

By: Representatives Cockerham, Stamps

To: Judiciary A

HOUSE BILL NO. 631
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 17-25-11, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE OFF-DUTY USE OF MUNICIPAL AND COUNTY POLICE VEHICLES
3 BY CERTAIN LAW ENFORCEMENT OFFICERS ENGAGING IN PRIVATE EMPLOYMENT
4 IN OFF-DUTY HOURS; TO PROVIDE THAT USE MUST BE APPROVED BY THE
5 LOCAL GOVERNMENTAL ENTITY WHOSE VEHICLE IS INVOLVED; TO REQUIRE
6 THE PERSON OR ENTITY HIRING THE OFFICER TO NAME THE EMPLOYING
7 JURISDICTION AS A NAMED INSURED ON ITS LIABILITY INSURANCE
8 POLICIES; TO PROHIBIT USE OF THE OFFICIAL VEHICLE WHERE THE PERSON
9 OR ENTITY REFUSES TO ENDORSE, INDEMNIFY AND HOLD HARMLESS THE
10 EMPLOYING JURISDICTION; TO AMEND SECTION 21-19-49, MISSISSIPPI
11 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
12 PURPOSES.

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

14 **SECTION 1.** Section 17-25-11, Mississippi Code of 1972, is
15 amended as follows:

16 17-25-11. (1) Certified law enforcement officers or
17 certified part-time law enforcement officers, as defined in
18 Section 45-6-3, who are employed by a county or municipality may
19 wear the official uniform and may utilize the official firearm and
20 the official vehicle issued by the employing jurisdiction while in
21 the performance of private security services in off-duty hours.
22 The governing authority of a municipality must approve of such use
23 of the uniform * * *, official weapon and vehicle by municipal law



24 enforcement officers by act spread upon the minutes of such board
25 and approved by the chief executive. The sheriff of a county must
26 approve such use of the uniform * * *, official weapon and vehicle
27 by deputy sheriffs. Approval shall be on an employee-by-employee
28 basis and not by general order. Any proceedings regarding
29 application or approval and the minutes regarding same shall be a
30 public record.

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

39 (3) (a) Acts and omissions of an officer in discharge of
40 private security employment shall be deemed to be the acts and
41 omissions of the person or entity * * * who hires or enters into
42 any independent contractual service agreement with an officer
43 for * * * the private security services, and not the acts and
44 omissions of the employing jurisdiction whose uniform * * *,
45 weapon and vehicle are approved for * * * the private security
46 use. * * *

47 (b) The person or entity, and the person's or entity's
48 insurer, who hires or enters into any independent contractual



49 service agreement with an officer for private security services
50 shall:

51 (i) Hold harmless the employing jurisdiction * * *
52 and fully indemnify the employing jurisdiction for any expense or
53 loss, including attorney's fees and any damage to the official
54 vehicle, which results from any action taken against the employing
55 jurisdiction arising out of the acts or omissions of the officer
56 in discharge of private security services while wearing the
57 official uniform or using the official weapon * * * or vehicle;
58 and

59 (ii) Name the employing jurisdiction as a named
60 insured on its general liability and automobile liability policies
61 for at least the amount of recovery provided for in Section
62 11-46-15 for any damage to the official vehicle.

63 (c) If the person or entity, and the person's or
64 entity's insurer, fails or refuses to endorse, indemnify and hold
65 harmless the employing jurisdiction, the employing jurisdiction
66 shall not approve the use of the official vehicle of the employing
67 jurisdiction for private security services.

68 (d) Neither the state nor any subdivision thereof shall
69 be liable for a claim or injury arising from the acts or omissions
70 of an officer in the discharge of * * * any private security
71 employment duties under this section, including travel to and from
72 private security employment duties in the official vehicle.



(4) Certified police officers performing private jobs 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 utilized only at locations which are within the jurisdiction of the governmental entity whose uniform * * *, weapon and vehicle are involved.

SECTION 2. Section 21-19-49, Mississippi Code of 1972, is amended as follows:

21-19-49. (1) The governing authority of any municipality or the board of supervisors of any county are hereby authorized and empowered to appropriate money or dedicate and convey municipally-owned buildings and property or county-owned buildings and property, as the case may be, to the school district or districts situated within that municipality or county for the purpose of erecting, purchasing or otherwise providing the school building or a site for such school building of such school district, in cases where the governing authority or board of supervisors are of the opinion that the location of such school building within the corporate limits of the municipality or the county, or in close proximity thereto, will be of special benefit to the inhabitants of the municipality or county.

(2) Municipalities, municipal police departments and the sheriffs' departments may contract with the school board of any



98 school district to provide additional Law Enforcement Officers
99 Training Academy-certified police protection to said school
100 district on such terms and for such reimbursement as the school
101 district and the entity may agree in their discretion.

102 (3) (a) The governing authority of any municipality or the
103 board of supervisors of any county may allow off-duty municipal or
104 county law enforcement officers who are hired individually for
105 security purposes by the school district or districts within that
106 municipality or county to use municipal or county law enforcement
107 uniforms and equipment, which includes vehicles, during such
108 off-duty employment.

109 (b) If the person or entity, and the person's or
110 entity's insurer, fails or refuses to endorse, indemnify and hold
111 harmless the employing jurisdiction, the employing jurisdiction
112 shall not approve the use of the official vehicle of the employing
113 jurisdiction for private security services.

114 (4) The governing authority of any municipality, in its
115 discretion, may donate funds, equipment or in-kind services to any
116 school district located within the boundaries of the municipality
117 to assist the voluntary character development or public service
118 programs of that school district.

119 **SECTION 3.** This act shall take effect and be in force from
120 and after July 1, 2021.

