

By: Senator(s) Albritton, Morgan, King, Cuevas, Lee (47th), Mettetal, Hewes, Kirby, Michel, Williamson, Jackson (11th), Jordan, Thomas, Flowers, Butler, Jackson (15th), Pickering, Walley

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2532

1 AN ACT TO AMEND SECTION 37-107-3, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE CHILDREN AND SPOUSES OF DECEASED AUXILIARY,  
3 PART-TIME OR RESERVE LAW ENFORCEMENT OFFICERS WHOSE DEATH RESULTED  
4 FROM INJURIES SUSTAINED IN THE LINE OF DUTY SHALL BE ELIGIBLE FOR  
5 STATE SCHOLARSHIP BENEFITS; TO AMEND SECTION 45-2-1, MISSISSIPPI  
6 CODE OF 1972, TO PROVIDE THAT THE HEIRS OF DECEASED AUXILIARY,  
7 PART-TIME OR RESERVE LAW ENFORCEMENT OFFICERS WHOSE DEATH RESULTED  
8 FROM INJURIES SUSTAINED IN THE LINE OF DUTY SHALL BE ELIGIBLE FOR  
9 DEATH BENEFITS PAYABLE FROM THE LAW ENFORCEMENT OFFICERS DEATH  
10 BENEFITS TRUST FUND; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-107-3, Mississippi Code of 1972, is  
13 amended as follows:

14 37-107-3. (1) For the purposes of this chapter, Mississippi  
15 law enforcement officers shall be defined as follows:

16 (a) "State highway patrolmen" means all law enforcement  
17 officers, regardless of department or bureau, of the Mississippi  
18 Highway Safety Patrol.

19 (b) "Municipal police officers" means all law  
20 enforcement officers of any municipality who are regular duty  
21 personnel on full-time status, \* \* \* auxiliary or reserve  
22 officers, or those serving on a temporary or part-time status.

23 (c) "Sheriffs" and "deputy sheriffs" means all law  
24 enforcement officers of full-time duty status on a regular basis  
25 serving the sheriff's department of any county, \* \* \* deputy  
26 sheriffs who are engaged in administrative or civil duty,  
27 auxiliary or reserve deputies, or deputy sheriffs serving in a  
28 temporary capacity or part-time basis.

29 (d) "Constables" means all duly elected constables of  
30 any beat of any county within the state while actually engaged in

31 the performance of their duties concerning the criminal laws of  
32 the county and state.

33 (e) "Conservation officers" means all duly appointed  
34 game wardens employed by the State of Mississippi on a full-time  
35 duty status while actually engaged in the performance of their  
36 duties concerning the game laws of the state.

37 (f) "Alcoholic Beverage Control Division agents and  
38 inspectors" means all duly appointed agents and investigators of  
39 the Alcoholic Beverage Control Division of the Mississippi State  
40 Tax Commission on a full-time duty status while actually engaged  
41 in the performance of their duties concerning the alcoholic  
42 beverage control laws of the state.

43 (g) Members of the National Guard serving as peace  
44 officers when ordered to state emergency duty under authority  
45 vested in the Governor by the Constitution and laws of the state.

46 (h) "Tax commission scales enforcement officers" means  
47 all duly appointed scales enforcement officers of the Mississippi  
48 State Tax Commission on a full-time duty status while actually  
49 engaged in the performance of their duties.

50 (i) Duly appointed agents of the Mississippi Bureau of  
51 Narcotics.

52 (j) Correctional, Probation and Parole officers  
53 employed by the Mississippi Department of Corrections.

54 (2) For the purposes of this chapter, Mississippi full-time  
55 fire fighters shall be defined as all fire fighters employed by  
56 any subdivision of the State of Mississippi on a full-time duty  
57 status while actually engaged in the performance of their duties,  
58 and volunteer fire fighters shall be defined as any volunteer fire  
59 fighter registered with the State of Mississippi or a political  
60 subdivision thereof on a volunteer fire fighting status while  
61 actually engaged in the performance of fire fighting duties.

62 (3) For the purposes of this chapter, "child" or "children"  
63 means natural children, adopted children or stepchildren.

64 (4) For purposes of this chapter, "spouse" means a person  
65 who was, at the time of the death of the decedent, legally married  
66 to a Mississippi law enforcement officer, full-time fire fighter,  
67 or volunteer fire fighter, or in the case of a law enforcement  
68 officer, full-time fire fighter or volunteer fire fighter who  
69 suffered fatal injuries or wounds, prior to or after March 13,  
70 1990, who has not remarried.

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

73 45-2-1. (1) Whenever used in this section, the term:

74 (a) "Covered individual" means a law enforcement  
75 officer or fire fighter as defined in this section when employed  
76 by an employer as defined in this section; it does not include  
77 employees of independent contractors. "Covered individual" also  
78 includes volunteer fire fighters.

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

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

89 (d) "Law enforcement officer" means any lawfully sworn  
90 officer or employee of the state or any political subdivision of  
91 the state whose duties require the officer or employee to  
92 investigate, pursue, apprehend, arrest, transport or maintain  
93 custody of persons who are charged with, suspected of committing,  
94 or convicted of a crime, whether the officer is on regular duty on  
95 full-time status, an auxiliary or reserve officer, or is serving  
96 on a temporary or part-time status.

97           (2) (a) The Department of Public Safety shall make a  
98 payment, as provided in this section, in the amount of Forty  
99 Thousand Dollars (\$40,000.00) when a law enforcement officer,  
100 while engaged in the performance of the person's official duties,  
101 is accidentally or intentionally killed or receives accidental or  
102 intentional bodily injury that results in the loss of the covered  
103 individual's life, provided that the killing is not the result of  
104 suicide and that the bodily injury is not intentionally  
105 self-inflicted.

106           (b) The Department of Public Safety shall make a  
107 payment, as provided in this section, in the amount of Forty  
108 Thousand Dollars (\$40,000.00) when a fire fighter, while engaged  
109 in the performance of the person's official duties, is  
110 accidentally or intentionally killed or receives accidental or  
111 intentional bodily injury that results in loss of the covered  
112 individual's life, provided that the killing is not the result of  
113 suicide and that the bodily injury is not intentionally  
114 self-inflicted.

115           (c) The payment provided for in this subsection shall  
116 be made to the beneficiary who was designated in writing by the  
117 covered individual, signed by the covered individual and delivered  
118 to the employer during the covered individual's lifetime. If no  
119 such designation is made, then the payment shall be made to the  
120 surviving child or children and spouse in equal portions, and if  
121 there is no surviving child or spouse, then to the parent or  
122 parents. If a beneficiary is not designated and there is no  
123 surviving child, spouse or parent, then the payment shall be made  
124 to the covered individual's estate.

125           (d) The payment made in this subsection is in addition  
126 to any workers' compensation or pension benefits and is exempt  
127 from the claims and demands of creditors of the covered  
128 individual.

129           (3) (a) There is established in the State Treasury a  
130 special fund to be known as the Law Enforcement Officers and Fire  
131 Fighters Death Benefits Trust Fund. The trust fund shall be  
132 funded by an initial appropriation of Two Hundred Thousand Dollars  
133 (\$200,000.00), and shall be comprised of any additional funds made  
134 available by the Legislature or by donation, contribution, gift or  
135 any other source.

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

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

145           (4) The Department of Public Safety shall be responsible for  
146 the management of the trust fund and the disbursement of death  
147 benefits authorized under this section. The Department of Public  
148 Safety shall adopt rules and regulations necessary to implement  
149 and standardize the payment of death benefits under this section,  
150 to administer the trust fund created by this section and to carry  
151 out the purposes of this section.

152           **SECTION 3.** This act shall take effect and be in force from  
153 and after its passage.