

3. C. 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) (II) 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.

(B) (1) THIS SUBSECTION APPLIES ONLY TO AN INDIVIDUAL WHO DIES WHILE EMPLOYED AS A MEMBER OF THE STATE POLICE RETIREMENT 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.

(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 PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL PAY:

(I) IF THE MEMBER IS SURVIVED BY A SPOUSE, A CHILD UNDER THE AGE OF 18 YEARS, OR A DEPENDENT PARENT:

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:

A. TO THE SURVIVING SPOUSE;

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 ALL CHILDREN UNDER THE AGE OF 18 YEARS; OR

C. 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

(II) 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.

~~Chapter 588 of the Acts of 2001~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the computation of any allowance under this Act:~~