

**Effective 5/10/2016**

**49-15-503 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 49-15-402, reduced actuarially from age 50 to the age of the member at the time of death if the member is under 50 years of age 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