

By: Representatives Sanford, Shanks, Miles,
Owen

To: Judiciary B;
Appropriations

HOUSE BILL NO. 351

1 AN ACT TO PROVIDE THAT LAW ENFORCEMENT OFFICERS WHO ARE
2 EMPLOYED BY AN ACCREDITED LAW ENFORCEMENT DEPARTMENT SHALL RECEIVE
3 SUPPLEMENTARY PAY ANNUALLY; TO AMEND SECTION 27-115-85,
4 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FOUR MILLION DOLLARS OF
5 THE LOTTERY PROCEEDS FUND SHALL BE TRANSFERRED INTO THE LAW
6 ENFORCEMENT OFFICERS ACCREDITATION SUPPLEMENTAL PAY FUND; TO
7 CREATE A NEW STATUTE THAT ESTABLISHES THE LAW ENFORCEMENT OFFICERS
8 ACCREDITATION SUPPLEMENTAL PAY FUND; TO CREATE A NEW STATUTE THAT
9 ESTABLISHES THE BULLETPROOF VESTS REVOLVING FUND; TO AMEND SECTION
10 45-6-5, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF THE
11 BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND TRAINING; TO AMEND
12 SECTION 37-105-3, MISSISSIPPI CODE OF 1972, TO ALLOW UNIVERSITY
13 POLICE OFFICERS TO HAVE JURISDICTION GREATER THAN FIVE HUNDRED
14 FEET FROM THE UNIVERSITY; TO PROVIDE FOR THE CRIME OF RECKLESS
15 ENDANGERMENT; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** In addition to any other compensation, law
18 enforcement officers who are employed by an accredited law
19 enforcement department shall receive supplementary pay of One
20 Thousand Two Hundred Dollars (\$1,200.00) annually. Such
21 supplemental pay shall be paid out of the Law Enforcement Officers
22 Accreditation Supplemental Pay Fund created in Section 3 of this
23 act.



24 **SECTION 2.** Section 27-115-85, Mississippi Code of 1972, is
25 amended as follows:

26 27-115-85. Until June 30, 2028, net proceeds generated by
27 the Alyce G. Clarke Mississippi Lottery Law, created pursuant to
28 this chapter and deposited into the Lottery Proceeds Fund under
29 Section 27-115-51(2), except as otherwise provided in this
30 section, shall be paid into the State Highway Fund by warrant
31 issued by the State Fiscal Officer upon requisition of the State
32 Transportation Commission as needed to provide funds to repair,
33 renovate and maintain highways and bridges of the state; however,
34 funds paid into the State Highway Fund under this section shall be
35 first used for matching federal funds authorized to the state
36 pursuant to any federal highway infrastructure program implemented
37 after September 1, 2018. However, Four Million Dollars
38 (\$4,000,000.00) of all such monies deposited into the Lottery
39 Proceeds Fund in a fiscal year shall be transferred into the Law
40 Enforcement Officers Accreditation Supplemental Pay Fund created
41 in Section 3 of this act, and all such monies deposited into the
42 Lottery Proceeds Fund over Eighty Million Dollars (\$80,000,000.00)
43 in a fiscal year shall be transferred into the Education
44 Enhancement Fund for the purposes of funding the Early Childhood
45 Learning Collaborative, the Classroom Supply Fund and/or other
46 educational purposes. From and after July 1, 2028, the net
47 proceeds shall be deposited into the Lottery Proceeds Fund and
48 shall be transferred to the State General Fund, except for the



49 Four Million Dollars (\$4,000,000.00) which shall continue to be
50 transferred into the Law Enforcement Officers Accreditation
51 Supplemental Pay Fund created in Section 3 of this act, and for
52 the amounts over Eighty Million Dollars (\$80,000,000.00) which
53 shall continue to be deposited in the Education Enhancement Fund
54 as provided above.

55 **SECTION 3.** There is created in the State Treasury a special
56 fund to be designated as the Law Enforcement Officers
57 Accreditation Supplemental Pay Fund. The special fund shall
58 consist of monies as may be appropriated by the Legislature and
59 any other monies authorized under by law. Monies in the fund
60 shall be used as supplemental pay for law enforcement officers of
61 accredited departments as provided by law. Unexpended amounts
62 remaining in the special fund at the end of a fiscal year shall
63 not lapse into the State General Fund, and any interest earned on
64 amounts in the special fund shall be deposited to the credit of
65 the special fund.

66 **SECTION 4.** There is created in the State Treasury a special
67 fund designated as the Bulletproof Vests Revolving Fund to be
68 funded by annual appropriations of Two Hundred Fifty Thousand
69 Dollars (\$250,000.00) by the Mississippi Legislature. The fund
70 shall be administered by the Department of Public Safety for local
71 law enforcement departments to apply for monies necessary for the
72 match requirement for the Department of Justice Vest Partnership
73 Grant Act of 1998. For fiscal year 2022 and every third fiscal



74 year thereafter, departments that serve populations less than
75 fifteen thousand (15,000) may apply. For fiscal year 2023 and
76 every third fiscal year thereafter, departments that serve
77 populations less than fifty thousand (50,000) but not less than
78 fifteen thousand (15,000) may apply. For fiscal year 2024 and
79 every third fiscal year thereafter, departments that serve
80 populations greater than fifty thousand (50,000) may apply.

81 **SECTION 5.** Section 45-6-5, Mississippi Code of 1972, is
82 amended as follows:

83 45-6-5. (1) There is hereby created the Board on Law
84 Enforcement Officer Standards and Training, which shall consist
85 of * * * fourteen (14) members.

86 (2) (a) The Governor shall appoint * * * five (5) members
87 of the board from the following specified categories:

88 (i) * * * One (1) member who is a chief of police
89 of a municipality in this state * * *.

90 (ii) One (1) member who is a sheriff in this
91 state.

92 (iii) One (1) member who is a district attorney in
93 this state.

94 (iv) One (1) member who is a representative of
95 higher education and who has a degree in one (1) of the following
96 areas of study: corrections, criminal justice or public
97 administration.



(v) One (1) member who is a nonsupervisory rank-and-file law enforcement officer.

(b) The initial appointments to the board shall be made by the Governor no later than twenty (20) days after April 7, 1981, as follows: the chief of police and the representative of higher education each shall be appointed for a term of two (2) years; and the sheriff and the district attorney each shall be appointed for a term of three (3) years. Upon the expiration of the terms of the initial appointees to the board, each subsequent appointment shall be made for a term of three (3) years, beginning on the date of the expiration of the previous term. A vacancy in any appointed position on the board * * * before the expiration of a term shall be filled by appointment of the Governor only for the balance of the unexpired term. Appointments shall be made within sixty (60) days of the occurrence of the vacancy.

(c) Any member appointed under this subsection who fails to attend three (3) consecutive meetings of the board shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when a member has failed to attend three (3) consecutive regular meetings.

(3) The remaining * * * nine (9) members of the board shall be the following:

(a) The Attorney General, or his or her designee.

(b) The Director of the Mississippi Highway Safety Patrol, or his or her designee.



123 (c) The President of the Mississippi Municipal
124 Association, or his or her designee who is a member of the
125 association.

126 (d) The President of the Mississippi Association of
127 Supervisors, or his or her designee who is a member of the
128 association.

129 (e) The President of the Mississippi Constable
130 Association, or his or her designee who is a member of the
131 association.

132 (f) The President of the Mississippi Campus Law
133 Enforcement Officers Association, or his or her designee who is a
134 member of the association.

135 (g) The President of the Mississippi Sheriffs'
136 Association, or his or her designee who is a member of the
137 association.

138 (h) The President of the Mississippi Association of
139 Chiefs of Police, or his or her designee who is a member of the
140 association.

141 (i) A chief of police of a municipality, to be
142 appointed by the Mississippi Association of Chiefs of Police.

143 The Attorney General, the Director of the Mississippi Highway
144 Safety Patrol and the respective presidents of the foregoing
145 associations, or their designees, shall serve only for their
146 respective terms of office.



(4) Members of the board shall serve without compensation, but shall be entitled to receive reimbursement for any actual and reasonable expenses incurred as a necessary incident to such service, including mileage, as provided in Section 25-3-41.

(5) There shall be a chairman and a vice chairman of the board, elected by and from the membership of the board. The board shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business, but the board shall meet at least every three (3) months.

(6) The Governor shall call an organizational meeting of the board not later than thirty (30) days after April 7, 1981.

(7) If a person appointed to the board no longer occupies the status qualifying that person's appointment, that position on the board shall be immediately vacated and filled ex officio or by appointment of the Governor as otherwise provided in this section.

(8) The board shall report annually to the Governor and the Legislature on its activities, and may make such other reports as it deems desirable.

(9) The training officers of all police academies in the state whose curricula are approved by the board shall be advisors to the board. They shall be entitled to all privileges of the board members, including travel expenses and subsistence, but shall not be eligible to vote at board meetings.

SECTION 6. Section 37-105-3, Mississippi Code of 1972, is amended as follows:



172 37-105-3. (1) The traffic officers duly appointed by the
173 president of any state institution of higher learning, or any
174 peace officer or highway patrolman of this state, are vested with
175 the powers and authority to perform all duties incident to
176 enforcing such rules and regulations as may be enacted under the
177 authority granted in Section 37-105-1, including the arrest of
178 violators.

179 (2) The peace officers duly appointed by the president of
180 any state institution of higher learning are also vested with the
181 powers and subjected to the duties of a constable for the purpose
182 of preventing all violations of law that occur within * * * the
183 city and/or county where property is owned by the university, if
184 such universities determine that they want such peace officers to
185 exercise such powers and if reasonably determined to have a
186 possible impact on the safety of students, faculty or staff of the
187 university * * *. If a university determines that it wants such
188 peace officers to exercise such powers, the university may enter
189 into an interlocal agreement with other law enforcement entities
190 specifying the individual and joint duties to be exercised on
191 property within the peace officers' jurisdiction. Provided,
192 however, that nothing in this section shall be interpreted to
193 require action by any such peace officer appointed by such
194 universities to events occurring outside the boundaries of
195 university property, nor shall any such university or its



employees be liable for any failure to act to any event occurring outside the boundaries of property owned by the university.

With approval from the Board of Trustees of State Institutions of Higher Learning, the university may enter into an interlocal agreement with other law enforcement entities for the provision of equipment or traffic control duties, however, the duty to enforce traffic regulations and to enforce the laws of the state or municipality off of university property lies with the local police or sheriff's department which cannot withhold its services solely because of the lack of such an agreement.

SECTION 7. (1) A person commits an offense who recklessly engages in conduct that places or may place another person in imminent danger of death or serious bodily injury.

(2) (a) Reckless endangerment is a misdemeanor, and a person convicted shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both.

(b) Reckless endangerment committed with a deadly weapon is a felony, and a person convicted shall be fined not more than Two Thousand Dollars (\$2,000.00) or committed to the custody of the State Department of Corrections not to exceed two (2) years, or both.

SECTION 8. This act shall take effect and be in force from and after July 1, 2021.

