

By: Senator(s) Smith

To: Appropriations

SENATE BILL NO. 3065

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE PAYMENT OF BENEFITS UPON THE DEATH OF LAW ENFORCEMENT  
3 OFFICERS AND FIRE FIGHTERS FROM THE DEATH BENEFITS TRUST FUND; AND  
4 FOR RELATED PURPOSES.

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

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

8 45-2-1. (1) Whenever used in this section, the term:

9 (a) "Covered individual" means a law enforcement  
10 officer or fire fighter as defined in this section when employed  
11 by an employer as defined in this section; it does not include  
12 employees of independent contractors. \* \* \*

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

17 (c) "Fire fighter" means an individual who is trained  
18 for the prevention and control of loss of life and property from  
19 fire or other emergencies, who is assigned to fire-fighting  
20 activity, and is required to respond to alarms and perform  
21 emergency actions at the location of a fire, hazardous materials  
22 or other emergency incident. "Fire fighter" also includes  
23 volunteer fire fighters.

24 (d) "Law enforcement officer" means any lawfully sworn  
25 officer or employee of the state or any political subdivision of  
26 the state whose duties require the officer or employee to  
27 investigate, pursue, apprehend, arrest, transport or maintain



28 custody of persons who are charged with, suspected of committing,  
29 or convicted of a crime.

30 (2) (a) The Department of Public Safety shall make a  
31 payment, as provided in this section, in the amount of Twenty  
32 Thousand Dollars (\$20,000.00) when a covered individual, while  
33 engaged in the performance of the individual's official duties, is  
34 accidentally \* \* \* killed or receives accidental \* \* \* bodily  
35 injury that results in the loss of the covered individual's life,  
36 provided that the killing is not the result of suicide and that  
37 the bodily injury is not intentionally self-inflicted.

38 (b) The Department of Public Safety shall make a  
39 payment, as provided in this section, in the amount of Thirty  
40 Thousand Dollars (\$30,000.00) when a covered individual, while  
41 engaged in the performance of the individual's official duties,  
42 is \* \* \* intentionally killed or receives \* \* \* intentional bodily  
43 injury that results in loss of the covered individual's life,  
44 provided that the killing is not the result of suicide and that  
45 the bodily injury is not intentionally self-inflicted.

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

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



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

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

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

76           (4) The Department of Public Safety shall be responsible for  
77 the management of the trust fund and the disbursement of death  
78 benefits authorized under this section. The Department of Public  
79 Safety shall adopt rules and regulations necessary to implement  
80 and standardize the payment of death benefits under this section,  
81 to administer the trust fund created by this section and to carry  
82 out the purposes of this section.

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

