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To: Judiciary, Division B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. 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. "Covered individual" also includes volunteer fire fighters.

(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.

(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 custody of persons who are charged with, suspected of committing, or convicted of a crime, whether the officer is on regular duty on full-time status, an auxiliary or reserve officer, or is serving on a temporary or part-time status.

98 (2) (a) The Department of Public Safety shall make a
99 payment, as provided in this section, in the amount of Twenty
100 Thousand Dollars (\$20,000.00) when a law enforcement officer,
101 while engaged in the performance of the person's official duties,
102 is accidentally or intentionally killed or receives accidental or
103 intentional bodily injury that results in the loss of the covered
104 individual's life, provided that the killing is not the result of
105 suicide and that the bodily injury is not intentionally
106 self-inflicted.

107 (b) The Department of Public Safety shall make a
108 payment, as provided in this section, in the amount of Twenty
109 Thousand Dollars (\$20,000.00) when a fire fighter, while engaged
110 in the performance of the person's official duties, is
111 accidentally or intentionally killed or receives accidental or
112 intentional bodily injury that results in loss of the covered
113 individual's life, provided that the killing is not the result of
114 suicide and that the bodily injury is not intentionally
115 self-inflicted.

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

126 (d) The payment made in this subsection is in addition
127 to any workers' compensation or pension benefits and is exempt
128 from the claims and demands of creditors of the covered
129 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 3. This act shall take effect and be in force from and after its passage.