

By: Senator(s) Doty, Barnett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler, Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hill, Hopson, Horhn, Jackson (11th), Jackson (15th), Jackson (32nd), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons (12th), Simmons (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Witherspoon, Younger

To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2523

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE DEATH BENEFIT PAYABLE FROM THE LAW ENFORCEMENT OFFICERS
3 AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND FOR LAW ENFORCEMENT
4 OFFICERS AND FIREFIGHTERS KILLED IN THE LINE OF DUTY; AND FOR
5 RELATED 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 a law enforcement
11 officer or firefighter, including volunteer firefighters, as
12 defined in this section when employed by an employer as defined in
13 this section; it does not include employees of independent
14 contractors.

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



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

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

33 (e) "Cause of death" means any cause of death that
34 would be covered under the Public Safety Officers' Benefits Act of
35 1976 or the Hometown Heroes Survivors Benefits Act of 2003,
36 generally codified at 42 USCS Chapter 46.

37 (2) (a) The Department of Public Safety shall make a
38 payment, as provided in this section, in the amount of * * * Two
39 Hundred Thousand Dollars (\$200,000.00) when a covered individual,
40 while engaged in the performance of the person's official duties,
41 dies or receives accidental or intentional bodily injury that
42 results in the loss of the covered individual's life and such
43 death is the result of a covered cause of death, provided that the



44 death is not the result of suicide and that the bodily injury is
45 not intentionally self-inflicted.

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

56 (c) The payment made in this subsection is in addition
57 to any workers' compensation or pension benefits and is exempt
58 from the claims and demands of creditors of the covered
59 individual.

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

67 (b) The State Treasurer shall invest the monies of the
68 trust fund in any of the investments authorized for the funds of



69 the Public Employees' Retirement System under Section 25-11-121,
70 and those investments shall be subject to the limitations
71 prescribed by Section 25-11-121.

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

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

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2020.

