

By: Representatives Karriem, Taylor

To: County Affairs;
Municipalities

HOUSE BILL NO. 1323

1 AN ACT TO AMEND SECTION 21-21-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE GOVERNING AUTHORITIES OF MUNICIPALITIES TO PROVIDE
3 POLICE OFFICERS, WHO ARE ON PATROL, WITH BODY-WORN CAMERAS; TO
4 DEFINE THE TERM "BODY-WORN CAMERA"; TO AMEND SECTION 19-25-13,
5 MISSISSIPPI CODE OF 1972, TO REQUIRE COUNTY BOARDS OF SUPERVISORS
6 TO INCLUDE ALLOCATIONS FOR BODY-WORN CAMERAS IN THE ANNUAL BUDGETS
7 FOR SHERIFFS' OFFICES; TO AMEND SECTION 19-25-21, MISSISSIPPI CODE
8 OF 1972, TO REQUIRE DEPUTY SHERIFFS, WHO ARE ON PATROL, TO WEAR
9 BODY-WORN CAMERAS; TO CREATE A NEW SECTION TO PROVIDE CERTAIN
10 PENALTIES FOR POLICE OFFICERS AND SHERIFF DEPUTIES WHO FAIL TO
11 WEAR BODY-WORN CAMERAS WHILE ON PATROL; AND FOR RELATED PURPOSES.

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

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

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

21 (2) The governing authorities of municipalities shall
22 provide all police officers, while on patrol, with body-worn



23 cameras that shall be worn on the uniforms of the officers. As
24 used in this section, "body-worn cameras" means devices that are
25 worn by police officers which electronically records audio and
26 video of the activities of the officers.

27 (3) If any police officer fails to wear a body-worn camera
28 while on patrol, then the officer shall be subject to the
29 penalties prescribed under Section 4 of this act.

30 **SECTION 2.** Section 19-25-13, Mississippi Code of 1972, is
31 amended as follows:

32 19-25-13. The sheriff shall, at the July meeting of the
33 board of supervisors, submit a budget of estimated expenses of his
34 office for the ensuing fiscal year beginning October 1 in such
35 form as shall be prescribed by the Director of the State
36 Department of Audit. The board shall examine this proposed budget
37 and determine the amount to be expended by the sheriff in the
38 performance of his duties for the fiscal year and may increase or
39 reduce said amount as it deems necessary and proper.

40 The budget shall include amounts for compensating the
41 deputies and other employees of the sheriff's office, for
42 insurance providing protection for the sheriff and his deputies in
43 case of disability, death and other similar coverage, for travel
44 and transportation expenses of the sheriff and deputies, for
45 feeding prisoners and inmates of the county jail, and for such
46 other expenses as may be incurred in the performance of the duties
47 of the office of sheriff, which shall include providing deputies



48 with body-worn cameras as defined under Section 21-21-3. In
49 addition, the budget shall include amounts for the payment of
50 premiums on bonds and insurance for the sheriff and his deputies
51 which, in the opinion of the board of supervisors, are deemed
52 necessary to protect the interests of the county or the sheriff
53 and his deputies. Such amounts may include official bonds and any
54 bonds required of his deputies by the sheriff; liability
55 insurance; insurance against false arrest charges; insurance
56 against false imprisonment charges; theft, fire and other hazards
57 insurance; and hospitalization insurance as provided for in
58 Sections 25-15-101 and 25-15-103. The board may authorize the
59 reimbursement of the sheriff and deputies for the use of privately
60 owned automobiles or other motor vehicles in the performance of
61 official duties at the rate provided by law for state officers and
62 employees, or may authorize the purchase by the sheriff of such
63 motor vehicles and such equipment as may be needed for operation
64 of the sheriff's office, such vehicles and equipment to be owned
65 by the county. In counties which have elected to purchase the
66 motor vehicles and such equipment for the operation of the
67 sheriff's office, if a sheriff or deputy shall be required in the
68 performance of his official duties, in the event of an emergency,
69 to use his privately owned automobile or other motor vehicle, the
70 board of supervisors may, in its discretion, authorize the
71 reimbursement for such use at the rate per mile provided by law
72 for state officers and employees. This shall not be construed as



73 giving an officer a choice of whether to use his own or the
74 county's vehicle, but shall be construed so as not to penalize an
75 officer who must use his own vehicle because the county's vehicle
76 was not available.

77 The board of supervisors, in its discretion, may include in
78 its annual budget for the sheriff's office an amount not to exceed
79 One Thousand Dollars (\$1,000.00), which may be expended by the
80 sheriff to provide food, water and beverages for the sheriff, the
81 sheriff's deputies, state, national and local law enforcement
82 officers, emergency personnel, county employees and members of the
83 general public who the sheriff requests to assist him and his
84 office while in the performance of search and rescue missions,
85 disasters or other emergency operations.

86 The board of supervisors shall include in its annual budget
87 for the sheriff's office an amount that shall be expended by the
88 sheriff to provide each deputy, while on patrol, with a body-worn
89 camera.

90 The board of supervisors may acquire one or more credit cards
91 which may be used by the sheriff and his deputies to pay expenses
92 incurred by them when traveling in or out of state in the
93 performance of their official duties. The chancery clerk or
94 county purchase clerk shall maintain complete records of all
95 credit card numbers and all receipts and other documents relating
96 to the use of such credit cards. The sheriff shall furnish
97 receipts for the use of such credit cards each month to the



98 chancery clerk or purchase clerk who shall submit a written report
99 monthly to the board of supervisors, which report shall include an
100 itemized list of all expenditures and use of the credit cards for
101 the month, and such expenditures may be allowed for payment by the
102 county in the same manner as other items on the claims docket.
103 The issuance of a credit card to a sheriff or his deputy under the
104 provisions of this section shall not be construed to authorize
105 such sheriff or deputy sheriff to use such credit card to make any
106 expenditure which is not otherwise authorized by law.

107 The board of supervisors is hereby authorized and empowered,
108 in its discretion, to appropriate and pay a sum not to exceed Four
109 Hundred Dollars (\$400.00) annually as a clothing allowance to each
110 plainclothes investigator employed by the sheriff's office of such
111 county. The board of supervisors of any county bordering on the
112 Gulf of Mexico and having a population of more than thirty-one
113 thousand seven hundred (31,700) but less than thirty-one thousand
114 eight hundred (31,800) according to the 1990 Federal Census may
115 appropriate and pay a sum not to exceed Four Hundred Dollars
116 (\$400.00) annually as a clothing allowance to the administrator of
117 the county jail.

118 The board of supervisors shall, at its first meeting of each
119 quarter beginning on October 1, January 1, April 1 and July 1,
120 appropriate a lump sum for the sheriff for the expenses of his
121 office during the current quarter. The quarterly appropriation
122 shall be one-fourth (1/4) of the amount approved in the annual



123 budget unless the sheriff requests a different amount. Except in
124 case of emergency, as provided in the county budget law, the
125 appropriation for the quarter beginning in October of the last
126 year of the sheriff's term shall not exceed one-fourth (1/4) of
127 the annual budget.

128 The sheriff shall file a report of all expenses of his office
129 incurred during the preceding month with the board of supervisors
130 for approval at its regular monthly meeting in a form to be
131 prescribed by the Director of the State Department of Audit, and
132 upon filing thereof, and approval by the board, the clerk of the
133 board shall issue warrants in payment thereof but not to exceed
134 the budget appropriation for that quarter. Any appropriated funds
135 which are unexpended at the end of the fiscal year shall remain in
136 the county general fund.

137 The budget for the sheriff's office may be revised at any
138 regular meeting by the board of supervisors. Upon recommendation
139 of the sheriff, the board may at any regular meeting make
140 supplemental appropriations to the sheriff's office.

141 Any fees previously required to be paid by a sheriff shall be
142 paid by the board of supervisors by including the estimates
143 therefor in the sheriff's budget. All fees and charges for
144 services heretofore collected by sheriffs shall be collected by
145 said sheriff and paid monthly into the general fund of the
146 concerned county. However, any fees heretofore collected by such
147 sheriffs from the county shall not be paid.



148 **SECTION 3.** Section 19-25-21, Mississippi Code of 1972, is
149 amended as follows:

150 19-25-21. (1) The minimum number of deputies having law
151 enforcement duties for each sheriff shall be based upon the total
152 population of his county according to the latest federal decennial
153 census in the following categories:

154 (a) In counties with a total population of more than
155 fifty thousand (50,000), the sheriff shall regularly employ a
156 minimum of five (5) deputies having law enforcement duties;

157 (b) In counties with a total population of more than
158 thirty-five thousand (35,000), and not more than fifty thousand
159 (50,000), the sheriff shall regularly employ a minimum of four (4)
160 deputies having law enforcement duties;

161 (c) In counties with a total population of more than
162 twenty-five thousand (25,000), and not more than thirty-five
163 thousand (35,000), the sheriff shall regularly employ a minimum of
164 three (3) deputies having law enforcement duties;

165 (d) In counties with a total population of more than
166 fifteen thousand (15,000), and not more than twenty-five thousand
167 (25,000), the sheriff shall regularly employ a minimum of two (2)
168 deputies having law enforcement duties;

169 (e) In all other counties, the sheriff shall regularly
170 employ a minimum of one (1) deputy sheriff having law enforcement
171 duties.



172 (2) In those counties comprised of two (2) judicial
173 districts having a total population of thirty-five thousand
174 (35,000) or more, there shall be not less than two (2) deputies in
175 the judicial district in which the sheriff does not reside, one
176 (1) of whom shall be the chief deputy in charge of the office, all
177 of whom shall be subject to the direction of the sheriff. In
178 those counties comprised of two (2) judicial districts having a
179 total population of less than thirty-five thousand (35,000), there
180 shall be at least one (1) deputy in the judicial district in which
181 the sheriff does not reside who shall be subject to the direction
182 of the sheriff.

183 (3) Each deputy sheriff who shall have law enforcement
184 duties shall, at the expense of the county, attend and complete an
185 appropriate curriculum in the field of law enforcement at the
186 Mississippi Law Enforcement Officers' Academy within one (1) year
187 from the date of his appointment, excluding those who have
188 previously served as sheriff, or have had at least five (5) years'
189 experience as a full-time law enforcement officer, or have
190 previously successfully completed a course of training at the
191 Mississippi Law Enforcement Officers' Academy or at the Jackson
192 Police Academy. Any deputy sheriff exempted from attendance at
193 the initial course as herein provided because of previous service
194 as sheriff or having five (5) years' full-time law enforcement
195 experience must have served as sheriff or obtained such experience
196 within a period of ten (10) years prior to the date of his taking



197 the oath of office. Any deputy sheriff exempted from attendance
198 because of successful completion of a course of training at either
199 of the aforementioned academies must have completed such course
200 within five (5) years prior to the date of his taking the oath of
201 office. Each deputy sheriff shall thereafter, on a periodic and
202 continuing basis, attend additional advanced courses in law
203 enforcement at said Academy in order that each deputy sheriff will
204 be properly informed and trained in the modern, technical advances
205 in the field of law enforcement.

206 (4) Each deputy sheriff is required to wear a body-worn
207 camera while on patrol. If any deputy fails to wear the body-worn
208 camera, as required by this subsection, the deputy shall be
209 subject to the penalties prescribed in Section 4 of this act. As
210 used under this subsection, "body-worn camera" means the same as
211 the term is defined under Section 21-21-3.

212 **SECTION 4.** Any municipal police officer or county deputy
213 sheriff who fails to wear his or her body-worn camera while on
214 patrol, as required under Sections 21-21-3 and 19-25-21, shall be
215 guilty of a misdemeanor upon conviction and shall be punished by a
216 fine not to exceed One Thousand Dollars (\$1,000.00) or
217 imprisonment not to exceed six (6) months, or both.

218 **SECTION 5.** This act shall take effect and be in force from
219 and after July 1, 2018.

