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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 the member's death was a county sheriff or deputy sheriff, a full-time regular police officer in a municipal corporation or township, a full-time regular ~~fireman~~ FIREFIGHTER employed by the state, an instrumentality of

the state, a municipal corporation, a township, a joint fire district, or another political subdivision, a full-time park district ranger or patrol trooper, a full-time law enforcement officer of the department of natural resources, a full-time liquor control investigator of the department of public safety, 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, a group of counties, a 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 death was a full-time law enforcement officer of parks, waterway lands, or reservoir lands under the control of the municipal corporation.

(2) Notwithstanding section 742.01 of the Revised Code, "fire or police department" includes a fire department of the state or an instrumentality of the state or of a municipal corporation, township, joint fire district, or other political subdivision, 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 liquor control investigators of the department of public safety, 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 police department of a township or municipal corporation, and the police force of a state university.

(3) "~~Fireman~~ FIREFIGHTER or ~~policeman~~ POLICE OFFICER" includes a state highway patrol trooper, a county sheriff or deputy sheriff, a correction officer at an institution under the control of a county, a group of counties, a municipal corporation, or the department of rehabilitation and correction, a ~~policeman~~ POLICE OFFICER employed by a township or municipal corporation, a ~~fireman~~ FIREFIGHTER employed by the state, an instrumentality of the state, a municipal corporation, a township, a joint fire district, or another political subdivision, a full-time park district

ranger or ~~patrolman~~ PATROL TROOPER, a full-time law enforcement officer of the department of natural resources, a full-time liquor control investigator, of the department of public safety, 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~~ PATROL TROOPER" 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 wildlife officer designated pursuant to section 1531.13 of the Revised Code, a park officer designated pursuant to section 1541.10 of the Revised Code, and 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 the member 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.

(11) "DEATH BENEFIT AMOUNT" MEANS AN AMOUNT EQUAL TO THE FULL MONTHLY SALARY RECEIVED BY A DECEASED MEMBER PRIOR TO 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, PLUS ANY INCREASES IN SALARY THAT WOULD HAVE BEEN GRANTED THE DECEASED MEMBER.

(12) "KILLED IN THE LINE OF DUTY" MEANS EITHER OF THE FOLLOWING:

(a) DEATH IN THE LINE OF DUTY;

(b) DEATH FROM INJURY SUSTAINED IN THE LINE OF DUTY, INCLUDING HEART ATTACK OR OTHER FATAL INJURY OR ILLNESS CAUSED WHILE IN THE LINE OF DUTY.

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(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 also shall receive any increases in salary that would have been granted to the deceased DEATH BENEFIT AMOUNT, provided that the deceased member was a fireman FIREFIGHTER or policeman POLICE OFFICER killed in the line of duty or who died of injuries sustained in the line of duty AND THERE ARE NO SURVIVING CHILDREN ELIGIBLE FOR A BENEFIT UNDER THIS SECTION. The spouse of such a deceased member shall receive this benefit during the spouse's natural life until the earlier of the 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 KILLED in the line of duty as a fireman FIREFIGHTER 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 POLICE OFFICER 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 also shall receive any increases in salary which would have been granted to the deceased DEATH BENEFIT AMOUNT. If there is more than one surviving child, the benefit shall be divided equally among these children. When the child reaches the age of eighteen, the benefit shall terminate unless the child, because of physical or mental disability, is unable to support himself, in which case the benefit shall continue until the 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 the institution, as determined by the board of trustees of the fund.

(2) IF THE DEATH BENEFIT PAID UNDER THIS DIVISION IS DIVIDED AMONG TWO OR MORE SURVIVING CHILDREN AND ANY OF THE CHILDREN BECOME INELIGIBLE TO CONTINUE RECEIVING A PORTION OF THE BENEFIT AS PROVIDED IN DIVISION (H) OF THIS SECTION, THE FULL DEATH BENEFIT AMOUNT SHALL BE PAID TO THE REMAINING ELIGIBLE CHILD OR DIVIDED AMONG THE ELIGIBLE CHILDREN SO THAT THE BENEFIT PAID TO THE REMAINING ELIGIBLE CHILD OR CHILDREN EQUALS THE FULL DEATH BENEFIT AMOUNT.

(3) Notwithstanding ~~division~~ DIVISIONS (C)(1) AND (2) 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 KILLED in the line of duty as a fireman FIREFIGHTER or policeman or from injuries sustained in the line of duty as a fireman or policeman, and POLICE OFFICER is survived by both a spouse and a child or children, then the monthly benefit provided shall be as follows:

(1)(a) If there is a surviving spouse and one surviving child, then the spouse receives SHALL RECEIVE an amount EACH MONTH 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, DEATH BENEFIT AMOUNT and the child receives SHALL RECEIVE 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 DEATH BENEFIT AMOUNT.

(b) IF THE SURVIVING SPOUSE BECOMES INELIGIBLE TO CONTINUE RECEIVING A DEATH BENEFIT DUE TO REMARRIAGE OR DEATH, OR THE CHILD BECOMES INELIGIBLE AS PROVIDED IN DIVISION (H) OF THIS SECTION, THE SURVIVING SPOUSE OR CHILD REMAINING ELIGIBLE SHALL RECEIVE THE FULL DEATH BENEFIT AMOUNT.

(2)(a) If there is a surviving spouse and more than one child, then the spouse receives SHALL RECEIVE an amount EACH MONTH 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, DEATH BENEFIT AMOUNT and the children SHALL receive a benefit AN AMOUNT, 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 DEATH BENEFIT AMOUNT.

(b) IF A SPOUSE AND MORE THAN ONE CHILD EACH ARE RECEIVING A DEATH BENEFIT UNDER DIVISION (D)(2)(a) OF THIS SECTION AND THE SPOUSE BECOMES INELIGIBLE TO RECEIVE A BENEFIT DUE TO REMARRIAGE OR DEATH, THE CHILDREN SHALL RECEIVE AN AMOUNT EACH MONTH, EQUALLY DIVIDED AMONG THEM, EQUAL TO THE FULL DEATH BENEFIT AMOUNT.

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(c) IF A SPOUSE AND MORE THAN ONE CHILD EACH ARE RECEIVING A BENEFIT UNDER DIVISION (D)(2)(a) OF THIS SECTION AND ANY OF THE CHILDREN BECOMES INELIGIBLE TO RECEIVE A BENEFIT AS PROVIDED IN DIVISION (H) OF THIS SECTION, THE SPOUSE AND REMAINING ELIGIBLE CHILD OR CHILDREN SHALL RECEIVE A DEATH BENEFIT AS FOLLOWS:

(i) IF THERE ARE TWO OR MORE REMAINING ELIGIBLE CHILDREN, THE SPOUSE SHALL RECEIVE AN AMOUNT EACH MONTH EQUAL TO ONE-THIRD OF THE FULL DEATH BENEFIT AMOUNT AND THE CHILDREN SHALL RECEIVE AN AMOUNT EACH MONTH, EQUALLY DIVIDED AMONG THEM, EQUAL TO TWO-THIRDS OF THE FULL DEATH BENEFIT AMOUNT;

(ii) IF THERE IS ONE REMAINING ELIGIBLE CHILD, THE SPOUSE SHALL RECEIVE AN AMOUNT EACH MONTH EQUAL TO ONE-HALF OF THE FULL DEATH BENEFIT AMOUNT, AND THE CHILD SHALL RECEIVE AN AMOUNT EACH MONTH EQUAL TO ONE-HALF OF THE FULL DEATH BENEFIT AMOUNT.

(d) IF A SPOUSE AND MORE THAN ONE CHILD EACH ARE RECEIVING A BENEFIT UNDER DIVISION (D)(2)(a) OF THIS SECTION AND ALL OF THE CHILDREN BECOME INELIGIBLE TO RECEIVE A BENEFIT AS PROVIDED IN DIVISION (H) OF THIS SECTION, THE SPOUSE SHALL RECEIVE THE FULL DEATH BENEFIT AMOUNT.

(3) Notwithstanding divisions (D)(1) and (2) of this section, death benefits paid under this division to a surviving spouse shall terminate at ON 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 (G) (H) of this section.

(E) If a member dies, on or after January 1, 1980, IS KILLED in the line of duty as a fireman FIREFIGHTER 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, POLICE OFFICER and is survived by only a parent or parents dependent upon him THE MEMBER for support, then the parent or parents shall receive a benefit AN AMOUNT 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 also shall receive any increases in salary which would have been granted to the deceased DEATH BENEFIT AMOUNT. If there is more than one surviving parent dependent upon the deceased member for support, then the DEATH benefit AMOUNT shall be divided equally among the surviving parents. ON THE DEATH OF ONE OF THE SURVIVING PARENTS, THE FULL DEATH BENEFIT AMOUNT SHALL BE PAID TO THE OTHER PARENT.

(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 except that the deceased member reached the member's retirement eligibility date prior to the member's 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 the member's death, plus any SALARY increases in salary the DECEASED member would have received prior to the member's retirement eligibility date. The benefit shall terminate on the surviving spouse's remarriage OR DEATH. 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.

(G)(1) If a deceased member did THERE IS not have a surviving spouse ELIGIBLE TO RECEIVE A DEATH BENEFIT UNDER DIVISION (F) OF THIS SECTION or the surviving spouse is deceased RECEIVING A DEATH BENEFIT UNDER THAT DIVISION BECOMES INELIGIBLE TO RECEIVE THE BENEFIT DUE TO REMARRIAGE OR DEATH, a surviving child or children whose benefits under division (C) or (D) of this section are OR HAVE BEEN terminated pursuant to division (C)(2) (3) 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 the member's retirement eligibility date prior to the member's 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 the member's death, plus any SALARY increases in salary the member would have received prior to the member's 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 either of the following applies:

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

(2) The 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 the institution, as determined by the board of trustees of the fund.

(2) IF TWO OR MORE SURVIVING CHILDREN EACH ARE RECEIVING A BENEFIT UNDER THIS DIVISION AND ANY OF THOSE CHILDREN BECOMES INELIGIBLE TO CONTINUE RECEIVING A BENEFIT AS PROVIDED IN DIVISION (H) OF THIS SECTION, THE REMAINING ELIGIBLE CHILD OR CHILDREN SHALL RECEIVE AN AMOUNT EQUAL TO ONE-HALF OF THE MONTHLY SALARY RECEIVED BY THE DECEASED MEMBER PRIOR TO DEATH, PLUS ANY SALARY INCREASES THE DE-

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CEASED MEMBER WOULD HAVE RECEIVED PRIOR TO THE RETIREMENT ELIGIBILITY DATE. IF THERE IS MORE THAN ONE REMAINING ELIGIBLE CHILD, THE BENEFIT SHALL BE DIVIDED EQUALLY AMONG THE ELIGIBLE CHILDREN.

(3) 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 the 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.

(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 (G) of this section shall not affect the amount payable to the other survivors entitled to a portion of the death benefit.~~ A DEATH BENEFIT PAID TO A SURVIVING CHILD UNDER DIVISION (C), (D), OR (G) OF THIS SECTION SHALL TERMINATE ON THE DEATH OF THE CHILD OR, UNLESS ONE OF THE FOLLOWING IS THE CASE, WHEN THE CHILD REACHES AGE EIGHTEEN:

(1) THE CHILD, BECAUSE OF PHYSICAL OR MENTAL DISABILITY, IS UNABLE TO PROVIDE THE CHILD'S OWN SUPPORT, IN WHICH CASE THE DEATH BENEFIT SHALL TERMINATE WHEN THE DISABILITY IS REMOVED;

(2) THE CHILD IS UNMARRIED, 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 THE INSTITUTION, AS DETERMINED BY THE TRUSTEES OF THE FUND.

(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.

(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 this chapter or Chapter 145. 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~~ PATROL TROOPER, 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~~ THE MEMBER'S 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.

(4) In the case of a full-time liquor control investigator of the department of public safety, the member died prior to December 23, 1986.

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