

By: Senator(s) Chamberlin

To: Appropriations

SENATE BILL NO. 2312

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT EMERGENCY MEDICAL TECHNICIANS SHALL BE ELIGIBLE TO  
3 RECEIVE A DEATH BENEFIT WHEN KILLED IN THE LINE OF DUTY; AND FOR  
4 RELATED PURPOSES.

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

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

8 45-2-1. (1) Whenever used in this section, the term:

9 (a) "Covered individual" means a law enforcement  
10 officer, fire fighter or emergency medical technician as defined  
11 in this section when employed by an employer as defined in this  
12 section; it does not include employees of independent contractors.  
13 "Covered individual" also includes volunteer fire fighters.

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

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

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



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

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

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

45           \* \* \*

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

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



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

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

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

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

84           **SECTION 2.** This act shall take effect and be in force from  
85 and after July 1, 2002.

