

By: Representatives Holland, Robinson  
(84th), Rogers (61st), Weathersby

To: Appropriations

HOUSE BILL NO. 744

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE AMOUNT OF BENEFITS PAYABLE UPON THE DEATH OF LAW  
3 ENFORCEMENT OFFICERS AND FIRE FIGHTERS FROM THE DEATH BENEFITS  
4 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, that 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 Forty  
32 Thousand Dollars (\$40,000.00) 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 Forty  
41 Thousand Dollars (\$40,000.00) 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.

58 (d) The payment made in this subsection is in addition  
59 to any workers' compensation or pension benefits and is exempt

60 from the claims and demands of creditors of the covered  
61 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, 2004.