

By: Senator(s) Fillingane

To: Judiciary, Division B

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7 DEPARTMENT OF PUBLIC SAFETY; TO DELETE OUTDATED LANGUAGE; TO AMEND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 Service 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 (4) 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 as long as sufficient
444 funds 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.

