



STATE OF NEVADA

DEATH BENEFITS

IMPORTANT NOTICE: Both Federal and State death benefits MAY be tax exempt.

IRS Code of the United States states that:

Survivor benefits attributable to service by a public safety officer who is killed in the line of duty:

(1) In General

Gross incomes shall not include any amount paid as a survivor annuity on account of the death of a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act 1968) killed in the line of duty—

- (A) If such annuity is provided, under a governmental plan which meets the requirements of section 401(a), to the spouse (or a former spouse) of the public safety officer or to a child of such officer; and
- (B) To the extent such annuity is attributable to such officer's service as a public safety officer.

(2) Exceptions

Paragraph (1) shall not apply with respect to the death of any public safety officer if, as determined in accordance with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968—

- (A) The death was caused by the intentional misconduct of the officer or by such officer's intention to bring about such officer's death;
- (B) The officer was voluntarily intoxicated at the time of death;
- (C) The officer was performing such officer's duties in a grossly negligent manner at the time of the death
- (D) The payment is to an individual whose actions were substantial contributing factor to the death of the officer

Learn about line of duty death benefits information for all states and US territories at ODMP.org. Brought to you by Concerns of Police Survivors and the Officer Down Memorial Page.



To obtain certified copies of registered personal documents, contact the Department of Vital Statistics, 4150 Technology Way, #4, Carson City, NV 89706. (775) 684-4242.

STATE DEATH BENEFITS

Death benefits for public safety officers in Nevada is **\$20,000** life insurance, **\$20,000** accidental death benefit, and **\$50,000** if you are traveling for business while on duty. **Please contact the Nevada Department of Public Safety for more information: 555 Wright Way, Carson City, NV 89711. (775) 684-4694.**

STATE PENSION BENEFITS

Members of the **Public Employees' Retirement System** include a person who is employed by a participating public employer and who is **contributing to the system**; or a person who has previously been in the employ of a participating public employer and who has contributed to the system but who subsequently terminates such employment without withdrawing his/her contributions.

286.660 Death of certain member before retirement: Disposition of moneys to his/her credit in public employees' retirement fund.

1. If a person who is a member of the system and has less than 2 years of accredited contributing service or has more than 2 years of accredited service and payments are not due under NRS 286.673 to 286.677, inclusive, dies before retiring, the amount credited at the time of his death to his account in the public employees' retirement fund shall be **paid directly and without probate or administration to the beneficiaries which he designates.**
2. Should more than one beneficiary be named, the amount standing to the credit of the member shall be **distributed equally** among such persons unless otherwise specifically directed by the member. Full payment by the board to persons designated as beneficiaries shall discharge the board and system completely on account of the death.

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3. The death of any named beneficiary, prior to the death of the member, shall operate to distribute the share of the deceased beneficiary in equal shares to the **other named beneficiaries** who shall survive, but if the deceased beneficiary shall be survived by minor children the share of the deceased beneficiary shall be distributed in equal shares among such **surviving minor children**.
4. Should **no beneficiaries survive**, or should the member not designate a beneficiary, the amount otherwise due shall be paid directly to the **estate of the deceased member**.

286.665 Death of member: Transfer of contributions of retirement fund under certain circumstances; procedure for claiming transferred money.

1. **Any contributions remaining** in a member's, retired employee's or beneficiary's individual account shall be transferred to the public employee's retirement fund or the police and firemen's retirement fund upon the death of the member, retired employee or beneficiary if there is no heir, devisee capable of receiving the money.

286.670 Rights to benefits not subject to tax, process or assignment; exceptions.

1. Except as otherwise provided in NRS 31.467 and as limited by subsection 2, the right of a person to a pension, an annuity, a retirement allowance, the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit or death benefit or any other right accrued or accruing to any person under the provisions of this chapter, and the money in the various funds created by this chapter is:
 - (a) **Exempt** from all state, county and municipal taxes.
 - (b) **Not subject** to execution, garnishment, attachment or any other process.
 - (c) **Not subject** to the operation of any bankruptcy or insolvency law.
 - (d) **Not assignable**, by power of attorney or otherwise.



2. The system **may withhold money** from a refund or benefit when the person applying for or receiving the refund or benefit **owes money to the system.**

EDUCATION BENEFITS

Sec. 396.540

Tuition charges for students at the University of Nevada **are free** to all students whose families are bona fide residents of the State of Nevada or to all students whose families reside outside the state, provided such students have themselves been bona fide residents of Nevada for at least six months prior to their matriculation at the university.

Sec. 396.543

The board of regents may enter into an agreement with another state for the granting of full or partial waivers of the nonresident tuition to residents of the other state who are students at or are eligible for admission to any branch of the system if the agreement provides that, under substantially the same circumstances, **the other state will grant reciprocal waivers to residents of Nevada** who are students at or are eligible for admission to universities or colleges in the other state.

Sec. 396.545

To the extent of legislative appropriation, the board of regents shall pay **all registration fees, laboratory fees and expenses for required textbooks and course materials** assessed against or incurred by a **dependent child** of a police officer, fireman, or officer of the Nevada Highway Patrol who was killed in the line of duty for classes taken towards satisfying the requirements of an undergraduate degree at a school within the University and Community College System of Nevada. No such payment may be made for any fee assessed after the child reaches the age of **23 years**.

When applying for admission, dependent children under the age of 23 should request the waiver of fees as provided for in Sec. 396.545 and provide proof of the line-of-duty death of the parent.

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HEALTH BENEFITS

In 1999 Nevada Revised Statute 287.021 and 287.0477 were passed which **requires Nevada Police and Fire Agencies to offer continued insurance coverage for spouses and children** after line-of-duty deaths. The **agency is responsible** for the entire cost of the premiums.

This law also applies to the continued participation in the Nevada State Retirement System. Your Benefits Assistance Officer should be able to help you.

WORKERS' COMPENSATION

Workers' Compensation coverage is compulsory for employers in Nevada.

The maximum considered wage for computing disability/death compensation for fiscal year 2011 has been certified by the Nevada Department of Employment, Training and Rehabilitation, Employment Security Division.

MAXIMUM COMPENSATION

Per month.....	\$3,452.70
Per day).....	\$113.43
Per week.....	\$794.01
14 day (usual payment).....	\$1,588.02

Each year the benefit changes to **2/3 of 150% of the state average wage**. If spouse remarries, he/she would be eligible for a **two-year lump sum** based on the maximum monthly award. Dependent children living in home of remarried spouse would receive **15% of officer's earned wage up to 66 2/3% of the maximum monthly award** of the surviving spouse.

If a dependent who is receiving a portion of the survivor benefits should marry, finish school, or drop out of school, then these benefits would **revert back** to the widow/widower providing they had **not remarried**. Also, once the 100 months benefit has passed on an applicable dependent, the benefit is **then reverted back** to the widow/widower. Should a dependent die while receiving benefits, there is a **\$5,000 reimbursable funeral benefit**.

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In the state of Nevada, the State Industrial Insurance System would be notified of the death of an officer by the department that he or she worked for and at that time they would be instructed on how to begin the process of applying for the applicable benefits. Many times an investigator and a claim specialist will also **assist the family in the application**. There is a maximum burial allowance of **\$5,000 and transportation expenses are allowed** for the deceased and an accompanying person to a mortuary within the continental limits of the United States.

It is required that benefits for dependents outside the home and under the age of 18 have a **court appointed guardian** for the child's estate. This will hopefully ensure that the benefit is used for the future care and education of the dependent child. Once the widowed spouse remarries and the children receive the direct benefit, guardianship is also required.

Contact the Department of Industrial Relations, Division of Industrial Insurance Regulation, Capitol Complex, 400 West King ST, STE 400, Carson City, NV 89703. (775) 684-7260.

PERSONAL LIFE POLICY

In absence of limitation by marriage contract, separate real and personal estate of an intestate decedent, or if there is a surviving spouse, the **excess over the share of such spouse** descends and is distributed as follows, each class of which a member is living taking to the exclusion of subsequent classes: **(1)** Child or children and descendants of deceased children, equally if all of the same degree and otherwise according to the right of representation; **(2)** parents equally or all to surviving parent; **(3)** brothers and sisters and children of deceased brothers and sisters according to right of representation; **(4)** next of kin of equal degree except that those claiming through a more remote ancestor. (134.030-134.110). No person **convicted of murder of decedent** is entitled to succeed to any portion of estate. (134.007).

If decedent left more than one child or one child and issue of one or more deceased children, and a child dies unmarried and before attaining majority, the share of such child descends of one or more deceased children, equally if all of the same degree and otherwise to the right of representation. (134.080).

Surviving spouse takes the following share of the separate estate, real and personal, of the deceased spouse: **(1)** One-third if decedent left more than one child, one child deceased children; **(2)** one-half if decedent left one child, descendants of one child, parent or parents,

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brother or sister, or child or children of deceased brother or sister; (3) all if decedent left none of the aforementioned relatives. (134.040-134-050).

Posthumous children are considered as living at death of the parent.

PEER SUPPORT ORGANIZATION

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a “lifeline” to police survivors nationwide. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**

FUNERAL AND CREMATION BENEFITS

Dignity Memorial funeral, cremation and cemetery providers created the Public Servants Program for emergency service personnel. This program provides dignified and honorable tributes, at no cost, for career and volunteer law enforcement officers who fall in the line of duty. Visit their website for complete information @ www.dignitymemorial.com and look under Public Servants for details. You may also call 800-344-6489 and speak with a representative.