

By: Senator(s) Fillingane, England

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2543

1 AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO  
2 INCLUDE THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION AND THE  
3 DRIVER SERVICE BUREAU AS SEPARATE OFFICES WITHIN THE DEPARTMENT OF  
4 PUBLIC SAFETY; TO AMEND SECTION 41-29-107, MISSISSIPPI CODE OF  
5 1972, TO REVISE DISCIPLINARY POLICY WITHIN THE BUREAU OF NARCOTICS  
6 TO REFLECT STATE LAW AND POLICY WITHIN OTHER UNITS OF THE  
7 DEPARTMENT OF PUBLIC SAFETY; TO DELETE OUTDATED LANGUAGE; TO AMEND  
8 SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO REQUIRE THE  
9 DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO SET THE FEE FOR  
10 TESTIMONY PROVIDED BY STATE MEDICAL EXAMINERS, PHYSICIANS AND  
11 PATHOLOGISTS OF THE MISSISSIPPI FORENSICS LABORATORY OR THE OFFICE  
12 OF THE STATE MEDICAL EXAMINER; TO AMEND SECTION 41-61-59,  
13 MISSISSIPPI CODE OF 1972, TO ALLOW TESTIMONY OF EMPLOYEES OF THE  
14 MISSISSIPPI FORENSICS LABORATORY AND THE OFFICE OF THE STATE  
15 MEDICAL EXAMINER IN CRIMINAL TRIALS TO BE CONDUCTED VIA REMOTE  
16 AUDIO-VISUAL COMMUNICATIONS IN CERTAIN CIRCUMSTANCES; TO AMEND  
17 SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THE  
18 COMMISSIONER OF PUBLIC SAFETY WITH THE AUTHORITY TO ESTABLISH THE  
19 MINIMUM QUALIFICATIONS AND SALARIES FOR EMPLOYEES OF THE  
20 MISSISSIPPI FORENSICS LABORATORY AND THE OFFICE OF THE STATE  
21 MEDICAL EXAMINER; TO AMEND SECTIONS 45-2-1 AND 45-2-31,  
22 MISSISSIPPI CODE OF 1972, TO PROVIDE AN ALTERNATIVE SOURCE OF  
23 FUNDING TO THE LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH  
24 BENEFITS FUND AND THE OTHER SAFETY OFFICIALS DEATH BENEFITS TRUST  
25 FUND; TO REPEAL SECTION 97-35-27, MISSISSIPPI CODE OF 1972, WHICH  
26 IS THE PROVISION THAT REQUIRES THE REGISTRATION OF CONVICTED  
27 FELONS WITH THE CHIEF OF POLICE OF THE CITY IN WHICH THE FELON  
28 RESIDES OR THE SHERIFF OF THE COUNTY IN WHICH THE FELON RESIDES;  
29 AND FOR RELATED PURPOSES.

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



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

33           45-1-2. (1) The Executive Director of the Department of  
34 Public Safety shall be the Commissioner of Public Safety.

35           (2) The Commissioner of Public Safety shall establish the  
36 organizational structure of the Department of Public Safety, which  
37 shall include the creation of any units necessary to implement the  
38 duties assigned to the department and consistent with specific  
39 requirements of law including, but not limited to:

40                   (a) Office of Public Safety Planning;

41                   (b) Office of Mississippi Highway Safety Patrol;

42                   (c) Office of Mississippi Bureau of Investigation (to  
43 be directed by a Lieutenant Colonel of the Mississippi Highway  
44 Safety Patrol);

45                   (d) Office of \* \* \* Forensic Laboratories, which  
46 includes the Mississippi Forensics Laboratory and the Office of  
47 the State Medical Examiner;

48                   (e) Office of Law Enforcement Officers' Training  
49 Academy;

50                   (f) Office of Support Services;

51                   (g) Office of Narcotics, which shall be known as the  
52 Bureau of Narcotics;

53                   (h) Office of Homeland Security; \* \* \*

54                   (i) Office of Capitol Police \* \* \*;

55                   (j) Office of Driver Services Bureau; and



56                   (k) Office of Commercial Transportation Enforcement  
57 Division.

58           (3) The department shall be headed by a commissioner, who  
59 shall be appointed by and serve at the pleasure of the Governor.  
60 The appointment of the commissioner shall be made with the advice  
61 and consent of the Senate. The commissioner shall have, at a  
62 minimum, a bachelor's degree from an accredited college or  
63 university.

64           (4) Notwithstanding any provision of law to the contrary,  
65 the commissioner shall appoint heads of offices, who shall serve  
66 at the pleasure of the commissioner. The commissioner shall have  
67 the authority to organize the offices established by subsection  
68 (2) of this section as deemed appropriate to carry out the  
69 responsibilities of the department. The commissioner may assign  
70 to the appropriate offices such powers and duties as deemed  
71 appropriate to carry out the department's lawful functions. The  
72 organization charts of the department shall be presented annually  
73 with the budget request of the Governor for review by the  
74 Legislature.

75           (5) The commissioner shall appoint, from within the  
76 Department of Public Safety, a statewide safety training officer  
77 who shall serve at the pleasure of the commissioner and whose duty  
78 it shall be to perform public training for both law enforcement  
79 and private persons throughout the state concerning proper  
80 emergency response to the mentally ill, terroristic threats or



81 acts, domestic conflict, other conflict resolution, and such other  
82 matters as the commissioner may direct.

83 (6) The commissioner shall establish within the department  
84 the Mississippi Office of Homeland Security for the purpose of  
85 seeing that the laws are faithfully executed and for the purpose  
86 of investigating cyber-related crimes and suppressing crimes of  
87 violence and acts of intimidation and terror. The commissioner is  
88 hereby authorized to employ within the Office of Homeland Security  
89 a director, investigators and other qualified personnel as he may  
90 deem necessary to make investigation of cyber-related crimes,  
91 crimes of violence and acts of terrorism or intimidation, to aid  
92 in the arrest and prosecution of persons charged with such  
93 cyber-related crimes, crimes of violence, acts of terrorism or  
94 intimidation, or threats of violence and to perform other duties  
95 as necessary to accomplish these purposes. Investigators and  
96 other law enforcement personnel employed by the commissioner shall  
97 have full power to investigate, apprehend, and arrest persons  
98 committing cyber-related crimes, acts of violence, intimidation,  
99 or terrorism anywhere in the state, and shall be vested with the  
100 power of police officers in the performance of such duties as  
101 provided herein. Such investigators and other personnel shall  
102 perform their duties under the direction of the commissioner, or  
103 his designee. The commissioner shall be authorized to offer and  
104 pay suitable rewards to other persons for aiding in such  
105 investigation and in the apprehension and conviction of persons



106 charged with cyber-related crimes, acts of violence, or threats of  
107 violence, or intimidation, or acts of terrorism.

108 (7) The commissioner shall establish within the Office of  
109 Homeland Security a Mississippi Analysis and Information Center  
110 (MSAIC Fusion Center) which shall be the highest priority for the  
111 allocation of available federal resources for statewide  
112 information sharing, including the deployment of personnel and  
113 connectivity with federal data systems. Subject to appropriation  
114 therefor, the Mississippi Fusion Center shall employ three (3)  
115 regional analysts dedicated to analyzing and resolving potential  
116 threats identified by the agency's statewide social media  
117 intelligence platform and the dissemination of school safety  
118 information.

119 **SECTION 2.** Section 41-29-107, Mississippi Code of 1972, is  
120 amended as follows:

121 41-29-107. (1) There is created within the Mississippi  
122 Department of Public Safety an office to be known as the  
123 Mississippi Bureau of Narcotics. The office shall have a director  
124 who shall be appointed by the Commissioner of Public Safety. The  
125 commissioner may assign to the appropriate offices of the  
126 department such powers and duties deemed appropriate to carry out  
127 the lawful functions of the Mississippi Bureau of Narcotics.

128 (2) The Commissioner of Public Safety is empowered to employ  
129 or appoint necessary agents. The commissioner may also employ  
130 such secretarial, clerical and administrative personnel, including



131 a duly licensed attorney, as necessary for the operation of the  
132 bureau, and shall have such quarters, equipment and facilities as  
133 needed. The salary and qualifications of the attorney authorized  
134 by this section shall be fixed by the director, but the salary  
135 shall not exceed the salary authorized for an assistant attorney  
136 general who performs similar duties.

137 (3) The director and agents so appointed shall be citizens  
138 of the United States and of the State of Mississippi, and of good  
139 moral character. The agents shall be not less than twenty-one  
140 (21) years of age at the time of such appointment. In addition  
141 thereto, those appointed shall have satisfactorily completed at  
142 least two (2) years of college studies. However, two (2) years of  
143 satisfactory service as a law enforcement officer and the  
144 completion of the prescribed course of study at a school operated  
145 by the Bureau of Narcotics and Dangerous Drugs, United States  
146 Justice Department, shall satisfy one (1) year of such college  
147 studies, and four (4) years of satisfactory service as a law  
148 enforcement officer and the completion of the prescribed course of  
149 study at such federal bureau school as stated heretofore shall  
150 fully satisfy the two (2) years of college requirement.

151 During the period of the first twelve (12) months after  
152 appointment, any \* \* \* agent of the bureau shall be subject to  
153 dismissal at the will of the director. After twelve (12) months'  
154 service, no \* \* \* agent of the bureau shall be subject to  
155 dismissal \* \* \* or otherwise have their salary adversely affected



156 except for cause, and any such action against an agent shall be  
157 subject to and proceed under the laws, rules and regulations of  
158 the State Personnel Board.

159 (4) The Commissioner of Public Safety may assign members of  
160 the Mississippi Highway Safety Patrol, regardless of age, to the  
161 bureau; however, when any highway patrolman or other employee,  
162 agent or official of the Mississippi Department of Public Safety  
163 is assigned to duty with, or is employed by, the bureau, he shall  
164 not be subject to assignment or transfer to any other office or  
165 department within the Mississippi Department of Public Safety  
166 except by the commissioner. Any highway patrolman assigned to  
167 duty with the bureau shall retain his status as a highway  
168 patrolman, but shall be under the supervision of the director.  
169 For purposes of seniority within the Highway Safety Patrol and for  
170 purposes of retirement under the Mississippi Highway Safety Patrol  
171 Retirement System, highway patrolmen assigned to the bureau will  
172 be credited as if performing duty with the Highway Safety Patrol.  
173 The commissioner may assign employees of the Highway Safety Patrol  
174 to the Mississippi Bureau of Narcotics and may assign agents of  
175 the bureau to the Highway Safety Patrol; however, any employees so  
176 assigned must meet all established requirements for the duties to  
177 which they are assigned.

178 (5) The Commissioner of Public Safety may enter into  
179 agreements with bureaus or departments of other states or of the  
180 United States for the exchange or temporary assignment of agents



181 for special undercover assignments and for performance of specific  
182 duties.

183 (6) The Commissioner of Public Safety may assign agents of  
184 the bureau to such duty and to request and accept agents from such  
185 other bureaus or departments for such duty.

186 \* \* \*

187 **SECTION 3.** Section 41-61-75, Mississippi Code of 1972, is  
188 amended as follows:

189 41-61-75. (1) For each investigation with the preparation  
190 and submission of the required reports, the following fees shall  
191 be billed to and paid by the county for which the service is  
192 provided:

193 (a) A medical examiner or his deputy shall receive One  
194 Hundred Seventy-five Dollars (\$175.00) for each completed report  
195 of investigation of death, plus the examiner's actual expenses.  
196 In addition to that fee, in cases where the cause of death was  
197 sudden infant death syndrome (SIDS) and the medical examiner  
198 provides a SIDS Death Scene Investigation report, the medical  
199 examiner shall receive for completing that report an additional  
200 Fifty Dollars (\$50.00), or an additional One Hundred Dollars  
201 (\$100.00) if the medical examiner has received advanced training  
202 in child death investigations and presents to the county a  
203 certificate of completion of that advanced training. The State  
204 Medical Examiner shall develop and prescribe a uniform format and  
205 list of matters to be contained in SIDS/Child Death Scene





206 Investigation reports, which shall be used by all county medical  
207 examiners and county medical examiner investigators in the state.

208 (b) The pathologist performing autopsies as provided in  
209 Section 41-61-65 shall receive One Thousand Dollars (\$1,000.00)  
210 per completed autopsy, plus mileage expenses to and from the site  
211 of the autopsy, and shall be reimbursed for any out-of-pocket  
212 expenses for third-party testing, not to exceed One Hundred  
213 Dollars (\$100.00) per autopsy.

214 (2) \* \* \* (a) When a medical examiner, physician or  
215 pathologist \* \* \* is subpoenaed for appearance and testimony  
216 before a grand jury, courtroom trial or deposition as a result of  
217 their duties as a State Medical Examiner, physician or  
218 pathologist, the office with which subpoenaed professional is  
219 employed shall be entitled to bill an expert witness hourly  
220 fee \* \* \* and mileage expenses to and from the site of the  
221 testimony, and such amount shall be paid by the jurisdiction or  
222 party issuing the subpoena.

223 (b) The expert witness fee shall be set by the  
224 director, and the expert fee shall be a reasonable fee considering  
225 the prevailing rates of other comparably respected available  
226 experts. The fee under this paragraph (b) shall be made payable  
227 to the Office of the State Medical Examiner.

228 **SECTION 4.** Section 41-61-59, Mississippi Code of 1972, is  
229 amended as follows:



230           41-61-59. (1) A person's death that affects the public  
231 interest as specified in subsection (2) of this section shall be  
232 promptly reported to the medical examiner by the physician in  
233 attendance, any hospital employee, any law enforcement officer  
234 having knowledge of the death, the embalmer or other funeral home  
235 employee, any emergency medical technician, any relative or any  
236 other person present. The appropriate medical examiner shall  
237 notify the municipal or state law enforcement agency or sheriff  
238 and take charge of the body. When the medical examiner has  
239 received notification under Section 41-39-15(6) that the deceased  
240 is medically suitable to be an organ and/or tissue donor, the  
241 medical examiner's authority over the body shall be subject to the  
242 provisions of Section 41-39-15(6). The appropriate medical  
243 examiner shall notify the Mississippi Bureau of Narcotics within  
244 twenty-four (24) hours of receipt of the body in cases of death as  
245 described in subsection (2) (m) or (n) of this section.

246           (2) A death affecting the public interest includes, but is  
247 not limited to, any of the following:

248                   (a) Violent death, including homicidal, suicidal or  
249 accidental death.

250                   (b) Death caused by thermal, chemical, electrical or  
251 radiation injury.

252                   (c) Death caused by criminal abortion, including  
253 self-induced abortion, or abortion related to or by sexual abuse.



254 (d) Death related to disease thought to be virulent or  
255 contagious that may constitute a public hazard.

256 (e) Death that has occurred unexpectedly or from an  
257 unexplained cause.

258 (f) Death of a person confined in a prison, jail or  
259 correctional institution.

260 (g) Death of a person where a physician was not in  
261 attendance within thirty-six (36) hours preceding death, or in  
262 prediagnosed terminal or bedfast cases, within thirty (30) days  
263 preceding death.

264 (h) Death of a person where the body is not claimed by  
265 a relative or a friend.

266 (i) Death of a person where the identity of the  
267 deceased is unknown.

268 (j) Death of a child under the age of two (2) years  
269 where death results from an unknown cause or where the  
270 circumstances surrounding the death indicate that sudden infant  
271 death syndrome may be the cause of death.

272 (k) Where a body is brought into this state for  
273 disposal and there is reason to believe either that the death was  
274 not investigated properly or that there is not an adequate  
275 certificate of death.

276 (l) Where a person is presented to a hospital emergency  
277 room unconscious and/or unresponsive, with cardiopulmonary  
278 resuscitative measures being performed, and dies within



279 twenty-four (24) hours of admission without regaining  
280 consciousness or responsiveness, unless a physician was in  
281 attendance within thirty-six (36) hours preceding presentation to  
282 the hospital, or in cases in which the decedent had a prediagnosed  
283 terminal or bedfast condition, unless a physician was in  
284 attendance within thirty (30) days preceding presentation to the  
285 hospital.

286 (m) Death that is caused by drug overdose or which is  
287 believed to be caused by drug overdose.

288 (n) When a stillborn fetus is delivered and the cause  
289 of the demise is medically believed to be from the use by the  
290 mother of any controlled substance as defined in Section  
291 41-29-105.

292 (3) The State Medical Examiner is empowered to investigate  
293 deaths, under the authority hereinafter conferred, in any and all  
294 political subdivisions of the state. The county medical examiners  
295 and county medical examiner investigators, while appointed for a  
296 specific county, may serve other counties on a regular basis with  
297 written authorization by the State Medical Examiner, or may serve  
298 other counties on an as-needed basis upon the request of the  
299 ranking officer of the investigating law enforcement agency. If a  
300 death affecting the public interest takes place in a county other  
301 than the one where injuries or other substantial causal factors  
302 leading to the death have occurred, jurisdiction for investigation  
303 of the death may be transferred, by mutual agreement of the



304 respective medical examiners of the counties involved, to the  
305 county where the injuries or other substantial causal factors  
306 occurred, and the costs of autopsy or other studies necessary to  
307 the further investigation of the death shall be borne by the  
308 county assuming jurisdiction.

309       (4) (a) In criminal trials where the testimony of an  
310 employee of the Mississippi Forensics Laboratory or the Office of  
311 the State Medical Examiner is unchallenged by an opposing witness,  
312 courts shall allow the member to testify remotely through the use  
313 of audio-visual communications equipment. In criminal trials  
314 where the defendant has designated a witness challenging the  
315 conclusions made by a member of the Mississippi Forensics  
316 Laboratory or Office of the State Medical Examiner, courts shall  
317 prohibit the member from testifying remotely.

318       (b) All persons qualified to administer an oath in the  
319 State of Mississippi may swear-in a witness remotely through the  
320 use of audio-visual communication equipment from a location within  
321 the State of Mississippi as long as the person administering the  
322 oath can positively identify the witness, and both the witness and  
323 the person administering the oath can see and hear the witness via  
324 audio-visual communications equipment.

325       (c) A witness not located within the State of  
326 Mississippi may consent to being put under oath via audio-video  
327 communication technology by a person located within the State of



328 Mississippi qualified to administer an oath in the State of  
329 Mississippi.

330 ( \* \* \*5) The chief county medical examiner or chief county  
331 medical examiner investigator may receive from the county in which  
332 he serves a salary of One Thousand Two Hundred Fifty Dollars  
333 (\$1,250.00) per month, in addition to the fees specified in  
334 Sections 41-61-69 and 41-61-75, provided that no county shall pay  
335 the chief county medical examiner or chief county medical examiner  
336 investigator less than Three Hundred Dollars (\$300.00) per month  
337 as a salary, in addition to other compensation provided by law.  
338 In any county having one or more deputy medical examiners or  
339 deputy medical examiner investigators, each deputy may receive  
340 from the county in which he serves, in the discretion of the board  
341 of supervisors, a salary of not more than Nine Hundred Dollars  
342 (\$900.00) per month, in addition to the fees specified in Sections  
343 41-61-69 and 41-61-75; however, no county shall pay the deputy  
344 medical examiners or deputy medical examiner investigators less  
345 than Three Hundred Dollars (\$300.00) per month as a salary in  
346 addition to other compensation provided by law. For this salary  
347 the chief shall assure twenty-four-hour daily and readily  
348 available death investigators for the county, and shall maintain  
349 copies of all medical examiner death investigations for the county  
350 for at least the previous five (5) years. He shall coordinate his  
351 office and duties and cooperate with the State Medical Examiner,  
352 and the State Medical Examiner shall cooperate with him.



353           **SECTION 5.** Section 41-61-77, Mississippi Code of 1972, is  
354 amended as follows:

355           41-61-77. (1) The Department of Public Safety shall  
356 establish and maintain a central office for the Mississippi  
357 Forensics Laboratory and the State Medical Examiner with  
358 appropriate facilities and personnel for postmortem medicolegal  
359 examinations. District offices, with appropriate facilities and  
360 personnel, may also be established and maintained if considered  
361 necessary by the department for the proper management of  
362 postmortem examinations.

363           The facilities of the central and district offices and their  
364 staff services may be available to the medical examiners and  
365 designated pathologists in their investigations.

366           (2) In order to provide proper facilities for investigating  
367 deaths as authorized in Sections 41-61-51 through 41-61-79, the  
368 State Medical Examiner may arrange for the use of existing public  
369 or private laboratory facilities. The State Medical Examiner may  
370 contract with qualified persons to perform or to provide support  
371 services for autopsies, studies and investigations not  
372 inconsistent with other applicable laws. Such laboratory  
373 facilities may be located at the University of Mississippi Medical  
374 Center or any other suitable location. The State Medical Examiner  
375 may be an affiliate or regular faculty member of the Department of  
376 Pathology at the University of Mississippi Medical Center and may  
377 serve as a member of the faculty of other institutions of higher



378 learning. He shall be authorized to employ, with the approval of  
379 the Commissioner of Public Safety, such additional scientific,  
380 technical, administrative and clerical assistants as are necessary  
381 for performance of his duties. Such employees in the Mississippi  
382 Forensics Laboratory and the Office of the State Medical Examiner  
383 shall be subject to the rules, regulations and policies of the  
384 Mississippi State Personnel Board in their employment. The  
385 Department of Public Safety shall have salary-setting authority  
386 and authority to set minimum qualifications for the employees of  
387 the Mississippi Forensics Laboratory and the Office of the State  
388 Medical Examiner.

389 (3) The State Medical Examiner shall be authorized to employ  
390 qualified pathologists as deputy state medical examiners as are  
391 necessary to carry out the duties of his office. The deputy state  
392 medical examiners shall be licensed to practice medicine and,  
393 either board-certified in forensic pathology by the American Board  
394 of Pathology or be a physician who is board certified in anatomic  
395 pathology by the American Board of Pathology. The State Medical  
396 Examiner may delegate specific duties to competent and qualified  
397 medical examiners within the scope of the express authority  
398 granted to him by law or regulation. Employees of the Office of  
399 the State Medical Examiner shall have the authority to enter any  
400 political subdivisions of this state for the purpose of carrying  
401 out medical investigations.





402           **SECTION 6.** Section 45-2-1, Mississippi Code of 1972, is  
403 amended as follows:

404           45-2-1. (1) Whenever used in this section, the term:

405                   (a) "Covered individual" means a law enforcement  
406 officer or firefighter, including volunteer firefighters, as  
407 defined in this section when employed by an employer as defined in  
408 this section; it does not include employees of independent  
409 contractors.

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

414                   (c) "Firefighter" means an individual who is trained  
415 for the prevention and control of loss of life and property from  
416 fire or other emergencies, who is assigned to firefighting  
417 activity, and is required to respond to alarms and perform  
418 emergency actions at the location of a fire, hazardous materials  
419 or other emergency incident.

420                   (d) "Law enforcement officer" means any lawfully sworn  
421 officer or employee of the state or any political subdivision of  
422 the state whose duties require the officer or employee to  
423 investigate, pursue, apprehend, arrest, transport or maintain  
424 custody of persons who are charged with, suspected of committing,  
425 or convicted of a crime, whether the officer is on regular duty on



426 full-time status, an auxiliary or reserve officer, or is serving  
427 on a temporary or part-time status.

428 (e) "Cause of death" means any cause of death that  
429 would be covered under the Public Safety Officers' Benefits Act of  
430 1976 or the Hometown Heroes Survivors Benefits Act of 2003,  
431 generally codified at 42 USCS Chapter 46.

432 (2) (a) The Department of Public Safety shall make a  
433 payment, as provided in this section, in the amount of One Hundred  
434 Thousand Dollars (\$100,000.00) when a covered individual, while  
435 engaged in the performance of the person's official duties, dies  
436 or receives accidental or intentional bodily injury that results  
437 in the loss of the covered individual's life and such death is the  
438 result of a covered cause of death, provided that the death is not  
439 the result of suicide and that the bodily injury is not  
440 intentionally self-inflicted. Upon specific appropriation by the  
441 Legislature therefor, the Department of Public Safety may pay  
442 certain claims for death benefits that it finds to be the result  
443 of unforeseen or unprecedented circumstances if sufficient funds  
444 exist at the time such a claim for death benefits is made.

445 (b) The payment provided for in this subsection shall  
446 be made to the beneficiary who was designated in writing by the  
447 covered individual, signed by the covered individual and delivered  
448 to the employer during the covered individual's lifetime. If no  
449 such designation is made, then the payment shall be made to the  
450 surviving child or children and spouse in equal portions, and if



451 there is no surviving child or spouse, then to the parent or  
452 parents. If a beneficiary is not designated and there is no  
453 surviving child, spouse or parent, then the payment shall be made  
454 to the covered individual's estate.

455 (c) The payment made in this subsection is in addition  
456 to any workers' compensation or pension benefits and is exempt  
457 from the claims and demands of creditors of the covered  
458 individual.

459 (d) A person who is a beneficiary of a life insurance  
460 policy under subsection (5) of this section shall be ineligible  
461 for payment from the fund.

462 (3) (a) There is established in the State Treasury a  
463 special fund to be known as the Law Enforcement Officers and Fire  
464 Fighters Death Benefits Trust Fund. The trust fund shall be  
465 funded by an initial appropriation of Two Hundred Thousand Dollars  
466 (\$200,000.00), and shall be comprised of any additional funds made  
467 available by the Legislature or by donation, contribution, gift or  
468 any other source.

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

474 (c) Unexpended amounts remaining in the trust fund at  
475 the end of the state fiscal year shall not lapse into the State



476 General Fund, and any income earned on amounts in the trust fund  
477 shall be deposited to the credit of the trust fund.

478 (4) The Department of Public Safety shall be responsible for  
479 the management of the trust fund and the disbursement of death  
480 benefits authorized under this section.

481 (5) (a) As an alternative to the fund created in this  
482 section, the Commissioner of the Department of Public Safety may  
483 establish a life insurance policy in the amount of One Hundred  
484 Thousand Dollars (\$100,000.00) for covered individuals.

485 (b) The Commissioner of the Department of Public Safety  
486 may use funds from the "Uninsured Motorist Identification Fund"  
487 established by Section 63-16-13 to pay life insurance premiums for  
488 covered individuals.

489 (c) The payment from the life insurance policy provided  
490 for in this subsection shall be made to the beneficiary who was  
491 designated in writing by the covered individual, signed by the  
492 covered individual and delivered to the employer during the  
493 covered individual's lifetime. If no such designation is made,  
494 then the payment shall be made to the surviving child or children  
495 and spouse in equal portions, and if there is no surviving child  
496 or spouse, then to the parent or parents. If a beneficiary is not  
497 designated and there is no surviving child, spouse or parent, then  
498 the payment shall be made to the covered individual's estate.

499 (6) The Department of Public Safety shall adopt rules and  
500 regulations necessary to implement and standardize the payment of



501 death benefits under this section, to administer the trust fund  
502 created by this section and to carry out the purposes of this  
503 section.

504       **SECTION 7.** Section 45-2-31, Mississippi Code of 1972, is  
505 amended as follows:

506           45-2-31. (1) As used in this section, the term "covered  
507 individual" means the directors and assistant directors of local  
508 emergency management organizations established under Section  
509 33-15-17, and coroners and deputy coroners.

510           (2) (a) The Department of Public Safety shall make a  
511 payment, as provided in this section, in the amount of One Hundred  
512 Thousand Dollars (\$100,000.00) when a covered individual, while  
513 engaged in the performance of the person's official duties, is  
514 accidentally or intentionally killed, provided that the killing is  
515 not the result of suicide and that the bodily injury is not  
516 intentionally self-inflicted. Upon specific appropriation by the  
517 Legislature therefor, the Department of Public Safety may pay  
518 certain claims for death benefits that it finds to be the result  
519 of unforeseen or unprecedented circumstances as long as sufficient  
520 funds exist at the time such a claim for death benefits is made.

521           (b) The payment provided for in this subsection shall  
522 be made to the beneficiary who was designated in writing by the  
523 covered individual during the covered individual's lifetime. If  
524 no such designation is made, then the payment shall be made to the  
525 surviving child or children and spouse in equal portions, and if



526 there is no surviving child or spouse, then to the parent or  
527 parents. If a beneficiary is not designated and there is no  
528 surviving child, spouse or parent, then the payment shall be made  
529 to the covered individual's estate.

530 (c) The payment made in this subsection is in addition  
531 to any workers' compensation or pension benefits and is exempt  
532 from the claims and demands of creditors of the covered  
533 individual.

534 (d) A person who is a beneficiary of a life insurance  
535 policy under subsection (5) of this section shall be ineligible  
536 for payment from the fund.

537 (3) (a) There is established in the State Treasury a  
538 special fund to be known as the "Other Safety Officials Death  
539 Benefits Trust Fund." The trust fund shall be funded by monies  
540 made available by the Legislature by appropriations as needed, or  
541 by donation, contribution, gift or any other source.

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

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



551 (4) The Department of Public Safety shall be responsible for  
552 the management of the trust fund and the disbursement of death  
553 benefits authorized under this section.

554 (5) (a) As an alternative to the payment from the fund  
555 created in this section, the Commissioner of the Department of  
556 Public Safety may establish a life insurance policy in the amount  
557 of One Hundred Thousand Dollars (\$100,000.00) for covered  
558 individuals.

559 (b) The Commissioner of the Department of Public Safety  
560 may use funds from the "Uninsured Motorist Identification Fund"  
561 established by Section 63-16-13 to pay life insurance premiums for  
562 covered individuals.

563 (c) The payment from the life insurance policy provided  
564 for in this subsection shall be made to the beneficiary who was  
565 designated in writing by the covered individual, signed by the  
566 covered individual and delivered to the employer during the  
567 covered individual's lifetime. If no such designation is made,  
568 then the payment shall be made to the surviving child or children  
569 and spouse in equal portions, and if there is no surviving child  
570 or spouse, then to the parent or parents. If a beneficiary is not  
571 designated and there is no surviving child, spouse or parent, then  
572 the payment shall be made to the covered individual's estate.

573 (6) The Department of Public Safety shall adopt rules and  
574 regulations necessary to implement and standardize the payment of  
575 death benefits under this section, to administer the trust fund



576 created by this section and to carry out the purposes of this  
577 section.

578         **SECTION 8.** Section 97-35-27, Mississippi Code of 1972, which  
579 is the provision that requires the registration of convicted  
580 felons with the chief of police of the city in which the felon  
581 resides or the sheriff of the county in which the felon resides,  
582 shall stand repealed.

583         **SECTION 9.** This act shall take effect and be in force from  
584 and after July 1, 2022, and shall stand repealed on June 30, 2022.

