

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 1137  
HOUSE BILL 1224

AN ACT TO CREATE A LAW ENFORCEMENT OFFICERS EMERGENCY FUND  
FOR THE LENOIR COUNTY PEACE OFFICERS BENEFIT ASSOCIATION.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as the Lenoir County Peace Officers Benefit Association Act.

Sec. 2. Law enforcement officers shall be deemed to include all peace officers in Lenoir County, or subdivisions thereof, including all cities, towns, and members of the State Highway Patrol, who are required by the terms of their employment or election to give full time to the preservation of public order, the protection of life and property and the detection of crime and all special officers or citizens who may be killed or injured while aiding or assisting regular peace officers or while acting as such officers; provided, that any person who has served as a peace officer in Lenoir County for a period of twenty years and was a member of the Lenoir County Peace Officers Benefit Association on January 1, 1961, or has become a member subsequent to that date, or becomes a member within sixty days after the effective date of this Act, and maintains his membership in good standing, shall be deemed to be a peace officer within the meaning of this Act and shall be entitled to the benefits of this Act.

Sec. 3. An association to be known as the Lenoir County Peace Officers Benefit Association shall be formed, the membership of which shall include all peace officers of Lenoir County and the members of the State Highway Patrol serving in Lenoir County, as defined in Section 2 of this Act.

Sec. 4. The officers of this Association shall consist of a president, vice president, secretary-treasurer, and an executive board.

Sec. 5. The president shall preside at all meetings and shall be a member of the executive board; the vice president shall preside in the absence of the president; and should neither be present, then any member of the executive board may preside, The secretary-treasurer shall keep a complete and accurate record of all meetings of the Association and meetings of the executive board and shall perform such other duties as are set forth in this Act.

Sec. 6. Peace officers who are entitled to membership in the Association, in order to be entitled to the benefits provided by this Act, shall make application on blanks to be furnished for that purpose, giving such information as may be required by said Association, and shall pay an initiation fee and annual dues to be fixed by the executive board; however, such initiation fee shall not exceed five dollars (\$5.00) and

such dues shall not exceed twelve dollars (\$12.00) per annum. The provisions of this Section shall not apply to special officers or citizens who have not had a reasonable time from the date they were appointed, summoned, or deputized to register with the Association; provided such registration shall be made within thirty days from the time of their appointment. The executive board shall require that the annual dues be paid by all officers before they shall become a member of the Association, and no officer shall be entitled to the benefits provided by this Act unless such officer has paid the membership dues required. Any member of the Association who has not paid his dues on or before March 1 of each year, said dues being due and payable on February 1 of each year, shall be suspended and if he wishes to rejoin, must apply as a new member; provided, he shall not be eligible for benefits for any illness or injury incurred during the period of suspension.

Sec. 7. The officers of the Lenoir County Peace Officers Benefit Association shall be governed by an executive board consisting of the following members: the Sheriff of Lenoir County; the Sergeant of the State Highway Patrol serving Lenoir County; the Chief of Police of Kinston; the Chief of Police of Pink Hill; and the Chief of Police of LaGrange. Each member of the executive board shall give sufficient surety bond in an amount not less than the amount of funds on hand each year, the premiums of such bonds to be paid from the funds of the Association.

At its first meeting the said board shall organize and elect a chairman. The board shall meet in January of each year thereafter and elect a chairman, and such other meetings as may be necessary shall be held on the call of the chairman or any two members. A majority of the executive board shall constitute a quorum for the transaction of business. The board shall have authority to make such rules, regulations, and provision as may be necessary to the proper administration of this Act.

Sec. 8. In all criminal cases in Lenoir County, North Carolina, brought in all courts wherein the defendant enters a plea of guilty, or shall be adjudged guilty by the court, or found guilty by a jury, wherein costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar (\$1.00) to be known as the Peace Officers Emergency Fee, which shall be collected as other costs in criminal cases are collected by a justice of the peace, clerk, or other officer of the court authorized to receive costs. Provided, however, that such officers emergency fee shall not be taxed in the cost in cases where the cost is paid by the county or in cases of conviction or plea of guilty for the violation of a city ordinance, or in cases instituted under Article 40, Chapter 14 of the General Statutes, relating to the protection of the family. Such funds shall be turned over to the secretary-treasurer of the board not later than the tenth day of each month with a fully itemized report of the cases in which collected. Any justice of the peace, clerk, or officer of the court who wilfully fails to make such report within such time, or who knowingly and wilfully fails to report any item taxed or collected whether or not the same shall be legally taxable or collectible, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Donations and contributions to the Lenoir County Peace Officers Benefit Association may be received from any source approved by the executive board.

Sec. 9. All money paid into the Lenoir County Peace Officers Benefit Fund shall be used for the relief of any member of the Association who may be injured or rendered sick by disease contracted in the actual discharge of his duty as a law enforcement officer, and for the relief of his widow, dependent children or dependent parents, in the event of his death in the actual discharge of his duties. The widow of any peace officer killed in the line of duty, who at the time of his death was a member in good standing of the Association, shall be entitled to one half of the sickness, disability, and disease benefits provided in this Act, so long as she does not remarry.

Every person entitled to benefits under this Section shall make application to the executive board. The board, after requiring a thorough medical examination, or carefully reviewing the medical findings of a competent physician or physicians and carefully investigating each such application, shall determine what benefits, if any, shall be paid. The decision of the executive board shall be final and conclusive as to what persons are entitled to benefits and as to the amount of the benefits to be paid, and the executive board shall have power to increase or decrease monthly benefits at any time. No action at law or suit in equity shall be maintained against the Association to enforce any claims or recover any benefit; provided, that if any officer or committee of the Association shall omit or refuse to perform any duty imposed upon him or them, nothing herein contained shall be construed to prevent any proceeding against such officer or committee to compel the performance of such duty; provided, further, that benefits shall not be denied to a person entitled to membership in this Association unless he shall have had thirty days from the time of his appointment, election, summons, or deputization in which to apply for such membership.

Sec. 10. The executive board shall appoint a treasurer of the Fund who shall also serve as secretary to the Board. Such secretary-treasurer shall give good and sufficient surety bond, in an amount not less than the amount of the funds on hand, and the premium of such bond shall be paid from the funds of the Association. The secretary-treasurer shall have all records and accounts of the funds audited by a licensed certified public accountant on or before July 1 of each year, and the accountant shall be paid from the funds of the Association.

The secretary-treasurer shall have the duty of collecting all funds due the Association and shall make annual reports as of July 1 of each year to the executive board, showing in detail the amount collected from each court and from all other sources, and the amounts expended and for what purposes and to whom paid, which report shall also show the amount of funds on hand and the investments made. A copy of such report shall be sent to the Clerk of the Superior Court and to each member of the legislative delegation from Lenoir County.

The accumulated funds of the Association may be invested by the secretary-treasurer upon the authorization of the executive board in bonds of Lenoir County, State of North Carolina and the United States Government, and other securities as approved by law for investments by a fiduciary. Interest and other income received from the investments, together with any other receipts, shall be added to the principal of said funds.

Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board and the secretary-treasurer. Prior to making any expenditure from the Fund of the Association, it shall be approved by a majority of the executive board and shall then be only for the purposes set forth herein.

Sec. 11. Members of the executive board shall serve without compensation. Reasonable office and stationery supplies and medical advisory fees may be paid for out of the funds of the Association. The secretary-treasurer of the Association shall, at the discretion of the executive board, receive a monthly salary which shall also be paid from funds of the Association.

Sec. 12. The executive board shall have authority to insure the members of the Lenoir County Peace Officers Benefit Association against death or disability, or both, during the term of their employment, term of office, or membership in the Association, under forms of insurance known as group insurance, or other insurance, and the premiums on such insurance shall be payable out of the funds of the Association.

Sec. 13. The current or accumulated funds of the Association shall not be subject to State, county, or municipal taxation.

Sec. 14. All laws and clauses of laws are hereby repealed and if any part hereof be decided by the court to be invalid, the same shall not affect the validity of this Act as a whole or any other part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 21st day of June, 1961.