

By: Senator(s) Fillingane, England, Hill

To: Judiciary, Division B

SENATE BILL NO. 2543
(As Passed the Senate)

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7 DEPARTMENT OF PUBLIC SAFETY; TO DELETE OUTDATED LANGUAGE; TO AMEND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 a current
310 or former State Medical Examiner, Deputy State Medical Examiner,
311 or member of the Mississippi Forensics Laboratory is needed, the
312 use of audiovisual communications equipment to present such
313 testimony remotely is allowed when the state has provided written
314 notice to the defendant at least ninety (90) days prior to trial
315 of its intent to present such remote testimony, and the defendant
316 provides no written objection within fourteen (14) days of
317 receiving such notice. Should the defendant object, the remote
318 testimony shall only be permitted upon a finding by the court that
319 the rights of the defendant to confront the witness against the
320 defendant is not violated, that compelling circumstances exist to
321 allow such remote testimony, and that the remote testimony can be
322 provided with appropriate safeguards so as to assure the
323 reliability of the testimony of the witness during the trial.

324 (b) All persons qualified to administer an oath in the
325 State of Mississippi may swear a witness remotely by audio-video
326 communication technology, provided they can positively identify
327 the witness and they are able to both see and hear the witness via
328 audiovisual communications equipment.



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

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



354 41-61-77. (1) The Department of Public Safety shall
355 establish and maintain a central office for the Mississippi
356 Forensics Laboratory and the State Medical Examiner with
357 appropriate facilities and personnel for postmortem medicolegal
358 examinations. District offices, with appropriate facilities and
359 personnel, may also be established and maintained if considered
360 necessary by the department for the proper management of
361 postmortem examinations.

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

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



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

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

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

403 45-2-1. (1) Whenever used in this section, the term:



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

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

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

419 (d) "Law enforcement officer" means any lawfully sworn
420 officer or employee of the state or any political subdivision of
421 the state whose duties require the officer or employee to
422 investigate, pursue, apprehend, arrest, transport or maintain
423 custody of persons who are charged with, suspected of committing,
424 or convicted of a crime, whether the officer is on regular duty on
425 full-time status, an auxiliary or reserve officer, or is serving
426 on a temporary or part-time status.

427 (e) "Cause of death" means any cause of death that
428 would be covered under the Public Safety Officers' Benefits Act of



429 1976 or the Hometown Heroes Survivors Benefits Act of 2003,
430 generally codified at 42 USCS Chapter 46.

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

444 (b) The payment provided for in this subsection shall
445 be made to the beneficiary who was designated in writing by the
446 covered individual, signed by the covered individual and delivered
447 to the employer during the covered individual's lifetime. If no
448 such designation is made, then the payment shall be made to the
449 surviving child or children and spouse in equal portions, and if
450 there is no surviving child or spouse, then to the parent or
451 parents. If a beneficiary is not designated and there is no
452 surviving child, spouse or parent, then the payment shall be made
453 to the covered individual's estate.



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

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

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

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

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



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

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

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

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

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



501 created by this section and to carry out the purposes of this
502 section.

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

505 45-2-31. (1) As used in this section, the term "covered
506 individual" means the directors and assistant directors of local
507 emergency management organizations established under Section
508 33-15-17, and coroners and deputy coroners.

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

582 **SECTION 9.** This act shall take effect and be in force from
583 and after July 1, 2022.

