To: Judiciary B; Appropriations

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001
By: Representative Mayo

HOUSE BILL NO. 164

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

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

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

45-2-1. (1) Whenever used in this section, the term:

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

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

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

(2) (a) The Department of Public Safety shall make a payment, as provided in this section, in the amount of Ten Thousand Dollars ($10,000.00) when a law enforcement officer, while engaged in the performance of the officer's law enforcement duties, or a firefighter, while engaged in the performance of the firefighter's duties, is accidentally or intentionally killed or...
receives accidental or intentional bodily injury that results in
the loss of the officer's or firefighter's life, provided that the
killing is not the result of suicide and that the bodily injury is
not intentionally self-inflicted.

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

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

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

(b) The State Treasurer shall invest the monies of the
trust fund in any of the investments authorized for the funds of
the Public Employees' Retirement System under Section 25-11-121,
and those investments shall be subject to the limitations
prescribed by Section 25-11-121.
(c) Unexpended amounts remaining in the trust fund at the end of the state fiscal year shall not lapse into the State General Fund, and any income earned on amounts in the trust fund shall be deposited to the credit of the trust fund.

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

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