

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. (2/3 - CA10s29(F)) (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))