

2018 Regular Session

SENATE BILL NO. 3

BY SENATOR PEACOCK

RETIREMENT BENEFITS. Provides for benefits for survivors of hazardous duty plan members killed by an intentional act of violence. (2/3 - CA 10s29(F)) (gov sig)

1 AN ACT

2 To amend and reenact R.S. 11:618(B), relative to hazardous duty retirement plans and  
3 sub-plans; to provide for members killed in the line of duty by an intentional act of  
4 violence; to provide for benefits for survivors of these members; to provide for  
5 qualifications to receive these benefits; to provide for benefit calculation; to provide  
6 for notification; to provide for 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. 11:618(B) is hereby amended and reenacted to read as follows:

10 §618. Survivors' benefits for members killed in the line of duty; **death by an**  
11 **intentional act of violence**

12 \* \* \*

13 B.**(1)** If the member has a surviving spouse, minor, or handicapped or  
14 mentally incapacitated child or children, the amount of the total benefit shall equal  
15 eighty percent of the member's average compensation. The benefit shall be shared  
16 equally by the surviving spouse and children. When a child who is not handicapped  
17 or mentally incapacitated no longer meets the definition of minor child under R.S.

1 11:403, his benefit shall cease, and the remaining beneficiaries shall have their  
2 shares adjusted accordingly.

3 **(2) If the member's death resulted from an intentional act of violence and**  
4 **the member has a surviving spouse, minor, or handicapped or mentally**  
5 **incapacitated child or children, the amount of the total benefit shall equal one**  
6 **hundred percent of the member's average compensation. The benefit shall be**  
7 **shared equally by the surviving spouse and children. When a child who is not**  
8 **handicapped or mentally incapacitated no longer meets the definition of minor**  
9 **child under R.S. 11:403, his benefit shall cease, and the remaining beneficiaries**  
10 **shall have their shares adjusted accordingly.**

11 \* \* \*

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

14 Section 3. The Louisiana State Employees' Retirement System board of trustees shall  
15 electronically notify all members of the legislature when a survivor benefit is granted  
16 pursuant to the provisions of this Act.

17 Section 4. The Sheriffs' Pension and Relief Fund board of trustees shall electronically  
18 notify all members of the legislature when a survivor benefit is granted pursuant to R.S.  
19 11:2178(D)(4).

20 Section 5. This Act shall become effective upon signature by the governor or, if not  
21 signed by the governor, upon expiration of the time for bills to become law without signature  
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
24 effective on the day following such approval.

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

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DIGEST

SB 3 Original 2018 Regular Session Peacock

Present law provides for the survivor benefit for the spouse and children of a member of Louisiana State Employees' Retirement System (LASERS) hazardous duty service plan (R.S. 11:611) who was killed in the line of duty or died from the direct result of an injury received while in the line of duty. Present law provides that the benefit shall be equal to 80% of the member'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 a member of the hazardous duty service plan (R.S. 11:611) 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 member's average compensation without regard to the amount of time that the deceased was a member of the plan.

Proposed law provides that the LASERS board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to proposed law.

Proposed law provides that the Sheriffs' Pension and Relief Fund board of trustees shall electronically notify all members of the legislature when a survivor benefit is granted pursuant to present law (R.S. 11:2178(D)(4)).

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 11:618(B))