

Sec. 742.63. The board of trustees of the police and firemen's disability and pension fund shall adopt rules for the management of the firemen and policemen's death benefit fund and for disbursements of benefits as set forth in this section.

(A) As used in this section:

(1) "Member" means a member of the police and firemen's disability and pension fund or the state highway patrol retirement system, or a member of the public employees retirement system who at the time of his death was a county sheriff or deputy sheriff ~~or was~~ A FULL-TIME REGULAR POLICE OFFICER OR FIREMAN IN A MUNICIPALITY OR TOWNSHIP, a correction officer at an institution under the control of the department of rehabilitation and correction, ~~or was~~ a state university law enforcement officer.

(2) "Fire or police department" includes the state highway patrol, a county sheriff's office, the security force of an institution under the control of the department of rehabilitation and correction, and the fire or police department of a township or municipal corporation and the police force of a state university.

(3) "Fireman or policeman" includes a state highway patrolman, a county sheriff or deputy sheriff, a correction officer at an institution under the control of the department of rehabilitation and correction, a fireman or policeman employed by a township or municipal corporation fire or police department and a law enforcement officer employed by a state university.

(4) "Correction officer" includes, in addition to any correction officer, any correction corporal, sergeant, lieutenant, or captain.

(B) A spouse of a deceased member shall receive a death benefit each month equal to the full monthly salary received by the deceased member prior to the member's death, and shall also receive any increases in salary which would have been granted to the deceased, provided the spouse was married to the deceased member while the deceased member was in the active service of a fire or police department and the deceased member was a fireman or policeman killed in the line of duty or who died of injuries sustained in the line of duty. The spouse of such a deceased member shall receive this benefit during the ~~spouse's~~ SPOUSE'S natural life, until such time as the deceased member would have been eligible, if the member had lived, for the retirement pension provided under section 145.33, division (C) (1) of section 742.37, or division (A) (1) of section 5505.17 of the Revised Code, at which time the benefit shall terminate. The spouse shall then receive the benefit or pension provided for by section 145.45, division (D) of section 742.37, or division (A) (3), (4), or (5) of section 5505.17 of the Revised Code, or until such time as the spouse remarries in which case the benefit provided under this division shall terminate.

(C) If a member dies in the line of duty as a fireman or policeman or from injuries sustained in the line of duty as a fireman or policeman including heart attacks or other fatal injuries or illnesses caused while in the line of duty; and is survived only by a child or children, then the benefits provided for the spouse in division (B) of this section shall be paid to the child, or, if there is more than one surviving child, shall be divided equally among these children, until the child reaches the age of eighteen at which time the benefit shall terminate, unless such child, because of physical or mental disability, is unable to support himself, then until such disability is removed. Benefits under this division, however, shall continue to be paid to an unmarried child under age twenty-two who is a student in and attending an institution of learning or training pursuant to a program designed to complete in each school year the equivalent of at least two-thirds of the full-time curriculum requirements of such institution, as determined by the pension board.

(D) If a member dies in the line of duty as a fireman or policeman or from injuries sustained in the line of duty as a fireman or policeman, and is survived by both a spouse and a child or children, then the benefit provided for in division (B) of this section shall be apportioned as follows:

(1) If there is a surviving spouse and one surviving child, one-half of the benefit to each:

(2) If there is a surviving spouse and more than one child, one-third of the benefit to the spouse and two-thirds of the benefit to the children per capita.

(E) Acceptance of any death benefit under this section constitutes waiver for as long as the benefit is accepted of any pension to which such spouse or child is entitled under section 145.45, division (D) or (E) of section 742.37, or division (A) (3), (4), (5), (6), or (7) of section 5505.17 of the Revised Code, but does not prohibit such spouse or child from receiving other benefits provided under the police and firemen's disability and pension fund, the state highway patrol retirement system, or the public employees retirement system.

SECTION 4. Surviving spouses and children of deceased full-time regular municipal and township police officers and firemen who were killed in the line of duty or who died of injuries sustained in the line of duty prior to August 27, 1976, and while members of the public employees retirement system, shall be eligible for benefits under this act as if the decedent had died on August 27, 1976. Surviving spouses and children of full-time regular municipal and township police officers and firemen killed in the line of duty or who died from injuries sustained in the line of duty after August 27, 1976, but prior to the effective date of this act, shall be eligible for benefits under this act from the date of the member's death.

Am. H.B. 10

137 O.L.

Passed with an emergency.

Effective August 18, 1977