

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**HOUSE BILL 1935
RATIFIED BILL**

**AN ACT TO RAISE THE CEILING FOR BENEFITS AND TO ADD A STIPEND FOR
MINOR CHILDREN UNDER THE EMERGENCY PENSION FUND FOR SWORN
LAW ENFORCEMENT OFFICERS OF MECKLENBURG COUNTY.**

The General Assembly of North Carolina enacts:

SECTION 1. Sections 2, 5, and 6 of Chapter 446 of the Public-Local Laws of 1931, as amended by Section 28.26 of Chapter 18 of the Session Laws of the 1996 Second Extra Session, and as rewritten by S.L. 2003-323, read as rewritten:

"Sec. 2. "Law enforcement officers" shall be deemed to include all State-certified sworn peace officers employed ~~in~~ by any city, county, or town law enforcement agency in Mecklenburg County who are required by the terms of their employment to give their full time to the enforcement of laws, the protection of life and property, and the detection and prevention of crime. "Law enforcement officers" shall also be deemed to include any reserve officer of an agency ~~of~~ in Mecklenburg County and any detention officer employed by the Sheriff of Mecklenburg County.

"Sec. 5. The funds accumulated under this act shall be known as "The Emergency Pension Fund for Sworn Law Enforcement Officers of Mecklenburg County", and shall be used as a fund for all law enforcement officers, as defined in Section 2 of this act, and their families, under the following terms and conditions:

- (1) If a law enforcement officer is killed while in the actual performance of the officer's duties, then the Board may pay from the Fund the amount of ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000) as a death benefit to the surviving spouse of the deceased officer. If the law enforcement officer is not married at the time of death, the Board may pay the death benefit to the nearest dependent next of kin of the deceased.
- (2) If the law enforcement officer is permanently and totally physically disabled due to a physical injury received in the actual performance of the officer's duties, then the Board may pay from the Fund to the law enforcement officer the amount of ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000). In the event the law enforcement officer is temporarily and totally physically disabled due to a physical injury received in the performance of the officer's duties, then the Board may pay from the Fund to the law enforcement officer a disability supplement of five hundred dollars (\$500.00) a month during the time that the officer is temporarily and totally disabled up to a maximum of ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000). In any event, a temporarily or permanently physically disabled law enforcement officer shall not receive more than ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000).
- (3) If a law enforcement officer is killed while in the actual performance of the officer's duties or is permanently and totally disabled, then the Board may award college scholarships to the officer's children up to a maximum amount of ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000). Such scholarships may be awarded if the child is between the ages of 17 and 22 and has been accepted or is attending a fully accredited college or university.
- (4) If a law enforcement officer is killed while in the actual performance of the officer's duties, and that officer is the parent or legal guardian of a minor child, then the Board may pay a one-hundred-dollar (\$100.00) stipend each



year to each minor child on that child's birthday until each minor child reaches 18 years of age.

"Sec. 6. The Board created under the provisions of this act shall serve without compensation. The Secretary and Treasurer of said Board shall receive such compensation as may be provided by the Board not to exceed the sum of fifty dollars (\$50.00) per month, and the said Board shall have full power and authority to pay all expenses for administering this act including the purchase of supplies, legal advice, etc., out of the fund provided for herein. The Board shall have authority to make such rules, regulations, and provisions as may be necessary to the proper administration of this act. The Board may retain an investment firm to manage the Fund and upon a unanimous vote of the Board may increase the amount of the maximum lump sum payments by up to ten percent (10%) once every five years.Fund."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of June, 2010.

Walter H. Dalton
President of the Senate

Joe Hackney
Speaker of the House of Representatives