

By: Representatives Hale, Miles, Bain,  
Carpenter, Hopkins, Arnold, Reynolds,  
Bennett, Hughes

To: Insurance

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1205

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO  
2 INCLUDE EMERGENCY MEDICAL PERSONNEL WHO ARE MEMBERS OF THE PUBLIC  
3 EMPLOYEES' RETIREMENT SYSTEM OF MISSISSIPPI, TO INCLUDE FIRE  
4 INSPECTORS, FIRE INVESTIGATORS AND FIRE ACADEMY INSTRUCTORS IN THE  
5 LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST  
6 FUND; AND TO COVER CAUSES OF DEATH THAT WOULD BE COVERED UNDER THE  
7 PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1976 OR THE HOMETOWN  
8 HEROES SURVIVORS BENEFITS ACT OF 2003; TO REVISE THE LANGUAGE  
9 REGARDING CAUSE OF DEATH FOR PURPOSES OF THE LAW ENFORCEMENT  
10 OFFICERS DEATH BENEFITS TRUST FUND; AND FOR RELATED PURPOSES.

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

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

14 45-2-1. (1) Whenever used in this section, the term:

15 (a) "Covered individual" means a law enforcement  
16 officer or firefighter, including volunteer firefighters, \* \* \* or  
17 emergency medical personnel when employed by an employer as  
18 defined in this section; it does not include employees of  
19 independent contractors.

20 (b) "Employer" means a state board, commission,  
21 department, division, bureau or agency, or a county, municipality



22 or other political subdivision of the state, which employs,  
23 appoints or otherwise engages the services of covered individuals.

24 (c) "Firefighter" means an individual who is trained  
25 for the prevention and control of loss of life and property from  
26 fire or other emergencies, who is assigned to fire-fighting  
27 activity, and is required to respond to alarms and perform  
28 emergency actions at the location of a fire, hazardous materials  
29 or other emergency incident. The term "firefighter" includes fire  
30 inspectors, fire investigators and fire academy instructors.

31 (d) "Law enforcement officer" means any lawfully sworn  
32 officer or employee of the state or any political subdivision of  
33 the state whose duties require the officer or employee to  
34 investigate, pursue, apprehend, arrest, transport or maintain  
35 custody of persons who are charged with, suspected of committing,  
36 or convicted of a crime, whether the officer is on regular duty on  
37 full-time status, an auxiliary or reserve officer, or is serving  
38 on a temporary or part-time status.

39 (e) "Cause of death" means any cause of death that  
40 would be covered under the Public Safety Officers' Benefits Act of  
41 1976 or the Hometown Heroes Survivors Benefits Act of 2003,  
42 generally codified at 42 USCS Chapter 46.

43 (f) "Emergency medical personnel" means emergency  
44 medical technicians (EMTs) and paramedics who are members of the  
45 Public Employees' Retirement System of Mississippi.



46           (2)   (a)   The Department of Public Safety shall make a  
47 payment, as provided in this section, in the amount of One Hundred  
48 Thousand Dollars (\$100,000.00) when a covered individual, while  
49 engaged in the performance of the person's official duties, \* \* \*  
50 dies or receives accidental or intentional bodily injury that  
51 results in the loss of the covered individual's life and such  
52 death is the result of a covered cause of death, provided that the  
53 \* \* \* death is not the result of suicide and that the bodily  
54 injury is not intentionally self-inflicted.

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

65           (c)   The payment made in this subsection is in addition  
66 to any workers' compensation or pension benefits and is exempt  
67 from the claims and demands of creditors of the covered  
68 individual.

69           (3)   (a)   There is established in the State Treasury a  
70 special fund to be known as the Law Enforcement Officers \* \* \*l



71 Fire Fighters and Emergency Medical Personnel Death Benefits Trust  
72 Fund. The trust fund shall be funded by an initial appropriation  
73 of Two Hundred Thousand Dollars (\$200,000.00), and shall be  
74 comprised of any additional funds made available by the  
75 Legislature or by donation, contribution, gift or any other  
76 source.

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

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

86 (4) The Department of Public Safety shall be responsible for  
87 the management of the trust fund and the disbursement of death  
88 benefits authorized under this section. The Department of Public  
89 Safety shall adopt rules and regulations necessary to implement  
90 and standardize the payment of death benefits under this section,  
91 to administer the trust fund created by this section and to carry  
92 out the purposes of this section.

93 **SECTION 2.** This act shall take effect and be in force from  
94 and after July 1, 2016.

