

By: Representatives Ladner, Eubanks

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
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 FORMER OR SITTING LOCAL, MUNICIPAL, COUNTY OR STATE
4 OFFICIAL UNDER CERTAIN CIRCUMSTANCES; TO NAME THE PROVISIONS OF
5 THIS ACT THE "REPRESENTATIVE ASHLEY HENLEY INVESTIGATIVE AUTHORITY
6 ACT"; AND FOR RELATED PURPOSES.

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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



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

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



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

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

138 (c) Acting when any elected or appointed public
139 official of the state, or elected or appointed public official of
140 any county, municipality, or political subdivision of this state
141 is killed or the circumstances of the official's death are
142 questionable; or acting when any former elected or former
143 appointed public official of the state, or of any county,
144 municipality, or political subdivision of this state is killed or
145 the circumstances of the former official's death are questionable.



146 The provisions of this paragraph (c) shall be known and referred
147 to as the "Representative Ashley Henley Investigative Authority
148 Act."

149 (* * *d) The Governor or Acting Governor is hereby
150 authorized and empowered to issue his proclamation invoking the
151 powers and authority vested by this paragraph, as provided in
152 paragraphs (a) and (b) of this subsection, and when the Governor
153 or Acting Governor issues said proclamation in accordance
154 herewith, said proclamation shall become effective upon the
155 signing thereof and shall continue in full force and effect for a
156 period of ninety (90) days, or for a shorter period if otherwise
157 ordered by the Governor or Acting Governor. At the signing of the
158 proclamation by the Governor or Acting Governor, the Department of
159 Public Safety and its officers and employees shall thereupon be
160 authorized to exercise the additional power and authority vested
161 in them by this paragraph. The Governor and Acting Governor may
162 issue additional proclamations for periods of ninety (90) days
163 each under the authority of paragraphs (a) and (b) of this
164 subsection (2).

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

168 (4) It is not the intention of this section to vest the wide
169 powers and authority herein provided for, as general powers of the
170 Department of Public Safety, and the same are not hereby so



171 vested, but to limit these general powers to cases and incidents
172 wherein it is deemed necessary to prevent or suppress the offenses
173 and conditions herein mentioned in this and other subsections of
174 this section, and under the terms and conditions hereinabove
175 enumerated, it being the sense of the Legislature that the prime
176 duties of the Department of Public Safety are to patrol the
177 highways of this state and enforce the highway safety laws.

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

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

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

