

By: Senator(s) Brown

To: Judiciary, Division B

SENATE BILL NO. 2236

1 AN ACT TO AUTHORIZE OFF-DUTY USE OF UNIFORMS AND WEAPONS BY  
2 LAW ENFORCEMENT OFFICERS ENGAGING IN PRIVATE EMPLOYMENT UNDER  
3 CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) **Use of official uniforms and weapons by**

6 **officers on private job.** Certified law enforcement officers or  
7 part-time law enforcement officers, as defined in Section 45-6-3,  
8 may wear their uniforms and use their weapons and like equipment  
9 while performing private jobs in their off-duty hours with the  
10 written permission of the law enforcement agency and with approval  
11 by the governing body by which they are employed. Such employment  
12 shall not be considered a violation of state ethics law.

13 (2) **Duties of employing agencies.** Each agency head shall  
14 determine before such off-duty work is approved that the proposed  
15 employment is not of such nature as is likely to bring disrepute  
16 on the agency, the officer or the law enforcement profession, and  
17 that the performance of such duties and the use of such agency  
18 equipment is in the public interest. Each agency head and  
19 governing authority may adopt rules and regulations governing  
20 off-duty work by its officers, including requirements that private  
21 employers agree to indemnify the agency or governing authority as  
22 a condition of approving the off-duty employment.

23 (3) **Liability of public employer for off-duty acts.**  
24 Off-duty work performed by law enforcement officers shall not be  
25 considered as work done within the scope of his employment, and no  
26 public service district, municipality, county, state, or any of  
27 its agencies or political subdivisions shall be liable for acts

28 performed by off-duty law enforcement officers as permitted by  
29 this section.

30 (4) **Notice to agency concerning off-duty employment.**

31 Certified police officers performing private jobs during their  
32 off-duty hours shall be required to notify the appropriate law  
33 enforcement agency of the place of employment, the hours to be  
34 worked, and the type of employment.

35 **SECTION 2.** This act shall take effect and be in force from  
36 and after July 1, 2006.