

By: Fleming

To: County Affairs

HOUSE BILL NO. 60

1 AN ACT TO AMEND SECTION 19-25-69, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE SHERIFF OF ANY COUNTY TO ESTABLISH AND ENFORCE
3 POLICIES AND GUIDELINES PROVIDING FOR THE SECURITY OF THE
4 COURTHOUSE AND ITS PERSONNEL; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 19-25-69, Mississippi Code of 1972, is
7 amended as follows:

8 19-25-69. (1) The sheriff shall have charge of the
9 courthouse and jail of his county, of the premises belonging
10 thereto, and of the prisoners in said jail. He shall preserve the
11 said premises and prisoners from mob violence, from any injuries
12 or attacks by mobs or otherwise, and from trespasses and
13 intruders. He shall keep the courthouse, jail, and premises
14 belonging thereto, in a clean and comfortable condition, and it
15 shall be his duty to prosecute all persons who are guilty of
16 injuring or defacing same. If, after a hearing by the Governor,
17 held in accordance with due process of law, it shall be
18 ascertained that the sheriff has wilfully failed, neglected or
19 refused to preserve the courthouse, or the jail, or any prisoners
20 lawfully in his custody from injuries by mob violence, then the
21 Governor shall have the power and it shall be his duty to remove
22 such sheriff from office.

23 (2) However, in the case of a jail owned jointly by a county
24 and municipality, under the provisions of Section 17-5-1,
25 Mississippi Code of 1972, after the appointment of a jailer,
26 pursuant to Section 47-1-49, Mississippi Code of 1972, responsible
27 for all municipal prisoners lodged in said jail, neither the
28 sheriff nor his bondsmen shall be responsible for actual
29 maintenance or operation of said jail, insofar as municipal
30 prisoners are concerned.

31 (3) The sheriff may establish and enforce policies and
32 guidelines providing for the security of the courthouse and its
33 personnel, including policies prescribing those law enforcement
34 officers and other personnel who are authorized to carry or
35 possess firearms or weapons within the courthouse. The provisions
36 of this subsection shall not be construed to prohibit a judge from
37 determining who may carry a weapon in his or her courtroom as
38 authorized under Section 45-9-101.

39 SECTION 2. This act shall take effect and be in force from
40 and after July 1, 2000.