

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 949
HOUSE BILL 1213

AN ACT TO CREATE A PEACE OFFICERS' ASSOCIATION FOR THE PURPOSE
OF PROMOTING BETTER LAW ENFORCEMENT IN BURKE AND
CALDWELL COUNTIES AND TO PROVIDE FURTHER EDUCATION AND
RELIEF OF LOCAL PEACE OFFICERS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. Definitions. Peace officers shall be deemed to include peace officers of the Counties of Burke and Caldwell including the incorporated towns and cities therein, and members of the State Highway Patrol, who are required by the terms of their employment or election to give of their time to the preservation of public order, the protection of life and property, and the detection of crime; all officers employed by the State Board of Alcoholic Control who reside in and perform all or a part of their official duties in said counties; all Wildlife Protectors who reside in and perform all or a part of their official duties in said counties; and all special officers or citizens who are injured or killed while aiding or assisting regular peace officers or while acting as such peace officers. The above definition shall include any retired law enforcement officer as above defined, provided such retired officer shall have seen as much as fifteen (15) years active duty as a peace officer.

Sec. 2. Creating of Association. An association to be known and designated as the Burke and Caldwell County Peace Officers' Protective and Education Association shall be formed, the membership of which shall include all peace officers in said counties and the members of the State Highway Patrol as defined above.

Sec. 3. Registration. Peace officers who are entitled to membership in the association, in order to share in the benefits provided for in this Act, shall make application for membership in the association 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, hereinafter provided for; provided, however, that such initiation fee shall not exceed five dollars (\$5.00) and such dues shall not exceed three dollars (\$3.00) per month nor thirty-six dollars (\$36.00) per annum. Provided further, that 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 said association; and provided further, that said reasonable time shall not exceed thirty (30) days.

Sec. 4. Executive Board Created. The Executive Board shall consist of the County Attorney of one of the above-mentioned counties, the Chairman of the Board of County Commissioners of Burke and Caldwell Counties and the President and Treasurer of the County Peace Officers' Protective and Education Association of Burke and Caldwell Counties, which Board shall carry out the duties imposed upon it by this Act. The said Board shall elect a Chairman at its first meeting in each year, and a majority of the members of said Executive Board shall constitute a quorum for the transaction of business. Unless otherwise provided in the bylaws of the association, the Executive Board shall determine its own method of procedure and manner of conducting business. The duties herein imposed upon the Chairman of the Board of County Commissioners of Burke and Caldwell Counties shall be ex officio duties.

Sec. 5. Source of Revenue. In all criminal cases in the above-mentioned counties brought in all courts wherein the defendant enters a plea of nolo contendere, a plea of guilty, 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 fifty cents (50¢) to be known as the Peace Officers' Emergency and Education Fee, and shall be collected as other costs in criminal cases are collected, by the justice of the peace, clerk, or other officer of the court authorized to receive costs; such funds so received shall be accounted for monthly, a copy of which report shall be sent to the Chairman of the Executive Board, and such funds turned over to the Treasurer of the Burke and Caldwell County Peace Officers' Protective and Education Association to be held by him and securely kept for the purpose of the association. Provided, however, that such officers' emergency fee shall not be taxed in the costs in cases where the cost is paid by the county. Donations and contributions to said Burke and Caldwell County Peace Officers' Protective and Education Association may be received from any source approved by the Executive Board.

Sec. 6. Application of Fund. The money so paid into the hands of the Treasurer of the Burke and Caldwell County Peace Officers' Protective and Education Association shall be known as the Burke and Caldwell County Peace Officers' Relief and Education Fund, and shall be used for the further education and training of members in police duties and as a fund for the relief of members of said association who may be injured or rendered sick by disease contracted while a member of the association, and for the relief of their widows and children and if there be no widows and children, then dependent mothers of such officers killed or dying from injuries or disease so contracted while a member of the association and as a pension fund for peace officers grown old in line of duty, and also for the benefit of special officers or citizens injured as such peace officers. All persons entitled to benefits under this Section shall make application to the Executive Board, above provided for and said Executive Board shall investigate each such application and shall determine what benefits 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 said Executive Board shall have power to increase or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any

claim or recover any benefit under this Article or under the constitution and bylaws of said association; but if any officer or committee of said association omit or refuse to perform any duty imposed upon him or them, nothing therein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

Sec. 7. Duties of Secretary-Treasurer. A Secretary-Treasurer shall be elected by the Executive Board at its first meeting in each year. The Secretary-Treasurer shall give good and sufficient surety in a sum not less than the amount of money on hand, said bond may be increased or decreased from time to time to the ultimate end that said bond shall be sufficient to cover all monies on hand, and such bond to be paid for out of the funds of the association, and shall make annual reports to the Executive Board showing the total amount of money in his hands at the time of the filing of the report, and also an account of receipts and expenditures since his last report. The accumulated funds of the association may be invested in bonds and securities unanimously approved by the Executive Board. All interest and other income received from investment or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the Chairman of the Executive Board and the Secretary-Treasurer.

Sec. 8. Salaries and Expenses. All officers and members of the Executive Board shall serve without compensation, and no salaries shall be paid except an appropriation of five dollars (\$5.00) per month for a Secretary-Treasurer who shall be appointed by the Executive Board. Necessary office and stationery supplies shall be paid for out of the funds of this association.

Sec. 9. Constitution and Bylaws. The Burke and Caldwell County Peace Officers' Protective and Education Association shall adopt a constitution and bylaws, to be approved by the Executive Board, suitable for carrying out the provisions and purposes of this Act. The Burke and Caldwell County Peace Officers' Protective and Education Association shall provide in the bylaws for the election of a President, Vice President, and such other officers, except for the Secretary-Treasurer, as may be needed for the administration of the association and shall have the authority to make suitable rules and regulations for the administration of this Act.

Sec. 10. Insurance on Members. The Executive Board shall have authority to insure the members of the Burke and Caldwell County Peace Officers' Protective and Education Association against death, or sickness, or disability, or any combination thereof under forms of insurance known as group insurance or other insurance and the premiums on such insurance to be payable out of the funds of the association.

Sec. 11. Funds Not Taxable. The current or accumulated funds of the association shall not be subject to State, county, or municipal taxation.

Sec. 12. Violation of Provisions of Act Misdemeanor. Any person, firm, or corporation guilty of violating any provisions of this Act shall be guilty of a misdemeanor and shall be fined or imprisoned or both within the discretion of the court.

Sec. 13. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 14. 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 16th day of June, 1961.