

2016 Regular Session

SENATE BILL NO. 16

BY SENATOR PEACOCK AND REPRESENTATIVE BACALA

SHERIFFS PEN/RELIEF FUND. Provides for a benefit for survivors of members killed in the line of duty by an intentional violent act. (6/30/16)

1 AN ACT

2 To enact R.S. 11:2178(D)(4), relative to the Sheriffs' Pension and Relief Fund; to provide
3 for the death benefits of survivors of certain members; to provide for qualifications
4 to receive death benefits; to provide for benefit calculations; to provide for an
5 effective date; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 11:2178(D)(4) is hereby enacted to read as follows:

9 §2178. Disability benefits; retirement benefits; death benefits

10 * * *

11 D.(1) * * *

12 **(4) The following death benefits are applicable and shall be paid to the**
13 **survivors, as defined in Subsection E of this Section, of a member who in the**
14 **performance of his official duties as a commissioned law enforcement officer**
15 **dies as a result of an intentional violent act:**

16 **(a) For a surviving spouse alone, the benefit shall be the greater of the**
17 **benefits defined in R.S. 11:2178(D)(3)(a)(i) or R.S. 11:2178(J)(1).**

1 **(b) If there is a surviving spouse entitled to benefits and a child or**
2 **children under eighteen years of age, or over said age if physically or mentally**
3 **incapacitated, or a surviving child under twenty-three years of age who is**
4 **enrolled at a board-approved or accredited school, college, or university,**
5 **enrolled in a sufficient number of courses and classes in such institution to be**
6 **classified as a full-time student in good standing, under the criteria used by the**
7 **institution, and who is dependent upon the deceased at the time of death, an**
8 **additional benefit equaling the difference between the total benefit to the**
9 **surviving spouse, as defined in Subparagraph (a) of this Paragraph, and one**
10 **hundred percent of the member's final average compensation shall be equally**
11 **divided and paid to the surviving child or children. The total benefits paid to**
12 **survivors shall not exceed one hundred percent of the member's final average**
13 **compensation.**

14 **(i) If the surviving spouse dies while benefits are still being paid to the**
15 **surviving child or children, the surviving spouse's benefit shall be divided**
16 **equally and paid to the remaining eligible surviving child or children.**

17 **(ii) In the event of the death of a surviving spouse, while any eligible**
18 **surviving child or children are below the age of majority, the benefits available**
19 **to the surviving minor child or children shall be payable to a trust satisfactory**
20 **to the fund and established by law until such time as the minor child reaches the**
21 **age of majority.**

22 **(c) If there is no surviving spouse entitled to benefits, any child or**
23 **children under eighteen years of age, or over said age if physically or mentally**
24 **incapacitated, or a surviving child under twenty-three years of age who is**
25 **enrolled at a board-approved or accredited school, college, or university,**
26 **enrolled in a sufficient number of courses and classes in such institution to be**
27 **classified as a full-time student in good standing, under the criteria used by the**
28 **institution in which the student is enrolled, and who is dependent upon the**
29 **deceased, shall be eligible to receive a sum equal to one hundred percent of the**

1 member's final average compensation. The sum shall be divided equally among
 2 the surviving children in the form of a monthly benefit and shall be payable to
 3 a trust satisfactory to the fund and established by law until such time as the
 4 minor child reaches the age of majority.

5 (d) Unless he is physically or mentally disabled, as each child attains the
 6 age of eighteen, or the age of twenty-three years if a student, his benefit shall
 7 cease.

8 * * *

9 Section 2. This Act shall become effective on June 30, 2016; if vetoed by the
 10 governor and subsequently approved by the legislature, this Act shall become effective on
 11 June 30, 2016, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 16 Original

2016 Regular Session

Peacock

Present law, relative to the Sheriffs' Pension and Relief Fund (Fund), provides for death benefits to be paid to a member's surviving spouse or minor children born of the marriage or both if the member dies while in the line of duty.

Proposed law retains present law and further provides that when a member dies in the line of duty because of an intentional violent act the surviving spouse or minor children or both shall be eligible to receive death benefit in accordance with proposed law.

Proposed law provides that the surviving spouse shall be eligible to receive the greater of 50% of the member's final average compensation (FAC) or a reduced benefit as if the member had retired on the date of death.

Proposed law provides that if the member leaves a child or children in addition to the surviving spouse, the child or children shall be eligible to receive a benefit equaling the difference between the benefit received by the spouse and 100% of the member's FAC. The difference shall be divided equally among the children. Proposed law further provides that in no case shall the benefit total be more than 100% of the member's FAC.

Proposed law provides that when a child reaches the age of 18, the benefit shall cease unless the child is enrolled as a full-time student in good standing at a board-approved or accredited school, college, or university and is under the age of 23.

Proposed law provides that in the event of the death of the surviving spouse while any eligible surviving child or children are still eligible to receive a benefit, the surviving spouse's portion of the death benefit shall be divided equally amongst all eligible children.

Proposed law provides that if there is no surviving spouse, any child or children shall be eligible to receive 100% of the member's FAC divided equally among the surviving children.

Proposed law provides that if there is no surviving spouse, the benefit payable to the minor child or children shall be paid to a trust satisfactory to the Fund and established by law.

Effective June 30, 2016.

(Adds R.S. 11:2178(D)(4))