

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2237

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE CERTAIN COUNTY LEVEL HOMELAND SECURITY PERSONNEL AS
3 POTENTIAL BENEFICIARIES UNDER THE DEATH BENEFITS TRUST FUND
4 ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED
5 PURPOSES.

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

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

9 45-2-1. (1) Whenever used in this section, the term:

10 (a) "Covered individual" means any of the persons
11 specified in this paragraph (a) * * *; it does not include
12 employees of independent contractors. * * *

13 (i) A fire fighter who is:

14 1. Trained for the prevention and control of
15 loss of life and property from fire or other emergencies, assigned
16 to fire-fighting activity and required to respond to alarms and
17 perform emergency actions at the location of a fire, hazardous
18 materials or other emergency incident; and

19 2. Either employed by an employer as defined
20 in this section or who is a volunteer fire fighter.

21 (ii) A law enforcement officer who is a lawfully
22 sworn officer or employee of the state or any political
23 subdivision of the state whose duties require the officer or
24 employee to investigate, pursue, apprehend, arrest, transport or
25 maintain custody of persons who are charged with, suspected of
26 committing, or convicted of a crime, whether the officer is on
27 regular duty on full-time status, an auxiliary or reserve officer,
28 or is serving on a temporary or part-time status; or

29 (iii) The director or any staff member of a local
30 emergency management agency as that term is defined in Section
31 33-15-5 and who is employed by an employer as defined in this
32 section.

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

37 * * *

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

47 * * *

48 (b) The payment provided * * * 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 (c) 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 Public Safety Death Benefits Trust
64 Fund. The trust fund shall be funded by an initial appropriation
65 of Two Hundred Thousand Dollars (\$200,000.00), and shall be
66 comprised of any additional funds made available by the
67 Legislature or by donation, contribution, gift or any other
68 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, 2005.