

Article – State Personnel and Pensions

29-204.

(a) This section applies only to an individual who dies while employed as a member of the State Police Retirement System:

- (1) without willful negligence by the member; and
- (2) (i) with more than 2 years of eligibility service; or
(ii) with death arising out of or in the course of the actual performance of duty.

(b) When the Board of Trustees receives proof of death of a member and finds that the death has occurred in the manner described in subsection (a) of this section, the Board of Trustees shall pay:

(1) if the member is survived by a spouse, a child under the age of 18 years, or a dependent parent:

(i) the member's accumulated contributions to the designated beneficiary, or otherwise to the member's estate; and

(ii) an allowance of 50% of the member's average final compensation:

1. to the surviving spouse;
2. if there is no surviving spouse or if the surviving spouse dies before the youngest child of the member is 18 years old, to all children under the age of 18 years; or
3. if there is no surviving spouse or children younger than 18 years of age, to the member's dependent parent to continue as the Board of Trustees may direct for the rest of the parent's life; or

(2) if the member is not survived by a spouse, a child under the age of 18 years, or a dependent parent, 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 2. AND BE IT FURTHER ENACTED, That:

(1) For members of the State Police Retirement System whose death arose out of or in the course of the actual performance of duty during the period July 1, 1992 through June 30, 1996, any allowance paid to the surviving spouse under § 29-204 of the State Personnel and Pensions Article shall be based on an average final compensation that is computed to include the next annual step increment that the deceased members would have been entitled to if their death had not occurred and any annual step increments that the deceased members were denied in Fiscal Year 1992 and Fiscal Year 1993; and