

By: Senator(s) DeLano, Barrett, Berry, Blackwell, Blount, Boyd, Branning, Brumfield, Butler, Carter, Chassaniol, Chism, England, Fillingane, Frazier, Harkins, Hickman, Horhn, Jackson, Jordan, Ladner, McMahan, Parker, Parks, Robinson, Simmons (13th), Sparks, Suber, Thomas, Thompson, Whaley, Younger

To: Appropriations

COMMITTEE SUBSTITUTE  
FOR  
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, and shall stand repealed on June 30, 2024.

