

By: Senator(s) Frazier, Hopson, Polk, Butler To: Appropriations
(36th), DeBar, Michel, Parks, Williams,
Barnett, Barrett, Blackwell, Boyd, Branning,
Butler (38th), Carter, Caughman, Chassaniol,
Chism, DeLano, England, Fillingane, Harkins,
Hickman, Hill, Jackson (11th), McCaughn,
McLendon, McMahan, Moran, Norwood, Parker,
Seymour, Simmons (12th), Simmons (13th),
Sparks, Suber, Tate, Thomas, Wiggins, Younger

SENATE BILL NO. 2782

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF "CAUSE OF DEATH" UNDER THE LAW
3 ENFORCEMENT OFFICERS AND FIRE FIGHTERS' DEATH BENEFITS TRUST FUND
4 TO INCLUDE THE PRESUMPTION OF ELIGIBILITY FOR DEATH BENEFITS FOR
5 OFFICERS WITH COVID-19 PROVIDED BY THE SAFEGUARDING AMERICA'S
6 FIRST RESPONDERS ACT; AND FOR RELATED PURPOSES.

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

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

10 45-2-1. (1) Whenever used in this section, the term:

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

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



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

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

34 (e) "Cause of death" means any cause of death that
35 would be covered under the Public Safety Officers' Benefits Act of
36 1976 or the Hometown Heroes Survivors Benefits Act of 2003,
37 generally codified at 42 USCS Chapter 46, including the
38 presumption of eligibility for death benefits for officers with
39 COVID-19 provided by the Safeguarding America's First Responders
40 Act (P.L. 116-157).

41 (2) (a) The Department of Public Safety shall make a
42 payment, as provided in this section, in the amount of One Hundred
43 Thousand Dollars (\$100,000.00) when a covered individual, while
44 engaged in the performance of the person's official duties, dies



45 or receives accidental or intentional bodily injury that results
46 in the loss of the covered individual's life and such death is the
47 result of a covered cause of death, provided that the death is not
48 the result of suicide and that the bodily injury is not
49 intentionally self-inflicted.

50 (b) The payment provided for in this subsection shall
51 be made to the beneficiary who was designated in writing by the
52 covered individual, signed by the covered individual and delivered
53 to the employer during the covered individual's lifetime. If no
54 such designation is made, then the payment shall be made to the
55 surviving child or children and spouse in equal portions, and if
56 there is no surviving child or spouse, then to the parent or
57 parents. If a beneficiary is not designated and there is no
58 surviving child, spouse or parent, then the payment shall be made
59 to the covered individual's estate.

60 (c) The payment made in this subsection is in addition
61 to any workers' compensation or pension benefits and is exempt
62 from the claims and demands of creditors of the covered
63 individual.

64 (3) (a) There is established in the State Treasury a
65 special fund to be known as the Law Enforcement Officers and Fire
66 Fighters Death Benefits Trust Fund. The trust fund shall be
67 funded by an initial appropriation of Two Hundred Thousand Dollars
68 (\$200,000.00), and shall be comprised of any additional funds made



69 available by the Legislature or by donation, contribution, gift or
70 any other source.

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

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

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

87 **SECTION 2.** This act shall take effect and be in force from
88 and after its passage.

