

By: Representative Anderson (110th)

To: Judiciary B;  
Accountability, Efficiency,  
Transparency

HOUSE BILL NO. 788

1 AN ACT TO CREATE THE REVIEW BOARD FOR OFFICER-INVOLVED DEATHS;  
2 TO REQUIRE THE REVIEW BOARD TO MAKE AN ANNUAL REPORT TO THE  
3 LEGISLATURE REGARDING THE NUMBER AND LOCATION OF OFFICER-INVOLVED  
4 DEATHS; TO REQUIRE THE REVIEW BOARD TO MAKE RECOMMENDATIONS TO THE  
5 ATTORNEY GENERAL REGARDING THE INVESTIGATION OF OFFICER-INVOLVED  
6 DEATHS; TO REQUIRE EACH LAW ENFORCEMENT AGENCY TO HAVE A POLICY  
7 REGARDING THE HANDLING OF OFFICER-INVOLVED DEATHS; TO PROVIDE THE  
8 MINIMUM REQUIREMENTS FOR EACH POLICY; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) (a) There is created a Review Board for  
11 Officer-Involved Deaths that shall be composed of five (5) members  
12 to be appointed by the Attorney General, as follows:

13 (i) One (1) retired or reserve judge;

14 (ii) A former sheriff, chief of police, chief  
15 deputy sheriff, or chief deputy of police;

16 (iii) An Assistant Attorney General;

17 (iv) A professor or researcher affiliated with a  
18 Mississippi university or college who has expertise in the field  
19 of criminal law or criminal justice; and



20 (v) A former district attorney or assistant  
21 district attorney who has served in that capacity for at least ten  
22 (10) years.

23 (b) The review board shall meet at least once a month  
24 and shall hold its first meeting no later than August 31, 2020.  
25 At its first meeting, the review board shall elect a chairperson  
26 and a vice chairperson from its membership and shall adopt rules  
27 for the transaction of business and keeping records. All meetings  
28 of the review board shall be subject to the Open Meetings Act.  
29 The Attorney General must appoint members of the review board  
30 within thirty (30) days of the effective date of this act. A  
31 majority of the membership of the task force shall constitute a  
32 quorum, and shall meet at the call of the chairperson, or upon an  
33 affirmative vote of a majority of the task force. All members  
34 must be notified in writing of all meetings at least five (5) days  
35 before the date on which a meeting of the task force is scheduled.  
36 Any vacancy in the review board shall not affect its powers, but  
37 shall be filled in the same manner prescribed above.

38 (c) The duties of the review board shall be to:

39 (i) Review all information received from law  
40 enforcement agencies regarding officer-involved deaths;

41 (ii) Make recommendations to the Attorney General  
42 regarding investigation or further investigation of  
43 officer-involved deaths; and



44 (iii) Create an annual report to be submitted to  
45 the Legislature by December 31 of each year that includes the  
46 number of officer-involved shootings throughout the state, the  
47 race and ethnicity of the persons who are killed, and the name and  
48 the location of the law enforcement agency involved.

49 (d) Members of the review board who are not  
50 legislators, state officials or state employees shall be  
51 compensated at the per diem rate authorized by Section 25-3-69 and  
52 shall be reimbursed in accordance with Section 25-3-41 for mileage  
53 and actual expenses incurred in the performance of their duties.  
54 Legislative members of the review board shall be paid from the  
55 contingent expense funds of their respective houses in the same  
56 manner as provided for committee meetings when the Legislature is  
57 not in session. However, no per diem or expense for attending  
58 meetings of the review board will be paid to legislative members  
59 of the review board while the Legislature is in session. No  
60 review board member may incur per diem, travel or other expenses  
61 unless previously authorized by vote, at a meeting of the review  
62 board, which action shall be recorded in the official minutes of  
63 the meeting. Nonlegislative members shall be paid from any funds  
64 made available to the task force for that purpose.

65 (e) The review board shall use clerical and legal staff  
66 already employed by the Attorney General and any other staff  
67 assistance made available to it. To effectuate the purposes of  
68 this section, any department, division, board, bureau, commission



69 or agency of the state or of any political subdivision thereof  
70 shall, at the request of the chairman of the review board, provide  
71 to the review board such facilities, assistance and data as will  
72 enable the task force to properly carry out its task.

73 (2) (a) Each law enforcement agency shall have a written  
74 policy regarding the handling of officer-involved deaths caused by  
75 any law enforcement officer employed by the agency. Each policy  
76 shall include at least the following:

77 (i) Require the agency to report any death  
78 involving a law enforcement officer to the review board;

79 (ii) If the death being investigated is traffic  
80 related, require the investigative team to use a crash  
81 reconstruction unit that does not employ a law enforcement officer  
82 involved in the death being investigated. The policy shall give  
83 preference to using a unit from the Department of Public Safety;

84 (iii) Require any officer involved in the death to  
85 submit a blood sample. No person may perform any analysis or test  
86 on the blood sample without either the permission of the officer  
87 who submitted the sample or a search warrant. At the conclusion  
88 of the investigation, the sample may be destroyed if a court  
89 approves.

90 (b) The policies required by this subsection shall be  
91 provided to the review board by October 1, 2020.

92 (c) Any law enforcement agency that fails to adopt the  
93 written policy required by this subsection (2) shall not be



94 eligible to claim any immunity protections provided by the  
95 Mississippi Tort Claims Act.

96         **SECTION 2.** This act shall take effect and be in force from  
97 and after July 1, 2020.

