

Senate Engrossed

~~PSPRS; survivor benefits~~
(now: CORP; survivor benefits)

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 249
SENATE BILL 1396

AN ACT

AMENDING SECTION 38-888, ARIZONA REVISED STATUTES; RELATING TO CORRECTIONS
OFFICER RETIREMENT PLAN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-888, Arizona Revised Statutes, is amended to
3 read:

4 38-888. Pension to the surviving spouse of a member

5 A. The surviving spouse of a deceased member is entitled to receive
6 a surviving spouse's pension if the spouse was married to the member on
7 the date of the member's death. Payment of a surviving spouse's pension
8 commences as of the last day of the month following the member's date of
9 death. The last payment shall be made as of the last day of the month in
10 which the surviving spouse's death occurs. The amount of a surviving
11 spouse's pension is forty percent of the deceased member's average monthly
12 salary OR FOUR-FIFTHS OF WHAT THE DECEASED MEMBER'S PENSION WOULD HAVE
13 BEEN ON THE DATE OF DEATH HAD THE MEMBER BEEN RETIRED, WHICHEVER IS
14 GREATER. The surviving spouse shall file a written application with the
15 plan in order to receive the survivor benefit.

16 B. The surviving spouse of a deceased member who is killed in the
17 line of duty or dies from injuries suffered in the line of duty is
18 entitled to receive a monthly amount equal to the deceased member's
19 average monthly benefit compensation. For the purposes of this
20 subsection, "killed in the line of duty" means the decedent's death was
21 the direct and proximate result of physical injuries incurred in the
22 performance of the decedent's public safety duties and does not include
23 suicide.

24 C. If a deceased member does not have an eligible surviving spouse
25 or the pension of the eligible surviving spouse is terminated, each
26 eligible child is entitled to a child's pension as calculated pursuant to
27 section 38-904.

APPROVED BY THE GOVERNOR APRIL 16, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2021.