

By: Senator(s) Chamberlin

To: Appropriations

SENATE BILL NO. 2051

1 AN ACT TO AMEND SECTION 45-2-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT EMERGENCY MEDICAL TECHNICIANS SHALL BE ELIGIBLE TO
3 RECEIVE A DEATH BENEFIT WHEN KILLED IN THE LINE OF DUTY; AND FOR
4 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 or emergency medical technician as
11 defined in this section when employed by an employer as defined in
12 this section; it does not include employees of independent
13 contractors. "Covered individual" also includes volunteer fire
14 fighters.

15 (b) "Emergency medical technician" means a person
16 licensed pursuant to Section 41-59-1 et seq. to provide emergency
17 medical services as an emergency medical technician-ambulance,
18 emergency medical technician-intermediate, emergency medical
19 technician-paramedic, or emergency medical
20 technician-nurse-paramedic.

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

25 (d) "Fire fighter" means an individual who is trained
26 for the prevention and control of loss of life and property from
27 fire or other emergencies, who is assigned to fire-fighting
28 activity, and is required to respond to alarms and perform



29 emergency actions at the location of a fire, hazardous materials
30 or other emergency incident.

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

37 (2) (a) The Department of Public Safety shall make a
38 payment, as provided in this section, in the amount of Twenty
39 Thousand Dollars (\$20,000.00) when a covered individual, while
40 engaged in the performance of the person's official duties, is
41 accidentally or intentionally killed or receives accidental or
42 intentional bodily injury that results in the loss of the covered
43 individual's life, provided that the killing is not the result of
44 suicide and that the bodily injury is not intentionally
45 self-inflicted.

46 * * *

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

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



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

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

85 **SECTION 2.** This act shall take effect and be in force from
86 and after July 1, 2003.

