MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Faulkner

To: Universities and Colleges; Appropriations

HOUSE BILL NO. 435

AN ACT TO AMEND SECTION 37-106-39, MISSISSIPPI CODE OF 1972, TO PROVIDE SCHOLARSHIPS TO THE SPOUSES AND CHILDREN OF FIRST RESPONDERS KILLED IN THE LINE OF DUTY OR WHO BECOME PERMANENTLY AND TOTALLY DISABLED AS THE RESULT OF INJURIES OR WOUNDS WHICH OCCURRED WHILE IN THE LINE OF DUTY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-106-39, Mississippi Code of 1972, is amended as follows:

37-106-39. (1) There is established the Mississippi Law Enforcement Officers *** * ***, Firefighters and First Responders Scholarship.

(2) Except as provided in this section, if any Mississippi law enforcement officer, full-time firefighter or volunteer firefighter or first responder shall suffer or has suffered fatal injuries or wounds or become permanently and totally disabled as a result of injuries or wounds which occurred in the performance of the official and appointed duties of his or her office, his or her spouse, child or children shall be entitled to an eight-semester scholarship without cost, exclusive of books, food, school

supplies, materials and dues or fees for extracurricular activities, at any state-supported college or university of his or her choice within this state.

(a) No child shall be entitled to receive benefits during any semester or quarter when said child has reached the age of twenty-three (23) years on the first day of said semester or quarter. However, any child who has begun the process of acquiring college credits under the provisions of this section prior to attaining the age of twenty-three (23) years shall be entitled to the full eight-semester scholarship if his or her college instruction was interrupted for any reason.

(b) Scholarship benefits shall not accrue hereunder to any person if the wounds or injuries suffered by any law enforcement officer, full-time firefighter or volunteer firefighter <u>or first responder</u> are self-inflicted or if his death is self-induced.

(3) Eligibility for renewal of the scholarship shall be evaluated each academic year at the end of each semester or term. As a condition for renewal, a student shall:

(a) Make steady academic progress toward a certificate or degree, as outlined in the school Satisfactory Academic Progress Standards and certified by the institution's registrar; and

(b) Have a cumulative grade point average of at least 2.5 calculated on a 4.0 scale at the end of each academic year.

(4) For the purposes of this section, these words and phrases shall be defined as follows:

(a) "Mississippi law enforcement officers" shall be defined as follows:

(i) "State highway patrolmen" means all law enforcement officers, regardless of department or bureau, of the Mississippi Highway Safety Patrol.

(ii) "Municipal police officers" means all law enforcement officers of any municipality who are regular duty personnel on full-time status, auxiliary or reserve officers, or those serving on a temporary or part-time status.

(iii) "Sheriffs" and "deputy sheriffs" means all law enforcement officers of full-time duty status on a regular basis serving the sheriff's department of any county, deputy sheriffs who are engaged in administrative or civil duty, auxiliary or reserve deputies, or deputy sheriffs serving in a temporary capacity or part-time basis.

(iv) "Constables" means all duly elected constables of any beat of any county within the state while actually engaged in the performance of their duties concerning the criminal laws of the county and state.

(v) "Conservation officers" means all duly appointed game wardens employed by the State of Mississippi on a full-time duty status while actually engaged in the performance of their duties concerning the game laws of the state.

(vi) "Alcoholic Beverage Control Division agents and inspectors" means all duly appointed agents and investigators of the Alcoholic Beverage Control Division of the Mississippi Department of Revenue on a full-time duty status while actually engaged in the performance of their duties concerning the alcoholic beverage control laws of the state.

(vii) Members of the National Guard serving as peace officers when ordered to state emergency duty under authority vested in the Governor by the Constitution and laws of the state.

(viii) "Tax commission scales enforcement officers" means all duly appointed scales enforcement officers of the Mississippi Department of Revenue on a full-time duty status while actually engaged in the performance of their duties.

(ix) Duly appointed agents of the Mississippi Bureau of Narcotics.

(x) Correctional, probation and parole officers employed by the Mississippi Department of Corrections.

(b) "Mississippi full-time firefighters" shall be defined as all firefighters employed by any subdivision of the State of Mississippi on a full-time duty status while actually engaged in the performance of their duties, and volunteer firefighters shall be defined as any volunteer firefighter registered with the State of Mississippi or a political

subdivision thereof on a volunteer firefighting status while actually engaged in the performance of firefighting duties.

(c) "Child" or "children" means natural children, adopted children or stepchildren.

(d) "Spouse" means a person who was, at the time of the death of the decedent, legally married to a Mississippi law enforcement officer, full-time firefighter, or volunteer firefighter, or in the case of a law enforcement officer, full-time firefighter or volunteer firefighter who suffered fatal injuries or wounds, prior to or after March 13, 1990, who has not remarried.

(e) "First responder" means state and local law enforcement personnel, fire department personnel, emergency medical personnel, emergency management personnel and public works personnel.

(5) (a) Any law enforcement officer, full-time firefighter or volunteer firefighter or first responder claiming permanent and total disability shall be qualified or disqualified for a claim under this section based on examination and review of the following four (4) documents:

(i) A letter from the officer's * * *, firefighter's or first responder's former supervisor or employer stating whether the officer * * *, firefighter or first responder is disabled as a result of injuries or wounds that occurred in the performance of the official duties of his office;

(ii) A statement from the officer's *** * ***, firefighter's or first responder's physician stating whether the officer *** * ***, firefighter or first responder is disabled and the reason for that disability;

(iii) Verification from the Public Employees' Retirement System; and

(iv) Verification from the Social Security Administration.

(b) If the law enforcement officer, full-time firefighter or volunteer firefighter or first responder suffered fatal injuries or wounds, a claim under this section shall be based on examination and review of the following two (2) documents:

(i) A letter from the officer's *** * ***, firefighter's or first responder's former supervisor or employer stating whether he suffered fatal injuries in the performance of the official duties of his office; and

(ii) A death certificate.

(6) Any applicant qualified and desiring a scholarship under the provisions of this section shall apply in writing to the board. The board shall make inquiries into each application and shall make the investigation as it deems proper to establish and validate all claims before a scholarship is granted.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.