

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 620

1 AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO  
 2 INCLUDE THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION AND THE  
 3 DRIVER SERVICE BUREAU AS SEPARATE UNITS WITHIN THE DEPARTMENT OF  
 4 PUBLIC SAFETY; TO AMEND SECTION 41-29-107, MISSISSIPPI CODE OF  
 5 1972, TO AMEND DISCIPLINARY POLICY WITHIN THE BUREAU OF NARCOTICS  
 6 TO MATCH OTHER UNITS OF THE DEPARTMENT OF PUBLIC SAFETY AND TO  
 7 REMOVE OUTDATED, UNNECESSARY LANGUAGE; TO AMEND SECTION 41-61-75,  
 8 MISSISSIPPI CODE OF 1972, TO ESTABLISH THE FEE TO BE COLLECTED  
 9 WHEN STATE MEDICAL EXAMINERS, PHYSICIANS AND PATHOLOGISTS ARE  
 10 SUBPOENAED TO TESTIFY; TO AMEND SECTION 41-61-59, MISSISSIPPI CODE  
 11 OF 1972, TO ALLOW TESTIMONY OF EMPLOYEES OF THE MISSISSIPPI  
 12 FORENSICS LABORATORY AND THE OFFICE OF THE STATE MEDICAL EXAMINER  
 13 IN CRIMINAL TRIALS TO BE CONDUCTED VIA REMOTE AUDIOVISUAL  
 14 COMMUNICATIONS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION  
 15 41-61-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THE COMMISSIONER OF  
 16 PUBLIC SAFETY WITH THE AUTHORITY TO ESTABLISH THE MINIMUM  
 17 QUALIFICATIONS AND SALARIES FOR EMPLOYEES OF THE MISSISSIPPI  
 18 FORENSICS LABORATORY AND THE OFFICE OF THE STATE MEDICAL EXAMINER;  
 19 TO REPEAL SECTION 97-35-27, MISSISSIPPI CODE OF 1972, WHICH  
 20 REQUIRES PERSONS CONVICTED IN ANOTHER STATE OF AN OFFENSE THAT  
 21 WOULD HAVE BEEN PUNISHABLE AS A FELONY IN THE STATE OF MISSISSIPPI  
 22 TO REGISTER WITH THE CHIEF OF POLICE OF THE CITY OR SHERIFF OF THE  
 23 COUNTY HE OR SHE RESIDES IN; AND FOR RELATED PURPOSES.

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

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

27 45-1-2. (1) The Executive Director of the Department of  
 28 Public Safety shall be the Commissioner of Public Safety.



29           (2) The Commissioner of Public Safety shall establish the  
30 organizational structure of the Department of Public Safety, which  
31 shall include the creation of any units necessary to implement the  
32 duties assigned to the department and consistent with specific  
33 requirements of law including, but not limited to:

34                   (a) Office of Public Safety Planning;

35                   (b) Office of Mississippi Highway Safety Patrol;

36                   (c) Office of Mississippi Bureau of Investigation (to  
37 be directed by a Lieutenant Colonel of the Mississippi Highway  
38 Safety Patrol);

39                   (d) Office of Forensics Laboratories, which includes  
40 the Mississippi Forensics Laboratory and the Office of the State  
41 Medical Examiner;

42                   (e) Office of Law Enforcement Officers' Training  
43 Academy;

44                   (f) Office of Support Services;

45                   (g) Office of Narcotics, which shall be known as the  
46 Bureau of Narcotics;

47                   (h) Office of Homeland Security; \* \* \*

48                   (i) Office of Capitol Police \* \* \*;

49                   (j) Driver Service Bureau; and

50                   (k) Commercial Transportation Enforcement Division.

51           (3) The department shall be headed by a commissioner, who  
52 shall be appointed by and serve at the pleasure of the Governor.  
53 The appointment of the commissioner shall be made with the advice



54 and consent of the Senate. The commissioner shall have, at a  
55 minimum, a bachelor's degree from an accredited college or  
56 university.

57 (4) Notwithstanding any provision of law to the contrary,  
58 the commissioner shall appoint heads of offices, who shall serve  
59 at the pleasure of the commissioner. The commissioner shall have  
60 the authority to organize the offices established by subsection  
61 (2) of this section as deemed appropriate to carry out the  
62 responsibilities of the department. The commissioner may assign  
63 to the appropriate offices such powers and duties as deemed  
64 appropriate to carry out the department's lawful functions. The  
65 organization charts of the department shall be presented annually  
66 with the budget request of the Governor for review by the  
67 Legislature.

68 (5) The commissioner shall appoint, from within the  
69 Department of Public Safety, a statewide safety training officer  
70 who shall serve at the pleasure of the commissioner and whose duty  
71 it shall be to perform public training for both law enforcement  
72 and private persons throughout the state concerning proper  
73 emergency response to the mentally ill, terroristic threats or  
74 acts, domestic conflict, other conflict resolution, and such other  
75 matters as the commissioner may direct.

76 (6) The commissioner shall establish within the department  
77 the Mississippi Office of Homeland Security for the purpose of  
78 seeing that the laws are faithfully executed and for the purpose



79 of investigating cyber-related crimes and suppressing crimes of  
80 violence and acts of intimidation and terror. The commissioner is  
81 hereby authorized to employ within the Office of Homeland Security  
82 a director, investigators and other qualified personnel as he may  
83 deem necessary to make investigation of cyber-related crimes,  
84 crimes of violence and acts of terrorism or intimidation, to aid  
85 in the arrest and prosecution of persons charged with such  
86 cyber-related crimes, crimes of violence, acts of terrorism or  
87 intimidation, or threats of violence and to perform other duties  
88 as necessary to accomplish these purposes. Investigators and  
89 other law enforcement personnel employed by the commissioner shall  
90 have full power to investigate, apprehend, and arrest persons  
91 committing cyber-related crimes, acts of violence, intimidation,  
92 or terrorism anywhere in the state, and shall be vested with the  
93 power of police officers in the performance of such duties as  
94 provided herein. Such investigators and other personnel shall  
95 perform their duties under the direction of the commissioner, or  
96 his designee. The commissioner shall be authorized to offer and  
97 pay suitable rewards to other persons for aiding in such  
98 investigation and in the apprehension and conviction of persons  
99 charged with cyber-related crimes, acts of violence, or threats of  
100 violence, or intimidation, or acts of terrorism.

101 (7) The commissioner shall establish within the Office of  
102 Homeland Security a Mississippi Analysis and Information Center  
103 (MSAIC Fusion Center) which shall be the highest priority for the



104 allocation of available federal resources for statewide  
105 information sharing, including the deployment of personnel and  
106 connectivity with federal data systems. Subject to appropriation  
107 therefor, the Mississippi Fusion Center shall employ three (3)  
108 regional analysts dedicated to analyzing and resolving potential  
109 threats identified by the agency's statewide social media  
110 intelligence platform and the dissemination of school safety  
111 information.

112         **SECTION 2.** Section 41-29-107, Mississippi Code of 1972, is  
113 amended as follows:

114         41-29-107. (1) There is created within the Mississippi  
115 Department of Public Safety an office to be known as the  
116 Mississippi Bureau of Narcotics. The office shall have a director  
117 who shall be appointed by the Commissioner of Public Safety. The  
118 commissioner may assign to the appropriate offices of the  
119 department such powers and duties deemed appropriate to carry out  
120 the lawful functions of the Mississippi Bureau of Narcotics.

121         (2) The Commissioner of Public Safety is empowered to employ  
122 or appoint necessary agents. The commissioner may also employ  
123 such secretarial, clerical and administrative personnel, including  
124 a duly licensed attorney, as necessary for the operation of the  
125 bureau, and shall have such quarters, equipment and facilities as  
126 needed. The salary and qualifications of the attorney authorized  
127 by this section shall be fixed by the director, but the salary



128 shall not exceed the salary authorized for an assistant attorney  
129 general who performs similar duties.

130 (3) The director and agents so appointed shall be citizens  
131 of the United States and of the State of Mississippi, and of good  
132 moral character. The agents shall be not less than twenty-one  
133 (21) years of age at the time of such appointment. In addition  
134 thereto, those appointed shall have satisfactorily completed at  
135 least two (2) years of college studies. However, two (2) years of  
136 satisfactory service as a law enforcement officer and the  
137 completion of the prescribed course of study at a school operated  
138 by the Bureau of Narcotics and Dangerous Drugs, United States  
139 Justice Department, shall satisfy one (1) year of such college  
140 studies, and four (4) years of satisfactory service as a law  
141 enforcement officer and the completion of the prescribed course of  
142 study at such federal bureau school as stated heretofore shall  
143 fully satisfy the two (2) years of college requirement.

144 During the period of the first twelve (12) months after  
145 appointment, any \* \* \* agent of the \* \* \* Mississippi Bureau of  
146 Narcotics shall be subject to dismissal at the will of the \* \* \*  
147 Commissioner of Public Safety. After twelve (12) months' service,  
148 no \* \* \* agent shall be subject to dismissal \* \* \* or otherwise  
149 have his or her salary adversely affected except for cause, and  
150 any such action against an agent shall be subject to and proceed  
151 under the laws, rules and regulations of the state personnel  
152 system. \* \* \*



153 (4) The Commissioner of Public Safety may assign members of  
154 the Mississippi Highway Safety Patrol, regardless of age, to the  
155 bureau; however, when any highway patrolman or other employee,  
156 agent or official of the Mississippi Department of Public Safety  
157 is assigned to duty with, or is employed by, the bureau, he shall  
158 not be subject to assignment or transfer to any other office or  
159 department within the Mississippi Department of Public Safety  
160 except by the commissioner. Any highway patrolman assigned to  
161 duty with the bureau shall retain his status as a highway  
162 patrolman, but shall be under the supervision of the director.  
163 For purposes of seniority within the Highway Safety Patrol and for  
164 purposes of retirement under the Mississippi Highway Safety Patrol  
165 Retirement System, highway patrolmen assigned to the bureau will  
166 be credited as if performing duty with the Highway Safety Patrol.  
167 The commissioner may assign employees of the Highway Safety Patrol  
168 to the Mississippi Bureau of Narcotics and may assign agents of  
169 the bureau to the Highway Safety Patrol; however, any employees so  
170 assigned must meet all established requirements for the duties to  
171 which they are assigned.

172 (5) The Commissioner of Public Safety may enter into  
173 agreements with bureaus or departments of other states or of the  
174 United States for the exchange or temporary assignment of agents  
175 for special undercover assignments and for performance of specific  
176 duties.



177 (6) The Commissioner of Public Safety may assign agents of  
178 the bureau to such duty and to request and accept agents from such  
179 other bureaus or departments for such duty.

180 \* \* \*

181 **SECTION 3.** Section 41-61-75, Mississippi Code of 1972, is  
182 amended as follows:

183 41-61-75. (1) For each investigation with the preparation  
184 and submission of the required reports, the following fees shall  
185 be billed to and paid by the county for which the service is  
186 provided:

187 (a) A medical examiner or his deputy shall receive One  
188 Hundred Seventy-five Dollars (\$175.00) for each completed report  
189 of investigation of death, plus the examiner's actual expenses.  
190 In addition to that fee, in cases where the cause of death was  
191 sudden infant death syndrome (SIDS) and the medical examiner  
192 provides a SIDS Death Scene Investigation report, the medical  
193 examiner shall receive for completing that report an additional  
194 Fifty Dollars (\$50.00), or an additional One Hundred Dollars  
195 (\$100.00) if the medical examiner has received advanced training  
196 in child death investigations and presents to the county a  
197 certificate of completion of that advanced training. The State  
198 Medical Examiner shall develop and prescribe a uniform format and  
199 list of matters to be contained in SIDS/Child Death Scene  
200 Investigation reports, which shall be used by all county medical  
201 examiners and county medical examiner investigators in the state.





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

208 (2) \* \* \* When a medical examiner, physician or  
209 pathologist \* \* \* is subpoenaed for appearance and testimony  
210 before a grand jury, courtroom trial or deposition as a result of  
211 their duties as a state medical examiner, physician or  
212 pathologist, the office with which said professional is employed  
213 shall be entitled to bill an expert witness hourly fee \* \* \* and  
214 mileage expenses to and from the site of the testimony, and such  
215 amount shall be paid by the jurisdiction or party issuing the  
216 subpoena. The expert witness fee shall be Five Hundred Dollars  
217 (\$500.00) per hour, with a minimum of four (4) hours, plus one (1)  
218 hour preparation, plus travel expenses. This fee will apply  
219 whether the medical examiner, physician or pathologist who is  
220 subpoenaed, or otherwise required to appear, testifies or not.  
221 Said fees shall be made payable to the Office of the State Medical  
222 Examiner.

223 **SECTION 4.** Section 41-61-59, Mississippi Code of 1972, is  
224 amended as follows:

225 41-61-59. (1) A person's death that affects the public  
226 interest as specified in subsection (2) of this section shall be



227 promptly reported to the medical examiner by the physician in  
228 attendance, any hospital employee, any law enforcement officer  
229 having knowledge of the death, the embalmer or other funeral home  
230 employee, any emergency medical technician, any relative or any  
231 other person present. The appropriate medical examiner shall  
232 notify the municipal or state law enforcement agency or sheriff  
233 and take charge of the body. When the medical examiner has  
234 received notification under Section 41-39-15(6) that the deceased  
235 is medically suitable to be an organ and/or tissue donor, the  
236 medical examiner's authority over the body shall be subject to the  
237 provisions of Section 41-39-15(6). The appropriate medical  
238 examiner shall notify the Mississippi Bureau of Narcotics within  
239 twenty-four (24) hours of receipt of the body in cases of death as  
240 described in subsection (2) (m) or (n) of this section.

241 (2) A death affecting the public interest includes, but is  
242 not limited to, any of the following:

243 (a) Violent death, including homicidal, suicidal or  
244 accidental death.

245 (b) Death caused by thermal, chemical, electrical or  
246 radiation injury.

247 (c) Death caused by criminal abortion, including  
248 self-induced abortion, or abortion related to or by sexual abuse.

249 (d) Death related to disease thought to be virulent or  
250 contagious that may constitute a public hazard.



251 (e) Death that has occurred unexpectedly or from an  
252 unexplained cause.

253 (f) Death of a person confined in a prison, jail or  
254 correctional institution.

255 (g) Death of a person where a physician was not in  
256 attendance within thirty-six (36) hours preceding death, or in  
257 prediagnosed terminal or bedfast cases, within thirty (30) days  
258 preceding death.

259 (h) Death of a person where the body is not claimed by  
260 a relative or a friend.

261 (i) Death of a person where the identity of the  
262 deceased is unknown.

263 (j) Death of a child under the age of two (2) years  
264 where death results from an unknown cause or where the  
265 circumstances surrounding the death indicate that sudden infant  
266 death syndrome may be the cause of death.

267 (k) Where a body is brought into this state for  
268 disposal and there is reason to believe either that the death was  
269 not investigated properly or that there is not an adequate  
270 certificate of death.

271 (l) Where a person is presented to a hospital emergency  
272 room unconscious and/or unresponsive, with cardiopulmonary  
273 resuscitative measures being performed, and dies within  
274 twenty-four (24) hours of admission without regaining  
275 consciousness or responsiveness, unless a physician was in



276 attendance within thirty-six (36) hours preceding presentation to  
277 the hospital, or in cases in which the decedent had a prediagnosed  
278 terminal or bedfast condition, unless a physician was in  
279 attendance within thirty (30) days preceding presentation to the  
280 hospital.

281 (m) Death that is caused by drug overdose or which is  
282 believed to be caused by drug overdose.

283 (n) When a stillborn fetus is delivered and the cause  
284 of the demise is medically believed to be from the use by the  
285 mother of any controlled substance as defined in Section  
286 41-29-105.

287 (3) The State Medical Examiner is empowered to investigate  
288 deaths, under the authority hereinafter conferred, in any and all  
289 political subdivisions of the state. The county medical examiners  
290 and county medical examiner investigators, while appointed for a  
291 specific county, may serve other counties on a regular basis with  
292 written authorization by the State Medical Examiner, or may serve  
293 other counties on an as-needed basis upon the request of the  
294 ranking officer of the investigating law enforcement agency. If a  
295 death affecting the public interest takes place in a county other  
296 than the one where injuries or other substantial causal factors  
297 leading to the death have occurred, jurisdiction for investigation  
298 of the death may be transferred, by mutual agreement of the  
299 respective medical examiners of the counties involved, to the  
300 county where the injuries or other substantial causal factors



301 occurred, and the costs of autopsy or other studies necessary to  
302 the further investigation of the death shall be borne by the  
303 county assuming jurisdiction.

304 (4) In criminal trials where the testimony of a member of  
305 the Mississippi Forensics Laboratory or the Office of the State  
306 Medical Examiner is required, courts shall allow for the use of  
307 audiovisual communications equipment to present such testimony  
308 remotely. However, where the defendant has designated a witness  
309 challenging the conclusions made by a member of the Mississippi  
310 Forensics Laboratory or Office of the State Medical Examiner,  
311 courts shall not allow for the use of audiovisual communications  
312 equipment to present such testimony remotely.

313 All persons qualified to administer an oath in the State of  
314 Mississippi may swear a witness remotely by audiovisual  
315 communications technology from a location within the State of  
316 Mississippi, provided he or she can positively identify the  
317 witness and he or she is able to both see and hear the witness via  
318 audiovisual communications equipment.

319 A witness not located within the State of Mississippi may  
320 consent to being put under oath via audiovisual communications  
321 technology by a person located within the State of Mississippi  
322 qualified to administer an oath in the State of Mississippi.

323 ( \* \* \*5) The chief county medical examiner or chief county  
324 medical examiner investigator may receive from the county in which  
325 he serves a salary of One Thousand Two Hundred Fifty Dollars



326 (\$1,250.00) per month, in addition to the fees specified in  
327 Sections 41-61-69 and 41-61-75, provided that no county shall pay  
328 the chief county medical examiner or chief county medical examiner  
329 investigator less than Three Hundred Dollars (\$300.00) per month  
330 as a salary, in addition to other compensation provided by law.  
331 In any county having one or more deputy medical examiners or  
332 deputy medical examiner investigators, each deputy may receive  
333 from the county in which he serves, in the discretion of the board  
334 of supervisors, a salary of not more than Nine Hundred Dollars  
335 (\$900.00) per month, in addition to the fees specified in Sections  
336 41-61-69 and 41-61-75; however, no county shall pay the deputy  
337 medical examiners or deputy medical examiner investigators less  
338 than Three Hundred Dollars (\$300.00) per month as a salary in  
339 addition to other compensation provided by law. For this salary  
340 the chief shall assure twenty-four-hour daily and readily  
341 available death investigators for the county, and shall maintain  
342 copies of all medical examiner death investigations for the county  
343 for at least the previous five (5) years. He shall coordinate his  
344 office and duties and cooperate with the State Medical Examiner,  
345 and the State Medical Examiner shall cooperate with him.

346 **SECTION 5.** Section 41-61-77, Mississippi Code of 1972, is  
347 amended as follows:

348 41-61-77. (1) The Department of Public Safety shall  
349 establish and maintain a central office for the Mississippi  
350 Forensics Laboratory and the State Medical Examiner with



351 appropriate facilities and personnel for postmortem medicolegal  
352 examinations. District offices, with appropriate facilities and  
353 personnel, may also be established and maintained if considered  
354 necessary by the department for the proper management of  
355 postmortem examinations.

356 The facilities of the central and district offices and their  
357 staff services may be available to the medical examiners and  
358 designated pathologists in their investigations.

359 (2) In order to provide proper facilities for investigating  
360 deaths as authorized in Sections 41-61-51 through 41-61-79, the  
361 State Medical Examiner may arrange for the use of existing public  
362 or private laboratory facilities. The State Medical Examiner may  
363 contract with qualified persons to perform or to provide support  
364 services for autopsies, studies and investigations not  
365 inconsistent with other applicable laws. Such laboratory  
366 facilities may be located at the University of Mississippi Medical  
367 Center or any other suitable location. The State Medical Examiner  
368 may be an affiliate or regular faculty member of the Department of  
369 Pathology at the University of Mississippi Medical Center and may  
370 serve as a member of the faculty of other institutions of higher  
371 learning. He shall be authorized to employ, with the approval of  
372 the Commissioner of Public Safety, such additional scientific,  
373 technical, administrative and clerical assistants as are necessary  
374 for performance of his duties. Such employees in the Mississippi  
375 Forensics Laboratory and the Office of the State Medical Examiner



376 shall be subject to the rules, regulations and policies of the  
377 Mississippi State Personnel Board in their employment. The  
378 Department of Public Safety may set the salaries for and establish  
379 minimum qualifications for the employees of the Mississippi  
380 Forensics Laboratory and the Office of the State Medical Examiner.

381 (3) The State Medical Examiner shall be authorized to employ  
382 qualified pathologists as deputy state medical examiners as are  
383 necessary to carry out the duties of his office. The deputy state  
384 medical examiners shall be licensed to practice medicine and,  
385 either board-certified in forensic pathology by the American Board  
386 of Pathology or be a physician who is board certified in anatomic  
387 pathology by the American Board of Pathology. The State Medical  
388 Examiner may delegate specific duties to competent and qualified  
389 medical examiners within the scope of the express authority  
390 granted to him by law or regulation. Employees of the Office of  
391 the State Medical Examiner shall have the authority to enter any  
392 political subdivisions of this state for the purpose of carrying  
393 out medical investigations.

394 **SECTION 6.** Section 97-35-27, Mississippi Code of 1972, which  
395 requires persons convicted in another state of an offense that  
396 would have been punishable as a felony in the State of Mississippi  
397 to register with the chief of police of the city or sheriff of the  
398 county he or she resides in, is repealed.

399 **SECTION 7.** This act shall take effect and be in force from  
400 and after July 1, 2022.

