

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 920
HOUSE BILL 1066

AN ACT TO CREATE A LAW ENFORCEMENT OFFICERS' RELIEF FUND FOR
THE MOORE COUNTY LAW ENFORCEMENT OFFICERS ASSOCIATION.

The General Assembly of North Carolina do enact:

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

Sec. 2. "Peace Officers" as used in this Act shall be deemed to include all law enforcement officers in Moore County, who are duly sworn as peace officers in the county or any municipality within the aforesaid county or of the State of North Carolina who are regularly and duly stationed and assigned for duty in said county, and devote fifty per cent, or more, of their time to active law enforcement.

No person shall continue to be a member of the Association authorized to administer this Act who has resigned, been removed from office, or who has otherwise ceased to be a law enforcement officer in Moore County or the municipalities therein, or who, if a State officer, is no longer regularly and duly stationed and assigned for duty in said county. In the event of a question arising as to who is an active peace officer, the Board of Governors of Moore County Law Enforcement Officers' Association shall decide the eligibility of any applicant or member.

Sec. 3. The Moore County Law Enforcement Officers' Association now in existence shall have the authority to administer the provisions of this Act and shall include in its membership all peace officers who meet the requirements of Section 2 of this Act.

Peace Officers 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 Board of Governors; 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. For the purpose of determining the recipients of benefits under this Act and the amounts thereof to be disbursed, and for formulating and making such rules and regulations as may be essential for the equitable and impartial distribution of such benefits to and among persons entitled to such benefits, the Board of Governors of the Moore County Law Enforcement Officers' Association is hereby authorized and empowered for that purpose and within thirty days after the ratification of this Act the members of the Moore County Law Enforcement Officers' Association shall meet at a

place and time designated by the president thereof and authorize the said Board of Governors to proceed in accordance with authority contained in this Act.

Notice of the adoption by the Board of Governors of such rules and regulations as may be deemed necessary, and all amendments thereto, shall be made promptly to all members of the Association.

There shall be kept in the office of the said Board by the secretary-treasurer, records which shall give a complete history and record of all actions of the Board in adopting rules and regulations. All records, papers, and other data shall be carefully preserved and turned over to the succeeding officers or Board members.

Sec. 5. From and after the first day of January, 1962, in each criminal case finally disposed of in the Criminal Courts of Moore County, wherein the defendant is convicted or enters a plea of nolo contendere and is assessed with the payment of costs, or where the costs are assessed against the prosecuting witness, there shall be assessed against said convicted person or against such prosecuting witness as the case may be, one dollar (\$1.00) additional cost to be collected as other costs are collected in criminal cases by justices of the peace, clerks, or other officers of court authorized to receive costs; provided, that the additional cost of one dollar (\$1.00) herein provided for shall not be assessed in cases of abandonment and non-support.

Such costs collected for the Moore County Law Enforcement Officers' Association shall be turned over to the sheriff of the county not later than the tenth day of each month, with a detailed report giving the name of the defendant in each case in which the amount was collected. The sheriff shall, within ten days, remit the same to the secretary-treasurer of the Association, together with the itemized report received by him.

Any justice of the peace, sheriff, clerk or officer of the court who wilfully fails to make such report within such time, or knowingly fails to report any item taxed and collected as herein provided, shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, within the discretion of the court.

Sec. 6. The Board of Governors herein referred to may take by gift, grant, devise, or bequest, any money, real or personal property, or other things of value and hold or invest these things for the uses of said Association in accordance with the purposes of this Act.

And the Board of Governors shall have the authority to invest initiation fees and annual dues, not immediately needed, in securities of the United States Government, of the State of North Carolina, or of any of the several counties or municipalities of the State of North Carolina, or in certificates of deposit in any bank or trust company authorized to do business in North Carolina in which the deposits are guaranteed by the Federal Deposit Insurance Corporation not to exceed the sum of ten thousand dollars (\$10,000.00) in any one bank or trust company, or in the shares of Federal Savings and Loan Associations and State-chartered Savings and Loan Associations not to exceed ten thousand dollars (\$10,000.00) in any one of such associations; provided, that no such funds may be so invested in a State-chartered Savings and Loan Association unless guaranteed by the Federal Savings and Loan Insurance Corporation.

Sec. 7. The money paid into Moore County Law Enforcement Officers' Association shall be used for the purpose of paying the premiums on group insurance policies purchased pursuant to the provisions of this Act; for the training and education of law enforcement officers in Moore County; and for the administration and enforcement of this Act.

Sec. 8. The Secretary-Treasurer of the Moore County Law Enforcement Officers' Association shall be elected annually by the members and shall be a member of the Board at the time of his election. He shall give a good and sufficient bond, and the cost of the bond shall be paid from the funds of the Association.

Sec. 9. Members of the Board of Governors, with the exception of the secretary-treasurer, shall serve without compensation. Necessary office supplies and medical advisory fees, and compensation of the secretary-treasurer as the Board shall determine, and any other administrative expenses which the Board may deem necessary may be paid out of the funds of the Association.

Sec. 10. The Board of Governors shall use the funds derived under this Act for the purpose of purchasing group insurance for the members of the Moore County Law Enforcement Officers' Association against death or disability, or both, during the terms of their membership under forms of insurance known as group insurance, and for hospital and medical care insurance, during the terms of their membership under forms of insurance, known as group insurance.

At the end of each calendar year of the Association, the Association shall refund to Moore County the surplus funds of the Association (not including initiation fees and annual dues) which the Board of Governors shall determine not to be needed for the purposes of this Act. The funds thus returned shall be placed in the general fund of the county.

Sec. 11. The Secretary-Treasurer and Board of Governors of the Association shall make a report of all receipts and disbursements of the preceding year at each regular annual meeting of membership of the Association, and shall send a copy of such report, together with any refund to be made, to the Board of Commissioners of the County. The report shall be entered by the county commissioners receiving the same upon its official minutes.

Sec. 12. The membership of the Moore County Law Enforcement Officers' Association, or the receiving of benefits therefrom, because of insurance purchased as provided in this Act, shall not be construed to be in conflict with or to prevent membership in either the Local Government Employees Retirement System, the Law Enforcement Officers' Benefit and Retirement Fund, or the Teachers and State Employees Retirement System.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed, and if any Section hereof be decided by the court to be invalid or unconstitutional, the same shall not affect the validity of this Act as a whole or any part thereof, other than the part decided to be unconstitutional or invalid.

Sec. 14. This Act shall be in full force and effect from and after the first day of January, 1962.

In the General Assembly read three times and ratified, this the 16th day of June, 1961.