

By: Representative Miles

To: Appropriations

HOUSE BILL NO. 112

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH
 3 BENEFITS TRUST FUND TO INCLUDE COVERED INDIVIDUAL HEALTH CARE
 4 EMPLOYEES WHO DIE OF COVID-19 AND TO INCLUDE ANY CAUSE OF DEATH
 5 THAT WOULD BE COVERED UNDER THE SAFEGUARDING AMERICA'S FIRST
 6 RESPONDERS ACT OF 2020 FOR LAW ENFORCEMENT OFFICERS AND
 7 FIREFIGHTERS; TO PROVIDE FOR THE TRANSFER OF FUNDS FROM THE
 8 CORONAVIRUS STATE FISCAL RECOVERY FUND TO THE LAW ENFORCEMENT
 9 OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND; AND FOR
 10 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, as
 17 defined in this section when employed by an employer as defined in
 18 this section; it does not include employees of independent
 19 contractors. "Covered individual health care employee" also means
 20 a health care employee, as defined by the State Health Officer,
 21 for purposes of the death benefits paid from the Coronavirus State
 22 Fiscal Recovery Fund.



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

27 (c) "Firefighter" means an individual who is trained
28 for the prevention and control of loss of life and property from
29 fire or other emergencies, who is assigned to firefighting
30 activity, and is required to respond to alarms and perform
31 emergency actions at the location of a fire, hazardous materials
32 or other emergency incident.

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

41 (e) "Cause of death" means any cause of death that
42 would be covered under the Public Safety Officers' Benefits Act of
43 1976 * * *, the Hometown Heroes Survivors Benefits Act of 2003,
44 generally codified at 42 USCS Chapter 46, or the Safeguarding
45 America's First Responders Act of 2020.

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, dies
50 or receives accidental or intentional bodily injury that results
51 in the loss of the covered individual's life and such death is the
52 result of a covered cause of death, provided that the death is not
53 the result of suicide and that the bodily injury is not
54 intentionally self-inflicted. The Department of Public Safety
55 shall make a payment, as provided in this section, in the amount
56 of One Hundred Thousand Dollars (\$100,000.00) when a covered
57 individual health care employee dies from COVID-19 during any time
58 the American Rescue Plan Act of 2021 allows for such payment of
59 death benefits.

60 (b) For covered individuals, but not to include covered
61 individual health care employees, the payment provided for in this
62 subsection shall be made to the beneficiary who was designated in
63 writing by the covered individual, signed by the covered
64 individual and delivered to the employer during the covered
65 individual's lifetime. If no such designation is made, and in the
66 case of covered individual health care employees, then the payment
67 shall be made to the surviving child or children and spouse in
68 equal portions, and if there is no surviving child or spouse, then
69 to the parent or parents. Except for covered individual health
70 care employees, if a beneficiary is not designated and there is no
71 surviving child, spouse or parent, then the payment shall be made
72 to the covered individual's estate.



73 (c) The payment made in this subsection is in addition
74 to any workers' compensation or pension benefits and is exempt
75 from the claims and demands of creditors of the covered
76 individual.

77 (3) (a) There is established in the State Treasury a
78 special fund to be known as the Law Enforcement Officers and Fire
79 Fighters Death Benefits Trust Fund. The trust fund shall be
80 funded by an initial appropriation of Two Hundred Thousand Dollars
81 (\$200,000.00), and shall be comprised of any additional funds made
82 available by the Legislature or by donation, contribution, gift or
83 any other source.

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

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

93 (4) The Department of Public Safety shall be responsible for
94 the management of the trust fund and the disbursement of death
95 benefits authorized under this section. The Department of Public
96 Safety shall adopt rules and regulations necessary to implement
97 and standardize the payment of death benefits under this section,



98 to administer the trust fund created by this section and to carry
99 out the purposes of this section.

100 **SECTION 2.** Upon the effective date of this act, the State
101 Fiscal Officer shall transfer the sum of Twenty Million Dollars
102 (\$20,000,000.00) from the Coronavirus State Fiscal Recovery Fund
103 to the Law Enforcement Officers and Fire Fighters Death Benefits
104 Trust Fund for death benefits allowed under the American Rescue
105 Plan Act of 2021.

106 **SECTION 3.** This act shall take effect and be in force from
107 and after its passage.

