

By: Representatives Ladner, Eubanks

To: Judiciary B

HOUSE BILL NO. 33

1 AN ACT TO AMEND SECTION 45-3-21, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO INVESTIGATE THE DEATH
3 OF ANY LOCAL, MUNICIPAL, COUNTY OR STATE OFFICIAL UNDER CERTAIN
4 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 45-3-21, Mississippi Code of 1972, is
7 amended as follows:

8 45-3-21. (1) The powers and duties of the Highway Safety
9 Patrol shall be, in addition to all others prescribed by law, as
10 follows:

11 (a) To enforce all of the traffic laws, rules and
12 regulations of the State of Mississippi upon all highways of the
13 state highway system and the rights-of-way of such highways;
14 provided, however, that if any person commits an offense upon the
15 state highway system and be pursued by a member of the Highway
16 Safety Patrol, such patrol officer may pursue and apprehend such
17 offender upon any of the highways or public roads of this state,
18 or to any other place to which such offender may flee.



19 (b) To enforce all rules and regulations of the
20 commissioner promulgated pursuant to legal authority.

21 (c) When so directed by the Governor, to enforce any of
22 the laws of this state upon any of the highways or public roads
23 thereof.

24 (d) Upon the request of the Department of Revenue, and
25 with the approval of the Governor, to enforce all of the
26 provisions of law with reference to the registration, license and
27 taxation of vehicles using the highways of this state, and
28 relative to the sizes, weights and load limits of such vehicles,
29 and to enforce the provisions of all other laws administered by
30 the Department of Revenue upon any of the highways or public roads
31 of this state; and for such purpose the Highway Safety Patrol
32 shall have the authority to collect and receive all taxes which
33 may be due under any of such laws, and to report and remit same to
34 the Department of Revenue in the manner required by law, or the
35 rules and regulations of the Department of Revenue.

36 (e) Upon request of the Commercial Transportation
37 Enforcement Division within the Department of Public Safety, and
38 when so instructed by the commissioner, to enforce the Mississippi
39 Motor Carrier Regulatory Law of 1938 and rules and regulations
40 promulgated thereunder.

41 (f) To arrest without warrant any person or persons
42 committing or attempting to commit any misdemeanor, felony or
43 breach of the peace within their presence or view, and to pursue



44 and so arrest any person committing such an offense to and at any
45 place in the State of Mississippi where he may go or be. Nothing
46 herein shall be construed as granting the Mississippi Highway
47 Safety Patrol general police powers.

48 (g) To aid and assist any law enforcement officer whose
49 life or safety is in jeopardy. Additionally, officers of the
50 Highway Safety Patrol may arrest without warrant any fugitive from
51 justice who has escaped or who is using the highways of the state
52 in an attempt to flee. With the approval of the commissioner or
53 his designee, officers of the Highway Safety Patrol may assist
54 other law enforcement agencies in manhunts for convicted felons
55 who have escaped and/or for alleged felons where there is probable
56 cause to believe that the person being sought committed the felony
57 and a felony had actually been committed.

58 (h) To cooperate with the State Forest Service by
59 reporting all forest fires.

60 (i) Upon request of the sheriff or his designee, or
61 board of supervisors of any county or the chief of police or mayor
62 of any municipality, and when so instructed by the commissioner or
63 his designee, to respond to calls for assistance in a law
64 enforcement incident; such request and action shall be noted and
65 clearly reflected on the radio logs of both the Mississippi
66 Highway Safety Patrol district substation and that of the
67 requesting agency, entered on the local NCIC terminal, if
68 available, and a request in writing shall follow within



69 forty-eight (48) hours. Additionally, the time of commencement
70 and termination of the specific law enforcement incident shall be
71 clearly noted on the radio logs of both law enforcement agencies.

72 (2) The Legislature declares that the primary law
73 enforcement officer in any county in the State of Mississippi is
74 the duly qualified and elected sheriff thereof, but for the
75 purposes of this subsection there is hereby vested in the
76 Department of Public Safety, in addition to the powers hereinabove
77 mentioned and the other provisions of this section under the terms
78 and limitations hereinafter mentioned and for the purpose of
79 insuring domestic tranquility and for the purpose of preventing or
80 suppressing, or both, crimes of violence, acts and conduct
81 calculated to, or which may, provoke or lead to violence and/or
82 incite riots, mobs, mob violence, a breach of the peace, and acts
83 of intimidation or terror, the powers and duties to include the
84 enforcement of all the laws of the State of Mississippi relating
85 to such purposes, to investigate any violation of the laws of the
86 State of Mississippi and to aid in the arrest and prosecution of
87 persons charged with violating the laws of the State of
88 Mississippi which relate to such purposes. Investigators of the
89 Bureau of Investigation of the Department of Public Safety shall
90 have general police powers to enforce all the laws of the State of
91 Mississippi. All officers of the Department of Public Safety
92 charged with the enforcement of the laws administered by that
93 agency, for the purposes herein set forth, shall have full power



94 to investigate, prevent, apprehend and arrest law violators
95 anywhere in the state, and shall be vested with the power of
96 general police officers in the performance of their duties. The
97 officers of the Department of Public Safety are authorized and
98 empowered to carry and use firearms and other weapons deemed
99 necessary in the discharge of their duties as such and are also
100 empowered to serve warrants and subpoenas issued under the
101 authority of the State of Mississippi. The Governor shall be
102 authorized to offer and pay suitable rewards to persons aiding in
103 the investigation, apprehension and conviction of persons charged
104 with acts of violence, or threats of violence or intimidation or
105 acts of terrorism. The additional powers herein granted to or
106 vested in the Department of Public Safety or any of its officers
107 or employees by this section, excepting investigating powers, and
108 those powers of investigators who shall have general police power,
109 being the investigators in the Bureau of Investigation of the
110 Department of Public Safety, shall not be exercised by the
111 Department of Public Safety, or any of its officers or employees,
112 except upon authority and direction of the Governor or Acting
113 Governor, by proclamation duly signed, in the following instances,
114 to wit:

115 (a) When requested by the sheriff or board of
116 supervisors of any county or the mayor of any municipality on the
117 grounds that mob violence, crimes of violence, acts and conduct of
118 terrorism, riots or acts of intimidation, or either, calculated to



119 or which may provoke violence or incite riots, mobs, mob violence,
120 violence, or lead to any breach of the peace, or either, and acts
121 of intimidation or terror are anticipated, and when such acts or
122 conduct in the opinion of the Governor or Acting Governor would
123 provoke violence or any of the foregoing acts or conduct set out
124 in this subsection, and the sheriff or mayor, as the case may be,
125 lacks adequate police force to prevent or suppress the same.

126 (b) Acting upon evidence submitted to him by the
127 Department of Public Safety, or other investigating agency
128 authorized by the Governor or Acting Governor to make such
129 investigations, because of the failure or refusal of the sheriff
130 of any county or mayor of any municipality to take action or
131 employ such means at his disposal, to prevent or suppress the
132 acts, conduct or offenses provided for in subsection (1) of this
133 section, the Governor or Acting Governor deems it necessary to
134 invoke the powers and authority vested in the Department of Public
135 Safety.

136 (c) When an elected or appointed local, municipal,
137 county or state official is killed or the circumstances of or
138 surrounding the official's death are questionable.

139 (* * *d) The Governor or Acting Governor is hereby
140 authorized and empowered to issue his proclamation invoking the
141 powers and authority vested by this paragraph, as provided in
142 paragraphs (a) and (b) of this subsection, and when the Governor
143 or Acting Governor issues said proclamation in accordance



144 herewith, said proclamation shall become effective upon the
145 signing thereof and shall continue in full force and effect for a
146 period of ninety (90) days, or for a shorter period if otherwise
147 ordered by the Governor or Acting Governor. At the signing of the
148 proclamation by the Governor or Acting Governor, the Department of
149 Public Safety and its officers and employees shall thereupon be
150 authorized to exercise the additional power and authority vested
151 in them by this paragraph. The Governor and Acting Governor may
152 issue additional proclamations for periods of ninety (90) days
153 each under the authority of paragraphs (a) and (b) of this
154 subsection (2).

155 (3) All proclamations issued by the Governor or Acting
156 Governor shall be filed in the Office of the Secretary of State on
157 the next succeeding business day.

158 (4) It is not the intention of this section to vest the wide
159 powers and authority herein provided for, as general powers of the
160 Department of Public Safety, and the same are not hereby so
161 vested, but to limit these general powers to cases and incidents
162 wherein it is deemed necessary to prevent or suppress the offenses
163 and conditions herein mentioned in this and other subsections of
164 this section, and under the terms and conditions hereinabove
165 enumerated, it being the sense of the Legislature that the prime
166 duties of the Department of Public Safety are to patrol the
167 highways of this state and enforce the highway safety laws.



168 (5) Patrol officers shall have no interest in any costs in
169 the prosecution of any case through any court; nor shall any
170 patrol officer receive any fee as a witness in any court held in
171 this state, whether a state or federal court.

172 (6) Provided, however, that the general police power vested
173 by virtue of the terms of subsection (2) of this section is solely
174 for the purposes set out in said subsection.

175 **SECTION 2.** This act shall take effect and be in force from
176 and after July 1, 2023.

