

By: Representatives Thompson, Paden,
Faulkner, Harness, Aguirre, Butler-
Washington, Clark, Denton, Hulum, James-
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To: Education;
Appropriations A

HOUSE BILL NO. 590

1 AN ACT TO AMEND SECTIONS 45-2-1 AND 45-2-21, MISSISSIPPI CODE
2 OF 1972, TO INCLUDE SCHOOL RESOURCE OFFICERS IN THE DEFINITION OF
3 "LAW ENFORCEMENT OFFICER" FOR PURPOSES OF RECEIVING BENEFITS FROM
4 "THE LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS DEATH BENEFITS
5 TRUST FUND" AND "THE LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS
6 DEATH BENEFITS TRUST FUND"; AND FOR RELATED PURPOSES.

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

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

10 45-2-1. (1) Whenever used in this section, the term:

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

16 (b) "Employer" means a state board, commission,
17 department, division, bureau or agency, or a county, municipality
18 or other political subdivision of the state, which employs,
19 appoints or otherwise engages the services of covered individuals.



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

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

34 (e) "Cause of death" means any cause of death that
35 would be covered under the Public Safety Officers' Benefits Act of
36 1976, the Hometown Heroes Survivors Benefits Act of 2003,
37 generally codified at 42 USCS Chapter 46, or the Safeguarding
38 America's First Responders Act of 2020.

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



45 result of a covered cause of death, provided that the death is not
46 the result of suicide and that the bodily injury is not
47 intentionally self-inflicted.

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

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

62 (3) (a) There is established in the State Treasury a
63 special fund to be known as the Law Enforcement Officers and
64 Firefighters Death Benefits Trust Fund. The trust fund shall be
65 funded by an initial appropriation of Two Hundred Thousand Dollars
66 (\$200,000.00), and shall be comprised of any additional funds made
67 available by the Legislature or by donation, contribution, gift or
68 any other source.



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

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

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

89 **SECTION 2.** Section 45-2-21, Mississippi Code of 1972, is
90 amended as follows:

91 45-2-21. (1) Whenever used in this section, the term:

92 (a) "Covered individual" means a law enforcement
93 officer or firefighter, including volunteer firefighters, as



defined in this section while actively engaged in protecting the lives and property of the citizens of this state when employed by an employer as defined in this section; it does not include employees of independent contractors.

(b) "Employer" means a state board, commission, department, division, bureau, or agency, or a county, municipality or other political subdivision of the state, which employs, appoints or otherwise engages the services of covered individuals.

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

(d) "Law enforcement officer" means any lawfully sworn officer, school resource officer or employee of the state or any political subdivision of the state whose duties require the officer or employee to investigate, pursue, apprehend, arrest, transport or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime.

(2) (a) The Attorney General's office shall make a monthly disability benefit payment equal to thirty-four percent (34%) of the covered individual's regular base salary at the time of injury when a covered individual, while engaged in the performance of the individual's official duties, is accidentally or intentionally



119 injured in the line of duty as a direct result of a single
120 incident. The benefit shall be payable for the period of time the
121 covered individual is physically unable to perform the duties of
122 the covered individual's employment, not to exceed twelve (12)
123 total payments for any one (1) injury. Chronic or repetitive
124 injury is not covered. Benefits made available under this section
125 shall be in addition to any workers' compensation benefits and
126 shall be limited to the difference between the amount of workers'
127 compensation benefits and the amount of the covered individual's
128 regular base salary. Compensation under this section shall not be
129 awarded where a penal violation committed by the covered
130 individual contributed to the disability or the injury was
131 intentionally self-inflicted.

132 (b) Payments made under this subsection are exempt from
133 the claims and demands of creditors of the covered individual.

134 (3) (a) There is established in the State Treasury a
135 special fund to be known as the Law Enforcement Officers and Fire
136 Fighters Disability Benefits Fund. The fund shall be funded by
137 any funds made available by the Legislature or by donation,
138 contribution, gift or any other source.

139 (b) The State Treasurer shall invest the monies of the
140 fund in any of the investments authorized for the funds of the
141 Public Employees' Retirement System under Section 25-11-121, and
142 those investments shall be subject to the limitations prescribed
143 by Section 25-11-121.



144 (c) Unexpended amounts remaining in the fund at the end
145 of the state fiscal year shall not lapse into the State General
146 Fund, and any income earned on amounts in the fund shall be
147 deposited to the credit of the fund.

148 (4) The Attorney General's office shall be responsible for
149 the management of the fund and the disbursement of disability
150 benefits authorized under this section. The Attorney General
151 shall adopt rules and regulations necessary to implement and
152 standardize the payment of disability benefits under this section,
153 to administer the fund created by this section and to carry out
154 the purposes of this section. The Attorney General's office may
155 expend up to ten percent (10%) of the monies in the fund for the
156 administration and management of the fund and carrying out the
157 purposes of this section.

158 (5) From and after July 1, 2016, the expenses of the Law
159 Enforcement Officers and Fire Fighters Disability Benefits Fund
160 shall be defrayed by appropriation from the State General Fund and
161 all user charges and fees authorized under this section shall be
162 deposited into the State General Fund as authorized by law and as
163 determined by the State Fiscal Officer.

164 (6) From and after July 1, 2016, no state agency shall
165 charge another state agency a fee, assessment, rent or other
166 charge for services or resources received by authority of this
167 section.



168 **SECTION 3.** This act shall take effect and be in force from
169 and after July 1, 2025.

