

By: Representatives Lott, Burch

To: Judiciary B;
Appropriations A

HOUSE BILL NO. 1124

1 AN ACT TO CREATE NEW SECTION 45-2-51, MISSISSIPPI CODE OF
2 1972, TO ESTABLISH THE FIRST RESPONDERS FUNERAL BENEFITS TRUST
3 FUND IN THE STATE TREASURY; TO DEFINE THE TERM "FIRST RESPONDERS"
4 AS LAW ENFORCEMENT OFFICERS, FIREFIGHTERS AND EMERGENCY MEDICAL
5 TECHNICIANS; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO MAKE
6 PAYMENTS FOR FUNERAL BENEFITS TO SURVIVORS OF FIRST RESPONDERS
7 KILLED IN THE LINE OF DUTY; TO REQUIRE PAYMENTS TO BE MADE WITHIN
8 THREE DAYS OF A FIRST RESPONDER'S DEATH; TO REQUIRE THE DEPARTMENT
9 TO ADMINISTER THE TRUST FUND; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following shall be codified as Section
12 45-2-51, Mississippi Code of 1972:

13 45-2-51. (1) As used in this section, the following words
14 and phrases have the meanings ascribed in this subsection unless
15 the context clearly requires otherwise:

16 (a) "Covered individual" means a law enforcement
17 officer, firefighter, including a volunteer firefighter, or
18 emergency medical technician when employed by a state board,
19 commission, department, division, bureau or agency, or a county,
20 municipality or other political subdivision of the state.



21 (b) "Emergency medical technician" means a person who
22 possesses a valid emergency medical technician's certificate
23 issued under Chapter 59, Title 41, Mississippi Code of 1972, or
24 who has a privilege to practice under the Emergency Medical
25 Services Personnel Licensure Interstate Compact.

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

32 (d) "First responders" means law enforcement officers,
33 firefighters and emergency medical technicians.

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

42 (f) "Trust fund" means the First Responders Funeral
43 Benefits Trust Fund.

44 (2) (a) There is established in the State Treasury a
45 special fund to be known as the First Responders Funeral Benefits



46 Trust Fund. No later than three (3) days after the date of death
47 of a covered individual who is accidentally or intentionally
48 killed while engaged in the performance of the person's official
49 duties, the Department of Public Safety shall make a payment from
50 the trust fund in an amount equal to the actual cost of funeral
51 expenses, not to exceed Fifteen Thousand Dollars (\$15,000.00), so
52 long as the killing is not the result of suicide.

53 (b) The payment required under this section must be
54 made to the beneficiary designated in writing by the covered
55 individual during the covered individual's lifetime. If no
56 designation was made, the payment must be made to the surviving
57 next of kin of the covered individual, in the following order of
58 priority: spouse; child or children; parent or parents; sibling
59 or siblings. If there is no designated beneficiary and no
60 surviving spouse, child, parent or sibling, the payment may be
61 made, in the discretion of the Commissioner of Public Safety, to
62 the person or persons responsible for arranging the funeral of the
63 covered individual.

64 (c) The payment made under this section is in addition
65 to any other payment that may be made under this chapter, workers'
66 compensation or pension benefits and is exempt from the claims and
67 demands of creditors of the covered individual.

68 (3) (a) The trust fund will be funded by an initial
69 appropriation of One Hundred Fifty Thousand Dollars (\$150,000.00)
70 and will be comprised of any additional funds made available by



71 the Legislature or by donation, contribution, gift or any other
72 source.

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

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

82 (4) The Department of Public Safety is responsible for the
83 management of the fund and the disbursement of funeral benefits
84 authorized under this section. The department shall adopt rules
85 and regulations necessary to implement and standardize the payment
86 of funeral benefits under this section and for the general
87 administration of the trust fund. The rules and regulations
88 adopted by the department must include a procedure by which a
89 person entitled to benefits under this section, or a funeral
90 business acting on behalf of the person, may submit documentation
91 of the funeral expenses electronically to the department in order
92 to facilitate payment of the benefits as expeditiously as
93 possible.

94 **SECTION 2.** This act shall take effect and be in force from
95 and after July 1, 2024.

