

Sec. 9-63. - Benefit amounts and eligibility

(e) *Preretirement death benefits.*

(2) *Non-service-connected death.* A death benefit shall be payable commencing in the month following death on behalf of any member who, prior to the commencement of termination, disability or early, normal or deferred retirement benefit payments under this system, dies other than as a direct result of a service-connected death. Except as provided in subsection (e)(3) of this [sec. 9-63](#), such death benefits shall be payable as follows, but shall not be less than the amount of a vested member's accrued benefit payable, or for a member with ten or more years of service it shall not be less than the amount of the member's accrued benefit payable for ten years certain and life at the member's normal retirement date or reduced for early payment:

a. *If spouse.* If there shall be a surviving spouse at the time of the member's death, there shall be paid to such spouse until said spouse's death, a death benefit payable in equal monthly installments, in an amount equal to twenty-five (25) percent of the member's average monthly earnings as in effect as of the date of the member's death with ten (10) years certain; or

b. *No spouse.* If there shall be no surviving spouse at the time of the member's death, there shall be paid a death benefit payable in equal monthly installments, an amount equal to ten (10) percent of the member's average monthly earnings for each unmarried child of such member until such child shall have reached the age of eighteen (18) years, and a same amount for each unmarried child from age eighteen (18) until age twenty-two (22) who is a full time student in a fully accredited high school, college or university. Notwithstanding the foregoing, the total death benefit payable pursuant to this subsection shall be subject to an overall family limitation of twenty-five (25) percent of such member's average monthly earnings as in effect as of the date of such member's death for all such children combined. In that event, each such child's portion of the death benefit shall be determined on a pro rata basis. The nonstudent child's portion of the death benefit shall terminate on the earlier of such child's death, marriage or the attainment of age eighteen (18); the benefit of a child who is a student shall terminate on the earlier of death, marriage or the attainment of age twenty-two (22). Legally adopted children shall be treated as natural children.