

CHAPTER 374  
FORMERLY  
SENATE BILL NO. 215

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE COUNTY AND MUNICIPAL POLICE/FIREFIGHTER PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 88, Title 11 of the Delaware Code by adding a new §8821A to read as follows:

§8821A. Amount of ordinary service or disability pensions.

Notwithstanding provisions of this chapter to the contrary, an employee may elect to have his or her service or disability pension computed under this Chapter reduced by 3% thereby providing a survivor's pension equal to 75% of such reduced amount to the employee's eligible survivor or survivors at the time of the employee's death. This election must be made in a form approved by the Board, filed prior to the issuance of his or her first benefit check and shall be irrevocable.

Section 2. Amend §8822 (a) and (b), Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 8822. Ordinary survivor's pension.

(a) Upon the death of a member in service, a monthly survivor's pension shall be payable to his or her eligible survivor or survivors equal to 3/4 of the service pension the employee would have been eligible to receive had he or she elected the option provided under § 8821A of this title. ~~the primary survivor equal to one half of the member's final average compensation.~~

(b) Upon the death of ~~a retired member~~ an individual receiving a service or disability pension at the time of his or her death, a monthly survivor's pension shall be payable to the primary survivor and surviving dependents equal to the greater of (i) 50% of such service or disability pension, or (ii) if such pension was computed under the provisions of §8821A of this title, 75% of such service or disability pension. ~~one half of such service or disability pension.~~ If the primary survivor is the surviving spouse, such person must have been married to the deceased member

(1) Prior to retirement, or

(2) For at least 1 year before the date of death, unless the death was the result of an accident.

Approved July 27, 2012