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To: Appropriations

SENATE BILL NO. 2719

1 AN ACT TO AMEND SECTIONS 37-107-1, 37-107-3 AND 37-107-5,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE SCHOLARSHIP BENEFITS FOR
3 CHILDREN OF MEMBERS OF THE ARMED SERVICES WHO WERE FATALLY INJURED
4 OR TOTALLY DISABLED AS A RESULT OF INJURIES OR WOUNDS WHICH
5 OCCURRED DURING ACTIVE MILITARY DUTY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-107-1, Mississippi Code of 1972, is
8 amended as follows:

9 37-107-1. (1) If any Mississippi law enforcement officer,
10 full-time fire fighter or volunteer fire fighter shall suffer or
11 has suffered fatal injuries or wounds or become permanently and
12 totally disabled as a result of injuries or wounds which occurred
13 in the performance of the official and appointed duties of his or
14 her office, his or her spouse, child or children shall be entitled
15 to an eight-semester scholarship without cost, exclusive of books,
16 food, school supplies, materials and dues or fees for
17 extracurricular activities, at any state-supported college or
18 university of his or her choice within this state.

19 (2) If any member of the armed services, whose official
20 house of record and residence is within the State of Mississippi,
21 shall suffer or has suffered fatal injuries or wounds or become
22 permanently and totally disabled as a result of injuries or wounds
23 which occurred during active military duty, his or her child or
24 children shall be entitled to an eight-semester scholarship
25 without cost, exclusive of books, food, school supplies, materials
26 and dues or fees for extracurricular activities, at any
27 state-supported college or university of his or her choice within
28 this state.

29 (3) No child shall be entitled to receive scholarship
30 benefits during any semester or quarter when said child has
31 reached the age of twenty-three (23) years on the first day of
32 said semester or quarter. However, any child who has begun the
33 process of acquiring college credits under the provisions of this
34 section prior to attaining the age of twenty-three (23) years
35 shall be entitled to the full eight-semester scholarship if his or
36 her college instruction was interrupted for any reason.

37 (4) Scholarship benefits shall not accrue hereunder to any
38 person if the wounds or injuries suffered by any law enforcement
39 officer, full-time fire fighter, volunteer fire fighter or member
40 of the armed services are self-inflicted or if his death is
41 self-induced.

42 **SECTION 2.** Section 37-107-3, Mississippi Code of 1972, is
43 amended as follows:

44 37-107-3. (1) For the purposes of this chapter, Mississippi
45 law enforcement officers shall be defined as follows:

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

49 (b) "Municipal police officers" means all law
50 enforcement officers of any municipality who are regular duty
51 personnel on full-time status, auxiliary or reserve officers, or
52 those serving on a temporary or part-time status.

53 (c) "Sheriffs" and "deputy sheriffs" means all law
54 enforcement officers of full-time duty status on a regular basis
55 serving the sheriff's department of any county, deputy sheriffs
56 who are engaged in administrative or civil duty, auxiliary or
57 reserve deputies, or deputy sheriffs serving in a temporary
58 capacity or part-time basis.

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

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

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

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

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

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

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

82 (j) Correctional, probation and parole officers
83 employed by the Mississippi Department of Corrections.

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

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

94 (4) For purposes of this chapter, "spouse" means a person
95 who was, at the time of the death of the decedent, legally married
96 to a Mississippi law enforcement officer, full-time fire fighter,
97 or volunteer fire fighter, or in the case of a law enforcement
98 officer, full-time fire fighter or volunteer fire fighter who
99 suffered fatal injuries or wounds, prior to or after March 13,
100 1990, who has not remarried.

101 (5) For purposes of this chapter, "member of the armed
102 services" means a person serving in the United States Armed Forces
103 or on active duty in the National Guard or United States Armed
104 Forces Reserve.

105 **SECTION 3.** Section 37-107-5, Mississippi Code of 1972, is
106 amended as follows:

107 37-107-5. Any law enforcement officer, full-time fire
108 fighter, volunteer fire fighter or member of the armed services
109 claiming permanent and total disability under this chapter shall
110 be qualified, or disqualified, for such claim upon examination and
111 decision by any two (2) of the three (3) following staff members
112 of the University of Mississippi Medical Center: (a) Chairman of
113 the Board of Medicine, (b) Chief of the Division of Orthopedics,
114 and (c) Professor and Chairman of Surgery.

115 The expenses of such examination shall be the responsibility
116 of the individual claimant unless otherwise provided for by a
117 municipality, county or the state.

118 **SECTION 4.** This act shall take effect and be in force from
119 and after July 1, 2006.