

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 974

BY: Committee

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

62 **SECTION 1.** Section 45-1-2, Mississippi Code of 1972, is
63 amended as follows:

64 45-1-2. (1) The Executive Director of the Department of
65 Public Safety shall be the Commissioner of Public Safety.

66 (2) The Commissioner of Public Safety shall establish the
67 organizational structure of the Department of Public Safety, which
68 shall include the creation of any units necessary to implement the
69 duties assigned to the department and consistent with specific
70 requirements of law including, but not limited to:

71 (a) Office of Public Safety Planning;



72 (b) Office of Mississippi Highway Safety Patrol;

73 (c) Office of Mississippi Bureau of Investigation (to
74 be directed by a Lieutenant Colonel of the Mississippi Highway
75 Safety Patrol);

76 (* * *d) Office of Forensics Laboratories, which
77 includes the Office of the Medical Examiner;

78 (* * *e) Office of Law Enforcement Officers' Training
79 Academy;

80 (* * *f) Office of Support Services;

81 (* * *g) Office of Narcotics, which shall be known as
82 the Bureau of Narcotics; * * *

83 (* * *h) Office of Homeland Security * * *; and

84 (i) Office of Capitol Police.

85 (3) The department shall be headed by a commissioner, who
86 shall be appointed by and serve at the pleasure of the Governor.
87 The appointment of the commissioner shall be made with the advice
88 and consent of the Senate. * * * The commissioner shall have, at
89 a minimum, a bachelor's degree from an accredited college or
90 university.

91 (4) Notwithstanding any provision of law to the contrary,
92 the commissioner * * * shall appoint heads of offices, who shall
93 serve at the pleasure of the commissioner. The commissioner shall
94 have the authority to organize the offices established by
95 subsection (2) of this section as deemed appropriate to carry out
96 the responsibilities of the department. The commissioner may



97 assign to the appropriate offices such powers and duties as deemed
98 appropriate to carry out the department's lawful functions. The
99 organization charts of the department shall be presented annually
100 with the budget request of the Governor for review by the
101 Legislature.

102 (5) The commissioner * * * shall appoint, from within the
103 Department of Public Safety, a statewide safety training officer
104 who shall serve at the pleasure of the commissioner and whose duty
105 it shall be to perform public training for both law enforcement
106 and private persons throughout the state concerning proper
107 emergency response to the mentally ill, terroristic threats or
108 acts, domestic conflict, other conflict resolution, and such other
109 matters as the commissioner may direct.

110 (6) The commissioner shall establish within the department
111 the Mississippi Office of Homeland Security for the purpose of
112 seeing that the laws are faithfully executed and for the purpose
113 of investigating cyber-related crimes and suppressing crimes of
114 violence and acts of intimidation and terror. The commissioner is
115 hereby authorized to employ within the Office of Homeland Security
116 a director, investigators and other qualified personnel as he may
117 deem necessary to make investigation of cyber-related crimes,
118 crimes of violence and acts of terrorism or intimidation, to aid
119 in the arrest and prosecution of persons charged with such
120 cyber-related crimes, crimes of violence, acts of terrorism or
121 intimidation, or threats of violence and to perform other duties



122 as necessary to accomplish these purposes. Investigators and
123 other law enforcement personnel employed by the commissioner shall
124 have full power to investigate, apprehend, and arrest persons
125 committing cyber-related crimes, acts of violence, intimidation,
126 or terrorism anywhere in the state, and shall be vested with the
127 power of police officers in the performance of such duties as
128 provided herein. Such investigators and other personnel shall
129 perform their duties under the direction of the commissioner, or
130 his designee. The commissioner shall be authorized to offer and
131 pay suitable rewards to other persons for aiding in such
132 investigation and in the apprehension and conviction of persons
133 charged with cyber-related crimes, acts of violence, or threats of
134 violence, or intimidation, or acts of terrorism.

135 (* * *7) The commissioner * * * shall establish within the
136 Office of Homeland Security a Mississippi Analysis and Information
137 Center (MSAIC Fusion Center) which shall be the highest priority
138 for the allocation of available federal resources for statewide
139 information sharing, including the deployment of personnel and
140 connectivity with federal data systems. Subject to appropriation
141 therefor, the Mississippi Fusion Center shall employ three (3)
142 regional analysts dedicated to analyzing and resolving potential
143 threats identified by the agency's statewide social media
144 intelligence platform and the dissemination of school safety
145 information.



146 **SECTION 2.** (1) The department, through the Office of
147 Capitol Police, shall have jurisdiction relative to the
148 enforcement of all laws of the State of Mississippi on the
149 properties, from curb to curb including adjoining streets,
150 sidewalks and leased parking lots within the Capitol Complex, set
151 forth in Section 29-5-2, the Court of Appeals Building, the
152 Mississippi Department of Transportation Building and the Public
153 Employees' Retirement System Building, and any property purchased,
154 constructed or otherwise acquired by the State of Mississippi for
155 conducting state business and not specifically under the
156 supervision and care by any other state entity, but which is
157 reasonably assumed the department would be responsible for such.
158 The department shall, through any person or persons appointed by
159 the commissioner, make arrests for any violation of any law of the
160 State of Mississippi on the grounds of or within those properties.
161 The Department of Public Safety shall, in addition, enforce the
162 provisions of this section and Sections 29-5-57 through 29-5-67,
163 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95, and
164 prescribe such rules and regulations as are necessary therefor.
165 The powers and duties related to the administration of Sections
166 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81
167 through 29-5-95 shall remain with the Department of Finance and
168 Administration.

169 (2) Subject to the approval of the Board of Trustees of
170 State Institutions of Higher Learning, the Board of Trustees and



171 the Department of Public Safety shall be authorized to enter into
172 a contract for the Department of Public Safety to supply the
173 security personnel with jurisdiction to enforce all laws of the
174 State of Mississippi on the property of the Board of Trustees
175 located at the corner of Ridgewood Road and Lakeland Drive in the
176 City of Jackson.

177 (3) The Department of Public Safety and the Department of
178 Agriculture are authorized to enter into a contract for the
179 Department of Public Safety to have jurisdiction and enforce all
180 laws of the State of Mississippi on the property of the Department
181 of Agriculture located at 121 North Jefferson Street and the new
182 Farmer's Market Building located at the corner of High and
183 Jefferson Streets in the City of Jackson, Hinds County,
184 Mississippi. It is the intent of the Legislature that the
185 Department of Public Safety will not post any security personnel
186 at such buildings, but will provide regular vehicle patrols and
187 responses to security system alarms.

188 (4) The Department of Public Safety and the Mississippi Fair
189 Commission are authorized to enter into a contract for the
190 Department of Public Safety to have jurisdiction and enforce all
191 laws of the State of Mississippi on the property of the
192 Mississippi Fair Commission known as the "Mississippi State
193 Fairgrounds Complex" and any and all of its outlying buildings and
194 property. The Department of Public Safety and the Mississippi
195 Fair Commission are authorized to enter into a contract for the



196 Department of Public Safety to supply the security personnel to
197 the Mississippi Fair Commission with jurisdiction to enforce all
198 laws of the State of Mississippi on this property and any and all
199 buildings on this property.

200 (5) The Department of Public Safety and the Department of
201 Revenue are authorized to enter into a contract for the Department
202 of Public Safety to supply the security personnel with
203 jurisdiction to enforce all laws of the State of Mississippi at
204 the Alcoholic Beverage Control facility and the Department of
205 Revenue main office.

206 (6) The Department of Public Safety shall have jurisdiction
207 relative to the enforcement of all laws of the State of
208 Mississippi within the boundaries of the Capitol Complex
209 Improvement District created in Section 29-5-203. The Department
210 of Public Safety shall, through any person or persons appointed by
211 the Department of Public Safety, make arrests for any violation of
212 any law of the State of Mississippi which occurs within the
213 boundaries of the district. The jurisdiction of the Department of
214 Public Safety under this subsection (6) shall be concurrent with
215 the jurisdiction of the City of Jackson, Mississippi, and that of
216 Hinds County, Mississippi. At any time and/or during any event
217 necessitating the coordination of and/or utilization at multiple
218 jurisdictions, the Department of Public Safety shall be the lead
219 agency when the event occurs on property as defined herein. The
220 jurisdiction and authority of the Department of Public Safety



221 under this subsection (6) shall be in addition to any other
222 jurisdiction and authority provided to the department under this
223 section or any other law.

224 **SECTION 3.** Section 45-1-3, Mississippi Code of 1972, is
225 amended as follows:

226 45-1-3. (1) When not otherwise specifically provided, the
227 commissioner is authorized to make and promulgate reasonable rules
228 and regulations to be coordinated, and carry out the general
229 provisions of the Highway Safety Patrol and Driver's License Law
230 of 1938.

231 (2) The commissioner shall have the authority to administer
232 oaths.

233 **SECTION 4.** Section 45-6-3, Mississippi Code of 1972, is
234 amended as follows:

235 45-6-3. For the purposes of this chapter, the following
236 words shall have the meanings ascribed herein, unless the context
237 shall otherwise require:

238 (a) "Commission" means the Criminal Justice Planning
239 Commission.

240 (b) "Board" means the Board on Law Enforcement Officer
241 Standards and Training.

242 (c) "Law enforcement officer" means any person
243 appointed or employed full time by the state or any political
244 subdivision thereof, or by the state military department as
245 provided in Section 33-1-33, who is duly sworn and vested with



246 authority to bear arms and make arrests, and whose primary
247 responsibility is the prevention and detection of crime, the
248 apprehension of criminals and the enforcement of the criminal and
249 traffic laws of this state and/or the ordinances of any political
250 subdivision thereof. The term "law enforcement officer" also
251 includes employees of the Department of Corrections who are
252 designated as law enforcement officers by the Commissioner of
253 Corrections pursuant to Section 47-5-54, * * * those district
254 attorney criminal investigators who are designated as law
255 enforcement officers, the acting Commissioner of Public Safety,
256 the acting Director of Mississippi Bureau of Narcotics, the acting
257 Director of the Office of Homeland Security, and any employee of
258 the Department of Public Safety designated by the commissioner who
259 has previously served as a law enforcement officer and who would
260 not otherwise be disqualified to serve in such capacity. However,
261 the term "law enforcement officer" shall not mean or include any
262 elected official or any person employed as a legal assistant to a
263 district attorney in this state, compliance agents of the State
264 Board of Pharmacy, or any person or elected official who, subject
265 to approval by the board, provides some criminal justice related
266 services for a law enforcement agency. As used in this paragraph,
267 "appointed or employed full time" means any person, other than a
268 deputy sheriff or municipal law enforcement officer, who is
269 receiving gross compensation for his or her duties as a law
270 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more



271 per week or One Thousand Seventy-five Dollars (\$1,075.00) or more
272 per month; for a deputy sheriff or municipal law enforcement
273 officer, the term "appointed or employed full time" means a deputy
274 sheriff or municipal law enforcement officer who is receiving
275 gross compensation for his or her duties as a law enforcement
276 officer of Four Hundred Seventy-five Dollars (\$475.00) or more per
277 week or Two Thousand Fifty Dollars (\$2,050.00) or more per month.

278 (d) "Part-time law enforcement officer" shall mean any
279 person appointed or employed in a part-time, reserve or auxiliary
280 capacity by the state or any political subdivision thereof who is
281 duly sworn and vested with authority to bear arms and make
282 arrests, and whose primary responsibility is the prevention and
283 detection of crime, the apprehension of criminals and the
284 enforcement of the criminal and traffic laws of this state or the
285 ordinances of any political subdivision thereof. However, the
286 term "part-time law enforcement officer" shall not mean or include
287 any person or elected official who, subject to approval by the
288 board, provides some criminal justice related services for a law
289 enforcement agency. As used in this paragraph, "appointed or
290 employed" means any person, other than a deputy sheriff or
291 municipal law enforcement officer, who is performing such duties
292 at any time whether or not they receive any compensation for
293 duties as a law enforcement officer provided that such
294 compensation is less than Two Hundred Fifty Dollars (\$250.00) per
295 week or One Thousand Seventy-five Dollars (\$1,075.00) per month;



296 for a deputy sheriff or municipal law enforcement officer, the
297 term "appointed or employed" means a deputy sheriff or municipal
298 law enforcement officer who is performing such duties at any time
299 whether or not they receive any compensation for duties as a law
300 enforcement officer provided that such compensation is less than
301 Four Hundred Seventy-five Dollars (\$475.00) per week or Two
302 Thousand Fifty Dollars (\$2,050.00) per month.

303 (e) "Law enforcement trainee" shall mean any person
304 appointed or employed in a full-time, part-time, reserve or
305 auxiliary capacity by the state or any political subdivision
306 thereof for the purposes of completing all the selection and
307 training requirements established by the board to become a law
308 enforcement officer or a part-time law enforcement officer. The
309 term "law enforcement trainee" also includes any employee of the
310 Department of Public Safety so designated by the Commissioner of
311 Public Safety. * * * Individuals under this paragraph shall not
312 have the authority to use force, bear arms, make arrests or
313 exercise any of the powers of a peace officer unless:

314 (i) The trainee is under the direct control and
315 supervision of a law enforcement officer;

316 (ii) The trainee was previously certified under
317 this chapter; or

318 (iii) The trainee is a certified law enforcement
319 officer in a reciprocating state.



320 **SECTION 5.** Section 45-1-6, Mississippi Code of 1972, is
321 amended as follows:

322 45-1-6. (1) The Director of the Mississippi Bureau of
323 Investigation is authorized to retain on a contractual basis such
324 persons as he shall deem necessary to detect and apprehend
325 violators of the criminal statutes of this state.

326 (2) Those persons contracting with the Director of the
327 Mississippi Bureau of Investigation pursuant to subsection (1)
328 shall be known and hereinafter referred to as "special contract
329 agents."

330 (3) The investigative services provided for in this section
331 shall be designed to support law enforcement efforts of state
332 agencies and to support local law enforcement efforts.

333 (4) Special contract investigators shall have all powers
334 necessary and incidental to the fulfillment of their contractual
335 obligations, including the power of arrest when authorized by the
336 Director of the Mississippi Bureau of Investigation.

337 (5) No person shall be a special contract investigator
338 unless he is at least twenty-one (21) years of age.

339 (6) The Director of the Mississippi Bureau of Investigation
340 shall conduct a background investigation of all potential special
341 contract investigators. All contract agents must meet the minimum
342 standard requirements established by the Board on Law Enforcement
343 Officer Standards and Training.

344 (7) Any contract pursuant to subsection (1) shall be:



345 (a) Reduced to writing; and
346 (b) Terminable upon written notice by either party, and
347 shall in any event terminate one (1) year from the date of
348 signing; and
349 (c) Approved as to form by the * * * Commissioner of
350 Public Safety.

351 Such contracts shall not be public records and shall not be
352 available for inspection under the provisions of a law providing
353 for the inspection of public records as now or hereafter amended.

354 (8) Special contract investigators shall not be considered
355 employees of the Mississippi Bureau of Investigation for any
356 purpose.

357 (9) The Director of the Mississippi Bureau of Investigation
358 shall have all powers necessary and incidental to the effective
359 operation of this section.

360 (10) The Mississippi Bureau of Investigation shall have
361 jurisdiction to investigate all incidents of officer-involved
362 shootings resulting in injury or death occurring in the state.
363 However, the District Attorney in the jurisdiction where such
364 incident occurred may designate another law enforcement agency to
365 investigate the incident if the District Attorney determines that
366 there is a conflict with the Mississippi Bureau of Investigation
367 or that other extenuating circumstances exist.

368 (* * *11) Notwithstanding any other provisions contained in
369 this section, all contracts authorized under this section and



370 related matters shall be made available to the Legislative Budget
371 Office and the Department of Finance and Administration.

372 **SECTION 6.** Section 41-29-112, Mississippi Code of 1972, is
373 amended as follows:

374 41-29-112. (1) The Director of the Bureau of Narcotics is
375 authorized to retain on a contractual basis such persons as he
376 shall deem necessary to detect and apprehend violators of the
377 criminal statutes pertaining to the possession, sale or use of
378 narcotics or other dangerous drugs.

379 (2) Those persons contracting with the Director of the
380 Bureau of Narcotics, pursuant to subsection (1), shall be known
381 as, and are hereinafter referred to as, "special contract agents."

382 (3) The investigative services provided for in this section
383 shall be designed to support law enforcement efforts of state
384 agencies and to support local law enforcement efforts.

385 (4) Special contract investigators shall have all powers
386 necessary and incidental to the fulfillment of their contractual
387 obligations, including the power of arrest when authorized by the
388 Director of the Bureau of Narcotics.

389 (5) No person shall be a special contract investigator
390 unless he is at least eighteen (18) years of age.

391 (6) The Director of the Bureau of Narcotics shall conduct a
392 background investigation of all potential special contract
393 investigators. If the background investigation discloses a
394 criminal record, the applicant shall not be retained without the



395 express approval of the Director of the Bureau of Narcotics. Any
396 matters pertaining to special contract investigators shall be
397 exempt from the provisions of a law relating to meetings open to
398 the public, approved as now or hereafter amended.

399 (7) Any contract pursuant to subsection (1) shall be:

400 (a) Reduced to writing; and

401 (b) Terminable upon written notice by either party, and
402 shall in any event terminate one (1) year from the date of
403 signing; and

404 (c) Approved as to form by the * * * Commissioner of
405 Public Safety.

406 Such contracts shall not be public records and shall not be
407 available for inspection under the provisions of a law providing
408 for the inspection of public records as now or hereafter amended.

409 (8) Special contract investigators shall not be considered
410 employees of the Bureau of Narcotics for any purpose.

411 (9) The Director of the Bureau of Narcotics shall have all
412 powers necessary and incidental to the effective operation of this
413 section.

414 (10) Notwithstanding any other provisions contained in this
415 section, all said contracts and related matters shall be made
416 available to the Legislative Budget Office and the State Fiscal
417 Management Board.



418 **SECTION 7.** Section 27-104-7, Mississippi Code of 1972, as
419 amended by Senate Bill No. 2021, 2021 Regular Session, is amended
420 as follows:

421 27-104-7. (1) (a) There is created the Public Procurement
422 Review Board, which shall be reconstituted on January 1, 2018, and
423 shall be composed of the following members:

424 (i) Three (3) individuals appointed by the
425 Governor with the advice and consent of the Senate;

426 (ii) Two (2) individuals appointed by the
427 Lieutenant Governor with the advice and consent of the Senate; and

428 (iii) The Executive Director of the Department of
429 Finance and Administration, serving as an ex officio and nonvoting
430 member.

431 (b) The initial terms of each appointee shall be as
432 follows:

433 (i) One (1) member appointed by the Governor to
434 serve for a term ending on June 30, 2019;

435 (ii) One (1) member appointed by the Governor to
436 serve for a term ending on June 30, 2020;

437 (iii) One (1) member appointed by the Governor to
438 serve for a term ending on June 30, 2021;

439 (iv) One (1) member appointed by the Lieutenant
440 Governor to serve for a term ending on June 30, 2019; and

441 (v) One (1) member appointed by the Lieutenant
442 Governor to serve for a term ending on June 30, 2020.



443 After the expiration of the initial terms, all appointed
444 members' terms shall be for a period of four (4) years from the
445 expiration date of the previous term, and until such time as the
446 member's successor is duly appointed and qualified.

447 (c) When appointing members to the Public Procurement
448 Review Board, the Governor and Lieutenant Governor shall take into
449 consideration persons who possess at least five (5) years of
450 management experience in general business, health care or finance
451 for an organization, corporation or other public or private
452 entity. Any person, or any employee or owner of a company, who
453 receives any grants, procurements or contracts that are subject to
454 approval under this section shall not be appointed to the Public
455 Procurement Review Board. Any person, or any employee or owner of
456 a company, who is a principal of the source providing a personal
457 or professional service shall not be appointed to the Public
458 Procurement Review Board if the principal owns or controls a
459 greater than five percent (5%) interest or has an ownership value
460 of One Million Dollars (\$1,000,000.00) in the source's business,
461 whichever is smaller. No member shall be an officer or employee
462 of the State of Mississippi while serving as a voting member on
463 the Public Procurement Review Board.

464 (d) Members of the Public Procurement Review Board
465 shall be entitled to per diem as authorized by Section 25-3-69 and
466 travel reimbursement as authorized by Section 25-3-41.



467 (e) The members of the Public Procurement Review Board
468 shall elect a chair from among the membership, and he or she shall
469 preside over the meetings of the board. The board shall annually
470 elect a vice chair, who shall serve in the absence of the chair.
471 No business shall be transacted, including adoption of rules of
472 procedure, without the presence of a quorum of the board. Three
473 (3) members shall be a quorum. No action shall be valid unless
474 approved by a majority of the members present and voting, entered
475 upon the minutes of the board and signed by the chair. Necessary
476 clerical and administrative support for the board shall be
477 provided by the Department of Finance and Administration. Minutes
478 shall be kept of the proceedings of each meeting, copies of which
479 shall be filed on a monthly basis with the chairs of the
480 Accountability, Efficiency and Transparency Committees of the
481 Senate and House of Representatives and the chairs of the
482 Appropriations Committees of the Senate and House of
483 Representatives.

484 (2) The Public Procurement Review Board shall have the
485 following powers and responsibilities:

486 (a) Approve all purchasing regulations governing the
487 purchase or lease by any agency, as defined in Section 31-7-1, of
488 commodities and equipment, except computer equipment acquired
489 pursuant to Sections 25-53-1 through 25-53-29;

490 (b) Adopt regulations governing the approval of
491 contracts let for the construction and maintenance of state



492 buildings and other state facilities as well as related contracts
493 for architectural and engineering services.

494 The provisions of this paragraph (b) shall not apply to such
495 contracts involving buildings and other facilities of state
496 institutions of higher learning which are self-administered as
497 provided under this paragraph (b) or Section 37-101-15(m);

498 (c) Adopt regulations governing any lease or rental
499 agreement by any state agency or department, including any state
500 agency financed entirely by federal funds, for space outside the
501 buildings under the jurisdiction of the Department of Finance and
502 Administration. These regulations shall require each agency
503 requesting to lease such space to provide the following
504 information that shall be published by the Department of Finance
505 and Administration on its website: the agency to lease the space;
506 the terms of the lease; the approximate square feet to be leased;
507 the use for the space; a description of a suitable space; the
508 general location desired for the leased space; the contact
509 information for a person from the agency; the deadline date for
510 the agency to have received a lease proposal; any other specific
511 terms or conditions of the agency; and any other information
512 deemed appropriate by the Division of Real Property Management of
513 the Department of Finance and Administration or the Public
514 Procurement Review Board. The information shall be provided
515 sufficiently in advance of the time the space is needed to allow
516 the Division of Real Property Management of the Department of



517 Finance and Administration to review and preapprove the lease
518 before the time for advertisement begins;

519 (d) Adopt, in its discretion, regulations to set aside
520 at least five percent (5%) of anticipated annual expenditures for
521 the purchase of commodities from minority businesses; however, all
522 such set-aside purchases shall comply with all purchasing
523 regulations promulgated by the department and shall be subject to
524 all bid requirements. Set-aside purchases for which competitive
525 bids are required shall be made from the lowest and best minority
526 business bidder; however, if no minority bid is available or if
527 the minority bid is more than two percent (2%) higher than the
528 lowest bid, then bids shall be accepted and awarded to the lowest
529 and best bidder. However, the provisions in this paragraph shall
530 not be construed to prohibit the rejection of a bid when only one
531 (1) bid is received. Such rejection shall be placed in the
532 minutes. For the purposes of this paragraph, the term "minority
533 business" means a business which is owned by a person who is a
534 citizen or lawful permanent resident of the United States and who
535 is:

536 (i) Black: having origins in any of the black
537 racial groups of Africa;

538 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
539 Central or South American, or other Spanish or Portuguese culture
540 or origin regardless of race;



541 (iii) Asian-American: having origins in any of
542 the original people of the Far East, Southeast Asia, the Indian
543 subcontinent, or the Pacific Islands;

544 (iv) American Indian or Alaskan Native: having
545 origins in any of the original people of North America; or

546 (v) Female;

547 (e) In consultation with and approval by the Chairs of
548 the Senate and House Public Property Committees, approve leases,
549 for a term not to exceed eighteen (18) months, entered into by
550 state agencies for the purpose of providing parking arrangements
551 for state employees who work in the Woolfolk Building, the Carroll
552 Gartin Justice Building or the Walter Sillers Office Building;

553 (f) Promulgate rules and regulations governing the
554 solicitation and selection of contractual services personnel,
555 including personal and professional services contracts for any
556 form of consulting, policy analysis, public relations, marketing,
557 public affairs, legislative advocacy services or any other
558 contract that the board deems appropriate for oversight, with the
559 exception of any personal service contracts entered into by any
560 agency that employs only nonstate service employees as defined in
561 Section 25-9-107(c), any personal service contracts entered into
562 for computer or information technology-related services governed
563 by the Mississippi Department of Information Technology Services,
564 any personal service contracts entered into by the individual
565 state institutions of higher learning, any personal service



566 contracts entered into by the Mississippi Department of
567 Transportation, any personal service contracts entered into by the
568 Department of Human Services through June 30, 2019, which the
569 Executive Director of the Department of Human Services determines
570 would be useful in establishing and operating the Department of
571 Child Protection Services, any personal service contracts entered
572 into by the Department of Child Protection Services through June
573 30, 2019, any contracts for entertainers and/or performers at the
574 Mississippi State Fairgrounds entered into by the Mississippi Fair
575 Commission, any contracts entered into by the Department of
576 Finance and Administration when procuring aircraft maintenance,
577 parts, equipment and/or services, any contract entered into by the
578 Department of Public Safety for service on specialized equipment
579 and/or software required for the operation at such specialized
580 equipment for use by the Office of Forensics Laboratories, and any
581 contract for attorney, accountant, actuary auditor, architect,
582 engineer, anatomical pathologist, utility rate expert services,
583 and any personal service contracts approved by the Executive
584 Director of the Department of Finance and Administration and
585 entered into by the Coordinator of Mental Health Accessibility
586 through June 30, 2022. Any such rules and regulations shall
587 provide for maintaining continuous internal audit covering the
588 activities of such agency affecting its revenue and expenditures
589 as required under Section 7-7-3(6)(d). Any rules and regulation
590 changes related to personal and professional services contracts



591 that the Public Procurement Review Board may propose shall be
592 submitted to the Chairs of the Accountability, Efficiency and
593 Transparency Committees of the Senate and House of Representatives
594 and the Chairs of the Appropriation Committees of the Senate and
595 House of Representatives at least fifteen (15) days before the
596 board votes on the proposed changes, and those rules and
597 regulation changes, if adopted, shall be promulgated in accordance
598 with the Mississippi Administrative Procedures Act;

599 (g) Approve all personal and professional services
600 contracts involving the expenditures of funds in excess of
601 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
602 paragraph (f) of this subsection (2) and in subsection (8);

603 (h) Develop mandatory standards with respect to
604 contractual services personnel that require invitations for public
605 bid, requests for proposals, record keeping and financial
606 responsibility of contractors. The Public Procurement Review
607 Board shall, unless exempted under this paragraph (h) or under
608 paragraph (i) or (o) of this subsection (2), require the agency
609 involved to submit the procurement to a competitive procurement
610 process, and may reserve the right to reject any or all resulting
611 procurements;

612 (i) Prescribe certain circumstances by which agency
613 heads may enter into contracts for personal and professional
614 services without receiving prior approval from the Public
615 Procurement Review Board. The Public Procurement Review Board may



616 establish a preapproved list of providers of various personal and
617 professional services for set prices with which state agencies may
618 contract without bidding or prior approval from the board;

619 (i) Agency requirements may be fulfilled by
620 procuring services performed incident to the state's own programs.
621 The agency head shall determine in writing whether the price
622 represents a fair market value for the services. When the
623 procurements are made from other governmental entities, the
624 private sector need not be solicited; however, these contracts
625 shall still be submitted for approval to the Public Procurement
626 Review Board.

627 (ii) Contracts between two (2) state agencies,
628 both under Public Procurement Review Board purview, shall not
629 require Public Procurement Review Board approval. However, the
630 contracts shall still be entered into the enterprise resource
631 planning system * * *;

632 (j) Provide standards for the issuance of requests for
633 proposals, the evaluation of proposals received, consideration of
634 costs and quality of services proposed, contract negotiations, the
635 administrative monitoring of contract performance by the agency
636 and successful steps in terminating a contract;

637 (k) Present recommendations for governmental
638 privatization and to evaluate privatization proposals submitted by
639 any state agency;



640 (1) Authorize personal and professional service
641 contracts to be effective for more than one (1) year provided a
642 funding condition is included in any such multiple year contract,
643 except the State Board of Education, which shall have the
644 authority to enter into contractual agreements for student
645 assessment for a period up to ten (10) years. The State Board of
646 Education shall procure these services in accordance with the
647 Public Procurement Review Board procurement regulations;

648 (m) Request the State Auditor to conduct a performance
649 audit on any personal or professional service contract;

650 (n) Prepare an annual report to the Legislature
651 concerning the issuance of personal and professional services
652 contracts during the previous year, collecting any necessary
653 information from state agencies in making such report;

654 (o) Develop and implement the following standards and
655 procedures for the approval of any sole source contract for
656 personal and professional services regardless of the value of the
657 procurement:

658 (i) For the purposes of this paragraph (o), the
659 term "sole source" means only one (1) source is available that can
660 provide the required personal or professional service.

661 (ii) An agency that has been issued a binding,
662 valid court order mandating that a particular source or provider
663 must be used for the required service must include a copy of the
664 applicable court order in all future sole source contract reviews



665 for the particular personal or professional service referenced in
666 the court order.

667 (iii) Any agency alleging to have a sole source
668 for any personal or professional service, other than those
669 exempted under paragraph (f) of this subsection (2) and subsection
670 (8), shall publish on the procurement portal website established
671 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
672 days, the terms of the proposed contract for those services. In
673 addition, the publication shall include, but is not limited to,
674 the following information:

675 1. The personal or professional service
676 offered in the contract;

677 2. An explanation of why the personal or
678 professional service is the only one that can meet the needs of
679 the agency;

680 3. An explanation of why the source is the
681 only person or entity that can provide the required personal or
682 professional service;

683 4. An explanation of why the amount to be
684 expended for the personal or professional service is reasonable;
685 and

686 5. The efforts that the agency went through
687 to obtain the best possible price for the personal or professional
688 service.



689 (iv) If any person or entity objects and proposes
690 that the personal or professional service published under
691 subparagraph (iii) of this paragraph (o) is not a sole source
692 service and can be provided by another person or entity, then the
693 objecting person or entity shall notify the Public Procurement
694 Review Board and the agency that published the proposed sole
695 source contract with a detailed explanation of why the personal or
696 professional service is not a sole source service.

697 (v) 1. If the agency determines after review that
698 the personal or professional service in the proposed sole source
699 contract can be provided by another person or entity, then the
700 agency must withdraw the sole source contract publication from the
701 procurement portal website and submit the procurement of the
702 personal or professional service to an advertised competitive bid
703 or selection process.

704 2. If the agency determines after review that
705 there is only one (1) source for the required personal or
706 professional service, then the agency may appeal to the Public
707 Procurement Review Board. The agency has the burden of proving
708 that the personal or professional service is only provided by one
709 (1) source.

710 3. If the Public Procurement Review Board has
711 any reasonable doubt as to whether the personal or professional
712 service can only be provided by one (1) source, then the agency
713 must submit the procurement of the personal or professional



714 service to an advertised competitive bid or selection process. No
715 action taken by the Public Procurement Review Board in this appeal
716 process shall be valid unless approved by a majority of the
717 members of the Public Procurement Review Board present and voting.

718 (vi) The Public Procurement Review Board shall
719 prepare and submit a quarterly report to the House of
720 Representatives and Senate Accountability, Efficiency and
721 Transparency Committees that details the sole source contracts
722 presented to the Public Procurement Review Board and the reasons
723 that the Public Procurement Review Board approved or rejected each
724 contract. These quarterly reports shall also include the
725 documentation and memoranda required in subsection (4) of this
726 section. An agency that submitted a sole source contract shall be
727 prepared to explain the sole source contract to each committee by
728 December 15 of each year upon request by the committee * * *;

729 (p) Assess any fines and administrative penalties
730 provided for in Sections 31-7-401 through 31-7-423.

731 (3) All submissions shall be made sufficiently in advance of
732 each monthly meeting of the Public Procurement Review Board as
733 prescribed by the Public Procurement Review Board. If the Public
734 Procurement Review Board rejects any contract submitted for review
735 or approval, the Public Procurement Review Board shall clearly set
736 out the reasons for its action, including, but not limited to, the
737 policy that the agency has violated in its submitted contract and
738 any corrective actions that the agency may take to amend the



739 contract to comply with the rules and regulations of the Public
740 Procurement Review Board.

741 (4) All sole source contracts for personal and professional
742 services awarded by state agencies, other than those exempted
743 under Section 27-104-7(2)(f) and (8), whether approved by an
744 agency head or the Public Procurement Review Board, shall contain
745 in the procurement file a written determination for the approval,
746 using a request form furnished by the Public Procurement Review
747 Board. The written determination shall document the basis for the
748 determination, including any market analysis conducted in order to
749 ensure that the service required was practicably available from
750 only one (1) source. A memorandum shall accompany the request
751 form and address the following four (4) points:

752 (a) Explanation of why this service is the only service
753 that can meet the needs of the purchasing agency;

754 (b) Explanation of why this vendor is the only
755 practicably available source from which to obtain this service;

756 (c) Explanation of why the price is considered
757 reasonable; and

758 (d) Description of the efforts that were made to
759 conduct a noncompetitive negotiation to get the best possible
760 price for the taxpayers.

761 (5) In conjunction with the State Personnel Board, the
762 Public Procurement Review Board shall develop and promulgate rules
763 and regulations to define the allowable legal relationship between



764 contract employees and the contracting departments, agencies and
765 institutions of state government under the jurisdiction of the
766 State Personnel Board, in compliance with the applicable rules and
767 regulations of the federal Internal Revenue Service (IRS) for
768 federal employment tax purposes. Under these regulations, the
769 usual common law rules are applicable to determine and require
770 that such worker is an independent contractor and not an employee,
771 requiring evidence of lawful behavioral control, lawful financial
772 control and lawful relationship of the parties. Any state
773 department, agency or institution shall only be authorized to
774 contract for personnel services in compliance with those
775 regulations.

776 (6) No member of the Public Procurement Review Board shall
777 use his or her official authority or influence to coerce, by
778 threat of discharge from employment, or otherwise, the purchase of
779 commodities, the contracting for personal or professional
780 services, or the contracting for public construction under this
781 chapter.

782 (7) Notwithstanding any other laws or rules to the contrary,
783 the provisions of subsection (2) of this section shall not be
784 applicable to the Mississippi State Port Authority at Gulfport.

785 (8) Nothing in this section shall impair or limit the
786 authority of the Board of Trustees of the Public Employees'
787 Retirement System to enter into any personal or professional
788 services contracts directly related to their constitutional



789 obligation to manage the trust funds, including, but not limited
790 to, actuarial, custodial banks, cash management, investment
791 consultant and investment management contracts.

792 (9) Notwithstanding the exemption of personal and
793 professional services contracts entered into by the Department of
794 Human Services and personal and professional services contracts
795 entered into by the Department of Child Protection Services from
796 the provisions of this section under subsection (2)(f), before the
797 Department of Human Services or the Department of Child Protection
798 Services may enter into a personal or professional service
799 contract, the department(s) shall give notice of the proposed
800 personal or professional service contract to the Public
801 Procurement Review Board for any recommendations by the board.
802 Upon receipt of the notice, the board shall post the notice on its
803 website and on the procurement portal website established by
804 Sections 25-53-151 and 27-104-165. If the board does not respond
805 to the department(s) within seven (7) calendar days after
806 receiving the notice, the department(s) may enter the proposed
807 personal or professional service contract. If the board responds
808 to the department(s) within seven (7) calendar days, then the
809 board has seven (7) calendar days from the date of its initial
810 response to provide any additional recommendations. After the end
811 of the second seven-day period, the department(s) may enter the
812 proposed personal or professional service contract. The board is
813 not authorized to disapprove any proposed personal or professional



814 services contracts. This subsection shall stand repealed on July
815 1, 2022.

816 **SECTION 8.** Section 41-61-53, Mississippi Code of 1972, is
817 amended as follows:

818 41-61-53. For the purposes of Sections 41-61-51 through
819 41-61-79, the following definitions shall apply:

820 (a) "Certification of death" means signing the death
821 certificate.

822 (b) "Coroner" means the elected county official
823 provided for in Sections 19-21-101 through 19-21-107.

824 (c) "County medical examiner investigator" means a
825 nonphysician coroner or deputy coroner trained * * * to
826 investigate and certify deaths affecting the public interest.

827 (d) "County medical examiner" means a licensed
828 physician * * * who is a coroner or deputy coroner trained to
829 investigate and certify deaths affecting the public interest.

830 (e) "Death affecting the public interest" means any
831 death of a human being where the circumstances are sudden,
832 unexpected, violent, suspicious or unattended.

833 (f) "Medical examiner" means the medical examiner
834 system which is composed of the State Medical Examiner, county
835 medical examiners and county medical examiner investigators
836 collectively, and is a jurisdictional identifier, not a title,
837 unless the context clearly requires otherwise.



838 (g) "Medical examiner investigator" means a
839 nonphysician appointed, trained and supervised by the State
840 Medical Examiner to investigate and assist with the certification
841 of deaths affecting the public interest.

842 (* * *h) "Pronouncement of death" means the statement
843 of opinion that life has ceased for an individual.

844 (* * *i) "State Medical Examiner" means the person
845 appointed by the Commissioner of Public Safety pursuant to Section
846 41-61-55 to investigate and certify deaths that affect the public
847 interest.

848 (* * *j) "Autopsy" means a postmortem examination.

849 (* * *k) "Postmortem examination" means an examination
850 of a dead human body that may include the least invasive to most
851 invasive methods based on the expertise and judgment of the
852 pathologist handling the case.

853 **SECTION 9.** Section 41-61-55, Mississippi Code of 1972, is
854 amended as follows:

855 41-61-55. (1) There is hereby created the position of State
856 Medical Examiner, under the supervision of the Commissioner of
857 Public Safety and within the Office of Forensic Laboratories. The
858 State Medical Examiner shall be appointed by the Commissioner of
859 Public Safety subject to * * * review by the dean of the
860 University of Mississippi Medical Center School of Medicine and
861 the State Health Officer. The State Medical Examiner may be



862 discharged only for good cause * * * by the Commissioner of Public
863 Safety * * *.

864 (2) The State Medical Examiner must obtain a license to
865 practice medicine in Mississippi and be certified in forensic
866 pathology by the American Board of Pathology. The State Medical
867 Examiner may also be designated as the Chief Medical Examiner.

868 (3) There is hereby created the State Medical Examiner
869 Advisory Council composed of the State Health Officer or his or
870 her designee, the Dean of the University of Mississippi Medical
871 Center School of Medicine or his or her designee, the Commissioner
872 of Public Safety, the Attorney General or his or her designee, the
873 President of the Mississippi Coroner and Medical Examiners
874 Association or his or her designee, the President of the
875 Mississippi Prosecutors Association or his or her designee, the
876 President of the Mississippi Public Defenders Association or his
877 or her designee, the President of the Mississippi Association of
878 Chiefs of Police or his or her designee, and the President of the
879 Mississippi Sheriffs' Association or his or her designee. The
880 council shall be purely advisory and serve as a liaison between
881 the State Medical Examiner and the various entities related to the
882 Medical Examiner Act.

883 **SECTION 10.** Section 41-61-65, Mississippi Code of 1972, is
884 amended as follows:

885 41-61-65. (1) If, in the opinion of the medical examiner
886 investigating the case, it is advisable and in the public interest



887 that an autopsy or other study be made for the purpose of
888 determining the primary and/or contributing cause of death, an
889 autopsy or other study shall be made by the State Medical
890 Examiner, or the State Medical Examiner may choose a competent
891 pathologist who is designated by the State Medical Examiner or the
892 Department of Public Safety as a pathologist qualified to perform
893 postmortem examinations and autopsies to perform the autopsy or
894 study. To be eligible to be designated under this section, a
895 pathologist must be an M.D. or D.O. who is certified in * * *
896 anatomic pathology by the American Board of Pathology unless a
897 certified * * * anatomic pathologist is not available to perform a
898 postmortem examination or autopsy within a reasonable time. The
899 State Medical Examiner or designated pathologist may retain any
900 tissues as needed for further postmortem studies or documentation.
901 When the medical examiner has received notification under Section
902 41-39-15(6) that the deceased is medically suitable to be an organ
903 and/or tissue donor, the State Medical Examiner or designated
904 pathologist may retain any biopsy or medically approved sample of
905 the organ and/or tissue in accordance with the provisions of
906 Section 41-39-15(6). A complete autopsy report of findings and
907 interpretations, prepared on forms designated for this purpose,
908 shall be submitted promptly to the State Medical Examiner. Copies
909 of the report shall be furnished to the authorizing medical
910 examiner, district attorney and court clerk. A copy of the report
911 shall be furnished to one (1) adult member of the immediate family



912 of the deceased or the legal representative or legal guardian of
913 members of the immediate family of the deceased upon request. In
914 determining the need for an autopsy, the medical examiner may
915 consider the request from the district attorney or county
916 prosecuting attorney, law enforcement or other public officials or
917 private persons. However, if the death occurred in the manner
918 specified in subsection (2)(j) of Section 41-61-59, an autopsy
919 shall be performed by the State Medical Examiner or a designated
920 pathologist who is qualified as required by this subsection, and
921 the report of findings shall be forwarded promptly to the State
922 Medical Examiner, investigating medical examiner, the State
923 Department of Health, the infant's attending physician and the
924 local sudden infant death syndrome coordinator. In addition to
925 the authority granted under this section, medical examiner
926 investigators, under the supervision of the State Medical
927 Examiner, may assist with the performance or completion of
928 autopsies or other duties of the Office of the State Medical
929 Examiner.

930 (2) Any medical examiner or duly licensed physician
931 performing authorized investigations and/or autopsies as provided
932 in Sections 41-61-51 through 41-61-79 who, in good faith, complies
933 with the provisions of Sections 41-61-51 through 41-61-79 in the
934 determination of the cause and/or manner of death for the purpose
935 of certification of that death, shall not be liable for damages on



936 account thereof, and shall be immune from any civil liability that
937 might otherwise be incurred or imposed.

938 (3) Family members or others who disagree with the medical
939 examiner's determination shall be able to petition and present
940 written argument to the State Medical Examiner for further review.
941 If the petitioner still disagrees, he may petition the circuit
942 court, which may, in its discretion, hold a formal hearing. In
943 all those proceedings, the State Medical Examiner and the county
944 medical examiner or county medical examiner investigator who
945 certified the information shall be made defendants. All costs of
946 the petition and hearing shall be borne by the petitioner.

947 **SECTION 11.** Section 41-61-75, Mississippi Code of 1972, is
948 amended as follows:

949 41-61-75. (1) For each investigation with the preparation
950 and submission of the required reports, the following fees shall
951 be billed to and paid by the county for which the service is
952 provided:

953 (a) A medical examiner or his deputy shall receive One
954 Hundred Seventy-five Dollars (\$175.00) for each completed report
955 of investigation of death, plus the examiner's actual expenses.
956 In addition to that fee, in cases where the cause of death was
957 sudden infant death syndrome (SIDS) and the medical examiner
958 provides a SIDS Death Scene Investigation report, the medical
959 examiner shall receive for completing that report an additional
960 Fifty Dollars (\$50.00), or an additional One Hundred Dollars



961 (\$100.00) if the medical examiner has received advanced training
962 in child death investigations and presents to the county a
963 certificate of completion of that advanced training. The State
964 Medical Examiner shall develop and prescribe a uniform format and
965 list of matters to be contained in SIDS/Child Death Scene
966 Investigation reports, which shall be used by all county medical
967 examiners and county medical examiner investigators in the state.

968 (b) The pathologist performing autopsies as provided in
969 Section 41-61-65 shall receive One Thousand Dollars (\$1,000.00)
970 per completed autopsy, plus mileage expenses to and from the site
971 of the autopsy, and shall be reimbursed for any out-of-pocket
972 expenses for third-party testing, not to exceed One Hundred
973 Dollars (\$100.00) per autopsy.

974 (2) Any medical examiner, physician or pathologist who is
975 subpoenaed for appearance and testimony before a grand jury,
976 courtroom trial or deposition shall be entitled to an expert
977 witness hourly fee to be set by the court and mileage expenses to
978 and from the site of the testimony, and such amount shall be paid
979 by the jurisdiction or party issuing the subpoena.

980 * * *

981 **SECTION 12.** Section 41-61-77, Mississippi Code of 1972, is
982 amended as follows:

983 41-61-77. (1) The Department of Public Safety shall
984 establish and maintain a central office for the Mississippi
985 Forensics Laboratory and the State Medical Examiner with



986 appropriate facilities and personnel for postmortem medicolegal
987 examinations. District offices, with appropriate facilities and
988 personnel, may also be established and maintained if considered
989 necessary by the department for the proper management of
990 postmortem examinations.

991 The facilities of the central and district offices and their
992 staff services may be available to the medical examiners and
993 designated pathologists in their investigations.

994 (2) In order to provide proper facilities for investigating
995 deaths as authorized in Sections 41-61-51 through 41-61-79, the
996 State Medical Examiner may arrange for the use of existing public
997 or private laboratory facilities. The State Medical Examiner may
998 contract with qualified persons to perform or to provide support
999 services for autopsies, studies and investigations not
1000 inconsistent with other applicable laws. Such laboratory
1001 facilities may be located at the University of Mississippi Medical
1002 Center or any other suitable location. The State Medical Examiner
1003 may be an affiliate or regular faculty member of the Department of
1004 Pathology at the University of Mississippi Medical Center and may
1005 serve as a member of the faculty of other institutions of higher
1006 learning. He shall be authorized to employ, with the approval of
1007 the Commissioner of Public Safety, such additional scientific,
1008 technical, administrative and clerical assistants as are necessary
1009 for performance of his duties. Such employees in the Office of
1010 the State Medical Examiner shall be subject to the rules,



1011 regulations and policies of the Mississippi State Personnel Board
1012 in their employment.

1013 (3) The State Medical Examiner shall be authorized to employ
1014 qualified pathologists as deputy * * * state medical examiners as
1015 are necessary to carry out the duties of his office. The
1016 deputy * * * state medical examiners shall be licensed to practice
1017 medicine * * * and, either board-certified in forensic pathology
1018 by the American Board of Pathology or be a physician who is * * *
1019 board certified in anatomic pathology by the American Board of
1020 Pathology. The State Medical Examiner may delegate specific
1021 duties to competent and qualified medical examiners within the
1022 scope of the express authority granted to him by law or
1023 regulation. Employees of the Office of the State Medical Examiner
1024 shall have the authority to enter any political subdivisions of
1025 this state for the purpose of carrying out medical investigations.

1026 **SECTION 13.** Section 45-3-9, Mississippi Code of 1972, is
1027 amended as follows:

1028 45-3-9. (1) The chief of patrol, directors, inspectors,
1029 assistant inspectors, patrol officers and investigators of the
1030 department shall be selected after an examination as to physical
1031 and mental fitness, knowledge of traffic laws, rules and
1032 regulations of this state, the laws of the state pertaining to
1033 arrest, and the rules and regulations of the Mississippi
1034 Department of Public Safety and Public Service Commission, such
1035 examination to be prescribed by the commissioner. At the time of



1036 appointment they shall be citizens of the United States and the
1037 State of Mississippi, of good moral character, and shall be not
1038 less than twenty-one (21) years of age and shall have * * * a high
1039 school diploma or High School Equivalency Diploma * * *.

1040 (2) Sworn agents of the Mississippi Bureau of Narcotics who
1041 are employed as enforcement troopers shall retain all
1042 compensatory, personal and sick leave accrued pursuant to Sections
1043 25-3-92, 25-3-93 and 25-3-95.

1044 **SECTION 14.** Section 45-3-45, Mississippi Code of 1972, is
1045 amended as follows:

1046 45-3-45. The commissioner is hereby authorized to set up a
1047 training school for patrolmen. He shall prescribe the rules and
1048 regulations for the operation of same and the period of training
1049 to be required of appointees to the Mississippi Highway Safety
1050 Patrol. * * * The period of training for recruits shall not be
1051 less than eighty (80) days; however, prior sworn law enforcement
1052 officers who have at least two (2) years of law enforcement
1053 experience may have a period of additional training
1054 that is less than eighty (80) days. The expense of such training
1055 shall be paid in the same manner as other expenses of the patrol.

1056 **SECTION 15.** Sections 15 through 19 of this act shall be
1057 known and referred to as the "Mississippi Unmanned Aircraft
1058 Systems Protection Act of 2021."



1059 **SECTION 16.** For the purposes of Sections 15 through 19 of
1060 this act, unless otherwise specified, the following terms shall
1061 have the following meanings:

1062 (a) "Correctional facility" means any:

1063 (i) Confinement facility operated or contracted by
1064 the Mississippi Department of Corrections;

1065 (ii) Confinement facility operated or contracted
1066 by the Federal Department of Prisons;

1067 (iii) Municipality or county jail;

1068 (iv) Confinement facility operated or contracted
1069 by the Federal Department of Prisons; or

1070 (v) Public or private youth detention facility.

1071 (b) "Critical infrastructure" means any of the
1072 following, whether public or private:

1073 (i) Petroleum refinery or petroleum tank farm;

1074 (ii) Electrical power generation facility which
1075 supports the Mississippi power grid system;

1076 (iii) Natural gas processing and terminal
1077 facility;

1078 (iv) Military installation owned by the federal or
1079 state government; or

1080 (v) Entity contracted by the Department of Defense
1081 or State Military Department to produce defense products.

1082 (c) "Unmanned aircraft" means an aircraft that is
1083 constructed or operated without the possibility of direct human



1084 intervention from within or on the aircraft, including every
1085 object that is on board or otherwise attached to the aircraft, or
1086 carried or operated during flight, regardless of weight. For
1087 purposes of this act, this term is synonymous with the term
1088 "drone."

1089 (d) "Unmanned aircraft system" means an unmanned
1090 aircraft and all associated elements, including, but not limited
1091 to, communication links, sensing devices, and components that
1092 control the unmanned aircraft.

1093 **SECTION 17.** A person commits the offense of unlawful use of
1094 an unmanned aircraft system if he or she knowingly:

1095 (a) Uses an unmanned aircraft system to conduct
1096 surveillance of, collect information or data, or photographically
1097 or electronically record a critical infrastructure or correctional
1098 facility without the prior written consent of the owner, or the
1099 owner's designee, of the critical infrastructure or correctional
1100 facility; or

1101 (b) Delivers or attempts to deliver contraband using an
1102 unmanned aircraft system on a correctional facility property or
1103 adjacent property for the purpose of introducing contraband into a
1104 correctional facility.

1105 **SECTION 18.** (1) Nothing in Sections 15 through 19 of this
1106 act shall be deemed to prohibit the operation of an unmanned
1107 aircraft system by a law enforcement agency for any lawful purpose
1108 in this state.



1109 (2) A public agency or a public contractor, other than a law
1110 enforcement agency or contractor, may operate an unmanned aircraft
1111 system only if the public agency or contracted entity operates the
1112 unmanned aircraft system:

1113 (a) With the written consent of the owner, or the
1114 owner's designee, of the critical infrastructure or correctional
1115 facility; and

1116 (b) In accordance with the rules and regulations
1117 adopted by the Federal Aviation Administration.

1118 (3) This act shall not pertain to unmanned aircraft
1119 operating under Federal Aviation Administration Certificates of
1120 Waiver Authorization.

1121 **SECTION 19.** (1) Any person who is convicted under Section
1122 17(a) of this act shall be guilty of a misdemeanor, punishable up
1123 to one (1) year in prison or a fine not to exceed One Thousand
1124 Dollars (\$1,000.00) for the first offense or both.

1125 (2) Any person convicted under Section 17(b) of this act
1126 shall be guilty of a felony, punishable by a term of no less than
1127 three (3) years and no more than fifteen (15) years in the State
1128 Penitentiary or a fine not to exceed Twenty-five Thousand Dollars
1129 (\$25,000.000), or both.

1130 **SECTION 20.** Section 25-1-87, Mississippi Code of 1972, is
1131 amended as follows:

1132 25-1-87. All motor vehicles owned or leased by the State of
1133 Mississippi or any agency, department or political subdivision



1134 thereof, which shall include counties and municipalities, when
1135 such agency or department or political subdivision, which shall
1136 include counties and municipalities, is supported wholly or in
1137 part by public taxes or by appropriations from public funds, shall
1138 have painted on both sides in letters at least three (3) inches in
1139 height, and on the rear in letters not less than one and one-half
1140 (1-1/2) inches in height, the name of the state agency or
1141 department, or political subdivision, which shall include counties
1142 and municipalities, in a color which is in contrast with the color
1143 of the vehicle; provided, however, that a permanent decal may be
1144 used in lieu of paint, and provided further, that any municipality
1145 may affix a permanent decal or design at least twelve (12) inches
1146 in height and twelve (12) inches in width on both sides of the
1147 vehicle with the name of the municipality within or across the
1148 permanent decal or design, and the permanent design or decal shall
1149 be in a color or colors which are in contrast with the color of
1150 the vehicle. No privilege license tag shall be issued for such
1151 vehicle until the name has been painted thereon or a permanent
1152 design or decal affixed thereto as required by this section. A
1153 permanent decal may be used in lieu of paint. The provisions of
1154 this paragraph shall not apply to vehicles used by the Chief
1155 Executive of the State of Mississippi, to vehicles owned or leased
1156 by the Department of Economic and Community Development, to
1157 vehicles owned or leased by the Office of the Attorney General, to
1158 not more than one (1) vehicle owned or leased by the Department



1159 of * * * Public Safety for use by the Capitol Police, to vehicles
1160 owned or leased by the Mississippi State Board of Medical
1161 Licensure and used only by the Investigative Division of the
1162 board, to one (1) vehicle owned or leased by the Executive
1163 Director of the Department of Mental Health, to not more than one
1164 (1) vehicle owned or leased by the Mississippi Division of
1165 Medicaid, to one (1) vehicle owned or leased by the State
1166 Department of Rehabilitation Services, to one (1) vehicle owned or
1167 leased by the Mississippi Department of Transportation, to one (1)
1168 vehicle owned or leased by the Commissioner of the Mississippi
1169 Department of Corrections, to not more than three (3) vehicles
1170 owned or leased by the Department of Corrections and used only by
1171 Community Services Division officers, to not more than one (1)
1172 vehicle owned or leased by the Mississippi Department of
1173 Transportation and used only by an investigator employed by the
1174 Mississippi Department of Transportation, to not more than two (2)
1175 vehicles owned or leased by the Mississippi Department of Marine
1176 Resources, or to not more than one (1) vehicle owned or leased by
1177 the * * * Department of Revenue; and upon receipt of a written
1178 request from the State Adjutant General, the Commissioner of
1179 Public Safety, the Director of the Alcoholic Beverage Control
1180 Division of the * * * Department of Revenue, the Executive
1181 Director of the Mississippi Department of Wildlife, Fisheries and
1182 Parks, the Director of the Bureau of Narcotics, the Executive
1183 Officer of the Board of Pharmacy, the Executive Director of the



1184 Mississippi Gaming Commission, the State Auditor or a president or
1185 chancellor of a state institution of higher learning, the Governor
1186 may authorize the use of specified unmarked vehicles only in
1187 instances where such identifying marks will hinder official
1188 investigations, and the governing authorities of any municipality
1189 may authorize the use of specified, unmarked police vehicles when
1190 identifying marks would hinder official criminal investigations by
1191 the police. The written request or the order or resolution
1192 authorizing such shall contain the manufacturer's serial number,
1193 the state inventory number, where applicable, and shall set forth
1194 why the vehicle should be exempt from the provisions of this
1195 paragraph. In the event the request is granted, the Governor
1196 shall furnish the State Department of Audit with a copy of his
1197 written authority for the use of the unmarked vehicles, or the
1198 governing authority, as the case may be, shall enter its order or
1199 resolution on the minutes and shall furnish the State Department
1200 of Audit with a certified copy of its order or resolution for the
1201 use of the unmarked police vehicle. The state property auditors
1202 of the State Department of Audit shall personally examine vehicles
1203 owned or leased by the State of Mississippi or any agency,
1204 department or commission thereof and report violations of the
1205 provisions of this paragraph to the State Auditor and the Chairman
1206 of the Joint Legislative Committee on Performance Evaluation and
1207 Expenditure Review. Any vehicle found to be in violation of this
1208 paragraph shall be reported immediately to the department head



1209 charged with such vehicle, and five (5) days shall be given for
1210 compliance; and if not complied with, such vehicles shall be
1211 impounded by the State Auditor until properly marked or exempted.

1212 Upon notification to the * * * Department of Revenue by the
1213 State Auditor that any municipality or political subdivision is
1214 not in compliance with this section, the * * * Department of
1215 Revenue shall withhold any sales tax due for distribution to any
1216 such municipality and any excise tax on gasoline, diesel fuel,
1217 kerosene and oil due any such county and for any months
1218 thereafter, and shall continue to withhold such funds until
1219 compliance with this section is certified to the * * * Department
1220 of Revenue by the State Department of Audit.

1221 County-owned motor vehicles operated by the sheriff's
1222 department shall not be subject to the provisions of this section,
1223 but shall be subject to the provisions of Section 19-25-15.

1224 County-owned motor vehicles operated by a family court established
1225 pursuant to Section 43-23-1 et seq., shall not be subject to the
1226 provisions of this section.

1227 State-owned or leased motor vehicles operated by the
1228 Department of Mental Health or by facilities operated by the
1229 Department of Mental Health and used for transporting patients
1230 living in group homes or alternative living arrangements shall not
1231 be subject to the provisions of this section.



1232 Up to four (4) passenger automobiles owned or leased by
1233 economic development districts or economic development authorities
1234 shall not be subject to the provisions of this section.

1235 State-owned or leased motor vehicles operated by the
1236 Agricultural and Livestock Theft Bureau of the Department of
1237 Agriculture and Commerce and used to investigate livestock theft
1238 shall not be subject to the provisions of this section.

1239 Up to three (3) motor vehicles owned or leased by the
1240 Pascagoula Municipal Separate School District for use by district
1241 security officers shall not be subject to the provisions of this
1242 section.

1243 Up to three (3) motor vehicles owned or leased by the
1244 Department of Human Services for use only by the Program Integrity
1245 Division and the executive director shall not be subject to the
1246 provisions of this section.

1247 Up to three (3) motor vehicles owned or leased by the
1248 Department of Insurance for use by the State Fire Marshal's Office
1249 shall not be subject to the provisions of this section.

1250 The motor vehicles of a public airport shall not be subject
1251 to the provisions of this section upon a finding by the governing
1252 authority of such airport that marking a motor vehicle as required
1253 in this section will compromise security at such airport.

1254 **SECTION 21.** Section 29-5-69, Mississippi Code of 1972, is
1255 amended as follows:



1256 29-5-69. During the period each year when the Legislature is
1257 in session, all parking spaces adjacent to the Capitol grounds on
1258 the west side of President Street and on both sides of High Street
1259 shall be reserved for the use of Capitol employees. The Office of
1260 General Services is instructed to place signs to that effect on
1261 said streets during legislative sessions.

1262 All employees in the Capitol who own automobiles shall be
1263 provided with distinctive stickers. Each such employee shall
1264 place the sticker in a prominent place on the rear of the
1265 automobile owned and regularly used by such employee.

1266 Any person without a sticker on his automobile who parks in
1267 any space reserved in the first paragraph of this section shall be
1268 guilty of a misdemeanor and shall, upon conviction, be fined not
1269 to exceed Twenty-five Dollars (\$25.00).

1270 Any person who is not a Capitol employee who has on his
1271 automobile a Capitol parking sticker or any Capitol employee who
1272 gives his parking sticker to a non-Capitol employee to use on such
1273 person's car, shall be guilty of a misdemeanor and shall, upon
1274 conviction, be fined One Hundred Dollars (\$100.00).

1275 The Office of Capitol Police * * * within the Department of
1276 Public Safety shall have the authority and are directed to enforce
1277 the provisions of this section.

1278 **SECTION 22.** Section 2 of this act shall be codified in
1279 Chapter 1, Title 45, Mississippi Code of 1972.



1280 **SECTION 23.** Section 29-5-77, Mississippi Code of 1972, which
1281 provides jurisdiction to the Department of Finance and
1282 Administration to enforce the laws of Mississippi within the
1283 Capitol Complex, is repealed.

1284 **SECTION 24.** This act shall take effect and be in force from
1285 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 45-1-2, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC SAFETY; TO
3 EXPAND THE COMMISSIONER'S POWERS; TO REQUIRE THE COMMISSIONER TO
4 ESTABLISH WITHIN THE DEPARTMENT THE MISSISSIPPI OFFICE OF HOMELAND
5 SECURITY; TO CODIFY A NEW SECTION WITHIN CHAPTER 1, TITLE 45,
6 MISSISSIPPI CODE OF 1972, TO TRANSFER THE OFFICE OF CAPITOL POLICE
7 FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE
8 DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-1-3, MISSISSIPPI
9 CODE OF 1972, TO AUTHORIZE THE COMMISSIONER TO ADMINISTER OATHS;
10 TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO REVISE THE
11 DEFINITION OF THE TERM "LAW ENFORCEMENT OFFICER" TO INCLUDE THE
12 COMMISSIONER OF THE DEPARTMENT OF PUBLIC SAFETY AND OTHER
13 DEPARTMENT OF PUBLIC SAFETY EMPLOYEES; TO REVISE THE DEFINITION OF
14 THE TERM "PART-TIME LAW ENFORCEMENT OFFICER" TO INCLUDE ANY
15 PART-TIME EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY SO
16 DESIGNATED BY THE COMMISSIONER; TO AMEND SECTION 45-1-6,
17 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE
18 SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE MISSISSIPPI BUREAU
19 OF INVESTIGATION SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT
20 EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF
21 CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF
22 INVESTIGATION; TO PROVIDE JURISDICTION TO THE MISSISSIPPI BUREAU
23 OF INVESTIGATION TO INVESTIGATE ALL INCIDENTS OF OFFICER-INVOLVED
24 SHOOTINGS IN THE STATE; TO AMEND SECTION 41-29-112, MISSISSIPPI
25 CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE SERVICES PROVIDED
26 ON A CONTRACTUAL BASIS TO THE BUREAU OF NARCOTICS SHALL BE
27 DESIGNED TO SUPPORT LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO
28 REVISE THE APPROVAL REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH
29 THE MISSISSIPPI BUREAU OF NARCOTICS; TO AMEND SECTION 27-104-7,
30 MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2021, 2021
31 REGULAR SESSION, TO EXEMPT CONTRACTS FROM PUBLIC PROCUREMENT
32 REVIEW BOARD APPROVAL ENTERED INTO BY THE DEPARTMENT OF PUBLIC



33 SAFETY FOR SERVICE ON SPECIALIZED EQUIPMENT AND SOFTWARE USED BY
34 THE OFFICE OF FORENSICS LABORATORIES AND CONTRACTS FOR ANATOMICAL
35 PATHOLOGY SERVICES; TO AMEND SECTION 41-61-53, MISSISSIPPI CODE OF
36 1972, TO DEFINE THE TERM "MEDICAL EXAMINER INVESTIGATOR"; TO AMEND
37 SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO REMOVE THE
38 REQUIREMENT OF CERTAIN PERSONS TO APPROVE THE APPOINTMENT OR
39 DISCHARGE OF THE STATE MEDICAL EXAMINER; TO AMEND SECTION
40 41-61-65, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE MEDICAL
41 EXAMINER TO USE MEDICAL EXAMINER INVESTIGATORS; TO AMEND SECTION
42 41-61-75, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTOMATIC
43 REPEALER ON THE PROVISION THAT AUTHORIZES FEES FOR MEDICAL
44 EXAMINERS; TO AMEND SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO
45 REMOVE THE REQUIREMENT THAT DEPUTY STATE MEDICAL EXAMINERS BE
46 LICENSED IN MISSISSIPPI TO PRACTICE MEDICINE; TO AMEND SECTION
47 45-3-9, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF
48 CERTAIN POSITIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND
49 SECTION 45-3-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PRIOR
50 SWORN LAW ENFORCEMENT OFFICERS MAY HAVE A PERIOD OF TRAINING THAT
51 IS LESS THAN 80 DAYS; TO ENACT THE "MISSISSIPPI UNMANNED AIRCRAFT
52 SYSTEMS PROTECTION ACT OF 2021"; TO PROSECUTE UNAUTHORIZED FLYING
53 OPERATIONS OF UNMANNED AIRCRAFT SYSTEMS OVER CORRECTIONAL
54 FACILITIES AND CRITICAL INFRASTRUCTURE SITES; TO DEFINE TERMS; TO
55 PENALIZE VIOLATIONS OF THE ACT; TO AMEND SECTIONS 25-1-87 AND
56 29-5-69, MISSISSIPPI CODE OF 1972, TO CONFORM; TO REPEAL SECTION
57 29-5-77, MISSISSIPPI CODE OF 1972, WHICH PROVIDES JURISDICTION TO
58 THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ENFORCE THE LAWS
59 OF MISSISSIPPI WITHIN THE CAPITOL COMPLEX; AND FOR RELATED
60 PURPOSES.

