

(i) if the member is survived by a spouse or child under the age of 18 years~~[1.]~~:

1. THE MEMBER'S ACCUMULATED CONTRIBUTIONS TO THE DESIGNATED BENEFICIARY, OR OTHERWISE TO THE MEMBER'S ESTATE; AND

2. an allowance of two-thirds of the member's average final compensation:

[1.] A. to the surviving spouse; or

[2.] B. if there is no surviving spouse or if the surviving spouse dies before the youngest child of the member is 18 years old, to any children of the deceased member who are under the age of 18 years; or

(ii) if the member is not survived by a spouse or child under the age of 18 years, the death benefit under § 29-202 of this subtitle.

(c) If the Board of Trustees pays an allowance under this section to more than one child, the Board of Trustees shall divide the allowance among the children under the age of 18 years in a manner that provides for payments to continue until each child dies or becomes 18 years old.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who on or after November 6, 1990, was a Deputy Clerk of the Court at the time of application for retirement.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who on or after July 1, 2004, died while employed as a member of the Law Enforcement Officers' Pension System:

(1) without willful negligence by the member; and

(2) with more than 2 years of eligibility service.

SECTION ~~3~~ 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2006.

SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~3~~ 7 of this Act, this Act shall take effect July 1, 2005.

Approved May 26, 2005.