

By: Representative Mayo

To: Judiciary B;
Appropriations

HOUSE BILL NO. 164

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE FIREFIGHTERS IN THE LAW ENFORCEMENT OFFICERS DEATH
3 BENEFITS TRUST FUND; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 45-2-1, Mississippi Code of 1972, is
6 amended as follows:

7 45-2-1. (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 or firefighters.

13 (b) "Firefighter" means any person who is involved in
14 extinguishing fires or fire protection whether such person is a
15 volunteer or not.

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

22 (2) (a) The Department of Public Safety shall make a
23 payment, as provided in this section, in the amount of Ten
24 Thousand Dollars (\$10,000.00) when a law enforcement officer,
25 while engaged in the performance of the officer's law enforcement
26 duties, or a firefighter, while engaged in the performance of the
27 firefighter's duties, is accidentally or intentionally killed or



28 receives accidental or intentional bodily injury that results in
29 the loss of the officer's or firefighter's life, provided that the
30 killing is not the result of suicide and that the bodily injury is
31 not intentionally self-inflicted.

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

44 (c) The payment made under paragraph (a) of this
45 subsection is in addition to any workers' compensation or pension
46 benefits and is exempt from the claims and demands of creditors of
47 the law enforcement officer or firefighter.

48 (3) (a) There is established in the State Treasury a
49 special fund to be known as the Law Enforcement Officers and
50 Firefighters Death Benefits Trust Fund. The trust fund shall be
51 funded by an initial appropriation of Two Hundred Thousand Dollars
52 (\$200,000.00), and shall be comprised of any additional funds made
53 available by the Legislature or by donation, contribution, gift or
54 any other source.

55 (b) The State Treasurer shall invest the monies of the
56 trust fund in any of the investments authorized for the funds of
57 the Public Employees' Retirement System under Section 25-11-121,
58 and those investments shall be subject to the limitations
59 prescribed by Section 25-11-121.



60 (c) 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 income 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 trust fund created by this section and to carry
70 out the purposes of this section.

71 SECTION 2. This act shall take effect and be in force from
72 and after July 1, 2001.

