

By: Senator(s) DeLano

To: Appropriations

SENATE BILL NO. 2487

1 AN ACT TO BRING FORWARD SECTION 45-2-1, MISSISSIPPI CODE OF
2 1972, WHICH IS THE PROVISION THAT ESTABLISHES THE LAW ENFORCEMENT
3 OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND FOR PURPOSES
4 OF POSSIBLE AMENDMENT; AND 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 brought forward 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 firefighter, including volunteer firefighters, 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.

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

18 (c) "Firefighter" means an individual who is trained
19 for the prevention and control of loss of life and property from



20 fire or other emergencies, who is assigned to firefighting
21 activity, and is required to respond to alarms and perform
22 emergency actions at the location of a fire, hazardous materials
23 or other emergency incident.

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, whether the officer is on regular duty on
30 full-time status, an auxiliary or reserve officer, or is serving
31 on a temporary or part-time status.

32 (e) "Cause of death" means any cause of death that
33 would be covered under the Public Safety Officers' Benefits Act of
34 1976, the Hometown Heroes Survivors Benefits Act of 2003,
35 generally codified at 42 USCS Chapter 46, or the Safeguarding
36 America's First Responders Act of 2020.

37 (2) (a) The Department of Public Safety shall make a
38 payment, as provided in this section, in the amount of One Hundred
39 Thousand Dollars (\$100,000.00) when a covered individual, while
40 engaged in the performance of the person's official duties, dies
41 or receives accidental or intentional bodily injury that results
42 in the loss of the covered individual's life and such death is the
43 result of a covered cause of death, provided that the death is not



44 the result of suicide and that the bodily injury is not
45 intentionally self-inflicted.

46 (b) 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 (c) 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. However, any
76 unexpended amounts transferred in accordance with Section 2 of
77 Chapter 315, Laws of 2022, and remaining in the trust fund at the
78 end of the state fiscal year shall lapse into the Coronavirus
79 State Fiscal Recovery Fund.

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

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2024.

