

By: Senator(s) Burton

To: Judiciary, Division B

SENATE BILL NO. 2907

1 AN ACT TO AMEND SECTION 45-2-21, MISSISSIPPI CODE OF 1972, TO  
2 TRANSFER RESPONSIBILITY AND SUPERVISION OF THE LAW ENFORCEMENT  
3 OFFICERS AND FIRE FIGHTERS DISABILITY BENEFITS TRUST FUND FROM THE  
4 DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF FINANCE AND  
5 ADMINISTRATION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 45-2-21, Mississippi Code of 1972, is  
8 amended as follows:

9 45-2-21. (1) Whenever used in this section, the term:

10 (a) "Covered individual" means a law enforcement  
11 officer or fire fighter as defined in this section while actively  
12 engaged in protecting the lives and property of the citizens of  
13 this state when employed by an employer as defined in this  
14 section; it does not include employees of independent contractors.

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

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

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

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

31 (2) (a) The Department of Finance and Administration shall  
32 make a monthly disability benefit payment equal to thirty-four  
33 percent (34%) of the covered individual's regular base salary at  
34 the time of injury when a covered individual, while engaged in the  
35 performance of the individual's official duties, is accidentally  
36 or intentionally injured in the line of duty as a direct result of  
37 a single incident. The benefit shall be payable for the period of  
38 time the covered individual is physically unable to perform the  
39 duties of the covered individual's employment, not to exceed  
40 twelve (12) total payments for any one (1) injury. Chronic or  
41 repetitive injury is not covered. Benefits made available under  
42 this section shall be in addition to any workers' compensation  
43 benefits and shall be limited to the difference between the amount  
44 of workers' compensation benefits and the amount of the covered  
45 individual's regular base salary. Compensation under this section  
46 shall not be awarded where a penal violation committed by the  
47 covered individual contributed to the disability or the injury was  
48 intentionally self-inflicted.

49 (b) Payments made under this subsection are exempt from  
50 the claims and demands of creditors of the covered individual.

51 (3) (a) There is established in the State Treasury a  
52 special fund to be known as the Law Enforcement Officers and Fire  
53 Fighters Disability Benefits Trust Fund. The trust fund shall be  
54 funded by any funds made available by the Legislature or by  
55 donation, contribution, gift or any other source.

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

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

65           (4) The Department of Finance and Administration shall be  
66 responsible for the management of the trust fund and the  
67 disbursement of disability benefits authorized under this section.  
68 The Department of Finance and Administration shall adopt rules and  
69 regulations necessary to implement and standardize the payment of  
70 disability benefits under this section, to administer the trust  
71 fund created by this section and to carry out the purposes of this  
72 section.

73           **SECTION 2.** This act shall take effect and be in force from  
74 and after July 1, 2006.