

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 1132
HOUSE BILL 1215

AN ACT TO CREATE A LAW ENFORCEMENT OFFICERS RELIEF FUND FOR
THE PEACE OFFICERS ASSOCIATION OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. This Act shall be known and may be cited as "The Harnett County Peace Officers Relief Act".

Sec. 2. Law enforcement officers shall be deemed to include all salaried full-time officers residing in Harnett County who are required by the terms of their office or appointment to give full time to the preservation of public order, the protection of life and property, and the detection of crime, including all State Law Enforcement Officers and all special officers of citizens who may be killed or injured while aiding or assisting regular peace officers or while acting as such officers, and members of the State Highway Patrol stationed in Harnett County.

Sec. 3. The Harnett County Peace Officers Association is hereby created, and the membership of the Association includes all eligible law enforcement officers who meet the requirements of this Section.

Peace officers declared eligible, under Section 2 of this Act, by the Executive Board and who are entitled to membership in the Association 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, which shall be paid into the Relief Fund hereinafter referred to.

Sec. 4. The officers of the Harnett County Peace Officers Relief Association shall be governed by an Executive Board -consisting of the following members: The Chairman of the County Board of Commissioners of Harnett County, the Mayor, City of Dunn and Lillington, the Sheriff of Harnett County, the officer in charge of the State Highway Patrol of Harnett County, Special Agent of State Bureau of Investigation assigned to Harnett County and the Chief of Police of the incorporated towns of Harnett County.

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 provisions as may be necessary to the proper administration of this Act.

Sec. 5. In all criminal cases in Harnett County, North Carolina, brought in all courts wherein defendant enters a plea of guilty or a plea of nolo contendere, or shall be adjudged guilty by the court or found guilty by a jury, wherein the 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 Harnett County Peace Officers Relief Fund, and shall be collected as other costs in the criminal cases are collected by the justice of the peace, clerk or officer of the court authorized to receive costs; provided, however, that such Officers Relief Fund shall not be taxed in the costs in cases where the costs are paid by the County or in cases instituted under Article 40, Chapter 14 of the General Statutes relating to protection of the family.

Such funds shall be turned over to the County Treasurer of Harnett County 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 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 Harnett County Peace Officers Relief Fund may be received from any source approved by the Executive Board.

Sec. 6. The money paid into the Harnett County Peace Officers Relief Fund of Harnett County 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 duty.

Every person entitled to benefits under this Section shall make application to the Executive Board and the Executive Board, after requiring a thorough medical examination or carefully reviewing the medical findings of a competent physician or physicians, and after carefully investigating each such application, shall determine what benefits, if any, shall be paid; provided, that not more than six hundred dollars (\$600.00) shall be paid to any law enforcement officer or his dependents in any twelve (12) months period, and that no action at law or suit in equity shall be maintained against the Association to enforce any claim or recover any benefit; provided, further, that benefits shall not be denied to a person entitled to membership in the Association unless he shall have thirty (30) days from the time of his appointment, election, summons, or deputization in which to apply for membership.

Sec. 7. The County Treasurer of Harnett County shall be the Treasurer of the Fund. He shall give good and sufficient bond and the cost of the bond shall be paid from the funds of the Association.

Funds in the Relief Fund may be invested by the Executive Board in bonds of Harnett County, the State of North Carolina, and the United States Government, or deposited in any bank insured by the Federal Deposit Insurance Corporation,

respectively, to the extent of the insurance coverage with respect to a deposit in any such bank or association.

Expenditures shall only be made upon vouchers properly signed by the Chairman of the Executive Board and the Treasurer.

Sec. 8. 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.

Sec. 9. The Executive Board shall have authority to insure the members of the Harnett County Peace Officers Relief Fund against death or disability, or both, during the term of their employment, under forms of insurance known as group or other insurance, and the premiums on such insurance shall be payable out of the funds of the Association.

Sec. 10. The purpose of this Act is to provide certain death, disability and illness benefits for law enforcement officers in Harnett County.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be held by a court of competent jurisdiction to be invalid or unconstitutional, 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. 12. This Act shall be in full force and effect on and after July 1, 1961.

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