

By: Representative Turner

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1097

1 AN ACT TO AMEND SECTION 17-25-11, MISSISSIPPI CODE OF 1972,
2 TO ALLOW SHERIFFS TO AUTHORIZE CERTAIN OFF-DUTY USE OF VEHICLES BY
3 DEPUTY SHERIFFS ENGAGING IN PRIVATE EMPLOYMENT UNDER CERTAIN
4 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 17-25-11, Mississippi Code of 1972, is
7 amended as follows:

8 17-25-11. (1) Certified law enforcement officers or
9 certified part-time law enforcement officers, as defined in
10 Section 45-6-3, who are employed by a county or municipality may
11 wear the official uniform and may utilize the official firearm
12 issued by the employing jurisdiction while in the performance of
13 private security services in off-duty hours. The governing
14 authority of a municipality must approve of such use of the
15 uniform and official weapon by municipal law enforcement officers
16 by act spread upon the minutes of such board and approved by the
17 chief executive. The sheriff of a county must approve such use of
18 the uniform * * *, official weapon and official vehicle by deputy
19 sheriffs. Approval shall be on an employee-by-employee basis and



20 not by general order. Any proceedings regarding application or
21 approval and the minutes regarding same shall be a public record.

22 (2) Each governing board and chief executive or sheriff
23 shall determine before the use of the official uniform * * *,
24 weapon or vehicle is approved that the proposed employment is not
25 likely to bring disrepute to the employing jurisdiction or its law
26 enforcement agency, the officer at issue, or law enforcement
27 generally, and that the use of the official uniform * * *,
28 weapon or vehicle in the discharge of the officer's private security
29 endeavor promotes the public interest.

30 (3) Acts and omissions of an officer in discharge of private
31 security employment shall be deemed to be the acts and omissions
32 of the person or entity employing the officer for such private
33 security services, and not the acts and omissions of the
34 jurisdiction whose uniform * * *,
35 weapon or vehicle are approved for such private security use. An employer employing the officer
36 for private security services shall hold harmless the jurisdiction
37 by which the officer is employed and fully indemnify the
38 jurisdiction for any expense or loss, including attorney's fees,
39 which results from any action taken against the jurisdiction
40 arising out of the acts or omissions of the officer in discharge
41 of private security services while wearing the official uniform or
42 using the official weapon or vehicle. Neither the state nor any
43 subdivision thereof shall be liable for acts or omissions of an



44 officer in the discharge of the private security employment
45 duties.

46 (4) Certified police officers performing private jobs during
47 their off-duty hours are required to notify the appropriate law
48 enforcement agency of the place of employment, the hours to be
49 worked, and the type of employment.

50 (5) The official uniform * * *, weapon or vehicle may be
51 worn and utilized only at locations which are within the
52 jurisdiction of the governmental entity whose uniform * * *,
53 weapon or vehicle are involved.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2018.

