

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1402*

Short Title: Mecklenburg Law Enforcement Benefit Cap Upped. (Local)

Sponsors: Senator Graham.

Referred to: Pensions & Retirement & Aging.

May 26, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO RAISE THE CEILING FOR BENEFITS UNDER THE EMERGENCY
3 PENSION FUND FOR SWORN LAW ENFORCEMENT OFFICERS OF
4 MECKLENBURG COUNTY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Sections 2, 5, and 6 of Chapter 446 of the Public-Local Laws of
7 1931, as amended by Section 28.26 of Chapter 18 of the Session Laws of the 1996 Second
8 Extra Session, and as rewritten by S.L. 2003-323, read as rewritten:

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

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

- 20 (1) If a law enforcement officer is killed while in the actual performance of the
21 officer's duties, then the Board may pay from the Fund the amount of ~~ten~~
22 ~~thousand dollars (\$10,000)~~ twenty-five thousand dollars (\$25,000) as a
23 death benefit to the surviving spouse of the deceased officer. If the law
24 enforcement officer is not married at the time of death, the Board may pay
25 the death benefit to the nearest dependent next of kin of the deceased.
- 26 (2) If the law enforcement officer is permanently and totally physically disabled
27 due to a physical injury received in the actual performance of the officer's
28 duties, then the Board may pay from the Fund to the law enforcement officer
29 the amount of ~~ten thousand dollars (\$10,000)~~ twenty-five thousand dollars
30 (\$25,000). In the event the law enforcement officer is temporarily and totally
31 physically disabled due to a physical injury received in the performance of
32 the officer's duties, then the Board may pay from the Fund to the law
33 enforcement officer a disability supplement of five hundred dollars
34 (\$500.00) a month during the time that the officer is temporarily and totally
35 disabled up to a maximum of ~~ten thousand dollars (\$10,000)~~ twenty-five
36 thousand dollars (\$25,000). In any event, a temporarily or permanently



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- 1 physically disabled law enforcement officer shall not receive more than ~~ten~~
2 ~~thousand dollars (\$10,000).~~ twenty-five thousand dollars (\$25,000).
- 3 (3) If a law enforcement officer is killed while in the actual performance of the
4 officer's duties or is permanently and totally disabled, then the Board may
5 award college scholarships to the officer's children up to a maximum amount
6 of ~~ten thousand dollars (\$10,000).~~ twenty-five thousand dollars (\$25,000).
7 Such scholarships may be awarded if the child is between the ages of 17 and
8 22 and has been accepted or is attending a fully accredited college or
9 university. In the event a law enforcement officer is killed in the line of duty
10 and that officer is the parent or legal guardian of minor children, then each
11 minor child shall receive a one hundred dollar (\$100.00) stipend each year
12 on the anniversary of the officer's death until the minor child reaches 18
13 years of age.

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

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