

By: Representative Hines

To: Education; Judiciary B

HOUSE BILL NO. 70

1 AN ACT TO AMEND SECTION 37-7-321, MISSISSIPPI CODE OF 1972,
 2 TO CLARIFY THAT WHENEVER A SCHOOL DISTRICT EMPLOYS SECURITY
 3 PERSONNEL AND DESIGNATES SUCH PERSONNEL AS A PEACE OFFICER, THEN
 4 THE SECURITY PERSONNEL HAS THE POWER TO MAKE ARRESTS UPON SCHOOL
 5 PROPERTY; TO PROVIDE THAT IF SUCH SECURITY PERSONNEL IS ASSAULTED
 6 ON SCHOOL PROPERTY, THEN THE PERSON WHO COMMITS THE ASSAULT IS
 7 CRIMINALLY LIABLE AS IF HE OR SHE COMMITTED AN ASSAULT UPON A
 8 PEACE OFFICER; TO AMEND SECTION 37-7-323, MISSISSIPPI CODE OF
 9 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
 10 PURPOSES.

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

12 **SECTION 1.** Section 37-7-321, Mississippi Code of 1972, is
 13 amended as follows:

14 37-7-321. (1) The school board of any school district
 15 within the State of Mississippi, in its discretion, may employ one
 16 or more persons as security personnel and may designate such
 17 persons as peace officers in or on any property operated for
 18 school purposes by such board upon their taking such oath and
 19 making such bond as required of a constable of the county in which
 20 the school district is situated.

21 (2) (a) Any person employed by a school board as a security
 22 guard or school resource officer or in any other position that has



23 the powers of a peace officer must receive a minimum level of
24 basic law enforcement training, as jointly determined and
25 prescribed by the Board on Law Enforcement Officer Standards and
26 Training and the State Board of Education, within two (2) years of
27 the person's initial employment in such position. Upon the
28 failure of any person employed in such position to receive the
29 required training within the designated time, the person may not
30 exercise the powers of a peace officer in or on the property of
31 the school district.

32 (b) A security guard or school resource officer who is
33 employed and designated a peace officer under the authority of
34 this section has the power to arrest individuals on school
35 property for violations of law. If the security guard or school
36 resource officer is assaulted on school district property, then
37 the person who assaults the security guard or school resource
38 officer is criminally liable to the same extent as if he or she
39 had committed an assault upon a peace officer.

40 (3) The school board is authorized and empowered, in its
41 discretion, and subject to the approval of the Federal
42 Communications Commission, to install and operate a noncommercial
43 radio broadcasting and transmission station for educational and
44 vocational educational purposes.

45 (4) If a law enforcement officer is duly appointed to be a
46 peace officer by a school district under this section, the local
47 school board may enter into an interlocal agreement with other law



48 enforcement entities for the provision of equipment or traffic
49 control duties, however, the duty to enforce traffic regulations
50 and to enforce the laws of the state or municipality off of school
51 property lies with the local police or sheriff's department which
52 cannot withhold its services solely because of the lack of such an
53 agreement.

54 **SECTION 2.** Section 37-7-323, Mississippi Code of 1972, is
55 amended as follows:

56 37-7-323. Any act which, if committed within the limits of a
57 city, town or village, or in any public place, would be a
58 violation of the general laws of this state, shall be criminal and
59 punishable if done on the campus, grounds or roads of any of the
60 public schools of this state. The peace officers duly appointed
61 by the school board of any school district are vested with the
62 powers, including arresting powers, and subjected to the duties of
63 a constable for the purpose of preventing all violations of law on
64 school property within the district, and for preserving order and
65 decorum thereon. The peace officers duly appointed by the school
66 board of any school district are also vested with the powers and
67 subjected to the duties of a constable for the purpose of
68 preventing all violations of law that occur within five hundred
69 (500) feet of any property owned by the school district, if
70 reasonably determined to have a possible impact on the safety of
71 students, faculty or staff of the school district while on said
72 property. * * * However, * * * nothing in this section shall be



73 interpreted to require action by any such peace officer appointed
74 by a school district to events occurring outside the boundaries of
75 school property, nor shall any such school district or its
76 employees be liable for any failure to act to any event occurring
77 outside the boundaries of property owned by the school district.

78 **SECTION 3.** This act shall take effect and be in force from
79 and after July 1, 2018.

