

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2386

1 AN ACT TO AMEND SECTION 45-3-21, MISSISSIPPI CODE OF 1972, TO
2 ELIMINATE THE SUNSET PROVISION ON THE POLICE POWERS OF THE
3 MISSISSIPPI HIGHWAY 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 * * *

8 45-3-21. (1) * * * The powers and duties of the Highway
9 Safety Patrol shall be, in addition to all others prescribed by
10 law, as follows:

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

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

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

24 (d) Upon the request of the State Tax Commission, and
25 with the approval of the Governor, to enforce all of the
26 provisions of law with reference to the registration, license and
27 taxation of vehicles using the highways of this state, and



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

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

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

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

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



60 (i) Upon request of the sheriff or his designee, or
61 board of supervisors of any county or the chief of police or mayor
62 of any municipality, and when so instructed by the commissioner or
63 his designee, to respond to calls for assistance in a law
64 enforcement incident; such request and action shall be noted and
65 clearly reflected on the radio logs of both the Mississippi
66 Highway Safety Patrol district substation and that of the
67 requesting agency, entered on the local NCIC terminal, if
68 available, and a request in writing shall follow within
69 forty-eight (48) hours. Additionally, the time of commencement
70 and termination of the specific law enforcement incident shall be
71 clearly noted on the radio logs of both law enforcement agencies.

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



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

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



126 (b) Acting upon evidence submitted to him by the
127 Department of Public Safety, or other investigating agency
128 authorized by the Governor or Acting Governor to make such
129 investigations, because of the failure or refusal of the sheriff
130 of any county or mayor of any municipality to take action or
131 employ such means at his disposal, to prevent or suppress the
132 acts, conduct or offenses provided for in * * * this subsection,
133 the Governor or Acting Governor deems it necessary to invoke the
134 powers and authority vested in the Department of Public Safety.

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

150 (d) All proclamations issued by the Governor or Acting
151 Governor shall be filed in the Office of the Secretary of State on
152 the next succeeding business day.

153 (3) It is not the intention of this section to vest the wide
154 powers and authority herein provided for, as general powers of the
155 Department of Public Safety, and the same are not hereby so
156 vested, but to limit these general powers to cases and incidents
157 wherein it is deemed necessary to prevent or suppress the offenses
158 and conditions herein mentioned in this * * * section, and under



159 the terms and conditions hereinabove enumerated, it being the
160 sense of the Legislature that the prime duties of the Department
161 of Public Safety are to patrol the highways of this state and
162 enforce the highway safety laws.

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

167 (5) * * * The general police power vested by virtue of the
168 terms of * * * this section is solely for the purposes set
169 out * * *.

170 * * *

171 **SECTION 2.** This act shall take effect and be in force from
172 and after July 1, 2002.

