

By: Representatives Capps, Foster, Myers,
Eaton, Ishee, Taylor, Fleming, Holland,
Mitchell

To: Appropriations

HOUSE BILL NO. 758
(As Sent to Governor)

1 AN ACT TO PROVIDE FOR THE PAYMENT OF DEATH BENEFITS TO THE
2 SURVIVORS OF LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY;
3 TO CREATE THE LAW ENFORCEMENT OFFICERS DEATH BENEFITS TRUST FUND;
4 TO PROVIDE FOR THE ADMINISTRATION OF THE FUND BY THE DEPARTMENT OF
5 PUBLIC SAFETY; AND FOR RELATED PURPOSES.

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

7 SECTION 1. (1) Whenever used in this section, the term:

8 (a) "Employer" means a state board, commission,
9 department, division, bureau, or agency, or a county, municipality
10 or other political subdivision of the state, which employs,
11 appoints or otherwise engages the services of law enforcement
12 officers.

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

19 (2) (a) The Department of Public Safety shall make a
20 payment, as provided in this section, in the amount of Ten
21 Thousand Dollars (\$10,000.00) when a law enforcement officer,
22 while engaged in the performance of the officer's law enforcement
23 duties, is accidentally or intentionally killed or receives
24 accidental or intentional bodily injury that results in the loss
25 of the officer's life, provided that the killing is not the result
26 of suicide and that the bodily injury is not intentionally
27 self-inflicted.

28 (b) The payment provided for under paragraph (a) of
29 this subsection shall be made to the beneficiary that was
30 designated in writing by the law enforcement officer, signed by
31 the officer and delivered to the employer during the officer's
32 lifetime. If no such designation is made, then the payment shall
33 be made to the officer's surviving child or children and spouse in
34 equal portions, and if there is no surviving child or spouse, then
35 to the officer's parent or parents. If a beneficiary is not
36 designated and there is no surviving child, spouse or parent, then
37 the payment shall be made to the officer's estate.

38 (c) The payment made under paragraph (a) of this
39 subsection is in addition to any workers' compensation or pension
40 benefits and is exempt from the claims and demands of creditors of
41 the law enforcement officer.

42 (3) (a) There is established in the State Treasury a
43 special fund to be known as the Law Enforcement Officers Death
44 Benefits Trust Fund. The trust fund shall be funded by an initial
45 appropriation of Two Hundred Thousand Dollars (\$200,000.00), and
46 shall be comprised of any additional funds made available by the
47 Legislature or by donation, contribution, gift or any other
48 source.

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

54 (c) Unexpended amounts remaining in the trust fund at
55 the end of the state fiscal year shall not lapse into the State
56 General Fund, and any income earned on amounts in the trust fund
57 shall be deposited to the credit of the trust fund.

58 (4) The Department of Public Safety shall be responsible for
59 the management of the trust fund and the disbursement of death
60 benefits authorized under this section. The Department of Public

61 Safety shall adopt rules and regulations necessary to implement
62 and standardize the payment of death benefits under this section,
63 to administer the trust fund created by this section and to carry
64 out the purposes of this section.

65 SECTION 2. This act shall take effect and be in force from
66 and after July 1, 1999.