

By: Representatives Capps, Foster

To: Appropriations

HOUSE BILL NO. 758

1 AN ACT TO PROVIDE FOR THE PAYMENT OF DEATH BENEFITS TO THE
2 SURVIVORS OF LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY;
3 TO CREATE THE LAW ENFORCEMENT OFFICERS BENEFITS CONTINGENCY FUND;
4 TO PROVIDE FOR THE ADMINISTRATION OF THE FUND; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. (1) Whenever used in this section, the term:

8 (a) "Employer" means a state board, commission,
9 department, division, bureau, agency, county, municipality or
10 other political subdivision of the state, which employs, appoints
11 or otherwise engages the services of law enforcement officers.

12 (b) "Law enforcement officer" means any lawfully sworn
13 officer or employee of the state or any political subdivision of
14 the state whose duties require such officer or employee to
15 investigate, pursue, apprehend, arrest, transport or maintain
16 custody of persons who are charged with, suspected of committing,
17 or convicted of a crime.

18 (c) "Fresh pursuit" means the pursuit of a person who
19 has committed or is reasonable suspected of having committed a
20 felony, misdemeanor, traffic infraction or violation of a county
21 or municipal ordinance. The term does not imply instant pursuit
22 but pursuit without unreasonable delay.

23 (2) (a) The sum of Twenty-five Thousand Dollars
24 (\$25,000.00) shall be paid as provided in this section when a law
25 enforcement officer, while engaged in the performance of the
26 officer's law enforcement duties, is accidentally killed or
27 receives accidental bodily injury which results in the loss of the

28 officer's life, provided that such killing is not the result of
29 suicide and that such bodily injury is not intentionally
30 self-inflicted.

31 (b) The sum of Twenty-five Thousand Dollars
32 (\$25,000.00) shall be paid as provided in this section if a law
33 enforcement officer is accidentally killed as specified in
34 subsection (2)(a) and the accidental death occurs as a result of
35 the officer's response to fresh pursuit or to the officer's
36 response to what is reasonably believed to be an emergency. This
37 sum is in addition to any sum provided for in subsection (2)(a).

38 (c) If a law enforcement officer, while engaged in the
39 performance of the officer's law enforcement duties, is unlawfully
40 and intentionally killed or dies as a result of such unlawful and
41 intentional act, the sum of Seventy-five Thousand Dollars
42 (\$75,000.00) shall be paid as provided in this section.

43 (d) Such payments, pursuant to the provisions of
44 subsection (2)(a) and (b), shall be made to the beneficiary
45 designated by such law enforcement officer in writing, signed by
46 the officer and delivered to the employer during the officer's
47 lifetime. If no such designation is made, then it shall be paid
48 to the officer's surviving child or children and spouse in equal
49 portions, and if there is no surviving child or spouse, then to
50 the officer's parent or parents. If a beneficiary is not
51 designated and there is no surviving child, spouse or parent, then
52 it shall be paid to the officer's estate.

53 (e) Such payments, pursuant to the provisions of
54 subsection (2)(a) and (b) are in addition to any workers'
55 compensation or pension benefits and are exempt from the claims
56 and demands of creditors of such law enforcement officer.

57 (f) If a full-time law enforcement officer who is
58 employed by a state agency is killed in the line of duty, the sum
59 of One Thousand Dollars (\$1,000.00) shall be paid, as provided for
60 in subsection (2)(d), toward the funeral and burial expenses of
61 such officer. Such benefits are in addition to any other benefits
62 which employee beneficiaries and dependents are entitled to under
63 the provisions of the Workers' Compensation Law or any other state
64 or federal statutes.

65 (3) The Law Enforcement Officers Benefits Contingency Fund
66 shall be established in the State Treasury by an initial
67 appropriation of Five Hundred Thousand Dollars (\$500,000.00) and
68 the Legislature shall make such additional appropriations as
69 needed to maintain a minimum balance of Five Hundred Thousand
70 Dollars (\$500,000.00) in said fund. Any interest accruing in the
71 fund shall remain in the fund. At the end of a fiscal year, any
72 funds remaining in the fund shall not lapse to the general fund
73 but shall remain in the fund.

74 (4) The Department of Public Safety shall adopt rules and
75 regulations necessary to implement and standardize the payment of
76 death benefits under this section and necessary to administer the
77 fund created by this act and to carry out the purposes of this
78 act. The Department of Public Safety shall be responsible for the
79 management of the death benefits fund and disbursement of death
80 benefits authorized under this section.

81 SECTION 2. This act shall take effect and be in force from
82 and after July 1, 1999.