

2017 Regular Session

SENATE BILL NO. 7

BY SENATORS PEACOCK AND MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

STATE POLICE RET FUND. Provides for benefits for survivors of members killed in the line of duty by an intentional act of violence. (2/3 - CA10s29(F)) (6/30/17)

1 AN ACT

2 To amend and reenact R.S. 11:1316 and 1345.8, relative to members of the Louisiana State

3 Police Retirement System killed in the line of duty by an intentional act of violence;

4 to provide for the survivor benefits of these members; to provide for qualifications

5 to receive such survivor benefits; to provide for benefit calculations; to provide for

6 an effective date; and to provide for related matters.

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 11:1316 and 1345.8 are hereby amended and reenacted to read as

10 follows:

11 §1316. Death in the line of duty; **death by an intentional act of violence**; certain

12 members hired on or before December 31, 2010; ~~pension of~~ **benefit**

13 **for** surviving spouse of deceased employee; minor children with no

14 surviving spouse

15 A. This Section shall apply to any sworn commissioned law enforcement

16 officer of the office of state police of the Department of Public Safety and

17 Corrections whose first employment making him eligible for membership in one of

1 the state systems occurred on or before December 31, 2010.

2 (1) The surviving spouse of any such sworn commissioned law enforcement
3 officer of the office of state police of the Department of Public Safety and
4 Corrections who is killed in the discharge of his duties, or dies from immediate
5 effects of any injury received as the result of an act of violence occurring while
6 engaged in the discharge of his duties, shall ~~be pensioned at~~ **receive a survivor**
7 **benefit equal to** seventy-five percent of the salary being received by the employee
8 at the time of the decedent's death or injury, provided the surviving spouse was
9 married to the decedent at the time of the event which resulted in the officer's death.

10 (2) The surviving spouse of any such sworn commissioned law
11 enforcement officer of the office of state police of the Department of Public
12 Safety and Corrections who is killed by an intentional act of violence in the
13 discharge of his duties, or dies from immediate effects of any injury received as
14 the result of an intentional act of violence occurring while engaged in the
15 discharge of his duties, shall receive a survivor benefit equal to one hundred
16 percent of the salary being received by the employee at the time of the
17 decedent's death or injury, provided the surviving spouse was married to the
18 decedent at the time of the event which resulted in the officer's death.

19 B. Notwithstanding the forfeiture provisions of R.S. 11:1321, the ~~pension~~
20 **benefit** of a surviving spouse covered by Subsection A of this Section shall be paid
21 until the death of the surviving spouse.

22 C.(1) If there is no surviving spouse of any state police employee whose
23 death results from injury received in line of duty **covered by Subsection A of this**
24 **Section**, then any surviving minor children shall ~~be pensioned~~ **receive the survivor**
25 **benefit** at the amounts set forth in Subsection A of this Section.

26 (2) As each minor child reaches eighteen years of age, or twenty-three years
27 of age if a student, he shall receive no further benefits.

28 **D. Any surviving spouse of a member killed on or before June 29, 2017,**
29 **by an intentional act of violence who would qualify for the survivor benefit**

1 provided for in Paragraph (A)(2) of this Section shall have any survivor benefit
 2 payable on or after June 30, 2017, increased to the amount calculated pursuant
 3 to Paragraph (A)(2) of this Section regardless of the date of death of the
 4 member.

5 * * *

6 §1345.8. Survivors' benefit for members killed in the line of duty; death by an
 7 intentional act of violence

8 A. If a member's death occurs in the line of duty or is a direct result of an
 9 injury sustained while in the line of duty, survivor benefits shall be payable to
 10 qualified survivors as provided for in this Section, except that a survivor shall be
 11 eligible for benefits under this Section without regard to the amount of time that the
 12 surviving spouse was married to the deceased member and without regard to the
 13 amount of time that the deceased was a member of this plan. This benefit is payable
 14 only if the injury or injuries were sustained while on active duty status.

15 B.(1) If the member has a surviving spouse; **and a** child or children who are
 16 minors, have a disability, or are mentally incapacitated, the amount of the total
 17 benefit shall equal eighty percent of the member's average compensation. The benefit
 18 shall be shared equally by the surviving spouse and children. When a child who
 19 neither has a disability nor is mentally incapacitated no longer meets the definition
 20 of minor child under R.S. 11:1301, his benefit shall cease, and the remaining
 21 beneficiaries shall have their shares adjusted accordingly.

22 (2) If the member has a surviving spouse and a child or children who are
 23 minors, have a disability, or are mentally incapacitated, and the member is
 24 killed by an intentional act of violence or dies as a direct result of an injury
 25 sustained as a consequence of an intentional act of violence, the amount of the
 26 total benefit shall equal one hundred percent of the member's salary at the time
 27 of death. The benefit shall be shared equally by the surviving spouse and
 28 children. When a child who neither has a disability nor is mentally
 29 incapacitated no longer meets the definition of minor child under R.S. 11:1301,

1 his benefit shall cease, and the remaining beneficiaries shall have their shares
2 adjusted accordingly.

3 C. Notwithstanding the forfeiture provisions of R.S. 11:1321, the benefit
4 of a surviving spouse covered by Subsection B of this Section shall be paid until
5 the death of the surviving spouse.

6 D. Any surviving spouse of a member killed on or before June 29, 2017,
7 by an intentional act of violence who would qualify for the survivor benefit
8 provided for in Paragraph (B)(2) of this Section shall have any benefit payable
9 on or after June 30, 2017, increased to the amount calculated pursuant to
10 Paragraph (B)(2) of this Section regardless of the date of death of the member.

11 Section 2. The cost of this Act, if any, shall be funded through additional employer
12 contributions in compliance with Article X, Section 29(E)(5)(b) of the Constitution of
13 Louisiana.

14 Section 3. This Act shall become effective on June 30, 2017; if vetoed by the
15 governor and subsequently approved by the legislature, this Act shall become effective on
16 June 30, 2017, 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 7 Original 2017 Regular Session Peacock

Present law provides for the survivor benefit for the spouse and children of any sworn commissioned law enforcement officer of the office of state police, who was first eligible for the State Police Retirement System on or before December 31, 2010, and who was killed in the line of duty or dies from immediate effects of an injury received while in the line of duty. Present law provides that the benefit shall be equal to 75% of the salary received by the officer at the time of death and shall be paid until the death of the surviving spouse notwithstanding any forfeiture provisions in present law (R.S. 11:1321).

Proposed law provides for the survivor benefit for the spouse and children of any sworn commissioned law enforcement officer of the office of state police, who was first eligible for the State Police Retirement System on or before December 31, 2010, and who was killed in the line of duty by an intentional act of violence. Proposed law provides that the benefit shall be equal to 100% of the salary received by the officer at the time of death and shall be paid until the death of the surviving spouse notwithstanding any forfeiture provisions in present law (R.S. 11:1321).

Proposed law provides that any surviving spouse of a member who was first eligible for the State Police Retirement System on or before December 31, 2010, killed on or before June 29, 2017, by an intentional act of violence who would qualify for the survivor benefit

provided for in proposed law shall have any survivor benefit payable on or after June 30, 2017, increased to the amount calculated pursuant to proposed law regardless of the date of death of the member.

Present law provides for the survivor benefit for the spouse and children of any sworn commissioned law enforcement officer of the office of state police who was first eligible for the State Police Retirement System on or after January 1, 2011, and who was killed in the line of duty or died from immediate effects of an injury received while in the line of duty. Present law provides that the benefit shall be equal to 80% of the officer's average compensation without regard to the amount of time that the deceased was a member of the plan.

Proposed law provides for the survivor benefit for the spouse and children of any sworn commissioned law enforcement officer of the office of state police who was first eligible for the State Police Retirement System on or after January 1, 2011, and who was killed in the line of duty by an intentional act of violence. Proposed law provides that the benefit shall be equal to 100% of the officer's salary without regard to the amount of time that the deceased was a member of the plan.

Proposed law provides that any surviving spouse of a member who was first eligible for the State Police Retirement System on or after January 1, 2011, killed on or before June 29, 2017, by an intentional act of violence who would qualify for the survivor benefit provided for in proposed law shall have any survivor benefit payable on or after June 30, 2017, increased to the amount calculated pursuant to proposed law regardless of the date of death of the member.

Proposed law makes technical changes to clarify that the survivor benefit shall be paid until the death of the surviving spouse notwithstanding any forfeiture provisions in present law (R.S. 11:1321).

Effective June 30, 2017.

(Amends R.S. 11:1316 and 1345.8)