

2016 Regular Session

SENATE BILL NO. 16

BY SENATOR PEACOCK AND REPRESENTATIVE BACALA

SHERIFFS PEN/RELIEF FUND. Provides for a benefit for survivors of members killed in the line of duty by an intentional violent act. (6/30/16)

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 said 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 said 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**

Proposed law provides that if there is no surviving spouse, the benefit payable to the minor child or children shall be paid to a trust satisfactory to the Fund and established by law.

Effective June 30, 2016.

(Adds R.S. 11:2178(D)(4))