

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2354

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, 2006.