

By: Representative Broomfield

To: Judiciary B;
Appropriations

HOUSE BILL NO. 101

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CERTAIN SURVIVING SPOUSES WHO REMARRY SHALL BE
3 ELIGIBLE TO RECEIVE PAYMENTS FROM THE LAW ENFORCEMENT OFFICERS AND
4 FIRE FIGHTERS DEATH BENEFITS TRUST FUND; AND FOR 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 or fire fighter as defined in this section when employed
11 by an employer as defined in this section; it does not include
12 employees of independent contractors. "Covered individual" also
13 includes volunteer fire fighters.

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

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

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

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

30 (2) (a) The Department of Public Safety shall make a
31 payment, as provided in this section, in the amount of Twenty
32 Thousand Dollars (\$20,000.00) when a law enforcement officer,
33 while engaged in the performance of the person's official duties,
34 is accidentally or intentionally killed or receives accidental or
35 intentional bodily injury that results in the loss of the covered
36 individual's life, provided that the killing is not the result of
37 suicide and that the bodily injury is not intentionally
38 self-inflicted.

39 (b) The Department of Public Safety shall make a
40 payment, as provided in this section, in the amount of Twenty
41 Thousand Dollars (\$20,000.00) when a fire fighter, while engaged
42 in the performance of the person's official duties, is
43 accidentally or intentionally killed or receives accidental or
44 intentional bodily injury that results in loss of the covered
45 individual's life, provided that the killing is not the result of
46 suicide and that the bodily injury is not intentionally
47 self-inflicted.

48 (c) The payment provided for in this subsection shall
49 be made to the beneficiary who was designated in writing by the
50 covered individual, signed by the covered individual and delivered
51 to the employer during the covered individual's lifetime. If no
52 such designation is made, then the payment shall be made to the
53 surviving child or children and spouse in equal portions, and if
54 there is no surviving child or spouse, then to the parent or
55 parents. If a beneficiary is not designated and there is no
56 surviving child, spouse or parent, then the payment shall be made
57 to the covered individual's estate. A surviving spouse who was
58 married to a covered individual for twenty-five (25) years or more
59 and who remarries shall be allowed to receive the payment provided
60 for in this subsection.

61 (d) The payment made in this subsection is in addition
62 to any workers' compensation or pension benefits and is exempt
63 from the claims and demands of creditors of the covered
64 individual.

65 (3) (a) There is established in the State Treasury a
66 special fund to be known as the Law Enforcement Officers and Fire
67 Fighters Death Benefits Trust Fund. The trust fund shall be
68 funded by an initial appropriation of Two Hundred Thousand Dollars
69 (\$200,000.00), and shall be comprised of any additional funds made
70 available by the Legislature or by donation, contribution, gift or
71 any other source.

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

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

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

88 **SECTION 2.** This act shall take effect and be in force from
89 and after July 1, 2004.