

By: Senator(s) England

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2812

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 SAFEGUARDING AMERICA'S FIRST RESPONDERS ACT AND
5 OTHER FEDERAL LAWS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** This act shall be known and may be cited as the
8 "Law Enforcement and Firefighters Death Benefits Act of 2022."

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

11 45-2-1. (1) Whenever used in this section, the term:

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

17 (b) "Employer" means a state board, commission,
18 department, division, bureau or agency, or a county, municipality



19 or other political subdivision of the state, which employs,
20 appoints or otherwise engages the services of covered individuals.

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

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

35 (e) "Cause of death" means any cause of death that
36 would be covered under the Public Safety Officers' Benefits Act of
37 1976 or the Hometown Heroes Survivors Benefits Act of 2003,
38 generally codified at 42 USCS Chapter 46, or the Safeguarding
39 America's First Responders Act of 2020 (Public Law 116-157), or
40 any other provision of federal law providing benefits for line of
41 duty deaths of first responders.

42 (2) (a) The Department of Public Safety shall make a
43 payment, as provided in this section, in the amount of One Hundred



44 Thousand Dollars (\$100,000.00) when a covered individual, while
45 engaged in the performance of the person's official duties, dies
46 or receives accidental or intentional bodily injury that results
47 in the loss of the covered individual's life and such death is the
48 result of a covered cause of death, provided that the death is not
49 the result of suicide and that the bodily injury is not
50 intentionally self-inflicted.

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

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

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



69 (\$200,000.00), and shall be comprised of any additional funds made
70 available by the Legislature or by donation, contribution, gift or
71 any other source.

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

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

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

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

