

By: Senator(s) Chamberlin, Carmichael

To: Finance

SENATE BILL NO. 2144

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PUBLIC EMPLOYEES ELIGIBLE TO RECEIVE A DEATH BENEFIT
3 WHEN KILLED IN THE LINE OF DUTY; 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) "Covered individual" means a law enforcement
9 officer, firefighter or emergency medical technician as defined in
10 this section when employed by an employer as defined in this
11 section; it does not include employees of independent contractors.
12 "Covered individual" also includes volunteer firefighters.

13 (b) "Emergency medical technician" means a person
14 licensed pursuant to Section 41-59-1 et seq. to provide emergency
15 medical services as an emergency medical technician-ambulance,
16 emergency medical technician-intermediate, emergency medical
17 technician-paramedic, or emergency medical
18 technician-nurse-paramedic.

19 (c) "Employer" means a state board, commission,
20 department, division, bureau, or agency, or a county, municipality
21 or other political subdivision of the state, which employs,
22 appoints or otherwise engages the services of covered individuals.

23 (d) "Firefighter" means an individual who is trained
24 for the prevention and control of loss of life and property from
25 fire or other emergencies, who is assigned to fire-fighting
26 activity, and is required to respond to alarms and perform

27 emergency actions at the location of a fire, hazardous materials
28 or other emergency incident.

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

35 (2) (a) The Department of Public Safety shall make a
36 payment, as provided in this section, in the amount of Ten
37 Thousand Dollars (\$10,000.00) when a covered individual, while
38 engaged in the performance of the person's official duties, is
39 accidentally or intentionally killed or receives accidental or
40 intentional bodily injury that results in the loss of the covered
41 individual's life, provided that the killing is not the result of
42 suicide and that the bodily injury is not intentionally
43 self-inflicted.

44 (b) The payment provided for under paragraph (a) of
45 this subsection shall be made to the beneficiary who was
46 designated in writing by the covered individual, signed by the
47 covered individual and delivered to the employer during the
48 covered individual's lifetime. If no such designation is made,
49 then the payment shall be made to the * * * surviving child or
50 children and spouse in equal portions, and if there is no
51 surviving child or spouse, then to the * * * parent or parents.
52 If a beneficiary is not designated and there is no surviving
53 child, spouse or parent, then the payment shall be made to the
54 covered individual's estate.

55 (c) The payment made under paragraph (a) of this
56 subsection is in addition to any workers' compensation or pension
57 benefits and is exempt from the claims and demands of creditors of
58 the covered individual.

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

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

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

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

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