

CHAPTER 375
FORMERLY
SENATE BILL NO. 192
AS AMENDED BY
SENATE AMENDMENT NO. 1

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 §8822, 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 the primary survivor equal to one half of the member's final average compensation.

(b) Upon the death of an employee in service, whose death occurred in the line of duty, a monthly survivor's pension shall be payable to the primary survivor equal to three-quarters of the member's compensation.

~~(c)~~ Upon the death of a retired member, a monthly survivor's pension shall be payable to the primary survivor and surviving dependents equal to 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.

~~(d)~~ A survivor's pension shall begin with the month following the month in which the member or retired member dies. If payable to a surviving spouse who dies or marries, it shall become payable in the following month to the next primary survivor as defined in § 8801~~(13)~~ of this title or cease with that month in the absence of the eligible dependents. If payable to a child who dies or fails to meet the conditions of eligibility in § 8801(4) of this title, it shall become payable in the following month to a dependent parent or cease with that month in the absence of eligible parents. If payable to a parent, it shall cease with the month in which the parent dies.

Section 2. The State Office of Pensions shall pay benefits retroactively under this Act for the benefit of any primary survivor of a member who died in the line of duty on or after July 1, 2009.

Approved July 27, 2012