

By: Representative Eaton

To: Appropriations

HOUSE BILL NO. 1125

1 AN ACT TO PROVIDE FOR THE PAYMENT OF FUNERAL EXPENSES TO THE
2 SURVIVING SPOUSE, CHILDREN OR DEPENDENT PARENTS OF A LAW
3 ENFORCEMENT OFFICER WHO IS KILLED OR DIES IN THE LINE OF DUTY; TO
4 DEFINE CERTAIN TERMS AS USED IN THIS ACT; TO CREATE IN THE STATE
5 TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "LAW ENFORCEMENT
6 OFFICER FUNERAL BENEFIT FUND," AND TO PROVIDE THAT SUCH MONIES AS
7 ARE DEPOSITED INTO THE FUND MAY BE EXPENDED, UPON LEGISLATIVE
8 APPROPRIATION, TO PAY BENEFITS TO THE FAMILIES OF LAW ENFORCEMENT
9 OFFICERS KILLED IN THE LINE OF DUTY; TO PROVIDE THAT THE FUND
10 SHALL BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND
11 ADMINISTRATION; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND
12 ADMINISTRATION TO ADOPT SUCH RULES AND REGULATIONS AS IT DEEMS
13 NECESSARY FOR CARRYING OUT ITS DUTIES UNDER THIS ACT; TO PROVIDE
14 THAT ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE DEPARTMENT
15 MAY APPEAL THE DECISION TO THE CHANCERY COURT OF HINDS COUNTY; AND
16 FOR RELATED PURPOSES.

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

18 SECTION 1. For purposes of this act the following terms
19 shall have the meanings herein ascribed unless the context
20 requires otherwise:

21 (a) "Children" means any natural, illegitimate, adopted
22 or posthumous children or stepchildren of the decedent who are:

23 (i) Eighteen (18) years of age or under; or

24 (ii) Over eighteen (18) years of age and incapable
25 of self-support because of physical or mental disability.

26 (b) "Law enforcement officer" means and has the same
27 definition as that term is defined in Section 45-6-3.

28 (c) "Stepchild" means a child of the surviving spouse
29 who was living with or dependent for support on the decedent at
30 the time of his death.

31 SECTION 2. (1) Reasonable funeral expenses, not to exceed
32 Six Thousand Five Hundred Dollars (\$6,500.00), shall be paid to
33 the surviving spouse, children or dependent parents of a law

34 enforcement officer who is killed or dies in the line of duty.

35 (2) The funeral benefit provided by subsection (1) of this
36 section shall be reduced by the amount of any related workers'
37 compensation benefits paid under Chapter 3 of Title 71,
38 Mississippi Code of 1972.

39 SECTION 3. (1) There is created in the State Treasury a
40 special fund to be designated as the "Law Enforcement Officer
41 Funeral Benefit Fund." Such monies as the Legislature directs or
42 authorizes to be deposited into the fund may be expended, upon
43 legislative appropriation, to pay benefits to the families of law
44 enforcement officers killed in the line of duty as provided under
45 this act. Unexpended amounts remaining in the fund at the end of
46 a fiscal year shall not lapse into the State General Fund, and any
47 interest earned on amounts in the fund shall be deposited to the
48 credit of the fund.

49 (2) The fund created in subsection (1) of this section shall
50 be administered by the Department of Finance and Administration.
51 The Department of Finance and Administration shall adopt such
52 rules and regulations as it deems necessary to prescribe the
53 procedure for making and paying claims and, in general, for
54 carrying out all of its powers and duties under the provisions of
55 this act.

56 (3) Upon a determination by the Department of Finance and
57 Administration that benefits provided under this act are payable,
58 payment shall be made as follows:

59 (a) To the surviving spouse;

60 (b) If there is no surviving spouse, to the surviving
61 child or children of the decedent in equal shares; or

62 (c) If there is no surviving spouse or children, to the
63 surviving parent or parents, if the parent was a dependent as
64 defined in Section 152 of the Internal Revenue Code.

65 (4) Any person aggrieved by a final decision of the
66 department may appeal the decision to the Chancery Court of Hinds
67 County. Any such appeal shall be limited to an appeal on the
68 record.

69 SECTION 4. This act shall take effect and be in force from
70 and after July 1, 1999.