

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, a full-time regular police officer or fireman in a municipal corporation or township, a full-time park district ranger or patrolman, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, group of counties, municipal corporation, or the department of rehabilitation and correction, a state university law enforcement officer, or a member of a retirement system operated by a municipal corporation who at the time of his death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.

(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, the security force of a jail or workhouse under the control of a county, group of counties, or municipal corporation, the security force of a metropolitan, county, or township park district, the security force of lands under the control of the department of natural resources, the security force of parks, waterway lands, or reservoir lands under the control of a municipal corporation, the security force of a conservancy district, 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 a county, group of counties, municipal corporation, or the department of rehabilitation and correction, a fireman or policeman employed by a township or municipal corporation fire or police department, a full-time park district ranger or patrolman, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, and a state university law enforcement officer.

(4) "Correction officer" includes, in addition to any correction officer, any correction corporal, sergeant, lieutenant, or captain, and the equivalents of all such persons.

(5) "A park district ranger or patrolman" means a peace officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of a board of park commissioners of a metropolitan, county, or township park district.

(6) "Metropolitan, county, or township park district" means a park district created under the authority of Chapter 511. or 1545. of the Revised Code.

(7) "Conservancy district" means a conservancy district created under the authority of Chapter 6101. of the Revised Code.

(8) "Law enforcement officer" means an officer commissioned to make arrests, execute warrants, and preserve the peace upon lands under the control of the governmental entity granting the commission.

(9) "Department of natural resources law enforcement officer" includes a forest officer designated pursuant to section 1503.29 of the Revised Code, a preserve officer designated pursuant to section 1517.10 of the Revised Code, a game protector designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, or a state watercraft officer designated pursuant to section 1547.521 of the Revised Code.

(10) "Retirement eligibility date" means the last day of the month in which a deceased member would have first become eligible, had he 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 or provided by a retirement system operated by a municipal corporation.

(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, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, 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 natural life, until the earlier of the

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deceased member's retirement eligibility date or the spouse's remarriage, on which date the benefit provided under this division shall terminate.

(C)(1) 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 child or children shall receive a benefit each month equal to the full monthly salary received by the deceased member prior to the member's death minus an amount equal to the benefit or benefits received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit or benefits received from a retirement system operated by a municipal corporation, and shall also receive any increases in salary which would have been granted to the deceased. If there is more than one surviving child, then the benefit shall be divided equally among these children. When the child reaches the age of eighteen, 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.

(2) Notwithstanding division (C)(1) of this section, all death benefits paid under this division shall terminate on the deceased member's retirement eligibility date.

(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 monthly benefit provided shall be as follows:

(1) If there is a surviving spouse and one surviving child, then the spouse receives an amount equal to one-half of the full monthly salary received by the deceased member prior to the member's death, plus any increases in the salary which would have been granted to the deceased, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, and the child receives an amount equal to one-half of the full monthly salary received by the deceased member prior to the member's death, plus any increases in salary which would have been granted to the deceased, minus an amount equal to the benefit

received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation;

(2) If there is a surviving spouse and more than one child, then the spouse receives an amount equal to one-third of the full monthly salary received by the deceased member prior to the member's death, plus any increases in salary which would have been granted to the deceased, minus an amount equal to the benefit received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefit received from a retirement system operated by a municipal corporation, and the children receive a benefit, which is equally divided among them, equal to two-thirds of the full monthly salary received by the deceased member prior to the member's death, plus any increases in salary which would have been granted to the deceased, minus an amount equal to the benefits received under section 145.45, 742.37, 742.3714, or 5505.17 of the Revised Code or the benefits received from a retirement system operated by a municipal corporation.

(3) Notwithstanding divisions (D)(1) and (2) of this section, death benefits paid under this division to a surviving spouse shall terminate at the earlier of the member's retirement eligibility date or the spouse's remarriage. Death benefits paid to a surviving child or children shall terminate on the deceased member's retirement eligibility date unless earlier terminated pursuant to division (C) of this section.

(E) If a member dies on or after January 1, 1980 in the line of duty as a fireman or policeman or from injury 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 parent or parents dependent upon him for support, then the parent or parents shall receive a benefit each month equal to the full monthly salary received by the deceased member prior to the member's death minus an amount equal to the benefit or benefits received under section 145.45, 742.37, or 5505.17 of the Revised Code or the benefit or benefits received from a retirement system operated by a municipal corporation, and shall also receive any increases in salary which would have been granted to the deceased. If there is more than one surviving parent dependent upon the deceased member for support, then the benefit shall be divided equally among the surviving parents.

(F) A surviving spouse whose benefits are terminated in accordance with division (B) or (D)(3) of this section on the deceased member's retirement eligibility date, or who would qualify for a benefit under division (B) or (D) of this section

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except that the deceased member reached his retirement eligibility date prior to his death, shall receive a monthly death benefit under this division. The monthly death benefit shall be one-half of an amount equal to the monthly salary received by the deceased member prior to his death plus any increases in salary he would have received prior to his retirement eligibility date. The benefit shall terminate on the surviving spouse's remarriage. A death benefit payable under this division shall be reduced by an amount equal to any allowance or benefit payable to the surviving spouse under section 742.3714 of the Revised Code.

~~(F)~~ (G) If a deceased member did not have a surviving spouse or the surviving spouse is deceased, a surviving child or children whose benefits under division (C) or (D) of this section are terminated pursuant to division (C)(2) or (D)(3) of this section, or who would qualify for a benefit under division (C) or (D) of this section except that the deceased member reached his retirement eligibility date prior to his death, shall receive a monthly death benefit under this division. The monthly death benefit shall be one-half of an amount equal to the monthly salary received by the deceased member prior to his death plus any increases in salary he would have received prior to his retirement eligibility date. If there is more than one surviving child, the benefit shall be divided equally among the surviving children. When a child reaches the age of eighteen the portion of the benefit payable to that child shall terminate, unless:

(1) Such child, because of a physical or mental disability, is unable to support himself in which case the benefit shall continue until such disability is removed.

(2) Such child is an unmarried child under age twenty-two and 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 board of trustees of the fund.

A death benefit, or portion of a death benefit, payable to a surviving child under this division shall be reduced by an amount equal to any allowance or benefit payable to that child under section 742.3714 of the Revised Code, but such reduction in that child's benefit shall not affect the amount payable to any other surviving child entitled to a portion of the death benefit.

~~(G)~~ (H) The termination, or reduction in amount of, any survivor's portion of a death benefit that has been divided among two or more survivors pursuant to division (C), (D), or ~~(F)~~ (G) of this section shall not affect the amount payable to the other survivors entitled to a portion of the death benefit.

~~(H)~~ (I) Acceptance of any death benefit under this section does not prohibit a spouse or child from receiving other benefits provided under the police and firemen's disability and pension fund, the state highway patrol retirement system, the public employees retirement system, or a retirement system operated by a municipal corporation.

~~(I)~~ (J) No person shall receive a benefit under this section if any of the following occur:

(1) The person fails to exercise the right to a monthly survivor benefit under division (A) or (B) of section 145.45, division (D), (E), or (F) of section 742.37, or division (A)(3), (4), or (7) of section 5505.17 of the Revised Code, to a monthly survivor benefit from a retirement system operated by a municipal corporation; or to a retirement allowance under section 742.3714 of the Revised Code;

(2) The member's accumulated contributions under Chapter 145., 742., or 5505. of the Revised Code are refunded, unless the member had been a member of the public employees retirement system and had fewer than eighteen months of total service credit at the time of death;

(3) In the case of a full-time park district ranger or patrolman, a full-time law enforcement officer of the department of natural resources, a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of a municipal corporation, a full-time law enforcement officer of a conservancy district, a correction officer at an institution under the control of a county, group of counties, or municipal corporation, or a member of a retirement system operated by a municipal corporation who at the time of his death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation, the member died prior to April 9, 1981 in the case of a benefit under division (B), (C), or (D) of this section, or prior to January 1, 1980 in the case of a benefit under division (E) of this section.

SECTION 13. This act is hereby declared to be an emergency measure necessary for the public peace, health, and safety. The reason for this necessity lies in the fact that all legislation subsequently enacted by the General Assembly must be in conformity with this act. The provisions of this act should be immediately effective in order not to delay legislative consideration of other public business. Therefore, this act shall go into immediate effect.

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