SENATE BILL NO. 3065

AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO REVISE THE PAYMENT OF BENEFITS UPON THE DEATH OF LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS FROM THE 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) "Covered individual" means a law enforcement officer or fire fighter as defined in this section when employed by an employer as defined in this section; it does not include employees of independent contractors. * * *

(b) "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 covered individuals.

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

(d) "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
28 custody of persons who are charged with, suspected of committing, 
29 or convicted of a crime. 
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31 (2) (a) The Department of Public Safety shall make a 
32 payment, as provided in this section, in the amount of Twenty 
33 Thousand Dollars ($20,000.00) when a covered individual, while 
34 engaged in the performance of the individual's official duties, is 
35 accidentally *** killed or receives accidental *** bodily 
36 injury that results in the loss of the covered individual's life, 
37 provided that the killing is not the result of suicide and that 
38 the bodily injury is not intentionally self-inflicted. 
39  
40 (b) The Department of Public Safety shall make a 
41 payment, as provided in this section, in the amount of Thirty 
42 Thousand Dollars ($30,000.00) when a covered individual, while 
43 engaged in the performance of the individual's official duties, 
44 is *** intentionally killed or receives *** intentional bodily 
45 injury that results in loss of the covered individual's life, 
46 provided that the killing is not the result of suicide and that 
47 the bodily injury is not intentionally self-inflicted. 
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49 (c) The payment provided for in this subsection shall 
50 be made to the beneficiary who was designated in writing by the 
51 covered individual, signed by the covered individual and delivered 
52 to the employer during the covered individual's lifetime. If no 
53 such designation is made, then the payment shall be made to the 
54 surviving child or children and spouse in equal portions, and if 
55 there is no surviving child or spouse, then to the parent or 
56 parents. If a beneficiary is not designated and there is no 
57 surviving child, spouse or parent, then the payment shall be made 
58 to the covered individual's estate. 
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60 (d) The payment made in this subsection is in addition 
61 to any workers' compensation or pension benefits and is exempt 
62 from the claims and demands of creditors of the covered 
63 individual.
(3) (a) There is established in the State Treasury a special fund to be known as the Law Enforcement Officers and Fire Fighters 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, 2002.