

By: Representative Anderson

To: Judiciary B

HOUSE BILL NO. 566

1 AN ACT TO AUTHORIZE PERSONNEL EMPLOYED WITH THE MISSISSIPPI  
2 HIGHWAY SAFETY PATROL IN THE CAPACITY AS A HIGHWAY SAFETY PATROL  
3 OFFICER TO ENGAGE IN NONGOVERNMENTAL SECONDARY EMPLOYMENT; TO  
4 PROVIDE CERTAIN DEFINITIONS; TO PROVIDE WHEN A HIGHWAY PATROL  
5 OFFICER MAY NOT ENGAGE IN SECONDARY EMPLOYMENT; TO REQUIRE THE  
6 DEPARTMENT OF PUBLIC SAFETY TO PROVIDE CERTAIN REGULATIONS AND  
7 REPORTING REQUIREMENTS; TO REQUIRE THE COMMISSIONER OF THE  
8 DEPARTMENT OF PUBLIC SAFETY TO MAKE INQUIRIES TO ENSURE THE  
9 OFFICER'S SECONDARY WORK DOES NOT CONSTITUTE A CONFLICT OF  
10 INTEREST; TO REQUIRE ENTITIES EMPLOYING OFFICERS TO SUBMIT TO THE  
11 DEPARTMENT AN OFF-DUTY POLICE SERVICES INFORMATION FORM; TO  
12 AUTHORIZE THE COMMISSIONER TO PROHIBIT CERTAIN OFFICERS FROM  
13 ENGAGING IN SECONDARY WORK IF THAT WORK CONSTITUTES A CONFLICT OF  
14 INTEREST; TO AMEND SECTIONS 45-3-19 AND 45-3-39, MISSISSIPPI CODE  
15 OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR  
16 RELATED PURPOSES.

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

18 **SECTION 1.** For purposes of this act, the following terms  
19 shall have the meanings ascribed in this section, unless the  
20 context of use indicates otherwise:

21 (a) "Off-duty employment" means any secondary  
22 nongovernmental employment undertaken while in an off-duty status.

23 (b) "Secondary employment" means employment with any  
24 entity other than the Mississippi Department of Public Safety.



25 (c) "Commissioner" means the Commissioner of the  
26 Department of Public Safety.

27 (d) "Department" means the Department of Public Safety.

28 (e) "Member" means an individual employed by the  
29 Division of the Mississippi Highway Safety Patrol in the capacity  
30 as a highway safety patrol officer.

31 **SECTION 2.** (1) The Commissioner of the Mississippi  
32 Department of Public Safety shall authorize personnel employed  
33 with the Division of the Mississippi Highway Safety Patrol in the  
34 capacity as a highway safety patrol officer to engage in  
35 nongovernmental secondary employment that does not conflict with  
36 primary job assignments or obligations to the department, and that  
37 does not discredit or embarrass the agency or diminish public  
38 confidence in law enforcement or in the department's commitment to  
39 integrity.

40 (2) (a) A highway safety patrol officer shall not engage in  
41 off-duty nongovernmental secondary employment that:

42 (i) Constitutes a conflict of interest, as  
43 provided by law;

44 (ii) Interferes with a member's primary duties as  
45 a state employee of the Mississippi Highway Safety Patrol; or

46 (iii) Entails the use or implied use of police  
47 authority, including those duties and responsibilities delegated  
48 to the Mississippi Highway Safety Patrol, in accordance with the  
49 provisions of Chapter 3, Title 45, Mississippi Code of 1972; or



50 (iv) Involves delivery of labor or other services  
51 in direct or indirect support of agencies engaged in debt  
52 collection or repossession of property, wrecker companies, bail  
53 bonding companies, private investigation services, paralegal  
54 services or any event that would involve any activity that would  
55 be considered adult entertainment.

56 (b) (i) Any type of employment that would require a  
57 member to testify in a court of law in opposition to another law  
58 enforcement agency, such as case preparation for the defense or  
59 plaintiff in any criminal or civil action or proceeding is  
60 prohibited; and

61 (ii) Any type of employment at establishments or  
62 businesses which sell alcoholic beverages for on-site consumption  
63 as a regular and primary part of the business enterprise is  
64 prohibited, unless a determination is made by the commissioner  
65 that the sale and consumption of alcoholic beverages are  
66 incidental to the primary function or purpose of the enterprise,  
67 such as sports facilities and civic centers.

68 (3) In accordance with Section 45-3-39, Highway Safety  
69 Patrol members are prohibited from using any uniform, vehicle,  
70 firearm, material or other equipment of the Mississippi Highway  
71 Safety Patrol while engaging in nongovernmental secondary  
72 employment or private sector off-duty police employment.

73 **SECTION 3.** (1) The department shall:



74 (a) Delineate reporting requirements pertaining to  
75 persons who participate in secondary employment activities; and

76 (b) Promulgate regulations governing secondary  
77 employment, however, such regulations shall not require the member  
78 to receive the commissioner's approval before engaging in  
79 secondary employment.

80 (2) The commissioner, in overseeing the administration of  
81 the department's secondary employment program shall make  
82 reasonable inquiries of members of the highway safety patrol to  
83 ensure that the continued outside employment does not constitute a  
84 conflict of interest or interfere with the member's primary duties  
85 in the Mississippi Highway Safety Patrol.

86 **SECTION 4.** Private individuals or corporations desiring to  
87 employ members of the highway safety patrol for off-duty secondary  
88 employment shall submit an Off-Duty Police Services Information  
89 form to the troop commander of the troop having jurisdiction in  
90 the locale where the actual delivery of services will take place.  
91 The request shall, at a minimum, include:

92 (a) The legal name of the individual or corporation. If  
93 a corporation, the request must also include the legal name of the  
94 person representing the corporation who has the authority to hire  
95 highway safety patrol members;

96 (b) The address of the employer and the address where  
97 the off-duty work will be conducted if different from the  
98 employer's address;



99                   (c) Contact telephone numbers for appropriate  
100 representatives of the employer;

101                   (d) Specific and detailed information regarding the  
102 type of business the employer is engaged in and the activities  
103 that will be occurring during the time the member engaged in  
104 secondary employment is present;

105                   (e) Specific and detailed information regarding the  
106 duties and responsibilities that will be expected from the members  
107 of the highway safety patrol;

108                   (f) The starting date and ending date of the detail for  
109 employment of the member or a notation that the employment is  
110 on-going with no foreseeable end;

111                   (g) A statement of whether the employer will be  
112 providing the member with firearms for use in the performance of  
113 employment duties, or will allow the member to use his or her  
114 personal, non-state-issued firearm; and

115                   (h) An acknowledgement that upon request all records,  
116 written or electronic related to the employment of the member  
117 shall be made available, without unreasonable delay, to any troop  
118 commander, the chief patrol officer or the commissioner when such  
119 request is made for official purposes. The acknowledgement must  
120 include any video and audio recording that may exist which  
121 document the member's activities while working for the  
122 nongovernmental employer.



123           **SECTION 5.** The commissioner may prohibit any highway patrol  
124 member from engaging in secondary employment upon the discovery of  
125 any conflict of interest, when the employment interferes with the  
126 member's primary duties as a member of the highway safety patrol  
127 or if the disciplinary standards of the department are violated.  
128 The rescinding of authorization for secondary employment does not  
129 constitute a disciplinary infraction.

130           **SECTION 6.** Section 45-3-19, Mississippi Code of 1972, is  
131 amended as follows:

132           45-3-19. The commissioner shall have authority, with the  
133 approval of the Governor, to make needful and proper rules and  
134 regulations governing the proper discipline of the members of the  
135 patrol, of selecting, designing and effecting an appropriate  
136 uniform therefor, and prescribing outfits and equipment and  
137 supplies necessary and proper to carry out the objects of this  
138 chapter. The commissioner shall provide the same as well as such  
139 weapons, vehicles and equipment as shall be necessary and proper  
140 and shall be responsible therefor. The commissioner, with the  
141 approval of the Governor, shall, from time to time, establish  
142 headquarters and substations, as he shall deem it advisable for  
143 the objects and purposes of such an organization and for the  
144 enforcement of the laws, rules and regulations hereinabove  
145 provided, and to that end he may, with the approval of the  
146 Governor, acquire the right to use lands and buildings for the



147 accommodation of members of said organization and properties and  
148 equipment.

149 (2) The commissioner shall have authority to effectively  
150 administer the provisions of Sections 1 through 5 of this act.

151 **SECTION 7.** Section 45-3-39, Mississippi Code of 1972, is  
152 amended as follows:

153 45-3-39. No state officer or other person shall utilize at  
154 any time any uniform, car, material or equipment of the  
155 Mississippi Highway Safety Patrol for his personal use, for  
156 approved nongovernmental secondary employment or for private  
157 purposes except in an emergency, and except to the extent  
158 authorized by Section 25-1-85, Mississippi Code of 1972. A breach  
159 of this provision shall constitute a misdemeanor punishable by a  
160 fine not to exceed One Hundred Dollars (\$100.00), or thirty (30)  
161 days in jail, or both. Nothing in this section, however, shall be  
162 construed to apply to the Governor or Lieutenant Governor of the  
163 State of Mississippi.

164 **SECTION 8.** This act shall take effect and be in force from  
165 and after July 1, 2018.

