

By: Representatives Capps, Foster, Myers,  
Eaton, Ishee, Taylor, Fleming, Holland,  
Mitchell

To: Appropriations

HOUSE BILL NO. 758  
(As Passed the House)

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 DEATH BENEFITS TRUST FUND;  
4 TO PROVIDE FOR THE ADMINISTRATION OF THE FUND BY THE DEPARTMENT OF  
5 PUBLIC SAFETY; AND FOR RELATED 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, or agency, or a county, municipality  
10 or other political subdivision of the state, which employs,  
11 appoints or otherwise engages the services of law enforcement  
12 officers.

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

19 (2) (a) The Department of Public Safety shall make a  
20 payment, as provided in this section, in an amount determined by  
21 the department, when a law enforcement officer, while engaged in  
22 the performance of the officer's law enforcement duties, is  
23 accidentally or intentionally killed or receives accidental or  
24 intentional bodily injury that results in the loss of the  
25 officer's life, provided that the killing is not the result of  
26 suicide and that the bodily injury is not intentionally  
27 self-inflicted.

28           (b) The payment provided for under paragraph (a) of  
29 this subsection shall be made to the beneficiary that was  
30 designated in writing by the law enforcement officer, signed by  
31 the officer and delivered to the employer during the officer's  
32 lifetime. If no such designation is made, then the payment shall  
33 be made to the officer's surviving child or children and spouse in  
34 equal portions, and if there is no surviving child or spouse, then  
35 to the officer's parent or parents. If a beneficiary is not  
36 designated and there is no surviving child, spouse or parent, then  
37 the payment shall be made to the officer's estate.

38           (c) The payment made under paragraph (a) of this  
39 subsection is in addition to any workers' compensation or pension  
40 benefits and is exempt from the claims and demands of creditors of  
41 the law enforcement officer.

42           (3) (a) There is established in the State Treasury a  
43 special fund to be known as the Law Enforcement Officers Death  
44 Benefits Trust Fund. The trust fund shall be funded by an initial  
45 appropriation of Five Hundred Thousand Dollars (\$500,000.00), and  
46 shall be comprised of any additional funds made available by the  
47 Legislature or by donation, contribution, gift or any other  
48 source.

49           (b) The principal of the trust fund shall remain  
50 inviolate and shall never be expended. Any interest earned on the  
51 principal may be expended to provide the payments provided for  
52 under paragraph (a) of this subsection. However, only the  
53 interest that has been earned through June 30 of any year may be  
54 expended during the subsequent fiscal year.

55           (c) The State Treasurer shall invest the monies of the  
56 trust fund in any of the investments authorized for the  
57 Mississippi Prepaid Affordable College Tuition Program under  
58 Section 37-155-9, and those investments shall be subject to the  
59 limitations prescribed by Section 37-155-9.

60           (d) Unexpended amounts remaining in the trust fund at

61 the end of the state fiscal year shall not lapse into the State  
62 General Fund, and any interest earned on amounts in the trust fund  
63 shall be deposited to the credit of the trust fund.

64 (4) The Department of Public Safety shall be responsible for  
65 the management of the trust fund and the disbursement of death  
66 benefits authorized under this section. The Department of Public  
67 Safety shall adopt rules and regulations necessary to implement  
68 and standardize the payment of death benefits under this section,  
69 to administer the death benefits fund created by this act and to  
70 carry out the purposes of this section.

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