

By: Representative Dixon

To: Municipalities;
Appropriations

HOUSE BILL NO. 1069

1 AN ACT TO AMEND SECTION 21-21-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE GOVERNING AUTHORITIES OF MUNICIPALITIES TO PROVIDE POLICE
3 OFFICERS WHO ARE ON DUTY WITH CAMERAS THAT ARE TO BE WORN ON THE
4 UNIFORMS OF SUCH OFFICERS; TO PROHIBIT SUCH AUTHORITIES FROM
5 PURCHASING POLICE VEHICLES UNTIL THE PROVISION OF CAMERAS IS MADE;
6 TO PROVIDE PENALTIES FOR POLICE OFFICERS WHO FAIL TO WEAR SUCH
7 CAMERAS; TO AMEND SECTION 41-29-181, MISSISSIPPI CODE OF 1972, TO
8 PROHIBIT POLICE DEPARTMENTS FROM USING CERTAIN FORTIFIED FUNDS TO
9 PURCHASE SUCH VEHICLES UNTIL THE PROVISION OF CAMERAS IS MADE; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 21-21-3, Mississippi Code of 1972, is
13 amended as follows:

14 21-21-3. (1) The governing authorities of municipalities
15 shall have the power and authority to employ, regulate and support
16 a sufficient police force or night marshals, to define the duties
17 thereof, and to furnish and supply all suitable and necessary
18 equipment therefor, and to furnish and supply all suitable and
19 necessary equipment, which shall include the equipment described
20 in subsection (2) of this section.



21 (2) (a) The governing authorities of municipalities shall
22 provide all police officers while they are on patrol with cameras
23 which shall be worn on the uniforms of the officers.

24 (b) If the governing authorities of a municipality
25 fails to provide all police officers with cameras, as required
26 under this subsection, then the governing authorities of the
27 municipality is prohibited from purchasing any police vehicles
28 until the provision is made.

29 (3) If any police officer fails to wear a camera while on
30 duty, as required by this section, then the officer shall be
31 subject to the penalties prescribed in Section 2 of this act.

32 (4) In addition to utilizing the general funds of a
33 municipality, the funding for the camera's prescribed in this
34 section shall be provided by the revenue received from any fine or
35 fee that is paid to a municipality.

36 **SECTION 2.** Any police officer who fails to wear a camera on
37 his or her uniform, as required by Section 21-21-3, is guilty of a
38 misdemeanor and shall, upon conviction thereof, be punished by a
39 fine not to exceed One Thousand Dollars (\$1,000.00) or
40 imprisonment not to exceed six (6) months, or both.

41 **SECTION 3.** Section 41-29-181, Mississippi Code of 1972, is
42 amended as follows:

43 41-29-181. (1) Regarding all controlled substances, raw
44 materials and paraphernalia which have been forfeited, the circuit
45 court shall by its order direct the Bureau of Narcotics to:



46 (a) Retain the property for its official purposes;

47 (b) Deliver the property to a government agency or
48 department for official purposes;

49 (c) Deliver the property to a person authorized by the
50 court to receive it; or

51 (d) Destroy the property that is not otherwise
52 disposed, pursuant to the provisions of Section 41-29-154.

53 (2) All other property, real or personal, which is forfeited
54 under this article, except as otherwise provided in Section
55 41-29-185, and except as provided in subsections (3), (7) and (8)
56 of this section, shall be liquidated and, after deduction of court
57 costs and the expenses of liquidation, the proceeds shall be
58 divided and deposited as follows:

59 (a) In the event only one (1) law enforcement agency
60 participates in the underlying criminal case out of which the
61 forfeiture arises, twenty percent (20%) of the proceeds shall be
62 forwarded to the State Treasurer and deposited in the General Fund
63 of the state and eighty percent (80%) of the proceeds shall be
64 deposited and credited to the budget of the participating law
65 enforcement agency.

66 (b) In the event more than one (1) law enforcement
67 agency participates in the underlying criminal case out of which
68 the forfeiture arises, eighty percent (80%) of the proceeds shall
69 be deposited and credited to the budget of the law enforcement
70 agency whose officers initiated the criminal case and twenty



71 percent (20%) shall be divided equitably between or among the
72 other participating law enforcement agencies, and shall be
73 deposited and credited to the budgets of the participating law
74 enforcement agencies. In the event that the other participating
75 law enforcement agencies cannot agree on the division of their
76 twenty percent (20%), a petition shall be filed by any one of them
77 in the court in which the civil forfeiture case is brought and the
78 court shall make an equitable division.

79 In no event shall any money deposited and credited to the
80 budget of a municipal law enforcement agency, pursuant to this
81 section, shall be utilized for the purchase of municipal police
82 vehicles until cameras are provided to the police officers of the
83 municipality as required under Section 21-21-3.

84 If the criminal case is initiated by an officer of the Bureau
85 of Narcotics and more than one (1) law enforcement agency
86 participates in the underlying criminal case out of which the
87 forfeiture arises, the proceeds shall be divided equitably between
88 or among the Bureau of Narcotics and other participating law
89 enforcement agencies and shall be deposited and credited to the
90 budgets of the participating law enforcement agencies. In the
91 event that the Bureau of Narcotics and the other participating law
92 enforcement agencies cannot agree on an equitable division of the
93 proceeds, a petition shall be filed by any one of them in the
94 court in which the civil forfeiture case is brought and the court
95 shall make an equitable division.



96 (3) All money which is forfeited under this article, except
97 as otherwise provided by Section 41-29-185, shall be divided,
98 deposited and credited in the same manner as set forth in
99 subsection (2) of this section.

100 (4) All property forfeited, deposited and credited to the
101 Mississippi Bureau of Narcotics under this article shall be
102 forwarded to the State Treasurer and deposited in a special fund
103 for use by the Mississippi Bureau of Narcotics upon appropriation
104 by the Legislature.

105 (5) All real estate which is forfeited under the provisions
106 of this article shall be sold to the highest and best bidder at a
107 public auction for cash, such auction to be conducted by the chief
108 law enforcement officer of the initiating law enforcement agency,
109 or his designee, at such place, on such notice and in accordance
110 with the same procedure, as far as practicable, as is required in
111 the case of sales of land under execution at law. The proceeds of
112 such sale shall first be applied to the cost and expense in
113 administering and conducting such sale, then to the satisfaction
114 of all mortgages, deeds of trust, liens and encumbrances of record
115 on such property. The remaining proceeds shall be divided,
116 forwarded and deposited in the same manner set out in subsection
117 (2) of this section.

118 (6) All other property that has been forfeited shall, except
119 as otherwise provided, be sold at a public auction for cash by the
120 chief law enforcement officer of the initiating law enforcement



121 agency, or his designee, to the highest and best bidder after
122 advertising the sale for at least once each week for three (3)
123 consecutive weeks, the last notice to appear not more than ten
124 (10) days nor less than five (5) days prior to such sale, in a
125 newspaper having a general circulation in the jurisdiction in
126 which said law enforcement agency is located. Such notices shall
127 contain a description of the property to be sold and a statement
128 of the time and place of sale. It shall not be necessary to the
129 validity of such sale either to have the property present at the
130 place of sale or to have the name of the owner thereof stated in
131 such notice. The proceeds of the sale shall be disposed of as
132 follows:

133 (a) To any bona fide lienholder, secured party or other
134 party holding an interest in the property in the nature of a
135 security interest, to the extent of his interest; and

136 (b) The balance, if any, remaining after deduction of
137 all storage, court costs and expenses of liquidation shall be
138 divided, forwarded and deposited in the same manner set out in
139 subsection (2) of this section.

140 (7) (a) Any county or municipal law enforcement agency may
141 maintain, repair, use and operate for official purposes all
142 property, other than real property, money or such property that is
143 described in subsection (1) of this section, that has been
144 forfeited to the agency if it is free from any interest of a bona
145 fide lienholder, secured party or other party who holds an



146 interest in the property in the nature of a security interest.
147 Such county or municipal law enforcement agency may purchase the
148 interest of a bona fide lienholder, secured party or other party
149 who holds an interest so that the property can be released for its
150 use. If the property is a motor vehicle susceptible of titling
151 under the Mississippi Motor Vehicle Title Law, the law enforcement
152 agency shall be deemed to be the purchaser, and the certificate of
153 title shall be issued to it as required by subsection (9) of this
154 section.

155 (b) (i) If a vehicle is forfeited to or transferred to
156 a sheriff's department, then the sheriff may transfer the vehicle
157 to the county for official or governmental use as the board of
158 supervisors may direct.

159 (ii) If a vehicle is forfeited to or transferred
160 to a police department, then the police chief may transfer the
161 vehicle to the municipality for official or governmental use as
162 the governing authority of the municipality may direct.

163 (c) If a motor vehicle forfeited to a county or
164 municipal law enforcement agency becomes obsolete or is no longer
165 needed for official or governmental purposes, it may be disposed
166 of in accordance with Section 19-7-5 or in the manner provided by
167 law for disposing of municipal property.

168 (8) The Mississippi Bureau of Narcotics may maintain,
169 repair, use and operate for official purposes all property, other
170 than real property, money or such property as is described in



subsection (1) of this section, that has been forfeited to the bureau if it is free from any interest of a bona fide lienholder, secured party, or other party who holds an interest in the property in the nature of a security interest. In such case, the bureau may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that such property can be released for use by the bureau.

The bureau may maintain, repair, use and operate such property with money appropriated to the bureau for current operations. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the bureau is deemed to be the purchaser and the certificate of title shall be issued to it as required by subsection (9) of this section.

(9) The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.

SECTION 4. This act shall take effect and be in force from and after July 1, 2018.

