

Regular Session, 2012

HOUSE BILL NO. 932

BY REPRESENTATIVE ANDERS

LAW ENFORCE/OFFICERS: Provides with respect to financial security for survivors of certain law enforcement officers

1 AN ACT

2 To amend and reenact R.S. 33:1947(A) and to enact R.S. 33:2201(F), relative to law
3 enforcement; to provide for a member of the Law Enforcement Officers and
4 Firemen's Survivor Benefit Review Board; to provide with respect to the eligibility
5 of the surviving spouses and children of certain deceased law enforcement officials
6 to receive benefits; to authorize that benefits may be paid if certain officers were in
7 the course of traveling at the time of death; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1947(A) is hereby amended and reenacted and R.S. 33:2201(F)
10 is hereby enacted to read as follows:

11 §1947. Law Enforcement Officers and Firemen's Survivor Benefit Review Board;
12 payment of claims

13 A. There is hereby created, within the Department of Justice, the Law
14 Enforcement Officers and Firemen's Survivor Benefit Review Board, hereinafter
15 referred to as the "board", which shall consist of the attorney general, the legislative
16 auditor, and the state risk manager or their named designees. The board shall also
17 include an active (POST) certified peace officer as defined in R.S. 40:2402, to be
18 appointed by the governor. The board shall hear and decide by unanimous vote all
19 claims for survivor benefits within sixty days after documentation is received. The
20 board may request any information necessary to make a determination of eligibility

for survivor benefits. Nothing in this Section shall prevent the board from initiating proceedings before being notified by the employing authority.

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§2201. Financial security for surviving spouses and children of law enforcement officers in certain cases

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F. In addition to the provisions of Subsection A of this Section, the surviving spouse or child of a law enforcement officer who is a commissioned law enforcement officer and who is certified by the Council on Peace Officers Standards and Training at the time of his death shall be entitled to the payments provided for in Paragraph (C)(1) of this Section, if either of the following occur:

(1) The officer was traveling to or from a public safety emergency or was responding to a request for law enforcement assistance regarding the health, safety, or welfare of the public.

(2) The officer was traveling to or from his residence and his authorized work area while using a law enforcement vehicle provided by his employing agency.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Section 3. The provisions of this Act shall apply to any death of a commissioned law enforcement officer certified by the Council on Peace Officers Standards and Training which occurs on or after January 1, 2011.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Anders

HB No. 932

Abstract: Provides with respect to financial security for survivors of certain law enforcement officers and membership of the Law Enforcement Officers and Firemen's Survivor Benefit Review Board.

Present law provides for the creation of the Law Enforcement Officers and Firemen's Survivor Benefit Review Board within the Dept. of Justice, and its members, which consist of the attorney general, the legislative auditor, and the state risk manager or their named designees.

Proposed law retains present law and adds an active (POST) certified peace officer to be appointed by the governor as a member of the board.

Present law requires the board to hear and decide by unanimous vote all claims for survivor benefits within 60 days after documentation is received and authorizes the board to request any information that may be necessary to make a determination of eligibility for survivor benefits.

Proposed law retains present law.

Present law provides for the financial security of surviving spouses and dependent children of law enforcement officers where such officers suffer death as a result of any injury arising out of and in the course of the performance of his official duties as such officer, or arising out of any activity, while on or off duty, in the protection of life or property.

Proposed law retains present law.

Present law provides that, in certain cases, the sum of \$250,000 shall be paid to the surviving spouse of each officer or, if not survived by a spouse, the surviving child or children or, if not survived by a spouse nor a child or children, the named beneficiary listed on the officer's beneficiary designation form or, if there is no designation form at the time of the officer's death, and no surviving spouse nor a child or children, then to the officer's estate. Each officer shall complete a beneficiary designation form. In addition, if the officer is survived by a dependent child or children, the sum shall be paid for each of the dependent children, such sums to be paid to the duly appointed and qualified tutor or the legal representative of the child or children.

Proposed law retains present law.

Proposed law provides that the surviving spouse or child of a law enforcement officer who is a commissioned law enforcement officer and who is POST certified at the time of his death shall be entitled to the payments provided for in present law, if either of the following occur:

- (1) The officer was traveling to or from a public safety emergency or was responding to a request for law enforcement assistance regarding the health, safety, or welfare of the public.
- (2) The officer was traveling to or from his residence and his authorized work area while using a law enforcement vehicle provided by his employing agency.

Proposed law provides for retroactive application to any death of a POST certified commissioned law enforcement officer who died on or after Jan. 1, 2011.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:1947(A); Adds R.S. 33:2201(F))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Added an active (POST) certified peace officer, to be appointed by the governor, as a member of the Law Enforcement Officers and Firemen's Survivor Benefit Review Board.