

By: Senator(s) Tollison

To: Judiciary, Division B;  
Appropriations

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  
34 Thousand Dollars (\$60,000.00) 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  
43 Thousand Dollars (\$60,000.00) 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 October 20, 2006.