

(2) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay the member's accumulated contributions.

(3) Subject to paragraph (1) of this subsection, the Board of Trustees shall pay an amount equal to the member's annual earnable compensation at death if the member dies in the course of the performance of duty or the member has at least 1 year of eligibility service.

(b) (1) A death benefit under this section may not be paid for the death of a member of the State Police Retirement System if a special death benefit under § 29-204 of this subtitle is payable or has been paid for that death.

(2) A death benefit under this section may not be paid for the death of a member of the Correctional Officers' Retirement System if a special death benefit under § 29-204.1 of this subtitle is payable or has been paid for that death.

(3) **A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE DEATH OF ~~AN EMPLOYEE OF THE STATE HIGHWAY ADMINISTRATION WHO AT THE TIME OF DEATH WAS~~ A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM, ~~OR~~ EMPLOYEES' PENSION SYSTEM, TEACHERS' RETIREMENT SYSTEM, OR TEACHERS' PENSION SYSTEM IF A SPECIAL DEATH BENEFIT UNDER § 29-204.2 OF THIS SUBTITLE IS PAYABLE OR HAS BEEN PAID FOR THAT DEATH.**

29-204.2.

(A) **THIS SECTION APPLIES ONLY TO AN INDIVIDUAL WHO ~~DIES IS KILLED WHILE EMPLOYED BY THE STATE HIGHWAY ADMINISTRATION AS~~ A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM, ~~OR~~ EMPLOYEES' PENSION SYSTEM, TEACHERS' RETIREMENT SYSTEM, OR TEACHERS' PENSION SYSTEM:**

(1) WITHOUT WILLFUL NEGLIGENCE BY THE MEMBER; AND

(2) 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:**