

Senate Amendments to House Bill No. 631

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

13 **SECTION 1.** Section 17-25-11, Mississippi Code of 1972, is
14 amended as follows:
15 17-25-11. (1) Certified law enforcement officers or
16 certified part-time law enforcement officers, as defined in
17 Section 45-6-3, who are employed by a county or municipality may
18 wear the official uniform and may utilize the official firearm and
19 the official vehicle issued by the employing jurisdiction while in
20 the performance of private security services in off-duty hours.
21 The governing authority of a municipality must approve of such use
22 of the uniform * * *, official weapon and vehicle by municipal law
23 enforcement officers by act spread upon the minutes of such board
24 and approved by the chief executive. The sheriff of a county must
25 approve such use of the uniform * * *, official weapon and vehicle
26 by deputy sheriffs. Approval shall be on an employee-by-employee
27 basis and not by general order. Any proceedings regarding
28 application or approval and the minutes regarding same shall be a
29 public record.

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

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

46 (b) The person or entity, and the person's or entity's
47 insurer, who hires or enters into any independent contractual
48 service agreement with an officer for private security services
49 shall:

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

56 while wearing the official uniform or using the official
57 weapon * * * or vehicle; and

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

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

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

77 (5) The official uniform * * *, weapon and vehicle may be
78 worn and utilized only at locations which are within the
79 jurisdiction of the governmental entity whose uniform * * *,
80 weapon and vehicle are involved.

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

83 21-19-49. (1) The governing authority of any municipality
84 or the board of supervisors of any county are hereby authorized
85 and empowered to appropriate money or dedicate and convey
86 municipally-owned buildings and property or county-owned buildings
87 and property, as the case may be, to the school district or
88 districts situated within that municipality or county for the
89 purpose of erecting, purchasing or otherwise providing the school
90 building or a site for such school building of such school
91 district, in cases where the governing authority or board of
92 supervisors are of the opinion that the location of such school
93 building within the corporate limits of the municipality or the
94 county, or in close proximity thereto, will be of special benefit
95 to the inhabitants of the municipality or county.

96 (2) Municipalities, municipal police departments and the
97 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 any official uniform, weapon or
113 vehicle of the employing jurisdiction for private security
114 services.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 EMPLOYMENT WHERE THE PERSON OR ENTITY
9 REFUSES TO ENDORSE, INDEMNIFY AND HOLD HARMLESS THE EMPLOYING
10 JURISDICTION; TO AMEND SECTION 21-19-49, MISSISSIPPI CODE OF 1972,
11 TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

SS08\HB631A.J

Eugene S. Clarke
Secretary of the Senate