

By: Representative Ford

To: Judiciary A

HOUSE BILL NO. 610
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-3-21, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE AUTHORITY ON CERTAIN POWERS AND DUTIES OF THE HIGHWAY
3 SAFETY PATROL; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 45-3-21, Mississippi Code of 1972, is
6 amended as follows:

7 **[Subsection (1) effective until June 30, 2002; see subsection**
8 **(2).]**

9 45-3-21. (1) (a) The powers and duties of the Highway
10 Safety Patrol shall be, in addition to all others prescribed by
11 law, as follows:

12 (i) To enforce all of the traffic laws, rules and
13 regulations of the State of Mississippi upon all highways of the
14 state highway system and the rights-of-way of such highways;
15 provided, however, that if any person commits an offense upon the
16 state highway system and be pursued by a member of the Highway
17 Safety Patrol, such patrol officer may pursue and apprehend such
18 offender upon any of the highways or public roads of this state,
19 or to any other place to which such offender may flee.

20 (ii) To enforce all rules and regulations of the
21 commissioner promulgated pursuant to legal authority.

22 (iii) When so directed by the Governor, to enforce
23 any of the laws of this state upon any of the highways or public
24 roads thereof.

25 (iv) Upon the request of the State Tax Commission,
26 and with the approval of the Governor, to enforce all of the

27 provisions of law with reference to the registration, license and
28 taxation of vehicles using the highways of this state, and
29 relative to the sizes, weights and load limits of such vehicles,
30 and to enforce the provisions of all other laws administered by
31 the State Tax Commission upon any of the highways or public roads
32 of this state; and for such purpose the Highway Safety Patrol
33 shall have the authority to collect and receive all taxes which
34 may be due under any of such laws, and to report and remit same to
35 the State Tax Commission in the manner required by law, or the
36 rules and regulations of the commission.

37 (v) Upon request of the State Highway Commission
38 or Public Service Commission, and when so instructed by the
39 commissioner, to aid and assist in the enforcement of all laws
40 which such agencies are authorized or required to enforce, and in
41 the enforcement of the rules and regulations of such agencies.

42 (vi) To arrest without warrant any person or
43 persons committing or attempting to commit any misdemeanor, felony
44 or breach of the peace within their presence or view, and to
45 pursue and so arrest any person committing such an offense to and
46 at any place in the State of Mississippi where he may go or be.
47 Nothing herein shall be construed as granting the Mississippi
48 Highway Safety Patrol general police powers.

49 (vii) To aid and assist any law enforcement
50 officer whose life or safety is in jeopardy. Additionally,
51 officers of the Highway Safety Patrol may arrest without warrant
52 any fugitive from justice who has escaped or who is using the
53 highways of the state in an attempt to flee. With the approval of
54 the commissioner or his designee, officers of the Highway Safety
55 Patrol may assist other law enforcement agencies in manhunts for
56 convicted felons who have escaped and/or for alleged felons where
57 there is probable cause to believe that the person being sought
58 committed the felony and a felony had actually been committed.

59 (viii) To cooperate with the State Forest Service
60 by reporting all forest fires.

61 (ix) Upon request of the sheriff or his designee,
62 or board of supervisors of any county or the chief of police or
63 mayor of any municipality, and when so instructed by the

64 commissioner or his designee, to respond to calls for assistance
65 in a law enforcement incident; such request and action shall be
66 noted and clearly reflected on the radio logs of both the
67 Mississippi Highway Safety Patrol district substation and that of
68 the requesting agency, entered on the local NCIC terminal, if
69 available, and a request in writing shall follow within
70 forty-eight (48) hours. Additionally, the time of commencement
71 and termination of the specific law enforcement incident shall be
72 clearly noted on the radio logs of both law enforcement agencies.

73 (b) The Legislature declares that the primary law
74 enforcement officer in any county in the State of Mississippi is
75 the duly qualified and elected sheriff thereof, but for the
76 purposes of this paragraph there is hereby vested in the
77 Department of Public Safety, in addition to the powers hereinabove
78 mentioned and the other paragraphs of this subsection under the
79 terms and limitations hereinafter mentioned and for the purpose of
80 insuring domestic tranquility and for the purpose of preventing or
81 suppressing, or both, crimes of violence, acts and conduct
82 calculated to, or which may, provoke or lead to violence and/or
83 incite riots, mobs, mob violence, a breach of the peace, and acts
84 of intimidation or terror, the powers and duties to include the
85 enforcement of all the laws of the State of Mississippi relating
86 to such purposes, to investigate any violation of the laws of the
87 State of Mississippi and to aid in the arrest and prosecution of
88 persons charged with violating the laws of the State of
89 Mississippi which relate to such purposes. Investigators of the
90 Mississippi Criminal Investigation Bureau of the Department of
91 Public Safety shall have general police powers to enforce all the
92 laws of the State of Mississippi. All officers of the Department
93 of Public Safety charged with the enforcement of the laws
94 administered by that agency, for the purposes herein set forth,
95 shall have full power to investigate, prevent, apprehend and
96 arrest law violators anywhere in the state, and shall be vested

97 with the power of general police officers in the performance of
98 their duties. The officers of the Department of Public Safety are
99 authorized and empowered to carry and use firearms and other
100 weapons deemed necessary in the discharge of their duties as such
101 and are also empowered to serve warrants and subpoenas issued
102 under the authority of the State of Mississippi. The Governor
103 shall be authorized to offer and pay suitable rewards to persons
104 aiding in the investigation, apprehension and conviction of
105 persons charged with acts of violence, or threats of violence or
106 intimidation or acts of terrorism. The additional powers herein
107 granted to or vested in the Department of Public Safety or any of
108 its officers or employees by this subsection, excepting
109 investigating powers, and those powers of investigators who shall
110 have general police power, being the investigators in the
111 Mississippi Criminal Investigation Bureau of the Department of
112 Public Safety, shall not be exercised by the Department of Public
113 Safety, or any of its officers or employees, except upon authority
114 and direction of the Governor or Acting Governor, by proclamation
115 duly signed, in the following instances, to wit:

116 (i) When requested by the sheriff or board of
117 supervisors of any county or the mayor of any municipality on the
118 grounds that mob violence, crimes of violence, acts and conduct of
119 terrorism, riots or acts of intimidation, or either, calculated to
120 or which may provoke violence or incite riots, mobs, mob violence,
121 violence, or lead to any breach of the peace, or either, and acts
122 of intimidation or terror are anticipated, and when such acts or
123 conduct in the opinion of the Governor or Acting Governor would
124 provoke violence or any of the foregoing acts or conduct set out
125 in this subsection, and the sheriff or mayor, as the case may be,
126 lacks adequate police force to prevent or suppress the same.

127 (ii) Acting upon evidence submitted to him by the
128 Department of Public Safety, or other investigating agency
129 authorized by the Governor or Acting Governor to make such

130 investigations, because of the failure or refusal of the sheriff
131 of any county or mayor of any municipality to take action or
132 employ such means at his disposal, to prevent or suppress the
133 acts, conduct or offenses provided for in paragraph (a) of this
134 subsection, the Governor or Acting Governor deems it necessary to
135 invoke the powers and authority vested in the Department of Public
136 Safety.

137 (iii) The Governor or Acting Governor is hereby
138 authorized and empowered to issue his proclamation invoking the
139 powers and authority vested by this paragraph, as provided in
140 items (i) and (ii) of this paragraph, and when the Governor or
141 Acting Governor issues said proclamation in accordance herewith,
142 said proclamation shall become effective upon the signing thereof
143 and shall continue in full force and effect for a period of ninety
144 (90) days, or for a shorter period if otherwise ordered by the
145 Governor or Acting Governor. At the signing of the proclamation
146 by the Governor or Acting Governor, the Department of Public
147 Safety and its officers and employees shall thereupon be
148 authorized to exercise the additional power and authority vested
149 in them by this paragraph. The Governor and Acting Governor may
150 issue additional proclamations for periods of ninety (90) days
151 each under the authority of items (i) and (ii) above of this
152 paragraph.

153 (c) All proclamations issued by the Governor or Acting
154 Governor shall be filed in the Office of the Secretary of State on
155 the next succeeding business day.

156 (d) It is not the intention of this section to vest the
157 wide powers and authority herein provided for, as general powers
158 of the Department of Public Safety, and the same are not hereby so
159 vested, but to limit these general powers to cases and incidents
160 wherein it is deemed necessary to prevent or suppress the offenses
161 and conditions herein mentioned in this and other subsections of
162 this section, and under the terms and conditions hereinabove

163 enumerated, it being the sense of the Legislature that the prime
164 duties of the Department of Public Safety are to patrol the
165 highways of this state and enforce the highway safety laws.

166 (e) Patrol officers shall have no interest in any costs
167 in the prosecution of any case through any court; nor shall any
168 patrol officer receive any fee as a witness in any court held in
169 this state, whether a state or federal court.

170 (f) Provided, however, that the general police power
171 vested by virtue of the terms of paragraph (b) of subsection (1)
172 of this section is solely for the purposes set out in said
173 subsection.

174 (2) Subsection (1) of this section shall be automatically
175 repealed from and after June 30, 2002; subsection (3) of this
176 section shall take effect and be in force in lieu thereof from and
177 after June 30, 2002.

178 **[Subsection (3) effective from and after June 30, 2002 as**
179 **provided in subsection (2).]**

180 (3) (a) The powers and duties of the Highway Safety Patrol
181 shall be, in addition to all others prescribed by law, as follows:

182 (i) To enforce all of the traffic laws, rules and
183 regulations of the State of Mississippi upon all highways of the
184 state highway system and the rights-of-way of such highways;
185 provided, however, that if any person commits an offense upon the
186 state highway system and be pursued by a member of the Highway
187 Safety Patrol, such patrol officer may pursue and apprehend such
188 offender upon any of the highways or public roads of this state,
189 or to any other place to which such offender may flee.

190 (ii) To enforce all rules and regulations of the
191 commissioner promulgated pursuant to legal authority.

192 (iii) When so directed by the Governor, to enforce
193 any of the laws of this state upon any of the highways or public
194 roads thereof.

195 (iv) Upon the request of the State Tax Commission,

196 and with the approval of the Governor, to enforce all of the
197 provisions of law with reference to the registration, license and
198 taxation of vehicles using the highways of this state, and
199 relative to the sizes, weights and load limits of such vehicles,
200 and to enforce the provisions of all other laws administered by
201 the State Tax Commission upon any of the highways or public roads
202 of this state; and for such purpose the Highway Safety Patrol
203 shall have the authority to collect and receive all taxes which
204 may be due under any of such laws, and to report and remit same to
205 the State Tax Commission in the manner required by law, or the
206 rules and regulations of the commission.

207 (v) Upon request of the State Highway Commission
208 or Public Service Commission, and when so instructed by the
209 commissioner, to aid and assist in the enforcement of all laws
210 which such agencies are authorized or required to enforce, and in
211 the enforcement of the rules and regulations of such agencies.

212 (vi) To arrest without warrant any person or
213 persons committing or attempting to commit any misdemeanor, felony
214 or breach of the peace within their presence or view, and to
215 pursue and so arrest any person committing such an offense to and
216 at any place in the State of Mississippi where he may go or be.
217 Nothing herein shall be construed as granting the Mississippi
218 Highway Safety Patrol general police powers.

219 (vii) To aid and assist any law enforcement
220 officer whose life or safety is in jeopardy. Additionally,
221 officers of the Highway Safety Patrol may arrest without warrant
222 any fugitive from justice who has escaped or who is using the
223 highways of the state in an attempt to flee. With the approval of
224 the commissioner or his designee, officers of the Highway Safety
225 Patrol may assist other law enforcement agencies in manhunts for
226 convicted felons who have escaped and/or for alleged felons where
227 there is probable cause to believe that the person being sought
228 committed the felony and a felony had actually been committed.

229 (viii) To cooperate with the State Forest Service
230 by reporting all forest fires.

231 (ix) Upon request of the sheriff or his designee,
232 or board of supervisors of any county or the chief of police or
233 mayor of any municipality, and when so instructed by the
234 commissioner or his designee, to respond to calls for assistance
235 in a law enforcement incident; such request and action shall be
236 noted and clearly reflected on the radio logs of both the
237 Mississippi Highway Safety Patrol district substation and that of
238 the requesting agency, entered on the local NCIC terminal, if
239 available, and a request in writing shall follow within
240 forty-eight (48) hours. Additionally, the time of commencement
241 and termination of the specific law enforcement incident shall be
242 clearly noted on the radio logs of both law enforcement agencies.

243 (b) The patrol officers of the Highway Safety Patrol
244 shall not have the power, and shall never be used or ordered, to
245 perform in the duties or functions properly devolving upon the
246 organized militia of the state; nor shall the patrol ever be used
247 in any strike, walkout, lockout, or other labor controversy or
248 dispute; nor shall they ever displace or act as deputy, or
249 exercise the authority, of the peace officers of this state. All
250 fines collected under the authority of this section, or any other
251 laws enforced by the Highway Safety Patrol, shall be paid by the
252 officer collecting same into the county treasury, unless it be
253 otherwise provided by law. Patrol officers shall have no interest
254 in any costs in the prosecution of any case through any court; nor
255 shall any patrol officer receive any fee as a witness in any court
256 upon arrests made by such patrol officers, and where charges have
257 been preferred against alleged violators, shall be approved by the
258 regularly constituted peace officers in the manner and methods
259 provided by law.

260 SECTION 2. This act shall take effect and be in force from
261 and after its passage.