

By: Representatives Myers, Banks, Flaggs,
Frierson, Green (96th), Middleton, Perkins,
Reynolds, Smith (35th), Taylor, Walker

To: Appropriations

HOUSE BILL NO. 1060

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 FUND; TO
4 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 sum of One Hundred Thousand Dollars
20 (\$100,000.00) shall be paid as provided in this section when a law
21 enforcement officer, while engaged in the performance of the
22 officer's law enforcement duties, is accidentally or intentionally
23 killed or receives accidental or intentional bodily injury that
24 results in the loss of the officer's life, provided that the
25 killing is not the result of suicide and that the bodily injury is
26 not intentionally self-inflicted.

27 (b) The payment provided for under paragraph (a) of

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

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

41 (3) There is established in the State Treasury a special
42 fund to be known as the Law Enforcement Officers Death Benefits
43 Fund, which shall be funded by an initial appropriation of Eight
44 Hundred Thousand Dollars (\$800,000.00). The Legislature shall
45 make such additional appropriations as needed to maintain a
46 minimum balance of Eight Hundred Thousand Dollars (\$800,000.00) in
47 the fund. Unexpended amounts remaining in the fund at the end of
48 the state fiscal year shall not lapse into the State General Fund,
49 and any interest earned on amounts in the fund shall be deposited
50 to the credit of the fund.

51 (4) The Department of Public Safety shall be responsible for
52 the management of the death benefits fund and the disbursement of
53 death benefits authorized under this section. The Department of
54 Public Safety shall adopt rules and regulations necessary to
55 implement and standardize the payment of death benefits under this
56 section, to administer the death benefits fund created by this act
57 and to carry out the purposes of this section.

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