C.43:16A-9) by P.L.2019, c.305 shall apply only for benefit payments made after the effective date of P.L.2019, c.305. No surviving child of a deceased member of the retirement system shall be granted a retroactive payment based upon the difference between the benefit the person would have received if the adjustment made pursuant to the amendment of section 9 of P.L.1944, c.255 (C.43:16A-9) by P.L.2019, c.305 had been applicable at the date of entitlement and the benefit that the surviving child has received from the date of entitlement to the effective date of P.L.2019, c.305.

C.53:5A-12.1 Applicability of adjustment in benefit.

4. The adjustment in the benefit to a surviving child or children made pursuant to the amendment of section 12 of P.L.1965, c.89 (C.53:5A-12) by P.L.2019, c.305 shall apply to a benefit entitlement initially granted on or after January 1, 2017, and, if granted on or after that date but before the effective date of P.L.2019, c.305, still in effect on that effective date. The adjustment in the benefit to a surviving child or children pursuant to the amendment of section 12 of P.L.1965, c.89 (C.53:5A-12) by P.L.2019, c.305 shall apply only for benefit payments made after the effective date of P.L.2019, c.305. No surviving child of a deceased member of the retirement system shall be granted a retroactive payment based upon the difference between the benefit the person would have received if the adjustment made pursuant to the amendment of section 12 of P.L.1965, c.89 (C.53:5A-12) by P.L.2019, c.305 had been applicable at the date of entitlement and the benefit that the surviving child has received from the date of entitlement to the effective date of P.L.2019, c.305.

5. This act shall take effect immediately.

Approved January 13, 2020.