

By: Representatives Carpenter, Miles,
Arnold, Byrd, Hale, Hopkins, Thompson,
Williamson, Lancaster

To: Appropriations

HOUSE BILL NO. 589

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT WHENEVER A DEATH BENEFIT IS PAID TO THE SURVIVORS OR
3 THE ESTATE OF A LAW ENFORCEMENT OFFICER OR FIREFIGHTER UNDER
4 CERTAIN FEDERAL LAWS, THE DEPARTMENT OF PUBLIC SAFETY SHALL MAKE A
5 PAYMENT FROM THE STATE DEATH BENEFITS TRUST FUND TO THE SURVIVORS
6 OR THE ESTATE OF THE PERSON WITHOUT MAKING ITS OWN DETERMINATION
7 ABOUT THE PERSON'S CAUSE OF DEATH; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** 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, 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.

40 (2) (a) The Department of Public Safety shall make a
41 payment, as provided in this section, in the amount of One Hundred
42 Thousand Dollars (\$100,000.00) when a covered individual, while
43 engaged in the performance of the person's official duties, dies
44 or receives accidental or intentional bodily injury that results
45 in the loss of the covered individual's life and such death is the



46 result of a covered cause of death, provided that the death is not
47 the result of suicide and that the bodily injury is not
48 intentionally self-inflicted. Whenever a death benefit is paid to
49 the survivors or the estate of a covered individual under any of
50 the federal laws named in subsection (1)(e) of this section, the
51 cause of death of the covered individual shall be deemed to meet
52 the definition in subsection (1)(e), and the Department of Public
53 Safety shall make the payment provided for in this subsection to
54 the survivors or the estate of the covered individual without
55 making its own determination about the covered individual's cause
56 of death.

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

67 (c) The payment made in this subsection is in addition
68 to any workers' compensation or pension benefits and is exempt
69 from the claims and demands of creditors of the covered
70 individual.



71 (3) (a) There is established in the State Treasury a
72 special fund to be known as the Law Enforcement Officers and Fire
73 Fighters Death Benefits Trust Fund. The trust fund shall be
74 funded by an initial appropriation of Two Hundred Thousand Dollars
75 (\$200,000.00), and shall be comprised of any additional funds made
76 available by the Legislature or by donation, contribution, gift or
77 any other source.

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

83 (c) Unexpended amounts remaining in the trust fund at
84 the end of the state fiscal year shall not lapse into the State
85 General Fund, and any income earned on amounts in the trust fund
86 shall be deposited to the credit of the trust fund. However, any
87 unexpended amounts transferred in accordance with Section 2 of
88 Chapter 315, Laws of 2022, and remaining in the trust fund at the
89 end of the state fiscal year shall lapse into the Coronavirus
90 State Fiscal Recovery Fund.

91 (4) The Department of Public Safety shall be responsible for
92 the management of the trust fund and the disbursement of death
93 benefits authorized under this section. The Department of Public
94 Safety shall adopt rules and regulations necessary to implement
95 and standardize the payment of death benefits under this section,



96 to administer the trust fund created by this section and to carry
97 out the purposes of this section.

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

