

[(c) In the event there is no surviving spouse, children, or designated beneficiary, payment shall be made to the estate.]

~~(D) -- A BENEFIT MAY NOT BE PAID UNDER THIS SECTION.~~

(D) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY AWARD A DEATH BENEFIT UNDER THIS SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES PROVIDED THE DECISION IS MADE ON A CASE-BY-CASE BASIS:

(1) IF THE DECEDENT'S DEATH WAS CAUSED BY THE DECEDENT'S INTENTIONAL MISCONDUCT;

(2) IF THE DECEDENT INTENDED TO BRING ABOUT THE DECEDENT'S DEATH; OR

(3) IF THE DECEDENT'S VOLUNTARY INTOXICATION WAS THE PROXIMATE CAUSE OF THE DECEDENT'S DEATH; OR

~~(4) -- TO ANY PERSON WHOSE ACTIONS WERE A SUBSTANTIAL CONTRIBUTING FACTOR TO THE DECEDENT'S DEATH.~~

(E) UPON A DETERMINATION BY THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES THAT THE BENEFIT PROVIDED FOR IN THIS SECTION IS TO BE PAID, PAYMENT SHALL BE MADE AS FOLLOWS:

(1) TO A DESIGNATED BENEFICIARY;

~~(1)~~ (2) IF THERE IS NO DESIGNATED BENEFICIARY, TO THE SURVIVING SPOUSE;

~~(2)~~ (3) IF THERE IS NO DESIGNATED BENEFICIARY AND IF THERE IS NO SURVIVING SPOUSE, TO THE SURVIVING CHILD OR CHILDREN OF THE DECEDENT IN EQUAL SHARES; OR

~~(3)~~ (4) IF THERE IS NO DESIGNATED BENEFICIARY, SURVIVING SPOUSE, OR CHILDREN, TO THE ESTATE.

(F) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY UNDER THIS SECTION MAY APPLY FOR JUDICIAL REVIEW.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR REVIEW OF FINAL DECISIONS IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE OF THE CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.

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