

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 474\*  
Committee Substitute Favorable 4/16/03

Short Title: Amend Mecklenburg Law Enforce. Pension Fund. (Local)

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Sponsors:

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Referred to:

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March 13, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE EMERGENCY PENSION FUND FOR LAW  
2 ENFORCEMENT OFFICERS IN MECKLENBURG COUNTY.  
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 709 of the 1965 Session Laws and Chapter 305 of the  
6 1967 Session Laws are repealed.

7 **SECTION 2.** Chapter 446 of the Public-Local Laws of 1931, as amended by  
8 Section 28.26 of Chapter 18 of the 1996 Second Extra Session, reads as rewritten:

9 "Section 1. This act shall be known and may be cited as "The Emergency and  
10 Pension Fund for Sworn Law Enforcement Officers of Mecklenburg County", and  
11 County." This act shall apply to all law enforcement officers except as otherwise  
12 provided herein sworn law enforcement officers employed by any city, county, or town  
13 law enforcement agency in Mecklenburg County engaged in the enforcement of the  
14 criminal laws of the State of North Carolina within the County of Mecklenburg-  
15 Mecklenburg who are killed or permanently injured while in the discharge of their  
16 official duties.

17 Sec. 2. "Law enforcement officers" shall be deemed to include all State-certified  
18 sworn peace officers employed in any city, county, or town law enforcement agency in  
19 Mecklenburg County who are required by the terms of their employment to give their  
20 full time to the enforcement of laws, the preservation of perfect order, the protection of  
21 life and property property, and the detection and prevention of crime and such special or  
22 part time peace officers as may be killed or permanently injured while in the actual  
23 discharge of official duties as such officers: Provided, such officers, in order to share in  
24 the benefits provided for in this act, shall register with the Officers Relief board  
25 provided for on blanks to be furnished for that purpose and in a manner to be prescribed  
26 by said board giving such information as to the duty of employment, etc., that may be  
27 prescribed by said board. "Law enforcement officers" shall also be deemed to  
28 include any reserve officer of an agency of Mecklenburg County and any detention  
29 officer employed by the Sheriff of Mecklenburg County.

1       Sec. 3. That the Mayor of the City of Charlotte, the Chief of Police of the City of  
2 ~~Charlotte, Charlotte-Mecklenburg Police Department,~~ the Chairman of the Mecklenburg  
3 County Board of Commissioners, the Sheriff of Mecklenburg County, ~~the Chief of~~  
4 ~~Rural Police~~ or their designees, and their successors in office be and they are hereby  
5 constituted members ex officio of a board to be known as "~~The Officers Relief Board of~~  
6 ~~Mecklenburg County~~", "The Emergency Pension Fund for Sworn Law Enforcement  
7 Officers of Mecklenburg County", to administer the provisions of this act and said  
8 board shall elect its own chairman and appoint an officer of the Board to be known as  
9 "Commissioner of the Emergency Pension Fund for Sworn Law Enforcement Officers  
10 of the County of Mecklenburg", Mecklenburg County", who shall also act as Secretary  
11 and Treasurer of the Board and shall act under the instructions of the Board in all  
12 matters pertaining to the administration of this act. And the Board shall require the  
13 Secretary and Treasurer to give good and sufficient bond, the amount to be determined  
14 in the discretion of the Board, for the proper performance of his duties as such. The  
15 premium of said bond shall be paid out of the fund herein provided for. Each ex officio  
16 member of the board may appoint an employee of the member's agency to act as the  
17 member's designee. The designee shall have the authority to cast a binding vote on  
18 behalf of the ex officio member.

19       Sec. 4. That ~~in order to provide funds for "The Emergency Pension Fund of the~~  
20 ~~County of Mecklenburg" herein set out, there shall be taxed in the bill of costs in all~~  
21 ~~criminal cases in any Court other than that of Justice of Peace wherein there is a~~  
22 ~~conviction or a plea of guilty, a fee of one (\$1.00) dollar to be known as "The~~  
23 ~~Emergency and Pension Fee" and the same shall be collected by the Clerk of the City~~  
24 ~~Recorder's Court, the Clerk of the County Recorder's Court and the Clerk of the~~  
25 ~~Superior Court and shall be paid to the Treasurer of the "Officers Relief Board of~~  
26 ~~Mecklenburg County" or in cases of appeal from said City Recorder's Court or County~~  
27 ~~Recorder's Court to the Superior Court, the Clerk of the Superior Court shall collect said~~  
28 ~~fees and pay the same to the Treasurer of the "Officers Relief Board of Mecklenburg~~  
29 ~~County."~~ All money collected by the Clerk of the City Recorder's Court, Clerk of the  
30 County Recorder's Court shall be paid over to the Treasurer of the "Officers Relief  
31 Board of Mecklenburg County" once each week and all of said money collected by the  
32 Clerk of the Superior Court shall be paid over to the Treasurer of the "Officers Relief  
33 Board of Mecklenburg County" on the first day of each and every month and they shall  
34 accompany such remittance with a detailed and itemized statement of the cases in which  
35 said funds have been collected, the blank forms for said statement shall be furnished by  
36 the "Officers Relief Board of Mecklenburg County" herein provided for. In all cases  
37 where the defendant is committed to the roads, the fee herein provided shall not be  
38 charged against said defendant where said defendant serves the sentence imposed by the  
39 Court and it is further provided that the one dollar (\$1.00) fee hereinbefore set out shall  
40 not be collected in cases of conviction or plea of guilty for the violation of the traffic or  
41 highway laws by use of a motor vehicle where the punishment provided by the Statute  
42 is not in excess of fifty dollars (\$50.00) fine or thirty days (30) imprisonment; the said  
43 fee shall be collected in all other cases for violation of said laws where the punishment  
44 fixed by the Statute is in excess of the penalties herein before mentioned; Provided

1 further, that where the defendant is convicted on more than one charge, the fee  
2 hereinbefore provided for shall only be taxed in the cost in one conviction.

3 Sec. 5. The funds accumulated under this act shall be known as the "Emergency and  
4 "The Emergency Pension Fund of the County of Mecklenburg", for Sworn Law  
5 Enforcement Officers of Mecklenburg County", and shall be used as a fund for all  
6 arresting law enforcement officers, as defined in Section 2 of this act, and their  
7 families. ~~If an officer while in the actual performance of that officer's duties is killed, the~~  
8 ~~board may pay any amount up to a maximum of ten thousand dollars (\$10,000) as a~~  
9 ~~death benefit to the surviving spouse of the deceased officer. If the officer is not married~~  
10 ~~at the time of death, the board may pay any amount up to a maximum of ten thousand~~  
11 ~~dollars (\$10,000) to the nearest dependent next of kin of the deceased. It is further the~~  
12 ~~true intent, meaning, and purpose of this act that the board may pay any amount less~~  
13 ~~than the amount specified, and the board may refuse to make a payment of any amount~~  
14 ~~in any case in any or all of the classes enumerated in this act. Further, the board may use~~  
15 ~~monies from the fund to award scholarships to dependent children of officers who are~~  
16 ~~either killed while in the performance of their duties or who are rendered totally~~  
17 ~~disabled as a result of an injury received while in the performance of their duties. The~~  
18 ~~maximum scholarship amount shall be two thousand five hundred dollars (\$2,500) per~~  
19 ~~child. families, under the following terms and conditions:~~

20 (1) If a law enforcement officer is killed while in the actual performance  
21 of the officer's duties, then the Board may pay from the Fund the  
22 amount of ten thousand dollars (\$10,000) as a death benefit to the  
23 surviving spouse of the deceased officer. If the law enforcement  
24 officer is not married at the time of death, the Board may pay the death  
25 benefit to the nearest dependent next of kin of the deceased.

26 (2) If the law enforcement officer is permanently and totally physically  
27 disabled due to a physical injury received in the actual performance of  
28 the officer's duties, then the Board may pay from the Fund to the law  
29 enforcement officer the amount of ten thousand dollars (\$10,000). In  
30 the event the law enforcement officer is temporarily and totally  
31 physically disabled due to a physical injury received in the  
32 performance of the officer's duties, then the Board may pay from the  
33 Fund to the law enforcement officer a disability supplement of five  
34 hundred dollars (\$500.00) a month during the time that the officer is  
35 temporarily and totally disabled up to a maximum of ten thousand  
36 dollars (\$10,000). In any event, a temporarily or permanently  
37 physically disabled law enforcement officer shall not receive more  
38 than that ten thousand dollars (\$10,000).

39 (3) If a law enforcement officer is killed while in the actual performance  
40 of the officer's duties or is permanently and totally disabled, then the  
41 Board may award college scholarships to the officer's children up to a  
42 maximum amount of ten thousand dollars (\$10,000). Such  
43 scholarships may be awarded if the child is between the ages of 17 and

1                   22 and has been accepted or is attending a fully accredited college or  
2                   university.

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

13           ~~Sec. 7. Any person or officer of Court covered by the provisions of this act who shall~~  
14 ~~fail to comply with the provisions of this act and make proper accounting and~~  
15 ~~remittance to the Treasurer designated by the Board, or to the Secretary, funds collected~~  
16 ~~under and by virtue of this act, as provided herein, shall be guilty of a misdemeanor,~~  
17 ~~and, upon conviction, shall be fined or imprisoned, in the discretion of the Court.~~

18           Sec. 8. All laws and clauses of laws in conflict with this act are hereby repealed, and  
19 if any section hereof be decided by the Courts to be unconstitutional or invalid, the same  
20 shall not affect the validity of this act as a whole or any part thereof, other than the part  
21 decided to be unconstitutional or invalid.

22           Sec. 9. This act shall be in force and effect from and after the first day of June, one  
23 thousand nine hundred and thirty-one, but disbursement of funds in accordance with the  
24 act, except for necessary expenses of administration, and organization, shall not  
25 commence until the first day of December, one thousand nine hundred and thirty-one."

26           **SECTION 3.** This act becomes effective July 1, 2003.