

By: Gordon

To: Fees, Salaries and
Administration

SENATE BILL NO. 2930

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE CAPITOL POLICE TO UTILIZE AN UNMARKED VEHICLE FOR
3 INVESTIGATORY PURPOSES; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 25-1-87, Mississippi Code of 1972, is
6 amended as follows:[RDD1]

7 25-1-87. All motor vehicles owned or leased by the State of
8 Mississippi or any agency, department or political subdivision
9 thereof, which shall include counties and municipalities, when
10 such agency or department or political subdivision, which shall
11 include counties and municipalities, is supported wholly or in
12 part by public taxes or by appropriations from public funds, shall
13 have painted on both sides in letters at least three (3) inches in
14 height, and on the rear in letters not less than one and one-half
15 (1-1/2) inches in height, the name of the state agency or
16 department, or political subdivision, which shall include counties
17 and municipalities, in a color which is in contrast with the color
18 of the vehicle; provided, however, that a permanent decal may be
19 used in lieu of paint, and provided further, that any municipality
20 may affix a permanent decal or design at least twelve (12) inches
21 in height and twelve (12) inches in width on both sides of the
22 vehicle with the name of the municipality within or across the
23 permanent decal or design, and the permanent design or decal shall
24 be in a color or colors which are in contrast with the color of
25 the vehicle. No privilege license tag shall be issued for such
26 vehicle until the name has been painted thereon or a permanent

27 design or decal affixed thereto as required by this section. A
28 permanent decal may be used in lieu of paint. The provisions of
29 this paragraph shall not apply to vehicles used by the Chief
30 Executive of the State of Mississippi, to vehicles owned or leased
31 by the Department of Economic Development, to vehicles owned or
32 leased by the Office of the Attorney General, to vehicles owned or
33 leased by the Mississippi State Board of Medical Licensure and
34 used only by the Investigative Division of the board, to one (1)
35 vehicle owned or leased by the Commissioner of the Mississippi
36 Department of Corrections, to not more than three (3) vehicles
37 owned or leased by the Department of Corrections and used only by
38 Community Services Division officers, to not more than one (1)
39 vehicle owned or leased by the Mississippi Department of
40 Transportation and used only by an investigator employed by the
41 Mississippi Department of Transportation or to not more than one
42 (1) vehicle owned or leased by the Mississippi State Tax
43 Commission; and upon receipt of a written request from the State
44 Adjutant General, the Commissioner of Public Safety, the Director
45 of the Alcoholic Beverage Control Division of the Mississippi
46 State Tax Commission, the Director of the Bureau of Fisheries and
47 Wildlife of the Department of Wildlife Conservation, the Director
48 of the Bureau of Narcotics, the Executive Officer of the Board of
49 Pharmacy, the Executive Director of the Mississippi Gaming
50 Commission, the State Auditor or a president or chancellor of a
51 state institution of higher learning, one (1) vehicle owned or
52 leased by the Capitol Police Office of Capitol Facilities, the
53 Governor may authorize the use of specified unmarked vehicles only
54 in instances where such identifying marks will hinder official
55 investigations, and the governing authorities of any municipality
56 may authorize the use of specified, unmarked police vehicles when
57 identifying marks would hinder official criminal investigations by
58 the police. The written request or the order or resolution
59 authorizing such shall contain the manufacturer's serial number,
60 the state inventory number, where applicable, and shall set forth
61 why the vehicle should be exempt from the provisions of this
62 paragraph. In the event the request is granted, the Governor
63 shall furnish the State Department of Audit with a copy of his

64 written authority for the use of the unmarked vehicles, or the
65 governing authority, as the case may be, shall enter its order or
66 resolution on the minutes and shall furnish the State Department
67 of Audit with a certified copy of its order or resolution for the
68 use of the unmarked police vehicle. The state property auditors
69 of the State Department of Audit shall personally examine vehicles
70 owned or leased by the State of Mississippi or any agency,
71 department or commission thereof and report violations of the
72 provisions of this paragraph to the State Auditor and the Chairman
73 of the Joint Legislative Committee on Performance Evaluation and
74 Expenditure Review. Any vehicle found to be in violation of this
75 paragraph shall be reported immediately to the department head
76 charged with such vehicle, and five (5) days shall be given for
77 compliance; and if not complied with, such vehicles shall be
78 impounded by the State Auditor until properly marked or exempted.

79 Upon notification to the State Tax Commission by the State
80 Auditor that any municipality or political subdivision is not in
81 compliance with this section, the State Tax Commission shall
82 withhold any sales tax due for distribution to any such
83 municipality and any excise tax on gasoline, diesel fuel, kerosene
84 and oil due any such county and for any months thereafter, and
85 shall continue to withhold such funds until compliance with this
86 section is certified to the State Tax Commission by the State
87 Department of Audit.

88 County-owned motor vehicles operated by the sheriff's
89 department shall not be subject to the provisions of this section,
90 but shall be subject to the provisions of Section 19-25-15.
91 County-owned motor vehicles operated by a family court established
92 pursuant to Section 43-23-1 et seq., shall not be subject to the
93 provisions of this section.

94 State-owned or leased motor vehicles operated by the
95 Department of Mental Health or by facilities operated by the
96 Department of Mental Health and used for transporting patients
97 living in group homes or alternative living arrangements shall not
98 be subject to the provisions of this section.

99 Up to four (4) passenger automobiles owned or leased by
100 economic development districts or economic development authorities

101 shall not be subject to the provisions of this section.

102 State-owned or leased motor vehicles operated by the
103 Agricultural and Livestock Theft Bureau of the Department of
104 Agriculture and Commerce and used to investigate livestock theft
105 shall not be subject to the provisions of this section.

106 Up to three (3) motor vehicles owned or leased by the
107 Pascagoula Municipal Separate School District for use by district
108 security officers shall not be subject to the provisions of this
109 section.

110 Up to two (2) motor vehicles owned or leased by the
111 Department of Human Services for use only by the Program Integrity
112 Division shall not be subject to the provisions of this section.

113 The motor vehicles of a public airport shall not be subject
114 to the provisions of this section upon a finding by the governing
115 authority of such airport that marking a motor vehicle as required
116 in this section will compromise security at such airport.

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