

SENATE BILL NO. 16

BY SENATORS PEACOCK, ALARIO, ALLAIN, APPEL, BARROW, BOUDREAUX, BROWN, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, ERDEY, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRELL, MORRISH, PERRY, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES ABRAHAM, ADAMS, AMEDEE, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BISHOP, BOUIE, BROADWATER, TERRY BROWN, CARPENTER, GARY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, GAINES, GISCLAIR, GUINN, LANCE HARRIS, HAVARD, HOFFMANN, HOLLIS, HORTON, HOWARD, IVEY, JAMES, JEFFERSON, MIKE JOHNSON, JONES, NANCY LANDRY, LEBAS, LEGER, LYONS, MAGEE, MIGUEZ, GREGORY MILLER, MONTOUCET, JAY MORRIS, JIM MORRIS, POPE, PRICE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SEABAUGH, STOKES, WHITE AND ZERINGUE

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 that 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 that 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**
30 **member's final average compensation. The sum shall be divided equally among**

1 the surviving children in the form of a monthly benefit and shall be payable to
 2 a trust satisfactory to the fund and established by law until such time as the
 3 minor child reaches the age of majority.

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

7 * * *

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____