

By: Representatives Martinson, Creel, Eads, Fillingane, Fleming, Frierson, Gadd, Guice, Ishee, Jennings, Lott, McBride, Ryals, Snowden, Whittington, Horne

To: Judiciary B; Appropriations

HOUSE BILL NO. 1332

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE AMOUNT OF THE PAYMENTS MADE TO SURVIVORS FROM THE LAW
3 ENFORCEMENT OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND
4 IN THE CASES OF ACCIDENTAL OR INTENTIONAL DEATH OR BODILY INJURY
5 RESULTING IN DEATH OF LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS;
6 TO PROVIDE FOR A LARGER PAYMENT WHEN THE DEATH IS INTENTIONAL; AND
7 FOR RELATED PURPOSES.

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

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

11 45-2-1. (1) Whenever used in this section, the term:

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

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

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

27 (d) "Law enforcement officer" means any lawfully sworn
28 officer or employee of the state or any political subdivision of
29 the state whose duties require the officer or employee to



30 investigate, pursue, apprehend, arrest, transport or maintain
31 custody of persons who are charged with, suspected of committing,
32 or convicted of a crime.

33 (2) (a) The Department of Public Safety shall make a
34 payment, as provided in this section, in the amount of Thirty
35 Thousand Dollars (\$30,000.00) when a law enforcement officer,
36 while engaged in the performance of the person's official duties,
37 is accidentally * * * killed or receives accidental * * * bodily
38 injury that results in the loss of the covered individual's life.

39 (b) The Department of Public Safety shall make a
40 payment, as provided in this section, in the amount of Fifty
41 Thousand Dollars (\$50,000.00) when a law enforcement officer,
42 while engaged in the performance of the person's official duties,
43 is intentionally killed or receives intentional bodily injury that
44 results in the loss of the covered individual's life. However, a
45 payment shall not be made under this paragraph if the killing is
46 * * * the result of suicide or the bodily injury is * * *
47 intentionally self-inflicted.

48 (c) The Department of Public Safety shall make a
49 payment, as provided in this section, in the amount of Thirty
50 Thousand Dollars (\$30,000.00) when a firefighter, while engaged in
51 the performance of the person's official duties, is accidentally
52 * * * killed or receives accidental * * * bodily injury that
53 results in loss of the covered individual's life.

54 (d) The Department of Public Safety shall make a
55 payment, as provided in this section, in the amount of Fifty
56 Thousand Dollars (\$50,000.00) when a firefighter, while engaged in
57 the performance of the person's official duties, is intentionally
58 killed or receives intentional bodily injury that results in loss
59 of the covered individual's life. However, a payment shall not be
60 made under this paragraph if the killing is * * * the result of
61 suicide or the bodily injury is * * * intentionally
62 self-inflicted.



63 (e) The payment provided for in this subsection shall
64 be made to the beneficiary who was designated in writing by the
65 covered individual, signed by the covered individual and delivered
66 to the employer during the covered individual's lifetime. If no
67 such designation is made, then the payment shall be made to the
68 surviving child or children and spouse in equal portions, and if
69 there is no surviving child or spouse, then to the parent or
70 parents. If a beneficiary is not designated and there is no
71 surviving child, spouse or parent, then the payment shall be made
72 to the covered individual's estate.

73 (f) The payment made in this subsection is in addition
74 to any workers' compensation or pension benefits and is exempt
75 from the claims and demands of creditors of the covered
76 individual.

77 (3) (a) There is established in the State Treasury a
78 special fund to be known as the Law Enforcement Officers and Fire
79 Fighters Death Benefits Trust Fund. The trust fund shall be
80 funded by an initial appropriation of Two Hundred Thousand Dollars
81 (\$200,000.00), and shall be comprised of any additional funds made
82 available by the Legislature or by donation, contribution, gift or
83 any other source.

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

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

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



96 Safety shall adopt rules and regulations necessary to implement
97 and standardize the payment of death benefits under this section,
98 to administer the trust fund created by this section and to carry
99 out the purposes of this section.

100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2002.

