

By: Senator(s) Suber

To: Judiciary, Division B;  
Appropriations

SENATE BILL NO. 2416

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT UPON A FEDERAL LINE-OF-DUTY DEATH BENEFIT THAT IS  
 3 AWARDED TO THE COVERED INDIVIDUAL, THE LINE-OF-DUTY BENEFIT FROM  
 4 MISSISSIPPI SHALL BE AUTOMATIC; TO REQUIRE THE DEPARTMENT OF  
 5 PUBLIC SAFETY TO REQUEST A DEFICIT APPROPRIATION AT THE NEXT  
 6 LEGISLATIVE SESSION TO REPLENISH THE LAW ENFORCEMENT OFFICERS AND  
 7 FIRE FIGHTERS DEATH BENEFITS TRUST FUND IN THE EVENT THE FUND IS  
 8 DEPLETED; TO REMOVE THE AUTHORITY OF THE DEPARTMENT OF PUBLIC  
 9 SAFETY TO ADOPT RULES AND REGULATIONS TO ADMINISTER THE FUND; AND  
 10 FOR RELATED PURPOSES.

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

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

14 45-2-1. (1) Whenever used in this section, the term:

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

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



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

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

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

38 (e) "Cause of death" means any cause of death that  
39 would be covered under the Public Safety Officers' Benefits Act of  
40 1976, the Hometown Heroes Survivors Benefits Act of 2003,  
41 generally codified at 42 USCS Chapter 46, or the Safeguarding  
42 America's First Responders Act of 2020.

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



47 or receives accidental or intentional bodily injury that results  
48 in the loss of the covered individual's life and such death is the  
49 result of a covered cause of death, provided that the death is not  
50 the result of suicide and that the bodily injury is not  
51 intentionally self-inflicted. Upon a Federal Line of Duty Death  
52 Benefit that is awarded to the covered individual, the line of  
53 duty benefit from Mississippi shall be automatic.

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

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

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



72 (\$200,000.00), and shall be comprised of any additional funds made  
73 available by the Legislature or by donation, contribution, gift or  
74 any other source.

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

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

88 (4) The Department of Public Safety shall be responsible for  
89 the management of the trust fund and the disbursement of death  
90 benefits authorized under this section. In the event the trust  
91 fund is depleted, the Department of Public Safety shall request a  
92 deficit appropriation at the next legislative session to replenish  
93 the funds. \* \* \*

94 **SECTION 2.** This act shall take effect and be in force from  
95 and after July 1, 2023.

