Regular Session, 2011

SENATE BILL NO. 271   (Substitute of Senate Bill No. 229 by Senator Marionneaux)

BY SENATORS MARIONNEAUX, ALARIO, CHEEK, DONAHUE, ERDEY, JACKSON, LAFLEUR, LONG, MICHOT, MURRAY AND WALSWORTH

LAW ENFORCEMENT. Provides benefits for the surviving spouse and children of a state employee who suffers death while conducting an investigation, serving a subpoena, or collecting evidence concerning a possible violation of state law in certain cases. (gov sig)

1   AN ACT

2   To enact R.S. 33:2201(B)(20), relative to law enforcement; to include state employees

3   engaged in an investigation, serving a subpoena, or collecting evidence of a possible

4   violation of state law as law enforcement officers for whom certain benefits are

5   provided to surviving spouses and children in certain cases; and to provide for

6   related matters.

7   Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 33:2201(B)(20) is hereby enacted to read as follows:

9   §2201. Financial security for surviving spouses and children of law enforcement

10   officers in certain cases

11   *   *   *

12   B. Law enforcement officers, within the meaning of this Section, shall

13   include:

14   *   *   *

15   **<u>(20) On and after January 1, 2011, all state employees conducting</u>**

16   **<u>investigations, serving subpoenas, or collecting evidence concerning the affairs</u>**

17   **<u>of a person upon a reasonable belief that the person has engaged in, or is</u>**

1   **engaging in, an act or practice that violates state law.**

2   *   *   *

3   Section 2. This Act shall become effective upon signature by the governor or, if not

4   signed by the governor, upon expiration of the time for bills to become law without signature

5   by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

6   vetoed by the governor and subsequently approved by the legislature, this Act shall become

7   effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

Present law provides that when a law enforcement officer suffers 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 his capacity as a law enforcement officer, in the protection of life or property, $250,000 shall be paid to the surviving spouse of each officer or, if not survived by a spouse, to the surviving child or children or, if not survived by a spouse nor a child or children, to 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, to the officer's estate. Provides that in addition, if the officer is survived by a dependent child or children, $25,000 shall be paid for each dependent child, to be paid to the duly appointed and qualified tutor or the legal representative of the child or children. Provides that payment shall be made by the state risk manager out of the Self-Insurance Fund.

Present law provides that "law enforcement officers" includes:

(1)   All sheriffs and deputy sheriffs employed on a full time basis.

(2)   All members of the state police thus employed.

(3)   All municipal police officers employed on a full-time basis.

(4)   All enforcement personnel of the Louisiana Wildlife and Fisheries Commission.

(5)   All state probation and parole officers, including juvenile probation and parole officers.

(6)   All security personnel and cottage parents working at state adult and juvenile correctional institutions.

(7)   Any police cadet of a political subdivision, when such cadet has been assigned and is performing police duties, even though said cadet has not been commissioned as a police officer.

(8)   All correctional officers and cottage parents employed at any facility under the jurisdiction of the Department of Corrections.

(9)   All members of the Capitol Police.

Coding: Words which are ~~struck through~~ are deletions from existing law;
words **in boldface type and underscored** are additions.

(10)   All reserve or auxiliary law enforcement officers.

(11)   All full-time harbor police of any port, harbor and/or terminal district.

(12)   All members of the Louisiana National Guard who are killed in the line of duty while on active state duty with the National Guard providing assistance during a period of civil disturbance or natural disaster or imminent danger thereof.

(13)   Commissioned security officers of the Department of Public Safety.

(14)   All commissioned state park wardens.

(15)   All investigators of the investigation division of the Louisiana Department of Justice and the Elections Compliance Unit of the Louisiana Department of State.

(16)   All city marshals and city constables and their deputies and all constables of justice of the peace courts and their deputies.

(17)   Crescent City Connection police appointed by DOTD.

(18)   University and college police officers at state universities and colleges.

(19)   Personnel who are employed as police officers by educational institutions which are members of the Louisiana Association of Independent Colleges and Universities.

Proposed law retains present law and includes as "law enforcement officers", on and after January 1, 2011, all state employees conducting investigations, serving subpoenas, or collecting evidence concerning the affairs of a person upon a reasonable belief that the person has engaged in, or is engaging in, an act or practice that violates state law.

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

(Adds R.S. 33:2201(B)(20))

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