



CHAPTER 135
ARTICLE 4 - CONSOLIDATED JUDICIAL RETIREMENT ACT

N.C.G.S. § 135-64.

Benefits on death after retirement.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-11, s. 7(e), (f) — twelfth act in the lineage	RETRIEVED 21 September 2026, 02:52 UTC	SOURCE FINGERPRINT 5263e98f0cf60744376c5fb4 - 2a51b6e763f68a5dddf271f9 - 35f9034dd8fa834a
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§ 135-64(a) If a former member dies after a service retirement under G.S. 135-57 or after the former member's sixty-fifth birthday after a disability retirement under G.S. 135-59, then there shall be paid to the former member's surviving spouse, if any, an annual retirement allowance, payable monthly. The monthly payments shall commence on the first day of the calendar month next following the date of death of the former member and shall be continued on the first day of each month thereafter until the remarriage or death of the spouse. The amount of the retirement allowance under this subsection shall be equal to one half of the allowance that was payable to the former member for the month immediately prior to the member's month of death, or that would have been payable had an optional mode of payment not been elected under the provisions of G.S. 135-61, reduced by two percent (2%) thereof for each full year, if any, by which the age of the former member at date of death exceeds that of the spouse.

§ 135-64(b) If a former member dies prior to the former member's sixty-fifth birthday after a disability retirement under G.S. 135-59, then there shall be paid to the former member's surviving spouse, if any, an annual retirement allowance, payable monthly. The monthly payments shall commence on the first day of the calendar month next following the date of death of the former member and shall be continued on the first day of each month thereafter until the remarriage or death of the spouse. The amount of the retirement allowance under this subsection shall be equal to one half of the allowance to which the former member would have been entitled under the provisions of G.S. 135-58 if the member had remained in service from the disability retirement date to the date of death with no change in the former member's final compensation or status and had then retired, reduced by two percent (2%) thereof for each full year,

if any, by which the age of the former member at date of death exceeds that of the spouse.

§ 135-64(c)

If a former member dies while in receipt of a retirement allowance under G.S. 135-58, 135-60, or 135-61, and if that former member is not survived by a spouse to whom a retirement allowance is payable under the provisions of subsection (a) or subsection (b) of this section nor survived by a beneficiary to whom a monthly survivorship benefit is payable under one of the optional modes of payment under G.S. 135-61, then there shall be paid a lump sum death benefit to the beneficiary that the member designated by electronic submission in a form approved by the Board of Trustees or by written designation duly acknowledged and filed with the Board of Trustees. If no beneficiary is designated or living at the time of the member's death, then the lump sum death benefit shall be paid to the member's legal representative. The lump sum death benefit payable under this subsection shall be equal to the excess, if any, of the accumulated contributions of the member at the member's date of retirement over the total of the retirement allowances paid to the member prior to death.

§ 135-64(d)

If a retirement allowance becomes payable to the spouse of a former member under the provisions of subsection (a) or subsection (b) of this section or to the designated survivor of a former member under one of the optional modes of payment under G.S. 135-61, and that retirement allowance terminated on the remarriage or death of the spouse or the designated survivor before the total of the retirement allowances paid to the former member and the spouse or the designated survivor combined equals the amount of the member's accumulated contributions at the member's date of retirement, then the excess of those accumulated contributions over the total of the retirement allowances paid to the former member and the spouse or the designated survivor combined shall be paid in a lump sum to the beneficiary that the member designated by electronic submission in a form approved by the Board of Trustees or by written designation duly acknowledged and filed with the Board of Trustees. If no beneficiary is designated or is living at the time payment under this subsection falls due, then the lump sum shall be paid to the former member's legal representatives.

§ 135-64(e)

If a retired former judge dies while in receipt of a retirement allowance under G.S. 135-58(d), then there shall be paid to the former judge's surviving spouse, if any, an annual retirement allowance payable monthly. The monthly payments shall commence on the first day of the calendar month next following the date of death of the former judge and shall be continued on the first day of each month thereafter until the remarriage or death of the spouse. The amount of the retirement allowance

under this subsection shall be equal to one half of the allowance that was payable to the former judge for the month immediately prior to the month of death, reduced by two percent (2%) thereof for each full year, if any, by which the age of the former judge at date of death exceeds that of the spouse.

§ 135-64(f)

-(j)Repealed by Session Laws 2025-11, s. 7(e), effective June 13, 2025.

§ 135-64(k)

All retired members may elect to participate in the fully contributory death benefit for retirees. All of the following apply to the fully contributory death benefit for retirees:

- (1) Elections to participate in the fully contributory death benefit for retirees shall be made prior to the member's death and no later than 60 calendar days from the effective date of the member's retirement. Elections shall be received by the Board of Trustees prior to the death of the retired member.
- (2) Retired members electing to receive a fully contributory death benefit under this subsection shall continuously pay monthly premiums on a fully contributory basis, as determined by the Board of Trustees. Premium payments shall be made through retirement allowance deductions or other methods adopted by the Board of Trustees.
- (3) If a retired member who has elected to receive a fully contributory death benefit under this subsection dies, then, upon receipt of proof of death that is satisfactory to the Board of Trustees, a lump sum death benefit amount shall be paid to the beneficiary or beneficiaries designated by the member. If no beneficiary is designated or living, then the death benefit shall be paid to the deceased retired member's legal representative.
- (4) The amount of the lump sum fully contributory death benefit payable under this subsection is one of the following:

a.If the death occurred on or after the first day of the twenty-fifth month of coverage under this subsection, then the amount payable is ten thousand dollars (\$10,000).

b.If the death occurred before the first day of the twenty-fifth month of coverage under this subsection, then the amount payable is the sum of the retired member's premium payments made in accordance with this subsection plus interest in an amount to be determined by the Board of Trustees.

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 135-64 (2025).

PINPOINT

N.C. Gen. Stat. § 135-64(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 640, s. 1; 1987, c. 824, s. 4; 1995, c. 509, s. 76; 1998-212, s. 28.27(b), (c); 2004-147, ss. 5, 6; 2005-91, ss. 5, 6; 2007-496, s. 4; 2009-66, ss. 11(c), (d); 2014-112, s. 3(b), (c); 2017-129, s. 2(u); 2023-105, s. 1.4; 2025-11, s. 7(e), (f).)

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