

By: Representatives Compretta, Whittington,  
Mayo

To: Judiciary B;  
Appropriations

HOUSE BILL NO. 384

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 a member, compensated or  
14 noncompensated, of state fire departments or any political  
15 subdivision thereof, including all municipal fire departments,  
16 legal fire district departments of Mississippi chartered fire  
17 departments.

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

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



28 duties, or a firefighter, while engaged in the performance of the  
29 firefighter's duties, is accidentally or intentionally killed or  
30 receives accidental or intentional bodily injury that results in  
31 the loss of the officer's or firefighter's life, provided that the  
32 killing is not the result of suicide and that the bodily injury is  
33 not intentionally self-inflicted.

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

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

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

57 (b) The State Treasurer shall invest the monies of the  
58 trust fund in any of the investments authorized for the funds of  
59 the Public Employees' Retirement System under Section 25-11-121,



60 and those investments shall be subject to the limitations  
61 prescribed by Section 25-11-121.

62 (c) Unexpended amounts remaining in the trust fund at  
63 the end of the state fiscal year shall not lapse into the State  
64 General Fund, and any income earned on amounts in the trust fund  
65 shall be deposited to the credit of the trust fund.

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

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

