

By: Representative Turner

To: Accountability,  
Efficiency, Transparency

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1097

1 AN ACT TO AMEND SECTION 17-25-11, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW CERTIFIED LAW ENFORCEMENT OFFICERS OR CERTIFIED PART-TIME  
3 LAW ENFORCEMENT OFFICERS, WHO ARE EMPLOYED BY A COUNTY OR  
4 MUNICIPALITY, TO USE HIS OR HER OFFICIAL VEHICLE WHILE PERFORMING  
5 PRIVATE SECURITY SERVICES IN OFF-DUTY HOURS; AND FOR RELATED  
6 PURPOSES.

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

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

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



21 approve \* \* \* the use of the uniform \* \* \*, official weapon and  
22 official vehicle by deputy sheriffs. Approval shall be on an  
23 employee-by-employee basis and not by general order. Any  
24 proceedings regarding application or approval and the minutes  
25 regarding same shall be a public record.

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

34 (3) Acts and omissions of an officer in discharge of private  
35 security employment shall be deemed to be the acts and omissions  
36 of the person or entity employing the officer for such private  
37 security services, and not the acts and omissions of the  
38 jurisdiction whose uniform \* \* \*, weapon or vehicle are approved  
39 for such private security use. An employer employing the officer  
40 for private security services shall hold harmless the jurisdiction  
41 by which the officer is employed and fully indemnify the  
42 jurisdiction for any expense or loss, including attorney's fees,  
43 which results from any action taken against the jurisdiction  
44 arising out of the acts or omissions of the officer in discharge  
45 of private security services while wearing the official uniform or



46 using the official weapon or vehicle. Neither the state nor any  
47 subdivision thereof shall be liable for acts or omissions of an  
48 officer in the discharge of the private security employment  
49 duties.

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

54 (5) The official uniform \* \* \*, weapon or vehicle may be  
55 worn and \* \* \* used only at locations which are within the  
56 jurisdiction of the governmental entity whose uniform \* \* \*,  
57 weapon or vehicle are involved.

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

