

(2) IF NO INDIVIDUAL IS ELIGIBLE UNDER ITEM (1) OF THIS SUBSECTION, TO EACH SURVIVING CHILD OF THE DECEDENT IN EQUAL SHARES;

(3) (I) FOR A DEATH BENEFIT UNDER SUBSECTION (B) OF THIS SECTION, IF NO INDIVIDUAL IS ELIGIBLE UNDER ITEM (1) OR (2) OF THIS SUBSECTION, TO THE DECEDENT'S SURVIVING PARENT, IF THE PARENT WAS A DEPENDENT AS DEFINED IN § 152 OF THE INTERNAL REVENUE CODE; OR

(II) FOR ANY OTHER BENEFIT UNDER THIS SECTION, IF NO INDIVIDUAL IS ELIGIBLE UNDER ITEM (1) OR (2) OF THIS SUBSECTION, TO THE DECEDENT'S SURVIVING PARENT; OR

(4) IF NO INDIVIDUAL IS ELIGIBLE UNDER ITEM (1), (2), OR (3) OF THIS SUBSECTION, TO THE DECEDENT'S ESTATE.

(G) MONEY INCLUDED IN STATE BUDGET.

PAYMENTS UNDER THIS SECTION SHALL BE MADE OUT OF MONEY THAT THE GOVERNOR INCLUDES FOR THAT PURPOSE IN THE STATE BUDGET.

(H) APPEAL.

A PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES UNDER THIS SECTION MAY SEEK JUDICIAL REVIEW AS PROVIDED FOR REVIEW OF FINAL DECISIONS IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 38A, § 44 and Art. 41, §§ 4-1002 and 4-1003.

Subsection (a)(2)(i) of this section is revised to clarify that "legitimate" children as well as illegitimate children are covered by the defined term "child".

Subsection (a)(2)(ii) of this section is revised as an "includes" definition, rather than a "means" definition, because the definition of "child" as including a child or stepchild born posthumously is meant to be illustrative rather than exhaustive. *See* Art. 1, § 30.

Subsection (a)(3) of this section is revised for clarity to track the definition of "correctional officer" from the Correctional Services Article. Consequently, the former definition of "correctional unit", former Art. 41, § 4-1002(a)(5), is deleted as unnecessary because the term is not used in the revision.

Subsection (a)(4)(i) of this section is revised to track the definition of "law enforcement officer" from Title 3, Subtitle 1 of this article. That definition, from the Law Enforcement Officers' Bill of Right (LEOBR), does not include an officer serving in a probationary status or an officer who serves at the pleasure of the appointing authority of a county or municipal corporation. Those officers, therefore, are included as part of the definition of "law enforcement officer" in subsection (a)(4)(ii) of this section. The