

By: Representatives Karriem, Taylor

To: Judiciary B;
Appropriations

HOUSE BILL NO. 757

1 AN ACT TO AMEND SECTION 21-21-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE GOVERNING AUTHORITIES OF MUNICIPALITIES TO PROVIDE
3 POLICE OFFICERS, WHO ARE ON PATROL, WITH BODY-WORN CAMERAS; TO
4 DEFINE THE TERM "BODY-WORN CAMERA"; TO AMEND SECTION 19-25-13,
5 MISSISSIPPI CODE OF 1972, TO REQUIRE COUNTY BOARDS OF SUPERVISORS
6 TO INCLUDE ALLOCATIONS FOR BODY-WORN CAMERAS IN THE ANNUAL BUDGETS
7 FOR SHERIFFS' OFFICES; TO AMEND SECTION 19-25-21, MISSISSIPPI CODE
8 OF 1972, TO REQUIRE DEPUTY SHERIFFS, WHO ARE ON PATROL, TO WEAR
9 BODY-WORN CAMERAS; TO CREATE A NEW SECTION TO PROVIDE CERTAIN
10 PENALTIES FOR POLICE OFFICERS AND SHERIFF DEPUTIES WHO FAIL TO
11 WEAR BODY-WORN CAMERAS WHILE ON PATROL; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 21-21-3, Mississippi Code of 1972, is
14 amended as follows:

15 21-21-3. (1) The governing authorities of municipalities
16 shall have the power and authority to employ, regulate and support
17 a sufficient police force or night marshals, to define the duties
18 thereof, and to furnish and supply all suitable and necessary
19 equipment * * *, which such suitable and necessary equipment shall
20 include the equipment described in subsection (2) of this section.

21 (2) The governing authorities of municipalities shall
22 provide all police officers, while on patrol, with body-worn



23 cameras that shall be worn on the uniforms of the officers. As
24 used in this section, "body-worn cameras" means devices that are
25 worn by police officers which electronically record audio and
26 video of the activities of the officers.

27 (3) If any police officer fails to wear a body-worn camera
28 while on patrol, then the officer shall be subject to the
29 penalties prescribed under Section 4 of this act.

30 **SECTION 2.** Section 19-25-13, Mississippi Code of 1972, is
31 amended as follows:

32 19-25-13. The sheriff shall, at the July meeting of the
33 board of supervisors, submit a budget of estimated expenses of his
34 office for the ensuing fiscal year beginning October 1 in such
35 form as shall be prescribed by the Director of the State
36 Department of Audit. The board shall examine this proposed budget
37 and determine the amount to be expended by the sheriff in the
38 performance of his duties for the fiscal year and may increase or
39 reduce that amount as it deems necessary and proper.

40 The budget shall include amounts for compensating the
41 deputies and other employees of the sheriff's office, for
42 insurance providing protection for the sheriff and his deputies in
43 case of disability, death and other similar coverage, for travel
44 and transportation expenses of the sheriff and deputies, for
45 feeding prisoners and inmates of the county jail, and for any
46 other expenses that may be incurred in the performance of the
47 duties of the office of sheriff. In addition, the budget shall



48 include amounts for the payment of premiums on bonds and insurance
49 for the sheriff and his deputies which, in the opinion of the
50 board of supervisors, are deemed necessary to protect the
51 interests of the county or the sheriff and his deputies. The
52 amounts may include official bonds and any bonds required of his
53 deputies by the sheriff; liability insurance; insurance against
54 false arrest charges; insurance against false imprisonment
55 charges; theft, fire and other hazards insurance; and
56 hospitalization insurance as provided for in Sections 25-15-101
57 and 25-15-103. The board may authorize the reimbursement of the
58 sheriff and deputies for the use of privately owned automobiles or
59 other motor vehicles in the performance of official duties at the
60 rate provided by law for state officers and employees, or may
61 authorize the purchase by the sheriff of such motor vehicles and
62 such equipment as may be needed for operation of the sheriff's
63 office, the vehicles and equipment to be owned by the county. In
64 counties that have elected to purchase the motor vehicles and the
65 equipment for the operation of the sheriff's office, if a sheriff
66 or deputy shall be required in the performance of his official
67 duties, in the event of an emergency, to use his privately owned
68 automobile or other motor vehicle, the board of supervisors may,
69 in its discretion, authorize the reimbursement for that use at the
70 rate per mile provided by law for state officers and employees.
71 This shall not be construed as giving an officer a choice of
72 whether to use his own or the county's vehicle, but shall be



73 construed so as not to penalize an officer who must use his own
74 vehicle because the county's vehicle was not available.

75 The board of supervisors, in its discretion, may include in
76 its annual budget for the sheriff's office an amount not to exceed
77 One Thousand Dollars (\$1,000.00), which may be expended by the
78 sheriff to provide food, water and beverages for the sheriff, the
79 sheriff's deputies, state, national and local law enforcement
80 officers, emergency personnel, county employees and members of the
81 general public who the sheriff requests to assist him and his
82 office while in the performance of search and rescue missions,
83 disasters or other emergency operations.

84 The board of supervisors shall include in its annual budget
85 for the sheriff's office an amount that shall be expended by the
86 sheriff to provide each deputy, while on patrol, with a body-worn
87 camera.

88 The board of supervisors may acquire one or more credit cards
89 that may be used by the sheriff and his deputies to pay expenses
90 incurred by them when traveling in or out of state in the
91 performance of their official duties. The chancery clerk or
92 county purchase clerk shall maintain complete records of all
93 credit card numbers and all receipts and other documents relating
94 to the use of those credit cards. The sheriff shall furnish
95 receipts for the use of the credit cards each month to the
96 chancery clerk or purchase clerk who shall submit a written report
97 monthly to the board of supervisors, which report shall include an



98 itemized list of all expenditures and use of the credit cards for
99 the month, and the expenditures may be allowed for payment by the
100 county in the same manner as other items on the claims docket.
101 The issuance of a credit card to a sheriff or his deputy under the
102 provisions of this section shall not be construed to authorize the
103 sheriff or deputy sheriff to use the credit card to make any
104 expenditure that is not otherwise authorized by law.

105 The board of supervisors is hereby authorized and empowered,
106 in its discretion, to appropriate and pay a sum not to exceed One
107 Thousand Dollars (\$1,000.00) annually as a clothing allowance to
108 each plainclothes investigator employed by the sheriff's office of
109 that county. The board of supervisors of any county bordering on
110 the Gulf of Mexico and having a population of more than thirty-one
111 thousand seven hundred (31,700) but less than thirty-one thousand
112 eight hundred (31,800) according to the 1990 Federal Census may
113 appropriate and pay a sum not to exceed One Thousand Dollars
114 (\$1,000.00) annually as a clothing allowance to the administrator
115 of the county jail.

116 The board of supervisors shall, at its first meeting of each
117 quarter beginning on October 1, January 1, April 1 and July 1,
118 appropriate a lump sum for the sheriff for the expenses of his
119 office during the current quarter. The quarterly appropriation
120 shall be one-fourth (1/4) of the amount approved in the annual
121 budget unless the sheriff requests a different amount. Except in
122 case of emergency, as provided in the county budget law, the



123 appropriation for the quarter beginning in October of the last
124 year of the sheriff's term shall not exceed one-fourth (1/4) of
125 the annual budget.

126 The sheriff shall file a report of all expenses of his office
127 incurred during the preceding month with the board of supervisors
128 for approval at its regular monthly meeting in a form to be
129 prescribed by the Director of the State Department of Audit, and
130 upon filing thereof, and approval by the board, the clerk of the
131 board shall issue warrants in payment thereof but not to exceed
132 the budget appropriation for that quarter. Any appropriated funds
133 that are unexpended at the end of the fiscal year shall remain in
134 the county general fund.

135 The budget for the sheriff's office may be revised at any
136 regular meeting by the board of supervisors. Upon recommendation
137 of the sheriff, the board may at any regular meeting make
138 supplemental appropriations to the sheriff's office.

139 Any fees previously required to be paid by a sheriff shall be
140 paid by the board of supervisors by including the estimates
141 therefor in the sheriff's budget. All fees and charges for
142 services heretofore collected by sheriffs shall be collected by
143 the sheriff and paid monthly into the general fund of the
144 concerned county. However, any fees heretofore collected by those
145 sheriffs from the county shall not be paid.

146 **SECTION 3.** Section 19-25-21, Mississippi Code of 1972, is
147 amended as follows:



148 19-25-21. (1) The minimum number of deputies having law
149 enforcement duties for each sheriff shall be based upon the total
150 population of his county according to the latest federal decennial
151 census in the following categories:

152 (a) In counties with a total population of more than
153 fifty thousand (50,000), the sheriff shall regularly employ a
154 minimum of five (5) deputies having law enforcement duties;

155 (b) In counties with a total population of more than
156 thirty-five thousand (35,000), and not more than fifty thousand
157 (50,000), the sheriff shall regularly employ a minimum of four (4)
158 deputies having law enforcement duties;

159 (c) In counties with a total population of more than
160 twenty-five thousand (25,000), and not more than thirty-five
161 thousand (35,000), the sheriff shall regularly employ a minimum of
162 three (3) deputies having law enforcement duties;

163 (d) In counties with a total population of more than
164 fifteen thousand (15,000), and not more than twenty-five thousand
165 (25,000), the sheriff shall regularly employ a minimum of two (2)
166 deputies having law enforcement duties;

167 (e) In all other counties, the sheriff shall regularly
168 employ a minimum of one (1) deputy sheriff having law enforcement
169 duties.

170 (2) In those counties comprised of two (2) judicial
171 districts having a total population of thirty-five thousand
172 (35,000) or more, there shall be not less than two (2) deputies in



173 the judicial district in which the sheriff does not reside, one
174 (1) of whom shall be the chief deputy in charge of the office, all
175 of whom shall be subject to the direction of the sheriff. In those
176 counties comprised of two (2) judicial districts having a total
177 population of less than thirty-five thousand (35,000), there shall
178 be at least one (1) deputy in the judicial district in which the
179 sheriff does not reside who shall be subject to the direction of
180 the sheriff.

181 (3) Each deputy sheriff who shall have law enforcement
182 duties shall, at the expense of the county, attend and complete an
183 appropriate curriculum in the field of law enforcement at the
184 Mississippi Law Enforcement Officers' Academy within one (1) year
185 from the date of his appointment, excluding those who have
186 previously served as sheriff, or have had at least five (5) years'
187 experience as a full-time law enforcement officer, or have
188 previously successfully completed a course of training at the
189 Mississippi Law Enforcement Officers' Academy or at the Jackson
190 Police Academy. Any deputy sheriff exempted from attendance at the
191 initial course as herein provided because of previous service as
192 sheriff or having five (5) years' full-time law enforcement
193 experience must have served as sheriff or obtained such experience
194 within a period of ten (10) years prior to the date of his taking
195 the oath of office. Any deputy sheriff exempted from attendance
196 because of successful completion of a course of training at either
197 of the aforementioned academies must have completed such course



198 within five (5) years prior to the date of his taking the oath of
199 office. Each deputy sheriff shall thereafter, on a periodic and
200 continuing basis, attend additional advanced courses in law
201 enforcement at said Academy in order that each deputy sheriff will
202 be properly informed and trained in the modern, technical advances
203 in the field of law enforcement.

204 (4) Each deputy sheriff is required to wear a body-worn
205 camera while on patrol. If any deputy fails to wear the body-worn
206 camera, as required by this subsection, the deputy shall be
207 subject to the penalties prescribed in Section 4 of this act. As
208 used under this subsection, "body-worn camera" means the same as
209 the term is defined under Section 21-21-3.

210 **SECTION 4.** Any municipal police officer or county deputy
211 sheriff who fails to wear his or her body-worn camera while on
212 patrol, as required under Sections 21-21-3 and 19-25-21, shall be
213 guilty of a misdemeanor upon conviction and shall be punished by a
214 fine not to exceed One Thousand Dollars (\$1,000.00) or
215 imprisonment not to exceed six (6) months, or both.

216 **SECTION 5.** This act shall take effect and be in force from
217 and after July 1, 2022.

