

~~Article - State Personnel and Pensions~~~~Section 29-204~~~~Annotated Code of Maryland~~~~(1997 Replacement Volume and 2001 Supplement)~~~~BY repealing and reenacting, with amendments,~~~~Chapter 588 of the Acts of the General Assembly of 2001~~~~Section 2~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - State Personnel and Pensions

29-203.

(a) (1) This ~~section~~ SUBSECTION applies only to an individual who dies while employed as a member of the Law Enforcement Officers' Pension System:

(1) (i) 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) (2) 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) PARAGRAPH (1)~~ of this ~~section~~ SUBSECTION, the Board of Trustees shall pay:

(1) (I) if the member is survived by a spouse or child under the age of 18 years, an allowance of ~~450%~~ TWO-THIRDS OF THE MEMBER'S AVERAGE FINAL COMPENSATION:

(i) 1. to the surviving spouse; or

(ii) 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 any children of the deceased member who are under the age of 18 years; or

(2) (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.

(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO DIES WHILE EMPLOYED AS A MEMBER OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM:

(I) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

(II) WITH DEATH ARISING OUT OF OR IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY.