

By: Senator(s) Chamberlin, Carmichael

To: Finance

SENATE BILL NO. 2144
(As Sent to Governor)

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 or fire fighter as defined in this section when employed
10 by an employer as defined in this section; it does not include
11 employees of independent contractors. "Covered individual" also
12 includes volunteer fire fighters.

13 (b) "Employer" means a state board, commission,
14 department, division, bureau, or agency, or a county, municipality
15 or other political subdivision of the state, which employs,
16 appoints or otherwise engages the services of covered individuals.

17 (c) "Fire fighter" means an individual who is trained
18 for the prevention and control of loss of life and property from
19 fire or other emergencies, who is assigned to fire-fighting
20 activity, and is required to respond to alarms and perform
21 emergency actions at the location of a fire, hazardous materials
22 or other emergency incident.

23 (d) "Law enforcement officer" means any lawfully sworn
24 officer or employee of the state or any political subdivision of
25 the state whose duties require the officer or employee to
26 investigate, pursue, apprehend, arrest, transport or maintain

27 custody of persons who are charged with, suspected of committing,
28 or convicted of a crime.

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

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

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

58 (d) The payment made under paragraph (a) of this
59 subsection is in addition to any workers' compensation or pension

60 benefits and is exempt from the claims and demands of creditors of
61 the covered individual.

62 (3) (a) There is established in the State Treasury a
63 special fund to be known as the Law Enforcement Officers and Fire
64 Fighters Death Benefits Trust Fund. The trust fund shall be
65 funded by an initial appropriation of Two Hundred Thousand Dollars
66 (\$200,000.00), and shall be comprised of any additional funds made
67 available by the Legislature or by donation, contribution, gift or
68 any other source.

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

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

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

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