

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1935  
Committee Substitute Favorable 6/9/10

Short Title: Mecklenburg Law Enforce. Cap Upped/Stipend.

(Local)

Sponsors:

Referred to:

May 25, 2010

A BILL TO BE ENTITLED

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



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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.

- 10 (4) If a law enforcement officer is killed while in the actual performance of the  
11 officer's duties, and that officer is the parent or legal guardian of a minor  
12 child, then the Board may pay a one-hundred-dollar (\$100.00) stipend each  
13 year on the anniversary of the officer's death to each minor child until each  
14 minor child reaches 18 years of age.

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

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