

SENATE BILL NO. 3

BY SENATOR PEACOCK AND REPRESENTATIVES BACALA, TERRY BROWN, GISCLAIR, GLOVER, HAVARD, HENRY, HORTON, JACKSON, MACK, MCFARLAND, GREGORY MILLER, JAY MORRIS, PEARSON, PYLANT AND STEFANSKI

1 AN ACT

2 To amend and reenact R.S. 11:478(E), 585, the introductory paragraph of 586(A) and  
3 586(B), 587, 618(B), and 3685(A)(2)(e) and to enact R.S. 11:478(F), 586(A)(5), and  
4 604(F), relative to hazardous duty retirement plans and sub-plans; to provide for  
5 members killed in the line of duty by an intentional act of violence; to provide for  
6 benefits for survivors of these members; to provide for qualifications to receive these  
7 benefits; to provide for benefit calculation; to provide for notification; to provide for  
8 an effective date; and to provide for related matters.

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

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:478(E), 585, the introductory paragraph of 586(A) and 586(B),  
12 587, 618(B), and 3685(A)(2)(e) are hereby amended and reenacted and R.S. 11:478(F),  
13 586(A)(5), and 604(F) are hereby enacted to read as follows:

14 §478. Benefits payable to certain members killed in the line of duty; survivor  
15 benefits; corrections officers hired on or before December 31, 2010

16 \* \* \*

17 E. The provisions of **Subsections A through D of** this Section shall be  
18 applied retroactively to July 1, 1996.

19 **F. If the member's death resulted from an intentional act of violence and**  
20 **the member has a surviving spouse, minor, or handicapped or mentally**  
21 **incapacitated child or children, the amount of the total benefit shall equal one**  
22 **hundred percent of the member's average compensation. The benefit shall be**  
23 **shared equally by the surviving spouse and children. When a child who is not**  
24 **handicapped or mentally incapacitated no longer meets the definition of minor**

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

3 \* \* \*

4 §585. Death benefits of surviving spouse

5 A. If any member's death results from injury received in the line of duty,  
6 survivor benefits shall be payable as provided for in accordance with this  
7 Section. This benefit is payable only if the member dies as a direct result of  
8 injuries sustained in the line of duty.

9 B. The benefit for the surviving spouse ~~of any member with twenty-five~~  
10 ~~years or more of service with the department, or commission, whose death results~~  
11 ~~from injury received in line of duty, shall be pensioned at seventy-five~~ shall equal:

12 (1) Seventy-five percent of his the member's average compensation if the  
13 member had twenty-five years or more of service with the department or  
14 commission.

15 (2) and on sixty Sixty percent of his the member's average compensation if  
16 said employee the member had credit for less than twenty-five years of service with  
17 the department; or commission.

18 (3) One hundred percent of the member's average compensation,  
19 regardless of years of service, if the member's death resulted from an  
20 intentional act of violence.

21 C. ; provided, however, that said pension The survivor benefit shall be paid  
22 only so long as she the surviving spouse is eligible under the provisions of this  
23 Subpart.

24 §586. Death benefits of minor children

25 A. If there is no surviving spouse to receive the ~~pension due a widow of any~~  
26 ~~member~~ benefit provided under R.S. 11:585, minor children of the deceased  
27 member shall receive a monthly pension in the proportions set out as follows:

28 \* \* \*

29 (5) If the member's death resulted from an intentional act of violence and  
30 the member has a minor, or handicapped or mentally incapacitated child or

1 children, the amount of the total benefit shall equal one hundred percent of the  
 2 member's average compensation. The benefit shall be shared equally by the  
 3 children. When a child who is not handicapped or mentally incapacitated no  
 4 longer meets the definition of minor child under R.S. 11:403, his benefit shall  
 5 cease, and the remaining beneficiaries shall have their shares adjusted  
 6 accordingly.

7 B. ~~When~~ Except as otherwise provided in Paragraph (A)(5) of this  
 8 Section, when a child no longer meets the definition of minor child as provided in  
 9 R.S. 11:403, he shall receive no further benefits and the monthly pension shall be  
 10 reduced by the amount previously paid to him.

11 §587. Death benefits of parents

12 If there is no surviving spouse and no ~~minor~~ children eligible to receive a  
 13 benefit, a monthly pension of ~~twenty-five percent of the average compensation of~~  
 14 ~~the deceased member~~ shall be paid to the parent or parents of the deceased member,  
 15 if they, or either of them, derived their main support from the member. The pension  
 16 shall equal:

17 (1) One hundred percent of the member's average compensation if the  
 18 member's death resulted from an injury received in the line of duty, and such  
 19 injury resulted from an intentional act of violence.

20 (2) Twenty-five percent of the member's average compensation.

21 \* \* \*

22 §604. Survivor's benefit for members killed in the line of duty

23 \* \* \*

24 F. If the member's death resulted from an intentional act of violence and  
 25 the member has a surviving spouse, minor, or handicapped or mentally  
 26 incapacitated child or children, the amount of the total benefit shall equal one  
 27 hundred percent of the member's average compensation. The benefit shall be  
 28 shared equally by the surviving spouse and children. When a child who is not  
 29 handicapped or mentally incapacitated no longer meets the definition of minor  
 30 child under R.S. 11:403, his benefit shall cease, and the remaining beneficiaries

1 shall have their shares adjusted accordingly.

2 \* \* \*

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

5 \* \* \*

6 B.(1) If the member has a surviving spouse, minor, or handicapped or  
7 mentally incapacitated child or children, the amount of the total benefit shall equal  
8 eighty percent of the member's average compensation. The benefit shall be shared  
9 equally by the surviving spouse and children. When a child who is not handicapped  
10 or mentally incapacitated no longer meets the definition of minor child under R.S.  
11 11:403, his benefit shall cease, and the remaining beneficiaries shall have their  
12 shares adjusted accordingly.

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

21 (3) The benefit of the surviving spouse, minor, or handicapped or  
22 mentally incapacitated child or children of any member of this system, who  
23 would otherwise be eligible for benefits under the plan except that the member's  
24 first employment making him eligible for membership in any state system  
25 occurred on or before December 31, 2010, and whose death resulted from an  
26 intentional act of violence shall be equal to one hundred percent of the  
27 member's average compensation. The benefit shall be equally shared by the  
28 surviving spouse and children. When a child who is not handicapped or  
29 mentally incapacitated no longer meets the definition of minor child under R.S.  
30 11:403, his benefit shall cease, and the remaining beneficiaries shall have their

1 shares adjusted accordingly.

2 \* \* \*

3 §3685. Benefits

4 A. \* \* \*

5 (2) Benefits shall be payable to survivors of a deceased member who had at  
6 least five years of creditable service and who dies before retirement as specified in  
7 the following:

8 \* \* \*

9 (e) Provided that in the case of death of any member resulting from injury  
10 received in line of duty survivors' benefits shall be paid regardless of number of  
11 years of service and shall ~~be~~ equal:

12 (i) ~~sixty~~ Sixty percent of his ~~the member's~~ final salary payable to his ~~widow~~  
13 the surviving spouse until she ~~the spouse~~ remarries or to his ~~the~~ surviving children  
14 under eighteen years of age if there is no eligible surviving ~~widow~~ spouse; or to his  
15 the member's surviving parents if there is no eligible surviving ~~widow~~ spouse or  
16 child.

17 (ii) One hundred percent of the member's final salary if the member's  
18 death resulted from an intentional act of violence payable to the surviving  
19 spouse until the spouse remarries or to the surviving children under eighteen  
20 years of age if there is no eligible surviving spouse; or to the member's surviving  
21 parents if there is no eligible surviving spouse or child.

22 \* \* \*

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

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

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

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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