

SENATE BILL NO. 7

BY SENATORS PEACOCK, ALARIO, ALLAIN, APPEL, BARROW, BISHOP, CHABERT, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH AND WARD AND REPRESENTATIVES ABRAHAM, ANDERS, BACALA, BAGLEY, BAGNERIS, BARRAS, BOUIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARMODY, ROBBY CARTER, CHANEY, COX, CREWS, DANAHAY, DAVIS, DEVILLIER, EDMONDS, EMERSON, GAINES, GISCLAIR, HALL, HILFERTY, HILL, HOFFMANN, HOLLIS, HORTON, HOWARD, HUVAL, JEFFERSON, JENKINS, TERRY LANDRY, LEBAS, LYONS, MACK, MARCELLE, MIGUEZ, GREGORY MILLER, JIM MORRIS, NORTON, PEARSON, POPE, REYNOLDS, RICHARD, SCHRODER, SEABAUGH, SHADOIN, SMITH, STAGNI, STEFANSKI, THOMAS AND WHITE

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

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

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

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

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

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

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

27           **D. Any surviving spouse of a member killed on or before June 29, 2017,**  
28 **by an intentional act of violence who would qualify for the survivor benefit**  
29 **provided for in Paragraph (A)(2) of this Section shall have any survivor benefit**  
30 **payable on or after June 30, 2017, increased to the amount calculated pursuant**

1 to Paragraph (A)(2) of this Section regardless of the date of death of the  
 2 member.

3 \* \* \*

4 §1345.8. Survivors' benefit for members killed in the line of duty; death by an  
 5 intentional act of violence

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

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

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

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

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

9                    Section 2. The cost of this Act, if any, shall be funded through additional employer  
10                    contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

11                    Section 3. The Louisiana State Police Retirement System board of trustees shall  
12                    electronically notify all members of the legislature when a survivor benefit is granted  
13                    pursuant to R.S. 11:1316(A)(2) or 1345.8(B)(2) as provided for in this Act.

14                    Section 4. 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.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_