

Part 5 Death Benefit

49-14-501 Death of active member in Division A -- Payment of benefits.

- (1) If an active member of this system enrolled in Division A under Section 49-14-301 dies, benefits are payable as follows:
 - (a) If the death is classified by the office as a line-of-duty death, the surviving spouse shall receive a lump sum equal to six months of the active member's final average salary and an allowance equal to 30% of the deceased member's final average monthly salary.
 - (b) If the death is not classified by the office as a line-of-duty death, benefits are payable as follows:
 - (i) If the member has accrued less than 10 years of public safety service credit, the beneficiary shall receive the sum of \$1,000 or a refund of the member's member contributions, whichever is greater.
 - (ii) If the member has accrued 10 or more years of public safety service credit at the time of death, the surviving spouse shall receive the sum of \$500, plus an allowance equal to 2% of the member's final average monthly salary for each year of service credit accrued by the member up to a maximum of 30% of the member's final average monthly salary.
- (2) Except as provided under Subsection (1)(b)(i), benefits are not payable to minor children of members covered under Division A.
- (3) If a benefit is not distributed under this section, and the member has designated a beneficiary, the member's member contributions shall be paid to the beneficiary.
- (4)
 - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month following the month in which the:
 - (i) member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

49-14-502 Death of active member in Division B -- Payment of benefits.

- (1) If an active member of this system enrolled in Division B under Section 49-14-301 dies, benefits are payable as follows:
 - (a) If the death is classified by the office as a line-of-duty death, the surviving spouse shall receive:
 - (i) a lump sum equal to six months of the active member's final average salary; and
 - (ii) an allowance equal to 37.5% of the member's final average monthly salary.
 - (b) If the death is not classified by the office as a line-of-duty death, benefits are payable as follows:
 - (i) If the member has accrued two or more years of public safety service credit at the time of death, the death is considered a line-of-duty death and the surviving spouse shall receive:
 - (A) a lump sum of \$1,500; and
 - (B) an allowance as provided under Subsection (1)(a)(ii).

- (ii) If the member has accrued less than two years of public safety service credit at the time of death, the surviving spouse shall receive a refund of the member's member contributions, plus 50% of the member's most recent 12 months' compensation.
- (c)
 - (i) If the member has accrued two or more years of public safety service credit at the time of death, each of the member's unmarried children to age 18 or dependent unmarried children with a mental or physical disability shall receive a monthly allowance of \$50.
 - (ii) Payments shall be made to the surviving parent or to a duly appointed guardian, or as otherwise provided under Sections 49-11-609 and 49-11-610.
- (2) If the member dies and there is no surviving spouse, any amounts that would have been the surviving spouse's benefit shall be prorated and paid to each of the member's unmarried children to age 18.
- (3) If a benefit is not distributed under Subsection (1) or (2), and the member has designated a beneficiary, the member's member contributions shall be paid to the beneficiary.
- (4) The combined annual payments made to the beneficiaries of any member under this section may not exceed 75% of the member's final average monthly salary.
- (5)
 - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month:
 - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

49-14-503 Benefits payable upon death of inactive member.

- (1) If an inactive member who has less than 20 years of public safety service credit dies, the surviving spouse, or, if there is no surviving spouse, the member's minor children shall receive a refund of the member's member contributions or \$500, whichever is greater.
- (2)
 - (a) If an inactive member with 20 or more years of public safety service credit dies, the surviving spouse shall receive an allowance in an amount of 50% of the amount the member would have received had retirement occurred on the first of the month following the month in which the death occurred.
 - (b) This allowance shall be based on years of service credit and final average monthly salary under Section 49-14-402, reduced actuarially from age 50 to the age of the member at the time of death if the member is under age 50 at the time of death.
- (3)
 - (a) A surviving spouse who requests a benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month:
 - (i) following the month in which the member died, if the application is received by the office within 90 days of the member's death; or
 - (ii) following the month in which the application is received by the office, if the application is received by the office more than 90 days after the member's death.

Amended by Chapter 84, 2016 General Session

49-14-504 Benefits payable upon death of retired member -- Enhanced benefit election -- Rulemaking.

- (1) If a retiree who retired under either Division A or Division B dies, the retiree's surviving spouse shall receive an allowance equal to 65% of the allowance that was being paid to the retiree at the time of death.
- (2)
 - (a) Notwithstanding the amount of the allowance under Subsection (1), at the time of retirement, a retiree may elect to increase the surviving spousal death benefit to 75% of an allowance computed in accordance with Section 49-14-402.
 - (b) If an election is made under Subsection (2)(a), the member's allowance shall be reduced to an amount payable monthly for life to reflect the actuarial equivalent necessary to pay for the increased surviving spousal death benefit above 65%.
- (3)
 - (a) For a retiree whose retirement date is before July 1, 2009, the office shall provide an optional surviving spousal death benefit to bring the total surviving spousal death benefit up to 75% of an allowance computed in accordance with Section 49-14-402.
 - (b) A retiree may elect to purchase the optional surviving spousal death benefit until July 1, 2010.
 - (c) If an election is made under Subsection (3)(b), the retiree's allowance shall be reduced to an amount payable monthly for life to reflect the actuarial equivalent necessary to pay for the increased surviving spousal death benefit above 65%.
 - (d) The board shall make rules to administer the death benefit under this Subsection (3).
- (4) If the retiree retired solely under Division B and dies leaving unmarried children under the age of 18 or dependent unmarried children with a mental or physical disability, the children shall qualify for a benefit as prescribed for children under Subsection 49-14-502(1)(c).
- (5)
 - (a) A beneficiary who qualifies for a monthly benefit under this section shall apply in writing to the office.
 - (b) The allowance shall begin on the first day of the month following the month in which the:
 - (i) member or participant died, if the application is received by the office within 90 days of the date of death of the member or participant; or
 - (ii) application is received by the office, if the application is received by the office more than 90 days after the date of death of the member or participant.

Amended by Chapter 84, 2016 General Session

49-14-505 Benefits for surviving spouse under Division A or Division B.

The surviving spouse, if eligible, shall receive a benefit computed under either Division A or Division B, whichever provides the larger benefit, but may not receive a benefit under both divisions if it would result in a duplicate benefit.

Amended by Chapter 84, 2016 General Session

49-14-506 Benefits payable upon death of active or inactive member without spouse or minor children.

If an active or inactive member dies and at the time of death the member does not have a surviving spouse or minor children, the benefit payable to a designated beneficiary is a refund of the member's member contributions or \$500, whichever is larger.

Amended by Chapter 84, 2016 General Session

49-14-507 Surviving spouse includes certain former spouses -- Benefit calculation for former spouse.

- (1) The benefit calculation for a surviving spouse with a valid domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612 is calculated according to the manner in which the court order specified benefits to be partitioned, whether as a fixed amount or as a percentage of the benefit.
- (2) If the death benefits under this section are partitioned among more than one surviving spouse due to domestic relations order benefits on file with the office before the member's death date in accordance with Section 49-11-612, the total amount received by the surviving spouses may not exceed the death benefits normally provided to one surviving spouse under this section.

Enacted by Chapter 84, 2016 General Session