

By: Senator(s) Tollison, Albritton, Burton, Butler, Carmichael, Chaney, Dawkins, Fillingane, Gollott, Harden, Jackson (11th), Jordan, Kirby, Lee (47th), Mettetal, Simmons, Walley, Walls, White, Wilemon, Gordon, Little

To: Judiciary, Division B; Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2688

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE BENEFIT PAYABLE TO THE SURVIVORS OF A COVERED
3 INDIVIDUAL FROM THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS
4 DEATH BENEFITS TRUST FUND; AND FOR RELATED PURPOSES.

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

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

8 45-2-1. (1) Whenever used in this section, the term:

9 (a) "Covered individual" means a law enforcement
10 officer or fire fighter as defined in this section when employed
11 by an employer as defined in this section; it does not include
12 employees of independent contractors. "Covered individual" also
13 includes volunteer fire fighters.

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

18 (c) "Fire fighter" means an individual who is trained
19 for the prevention and control of loss of life and property from
20 fire or other emergencies, who is assigned to fire-fighting
21 activity, and is required to respond to alarms and perform
22 emergency actions at the location of a fire, hazardous materials
23 or other emergency incident.

24 (d) "Law enforcement officer" means any lawfully sworn
25 officer or employee of the state or any political subdivision of
26 the state whose duties require the officer or employee to
27 investigate, pursue, apprehend, arrest, transport or maintain
28 custody of persons who are charged with, suspected of committing,

29 or convicted of a crime, whether the officer is on regular duty on
30 full-time status, an auxiliary or reserve officer, or is serving
31 on a temporary or part-time status.

32 (2) (a) The Department of Public Safety shall make a
33 payment, as provided in this section, in the amount of Sixty-five
34 Thousand Dollars (\$65,000.00) when a law enforcement officer,
35 while engaged in the performance of the person's official duties,
36 is accidentally or intentionally killed or receives accidental or
37 intentional bodily injury that results in the loss of the covered
38 individual's life, provided that the killing is not the result of
39 suicide and that the bodily injury is not intentionally
40 self-inflicted.

41 (b) The Department of Public Safety shall make a
42 payment, as provided in this section, in the amount of Sixty-five
43 Thousand Dollars (\$65,000.00) when a fire fighter, while engaged
44 in the performance of the person's official duties, is
45 accidentally or intentionally killed or receives accidental or
46 intentional bodily injury that results in loss of the covered
47 individual's life, provided that the killing is not the result of
48 suicide and that the bodily injury is not intentionally
49 self-inflicted.

50 (c) The payment provided for in this subsection shall
51 be made to the beneficiary who was designated in writing by the
52 covered individual, signed by the covered individual and delivered
53 to the employer during the covered individual's lifetime. If no
54 such designation is made, then the payment shall be made to the
55 surviving child or children and spouse in equal portions, and if
56 there is no surviving child or spouse, then to the parent or
57 parents. If a beneficiary is not designated and there is no
58 surviving child, spouse or parent, then the payment shall be made
59 to the covered individual's estate.

60 (d) The payment made in this subsection is in addition
61 to any workers' compensation or pension benefits and is exempt

62 from the claims and demands of creditors of the covered
63 individual.

64 (3) (a) There is established in the State Treasury a
65 special fund to be known as the Law Enforcement Officers and Fire
66 Fighters Death Benefits Trust Fund. The trust fund shall be
67 funded by an initial appropriation of Two Hundred Thousand Dollars
68 (\$200,000.00), and shall be comprised of any additional funds made
69 available by the Legislature or by donation, contribution, gift or
70 any other source.

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

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

80 (4) The Department of Public Safety shall be responsible for
81 the management of the trust fund and the disbursement of death
82 benefits authorized under this section. The Department of Public
83 Safety shall adopt rules and regulations necessary to implement
84 and standardize the payment of death benefits under this section,
85 to administer the trust fund created by this section and to carry
86 out the purposes of this section.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after August 1, 2006.