

By: Senator(s) Wiggins

To: Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2860

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.

