

By: Representative Shirley

To: Judiciary B

HOUSE BILL NO. 1452

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 HIGHWAY PATROL 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 OFFICERS' 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 clearly 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.



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

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

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

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

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

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

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

(iii) Entails the use or implied use of police authority, including those duties and responsibilities delegated to the Mississippi Highway Safety Patrol, pursuant to the provisions of Chapter 3, Title 45, Mississippi Code of 1972; or



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

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

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

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

SECTION 3. (1) The department shall:



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

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

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

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

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

(b) The address of the employer and the address where the off-duty work will be conducted if different from the 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 allow the member to use his or her personal,
114 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 documents the member's activities while working for the
122 nongovernmental employer.



SECTION 5.

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

SECTION 6. Section 45-3-19, Mississippi Code of 1972, is

amended as follows:

45-3-19. (1) The commissioner shall have authority, with the approval of the Governor, to make needful and proper rules and regulations governing the proper discipline of the members of the patrol, of selecting, designing and effecting an appropriate uniform therefor, and prescribing outfits and equipment and supplies necessary and proper to carry out the objects of this chapter. The commissioner shall provide the same as well as such weapons, vehicles and equipment as shall be necessary and proper and shall be responsible therefor. The commissioner, with the approval of the Governor, shall, from time to time, establish headquarters and substations, as he shall deem it advisable for the objects and purposes of such an organization and for the enforcement of the laws, rules and regulations hereinabove provided, and to that end he may, with the approval of the Governor, acquire the right to use lands and buildings for the



accommodation of members of said organization and properties and equipment.

(2) The commissioner shall have authority to effectively administer the provisions of Sections 1 through 5 of this act, as that authority relates to the authority granted to members of the highway safety patrol to engage in nongovernmental secondary employment.

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

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

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

