

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1228

Short Title: Probation/Parole Ret.

(Public)

Sponsors: Representatives Hardaway; Burke, Hackney, Hall, Wicker, H. Hunter, Michaux, and Jeralds.

Referred to: Pensions and Retirement.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE LAW ENFORCEMENT OFFICER RETIREMENT BENEFITS FOR PROBATION/PAROLE OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-1(11b) reads as rewritten:

"(11b) 'Law-Enforcement Officer' means a full-time paid employee of an employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the State of North Carolina or serving civil processes, and who possesses the power of arrest by virtue of an oath administered under the authority of the State. Notwithstanding the foregoing, the term 'law-enforcement officer' also means probation/parole officers and employees of the Department of Correction who possess the power of arrest by virtue of an oath administered under the authority of the State."

Sec. 2. G.S. 143-166.30(a) reads as rewritten:

"(a) Definitions. – The following words and phrases as used in this Article, unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) 'Beneficiary' means any person in receipt of a retirement allowance or other benefit from a Retirement System.
- (2) 'Creditable service' means membership service plus prior service plus military service allowable with a Retirement System.

- 1 (3) 'Employer' means the State of North Carolina and its departments,
2 agencies and institutions.
- 3 (4) 'Law-enforcement officer' means a full-time paid employee of an
4 employer who is actively serving in a position with assigned primary
5 duties and responsibilities for prevention and detection of crime or the
6 general enforcement of the criminal laws of the State or serving civil
7 processes, and who possesses the power of arrest by virtue of an oath
8 administered under the authority of the State. Notwithstanding the
9 foregoing, the term 'law-enforcement officer' also means
10 probation/parole officers and employees of the Department of
11 Correction who possess the power of arrest by virtue of an oath
12 administered under the authority of the State."
- 13 (5) 'Member' means an officer included in the membership of a retirement
14 system including former officers no longer employed who also elected
15 to leave their accumulated contributions on deposit with a Retirement
16 System.
- 17 (6) 'Officer' means a 'law-enforcement officer'.
- 18 (7) 'Participant' means an officer with an individual account with the
19 Supplemental Retirement Income Plan.
- 20 (8) 'Regular accumulated contributions' means the sum of all
21 contributions of a member made to the Retirement System, together
22 with regular interest thereon, pursuant to G.S. 143- 166 as the same
23 appeared prior to January 1, 1985.
- 24 (9) 'Retirement allowance' means annual payments for life payable in
25 monthly installments continuing until the death of a beneficiary.
- 26 (10) 'Law-Enforcement Officers' Retirement System' means the system
27 provided for under G.S. 143-166.
- 28 (11) 'Special annuity account accumulated contributions' means the sum of
29 all contributions of a member or an employer made to the Special
30 Annuity Accounts for Members of the Law- Enforcement Officers'
31 Retirement System, together with regular interest thereon, pursuant to
32 G.S. 143-166.03 as the same appeared prior to January 1, 1985.
- 33 (12) 'Special Annuity Accounts' means the supplemental defined
34 contribution provisions of the Law-Enforcement Officers' Retirement
35 System, provided for under G.S. 143-166.03 as the same appeared
36 prior to January 1, 1985.
- 37 (13) 'State' means the State of North Carolina.
- 38 (14) 'State Retirement System' means the Teachers' and State Employees'
39 Retirement System of North Carolina provided for under Article 1 of
40 Chapter 135 of the General Statutes.
- 41 (15) 'Supplemental Retirement Income Plan' means a plan created in
42 conformance with Section 401(a), 401(k), or any other section of the
43 Internal Revenue Code of 1954 as amended."
- 44 Sec. 3. This act shall become effective January 1, 1990.