

REFERENCE TITLE: **technical correction; retirement; death benefits**

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2551

Introduced by
Representative Payne

AN ACT

**AMENDING SECTION 38-904, ARIZONA REVISED STATUTES; RELATING TO THE
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 38-904, Arizona Revised Statutes, is amended to
3 read:

4 38-904. Death benefits; amount

5 A. If an active or inactive member dies and no pension is payable
6 on account of the member's death, an amount equal to two times the
7 member's accumulated contributions to the retirement plan is payable to
8 the person designated by the deceased member in writing and filed with the
9 board. If the designated person or persons do not survive the deceased
10 member or if the designated person does not claim the benefit, the payment
11 is payable, at the election of the local board, to the designated person's
12 nearest of kin as determined by the local board or to the estate of the
13 deceased member. The beneficiary or person who is claiming to be the
14 nearest of kin shall file a written application in order to receive the
15 refund. For the purposes of this subsection, "inactive member" means a
16 person who previously made contributions to the plan, who has not retired,
17 who is not currently making contributions to the plan and who has not
18 withdrawn contributions from the plan.

19 B. If the deceased retired or active member does not have an
20 eligible surviving spouse or the pension of the eligible surviving spouse
21 is terminated, each eligible child is entitled to a child's pension. A
22 child's pension terminates if the child is adopted. In the case of a
23 child with a disability, the child's pension terminates if the child
24 ceases to be under a disability or ceases to be a dependent of the
25 surviving spouse or guardian. The amount of the pension of each eligible
26 child is an equal share of the amount of the surviving spouse's
27 pension. The board shall pay ~~THE PENSION OF~~ the surviving minor or
28 ~~child's~~ CHILD with a disability ~~pension~~ to the person who is the legally
29 appointed guardian or custodian of the eligible child until the eligible
30 child reaches eighteen years of age, at which time the eligible child's
31 pension shall be paid directly to the eligible child if the person remains
32 eligible to receive the pension and is not subject to a guardianship or
33 conservatorship due to disability or incapacity. The pension of a child
34 with a disability who is eighteen years of age or older and who is subject
35 to a guardianship or conservatorship due to disability or incapacity shall
36 continue to be paid to the guardian or conservator if the child remains
37 eligible for the pension payment.