

By: Representatives Powell, Eure, Shanks,
Stamps

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 453

1 AN ACT TO CREATE SECTION 17-25-11.1, MISSISSIPPI CODE OF
2 1972, TO ALLOW A CERTIFIED LAW ENFORCEMENT OFFICER OR CERTIFIED
3 PART-TIME LAW ENFORCEMENT OFFICER, WHO IS EMPLOYED BY A COUNTY OR
4 MUNICIPALITY, TO USE HIS OR HER OFFICIAL UNIFORM, WEAPON AND
5 VEHICLE WHILE PERFORMING VOLUNTEER SERVICES FOR A CHURCH,
6 COMMUNITY CLUB, SOCIAL EVENT OR OTHER COMMUNITY EVENT IN OFF-DUTY
7 HOURS; TO AMEND SECTION 45-9-131, MISSISSIPPI CODE OF 1972, TO
8 AUTHORIZE MEMBERS OF CERTAIN LAW ENFORCEMENT AGENCIES TO RETAIN
9 HIS OR HER SIDEARM UPON RETIREMENT; TO BRING FORWARD SECTION
10 17-25-11, MISSISSIPPI CODE OF 1972, WHICH ALLOWS A CERTIFIED LAW
11 ENFORCEMENT OFFICER OR CERTIFIED PART-TIME LAW ENFORCEMENT
12 OFFICER, WHO IS EMPLOYED BY A COUNTY OR MUNICIPALITY, TO USE HIS
13 OR HER OFFICIAL UNIFORM AND WEAPON WHILE PERFORMING PRIVATE
14 SECURITY SERVICES IN OFF-DUTY HOURS; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** The following shall be codified as Section
17 17-25-11.1, Mississippi Code of 1972:

18 17-25-11.1. (1) Certified law enforcement officers or
19 certified part-time law enforcement officers, as defined in
20 Section 45-6-3, who are employed by a county or municipality may
21 wear the official uniform and may use the official firearm and
22 official vehicle issued by the employing jurisdiction while in the
23 performance of volunteer services for a church, community club,
24 social event or other community event in off-duty hours. The



governing authority of a municipality must approve of such use of the uniform, official weapon and official vehicle by municipal law enforcement officers by act spread upon the minutes of such board and approved by the chief executive. The sheriff of a county must approve such use of the uniform, official weapon and official vehicle by deputy sheriffs. Approval shall be on an employee-by-employee basis and not by general order. Any proceedings regarding application or approval and the minutes regarding same shall be a public record.

(2) Each governing board and chief executive or sheriff shall determine before the use of the official uniform, weapon and vehicle is approved that the proposed volunteer service is not likely to bring disrepute to the employing jurisdiction or its law enforcement agency, the officer at issue, or law enforcement generally, and that the use of the official uniform, weapon and vehicle in the discharge of the officer's volunteer service promotes the public interest.

(3) Acts and omissions of an officer in discharge of volunteer service shall be deemed to be the acts and omissions of the county or municipality employing the officer. The county or municipality employing the officer and authorizing the officer to perform volunteer services for a church, community club, social event or other community event in off-duty hours shall be responsible for any expense or loss, including attorney's fees, which results from any action taken against the jurisdiction



arising out of the acts or omissions of the officer in discharge of volunteer services while wearing the official uniform or using the official weapon or official vehicle.

(4) Certified police officers performing volunteer services during their off-duty hours are required to notify the appropriate law enforcement agency of the place of employment, the hours to be worked, and the type of employment.

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

SECTION 2. Section 45-9-131, Mississippi Code of 1972, is amended as follows:

45-9-131. Upon approval of the governing authority of the municipality * * *, county or state agency, a member of any municipal * * *, county or state agency law enforcement agency who retires under any state retirement system or the spouse of a law enforcement officer who is killed in the line of duty may, upon request, be allowed to * * * retain as his or her personal property one (1) sidearm which was issued to the law enforcement officer by the law enforcement agency from which he or she retired or by whom he or she was employed at the time of death, provided funds are available for such purpose. * * *

SECTION 3. Section 17-25-11, Mississippi Code of 1972, is brought forward as follows:



17-25-11. (1) Certified law enforcement officers or certified part-time law enforcement officers, as defined in Section 45-6-3, who are employed by a county or municipality may wear the official uniform and may utilize the official firearm issued by the employing jurisdiction while in the performance of private security services in off-duty hours. The governing authority of a municipality must approve of such use of the uniform and official weapon by municipal law enforcement officers by act spread upon the minutes of such board and approved by the chief executive. The sheriff of a county must approve such use of the uniform and official weapon by deputy sheriffs. Approval shall be on an employee-by-employee basis and not by general order. Any proceedings regarding application or approval and the minutes regarding same shall be a public record.

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

(3) Acts and omissions of an officer in discharge of private security employment shall be deemed to be the acts and omissions of the person or entity employing the officer for such private



100 security services, and not the acts and omissions of the
101 jurisdiction whose uniform and weapon are approved for such
102 private security use. An employer employing the officer for
103 private security services shall hold harmless the jurisdiction by
104 which the officer is employed and fully indemnify the jurisdiction
105 for any expense or loss, including attorney's fees, which results
106 from any action taken against the jurisdiction arising out of the
107 acts or omissions of the officer in discharge of private security
108 services while wearing the official uniform or using the official
109 weapon. Neither the state nor any subdivision thereof shall be
110 liable for acts or omissions of an officer in the discharge of the
111 private security employment duties.

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

116 (5) The official uniform and weapon may be worn and utilized
117 only at locations which are within the jurisdiction of the
118 governmental entity whose uniform and weapon are involved.

119 **SECTION 4.** This act shall take effect and be in force from
120 and after July 1, 2021.

