

By: Representatives Gunn, Aguirre (By Request), Miles, Felsher, Carpenter, Ford (73rd), Lancaster, Scoggin, Haney, Stamps, Foster

To: Appropriations

HOUSE BILL NO. 779

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE DEFINITION OF CAUSE OF DEATH FOR THE LAW  
3 ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND  
4 INCLUDES ANY CAUSE OF DEATH THAT WOULD BE COVERED UNDER THE  
5 SAFEGUARDING AMERICA'S FIRST RESPONDERS ACT OF 2020; TO PROVIDE  
6 FOR THE TRANSFER OF FUNDS FROM THE CORONAVIRUS STATE FISCAL  
7 RECOVERY FUND TO THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS  
8 DEATH BENEFITS TRUST FUND; AND FOR RELATED PURPOSES.

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

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

12 45-2-1. (1) Whenever used in this section, the term:

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

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



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

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

36 (e) "Cause of death" means any cause of death that  
37 would be covered under the Public Safety Officers' Benefits Act of  
38 1976 \* \* \*, the Hometown Heroes Survivors Benefits Act of 2003,  
39 generally codified at 42 USCS Chapter 46, or the Safeguarding  
40 America's First Responders Act of 2020.

41 (2) (a) The Department of Public Safety shall make a  
42 payment, as provided in this section, in the amount of One Hundred  
43 Thousand Dollars (\$100,000.00) when a covered individual, while  
44 engaged in the performance of the person's official duties, dies  
45 or receives accidental or intentional bodily injury that results  
46 in the loss of the covered individual's life and such death is the



47 result of a covered cause of death, provided that the death is not  
48 the result of suicide and that the bodily injury is not  
49 intentionally self-inflicted.

50 (b) 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 (c) 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. However, any  
80 unexpended amounts transferred in accordance with Section 2 of  
81 this act and remaining in the trust fund at the end of the state  
82 fiscal year shall lapse into the Coronavirus State Fiscal Recovery  
83 Fund.

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

91 **SECTION 2.** Upon the effective date of this act, the State  
92 Fiscal Officer shall transfer the sum of Five Million Dollars  
93 (\$5,000,000.00) from the Coronavirus State Fiscal Recovery Fund to  
94 the Law Enforcement Officers and Fire Fighters Death Benefits  
95 Trust Fund.



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

