

By: Senator(s) Tollison

To: Municipalities

SENATE BILL NO. 2487

1 AN ACT TO AMEND SECTION 71-3-17, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT PROFESSIONAL FIRE FIGHTERS AND LAW ENFORCEMENT  
3 OFFICERS WHO ARE INJURED DUE TO THEIR EMPLOYMENT SHALL RECEIVE A  
4 CERTAIN INCREASED AMOUNT OF WORKERS' COMPENSATION BENEFITS FOR A  
5 PERIOD OF UP TO ONE YEAR FROM THE DATE THESE BENEFITS FOR SUCH  
6 INJURY BEGIN; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 71-3-17, Mississippi Code of 1972, is  
9 amended as follows:

10 71-3-17. Compensation for disability shall be paid to the  
11 employee as follows:

12 (a) Permanent total disability: In case of total  
13 disability adjudged to be permanent, sixty-six and two-thirds  
14 percent (66-2/3%) of the average weekly wages of the injured  
15 employee, subject to the maximum limitations as to weekly benefits  
16 as set up in this chapter, shall be paid to the employee not to  
17 exceed four hundred fifty (450) weeks or an amount greater than  
18 the multiple of four hundred fifty (450) weeks times sixty-six and  
19 two-thirds percent (66-2/3%) of the average weekly wage for the  
20 state. Loss of both hands, or both arms, or both feet, or both  
21 legs, or both eyes, or of any two (2) thereof shall constitute  
22 permanent total disability. In all other cases permanent total  
23 disability shall be determined in accordance with the facts.

24 (b) Temporary total disability: In case of disability,  
25 total in character but temporary in quality, sixty-six and  
26 two-thirds percent (66-2/3%) of the average weekly wages of the  
27 injured employee, subject to the maximum limitations as to weekly  
28 benefits as set up in this chapter, shall be paid to the employee  
29 during the continuance of such disability not to exceed four

30 hundred fifty (450) weeks or an amount greater than the multiple  
 31 of four hundred fifty (450) weeks times sixty-six and two-thirds  
 32 percent (66-2/3%) of the average weekly wage for the state.  
 33 Provided, however, if there arises a conflict in medical opinions  
 34 of whether or not the claimant has reached maximum medical  
 35 recovery and the claimant's benefits have terminated by the  
 36 carrier, then the claimant may demand an immediate hearing before  
 37 the commissioner upon five (5) days' notice to the carrier for a  
 38 determination by the commission of whether or not in fact the  
 39 claimant has reached maximum recovery.

40 (c) Permanent partial disability: In case of  
 41 disability partial in character but permanent in quality, the  
 42 compensation shall be sixty-six and two-thirds percent (66-2/3%)  
 43 of the average weekly wages of the injured employee, subject to  
 44 the maximum limitations as to weekly benefits as set up in this  
 45 chapter, which shall be paid following compensation for temporary  
 46 total disability paid in accordance with subsection (b) of this  
 47 section, and shall be paid to the employee as follows:

Member Lost	Number Weeks Compensation
49 <u>(i)</u> Arm	200
50 <u>(ii)</u> Leg	175
51 <u>(iii)</u> Hand	150
52 <u>(iv)</u> Foot	125
53 <u>(v)</u> Eye	100
54 <u>(vi)</u> Thumb	60
55 <u>(vii)</u> First finger	35
56 <u>(viii)</u> Great toe	30
57 <u>(ix)</u> Second finger	30
58 <u>(x)</u> Third finger	20
59 <u>(xi)</u> Toe other than great toe	10
60 <u>(xii)</u> Fourth finger	15
61 <u>(xiii)</u> Testicle, one	50
62 <u>(xiv)</u> Testicle, both	150

63                   (xv) Breast, female, one           50  
64                   (xvi) Breast, female, both       150  
65                   (xvii) Loss of hearing: Compensation for loss of  
66 hearing of one (1) ear, forty (40) weeks. Compensation for loss  
67 of hearing of both ears, one hundred fifty (150) weeks.  
68                   (xviii) Phalanges: Compensation for loss of more  
69 than one (1) phalange of a digit shall be the same as for loss of  
70 the entire digit. Compensation for loss of the first phalange  
71 shall be one-half (1/2) of the compensation for loss of the entire  
72 digit.  
73                   (xix) Amputated arm or leg: Compensation for an  
74 arm or leg, if amputated at or above wrist or ankle, shall be for  
75 the loss of the arm or leg.  
76                   (xx) Binocular vision or percent of vision:  
77 Compensation for loss of binocular vision or for eighty percent  
78 (80%) or more of the vision of an eye shall be the same as for  
79 loss of the eye.  
80                   (xxi) Two (2) or more digits: Compensation for  
81 loss of two (2) or more digits, or one (1) or more phalanges of  
82 two (2) or more digits, of a hand or foot may be proportioned to  
83 the loss of the use of the hand or foot occasioned thereby, but  
84 shall not exceed the compensation for loss of a hand or foot.  
85                   (xxii) Total loss of use: Compensation for  
86 permanent total loss of use of a member shall be the same as for  
87 loss of the member.  
88                   (xxiii) Partial loss or partial loss of use:  
89 Compensation for permanent partial loss or loss of use of a member  
90 may be for proportionate loss or loss of use of the member.  
91                   (xxiv) Disfigurement: The commission, in its  
92 discretion, is authorized to award proper and equitable  
93 compensation for serious facial or head disfigurements not to  
94 exceed Two Thousand Dollars (\$2,000.00). No such award shall be

95 made until a lapse of one (1) year from the date of the injury  
96 resulting in such disfigurement.

97           (xv) Other cases: In all other cases in this  
98 class of disability, the compensation shall be sixty-six and  
99 two-thirds percent (66-2/3%) of the difference between his average  
100 weekly wages, subject to the maximum limitations as to weekly  
101 benefits as set up in this chapter, and his wage-earning capacity  
102 thereafter in the same employment or otherwise, payable during the  
103 continuance of such partial disability, but subject to  
104 reconsideration of the degree of such impairment by the commission  
105 on its own motion or upon application of any party in interest.  
106 Such payments shall in no case be made for a longer period than  
107 four hundred fifty (450) weeks.

108           (xxvi) In any case in which there shall be a loss  
109 of, or loss of use of, more than one (1) member or parts of more  
110 than one (1) member set forth in subparagraphs (i) to (xxiii) of  
111 this paragraph (c), not amounting to permanent total disability,  
112 the award of compensation shall be for the loss of, or loss of use  
113 of, each such member or parts thereof, which awards shall run  
114 consecutively, except that where the injury affects only two (2)  
115 or more digits of the same hand or foot, subparagraph (xxi) of  
116 this paragraph (c) shall apply.

117           (d) In consideration of the extremely hazardous duties  
118 of law enforcement officers and fire fighters while engaged in  
119 protecting the lives and property of the citizens of this state:

120           A sworn law enforcement officer employed by this state or any  
121 county or municipality therein who becomes physically disabled,  
122 but not permanently disabled, as a result of physical injury  
123 incurred in the line of official duty caused by a willful act of  
124 violence or unlawful act of another or which injury occurs while  
125 in the conduct of a law enforcement or public safety action, or a  
126 fire fighter so employed who becomes physically disabled, but not  
127 permanently disabled, as a result of a physical injury incurred in

128 the line of duty caused by a willful act of violence or unlawful  
129 act of another or while engaged in fighting a fire or other public  
130 safety action shall be entitled to receive monthly compensation  
131 equal to one hundred percent (100%) of their regular base salary  
132 in effect at the time of such injury for the period of time the  
133 law enforcement officer or fire fighter is physically unable to  
134 perform the duties of his or her employment, not to exceed twelve  
135 (12) months from the date such compensation begins. Benefits made  
136 available under this section shall be subordinate to workers'  
137 compensation benefits and shall be limited to the difference  
138 between the amount of workers' compensation benefits and the  
139 amount of the law enforcement officer's or fire fighter's regular  
140 base salary. Such compensation shall not be awarded where a penal  
141 violation committed by the disabled law enforcement officer or  
142 fire fighter caused the disability.

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