

(1) the death benefit, under § 29-202 of this subtitle; or

(2) an allowance equal to the amount payable under Option 2 as described in § 21-403 of this article, if:

(i) the spouse is the sole primary designated beneficiary; and

(ii) the member:

1. was eligible to retire; or

2. was at least 55 years old with at least 15 years of eligibility service.

(c) 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.

(D) A DEATH BENEFIT UNDER THIS SECTION MAY NOT BE PAID FOR THE DEATH OF A MEMBER OF THE EMPLOYEES' RETIREMENT SYSTEM OR TEACHERS' RETIREMENT SYSTEM IF A SPECIAL DEATH BENEFIT UNDER § 29-204.2 OF THIS SUBTITLE IS PAYABLE OR HAS BEEN PAID FOR THAT DEATH.

29-206.

(a) This section applies to the surviving spouse of an individual who died while employed as a member of:

(1) the Employees' Pension System;

(2) the Teachers' Pension System; or

(3) the Local Fire and Police System, if the member had not transferred from the Employees' Retirement System.

(b) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A surviving spouse may elect to receive one of the following:

(1) the death benefit under § 29-202 of this subtitle; or

(2) an allowance equal to the amount payable under Option 2 as described in § 21-403 of this article, if:

(i) the spouse is the sole primary designated beneficiary; and