

By: Representative Rushing

To: Education

HOUSE BILL NO. 301

1 AN ACT TO AUTHORIZE LOCAL SCHOOL BOARDS TO DEVELOP A POLICY
2 TO PROVIDE FOR THE SAFETY, PROTECTION AND WELL-BEING OF STUDENTS;
3 TO REQUIRE THAT THE SCHOOL BOARD SUBMIT THE POLICY TO THE STATE
4 BOARD OF EDUCATION AND THE DEPARTMENT OF PUBLIC SAFETY FOR
5 APPROVAL BEFORE IMPLEMENTATION; TO PROVIDE THAT THE POLICY MAY
6 AUTHORIZE LOCAL SCHOOL BOARDS TO ESTABLISH SPECIALIZED SECURITY
7 AND THREAT MITIGATION TEAMS TO ALLOW SCHOOL EMPLOYEES TO POSSESS
8 AND CARRY A CONCEALED FIREARM ON SCHOOL PREMISES TO COUNTERACT
9 UNFORESEEN ATTEMPTS AND PERPETRATORS OF CRIMINAL ACTIVITY ON
10 SCHOOL PREMISES IN TIMES OF EXTREME SAFETY CRISIS; TO REQUIRE THE
11 IDENTITY OF THOSE SCHOOL EMPLOYEES SELECTED TO SERVED ON THE
12 SPECIALIZED SECURITY AND THREAT MITIGATION TEAM TO ONLY BE MADE
13 KNOWN TO THE SUPERINTENDENT OF THE LOCAL SCHOOL DISTRICT, THE
14 PRINCIPAL AND ASSISTANT PRINCIPALS OF THE SCHOOL TO WHICH THE
15 EMPLOYEE IS ASSIGNED AND CHIEF OR SHERIFF OF THE LOCAL LAW
16 ENFORCEMENT AGENCY HAVING ENFORCEMENT JURISDICTION OF THE SCHOOL'S
17 LOCATION; TO PRESCRIBE THE STIPULATIONS FOR SUCH SCHOOL EMPLOYEES
18 TO BE AUTHORIZED TO CARRY THE CONCEALED FIREARM; TO AUTHORIZE THE
19 SCHOOL DISTRICT TO COMPENSATE EACH SCHOOL EMPLOYEE SERVING AS A
20 MEMBER OF THE SPECIALIZED SECURITY AND THREAT MITIGATION TEAM A
21 MONTHLY SUPPLEMENT IN THE AMOUNT OF \$200.00; TO AMEND SECTIONS
22 37-11-29 AND 45-9-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
23 THE PRECEDING PROVISIONS; TO BRING FORWARD SECTION 97-37-1,
24 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
25 TO AMEND SECTIONS 97-37-7 AND 97-37-17, MISSISSIPPI CODE OF 1972,
26 IN CONFORMITY TO THE PRECEDING PROVISIONS; TO BRING FORWARD
27 SECTIONS 37-3-82.1, 37-3-83, 37-7-301 AND 37-7-301.1, MISSISSIPPI
28 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR
29 RELATED PURPOSES.

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



31 **SECTION 1.** (1) The local school board of any school
32 district or charter school governing board may develop a policy to
33 provide for the safety, protection and well-being of the student
34 bodies of schools under its control as a means of addressing the
35 concerns of school violence and enhanced school safety, and
36 implementing measures to counteract unforeseen attempts and
37 perpetrators of criminal activity on school premises in times of
38 extreme safety crisis. However, the policy developed by any local
39 school board shall not be implemented until such time that the
40 policy is submitted to and approved by the State Board of
41 Education and the Department of Public Safety.

42 (2) (a) The policy may authorize the local school board or
43 governing board of a charter school to establish specialized
44 security and threat mitigation team to allow school employees,
45 whether administrative, instructional or paraprofessional, and
46 whose identity shall only be made known to the superintendent of
47 the local school district, the principal and assistant principals
48 of the school to which the employee is assigned and chief or
49 sheriff of the local law enforcement agency having enforcement
50 jurisdiction of the school's location, to possess and carry a
51 concealed firearm on school premises. The school board may
52 contract for the employment of security personnel, school resource
53 officers or private security providers who shall be authorized to
54 carry a concealed firearm on school premises while in the
55 performance of official duties and responsibilities.



56 (b) In order for a school employee to carry a concealed
57 weapon on school property, the employee must be licensed under
58 Section 45-9-101 to carry a concealed weapon and must successfully
59 complete an instructional course in the safe handling and use of
60 firearms offered by an instructor certified by a nationally
61 recognized organization that customarily offers firearms training,
62 or by any other organization approved by the Department of Public
63 Safety. The local school district superintendent shall identify
64 and verify to the Department of Public Safety all persons employed
65 by the school district permitted to carry a concealed firearm who
66 have complied with all the requirements of this subsection.

67 (c) The local school board shall compensate each school
68 employee serving as a member of the specialized security and
69 threat mitigation team, who meets the qualification requirements
70 of this subsection, a monthly supplement in the amount of Two
71 Hundred Dollars (\$200.00), which may be paid with any funds made
72 available for such purposes. The board is authorized, in its
73 discretion, also to determine any additional financial obligations
74 it will undertake with regard to costs associated with training
75 and purchase of permits for authorized district personnel.

76 (3) The provisions of this section shall not be construed to
77 apply to personnel previously authorized by law or regulation to
78 carry a firearm on school property, including security guards and
79 school resource officers, employed under the authority of Section
80 37-7-321.



81 **SECTION 2.** Section 37-11-29, Mississippi Code of 1972, is
82 amended as follows:

83 37-11-29. (1) Any principal, teacher or other school
84 employee who has knowledge of any unlawful activity which occurred
85 on educational property or during a school related activity or
86 which may have occurred shall report such activity to the
87 superintendent of the school district or his designee who shall
88 notify the appropriate law enforcement officials as required by
89 this section. In the event of an emergency or if the
90 superintendent or his designee is unavailable, any principal may
91 make a report required under this subsection.

92 (2) Whenever any person who shall be an enrolled student in
93 any school or educational institution in this state supported in
94 whole or in part by public funds, or who shall be an enrolled
95 student in any private school or educational institution, is
96 arrested for, and lawfully charged with, the commission of any
97 crime and convicted upon the charge for which he was arrested, or
98 convicted of any crime charged against him after his arrest and
99 before trial, the office or law enforcement department of which
100 the arresting officer is a member, and the justice court judge and
101 any circuit judge or court before whom such student is tried upon
102 said charge or charges, shall make or cause to be made a report
103 thereof to the superintendent or the president or chancellor, as
104 the case may be, of the school district or other educational
105 institution in which such student is enrolled.



106 If the charge upon which such student was arrested, or any
107 other charges preferred against him are dismissed or nol prossed,
108 or if upon trial he is either convicted or acquitted of such
109 charge or charges, same shall be reported to said respective
110 superintendent or president, or chancellor, as the case may be. A
111 copy of said report shall be sent to the Secretary of the Board of
112 Trustees of State Institutions of Higher Learning of the State of
113 Mississippi, at Jackson, Mississippi.

114 Said report shall be made within one (1) week after the
115 arrest of such student and within one (1) week after any charge
116 placed against him is dismissed or nol prossed, and within one (1)
117 week after he shall have pled guilty, been convicted, or have been
118 acquitted by trial upon any charge placed against him. This
119 section shall not apply to ordinary traffic violations involving a
120 penalty of less than Fifty Dollars (\$50.00) and costs.

121 The State Superintendent of Public Education shall gather
122 annually all of the reports provided under this section and
123 prepare a report on the number of students arrested as a result of
124 any unlawful activity which occurred on educational property or
125 during a school related activity. All data must be disaggregated
126 by race, ethnicity, gender, school, offense and law enforcement
127 agency involved. However, the report prepared by the State
128 Superintendent of Public Education shall not include the identity
129 of any student who was arrested.



130 On or before January 1 of each year, the State Superintendent
131 of Public Education shall report to the Governor, the Lieutenant
132 Governor, the Speaker of the House of Representatives and the
133 Joint PEER Committee on this section. The report must include
134 data regarding arrests as a result of any unlawful activity which
135 occurred on educational property or during a school related
136 activity.

137 (3) When the superintendent or his designee has a reasonable
138 belief that an act has occurred on educational property or during
139 a school related activity involving any of the offenses set forth
140 in subsection (6) of this section, the superintendent or his
141 designee shall immediately report the act to the appropriate local
142 law enforcement agency. For purposes of this subsection, "school
143 property" shall include any public school building, bus, public
144 school campus, grounds, recreational area or athletic field in the
145 charge of the superintendent. The State Board of Education shall
146 prescribe a form for making reports required under this
147 subsection. Any superintendent or his designee who fails to make
148 a report required by this section shall be subject to the
149 penalties provided in Section 37-11-35.

150 (4) The law enforcement authority shall immediately dispatch
151 an officer to the educational institution and with probable cause
152 the officer is authorized to make an arrest if necessary as
153 provided in Section 99-3-7.



154 (5) Any superintendent, principal, teacher or other school
155 personnel participating in the making of a required report
156 pursuant to this section or participating in any judicial
157 proceeding resulting therefrom shall be presumed to be acting in
158 good faith. Any person reporting in good faith shall be immune
159 from any civil liability that might otherwise be incurred or
160 imposed.

161 (6) For purposes of this section, "unlawful activity" means
162 any of the following:

163 (a) Possession or use of a deadly weapon, as defined in
164 Section 97-37-1, except that the person be an employee of the
165 school district or charter school who is authorized to carry a
166 concealed weapon under the provisions of Section 1 of this act;

167 (b) Possession, sale or use of any controlled
168 substance;

169 (c) Aggravated assault, as defined in Section 97-3-7;

170 (d) Simple assault, as defined in Section 97-3-7, upon
171 any school employee;

172 (e) Rape, as defined under Mississippi law;

173 (f) Sexual battery, as defined under Mississippi law;

174 (g) Murder, as defined under Mississippi law;

175 (h) Kidnapping, as defined under Mississippi law; or

176 (i) Fondling, touching, handling, etc., a child for
177 lustful purposes, as defined in Section 97-5-23.



178 For the purposes of this subsection (6), the term "controlled
179 substance" does not include the possession or use of medical
180 cannabis that is lawful under the Mississippi Medical Cannabis Act
181 and in compliance with rules and regulations adopted thereunder.

182 **SECTION 3.** Section 45-9-101, Mississippi Code of 1972, is
183 amended as follows:

184 45-9-101. (1) (a) Except as otherwise provided, the
185 Department of Public Safety is authorized to issue licenses to
186 carry stun guns, concealed pistols or revolvers to persons
187 qualified as provided in this section. Such licenses shall be
188 valid throughout the state for a period of five (5) years from the
189 date of issuance, except as provided in subsection (25) of this
190 section. Any person possessing a valid license issued pursuant to
191 this section may carry a stun gun, concealed pistol or concealed
192 revolver.

193 (b) The licensee must carry the license, together with
194 valid identification, at all times in which the licensee is
195 carrying a stun gun, concealed pistol or revolver and must display
196 both the license and proper identification upon demand by a law
197 enforcement officer. A violation of the provisions of this
198 paragraph (b) shall constitute a noncriminal violation with a
199 penalty of Twenty-five Dollars (\$25.00) and shall be enforceable
200 by summons.

201 (2) The Department of Public Safety shall issue a license if
202 the applicant:



203 (a) Is a resident of the state. However, this
204 residency requirement may be waived if the applicant possesses a
205 valid permit from another state, is a member of any active or
206 reserve component branch of the United States of America Armed
207 Forces stationed in Mississippi, is the spouse of a member of any
208 active or reserve component branch of the United States of America
209 Armed Forces stationed in Mississippi, or is a retired law
210 enforcement officer establishing residency in the state;

211 (b) (i) Is twenty-one (21) years of age or older; or

212 (ii) Is at least eighteen (18) years of age but
213 not yet twenty-one (21) years of age and the applicant:

214 1. Is a member or veteran of the United
215 States Armed Forces, including National Guard or Reserve; and

216 2. Holds a valid Mississippi driver's license
217 or identification card issued by the Department of Public Safety
218 or a valid and current tribal identification card issued by a
219 federally recognized Indian tribe containing a photograph of the
220 holder;

221 (c) Does not suffer from a physical infirmity which
222 prevents the safe handling of a stun gun, pistol or revolver;

223 (d) Is not ineligible to possess a firearm by virtue of
224 having been convicted of a felony in a court of this state, of any
225 other state, or of the United States without having been pardoned
226 or without having been expunged for same;



227 (e) Does not chronically or habitually abuse controlled
228 substances to the extent that his normal faculties are impaired.
229 It shall be presumed that an applicant chronically and habitually
230 uses controlled substances to the extent that his faculties are
231 impaired if the applicant has been voluntarily or involuntarily
232 committed to a treatment facility for the abuse of a controlled
233 substance or been found guilty of a crime under the provisions of
234 the Uniform Controlled Substances Law or similar laws of any other
235 state or the United States relating to controlled substances
236 within a three-year period immediately preceding the date on which
237 the application is submitted;

238 (f) Does not chronically and habitually use alcoholic
239 beverages to the extent that his normal faculties are impaired.
240 It shall be presumed that an applicant chronically and habitually
241 uses alcoholic beverages to the extent that his normal faculties
242 are impaired if the applicant has been voluntarily or
243 involuntarily committed as an alcoholic to a treatment facility or
244 has been convicted of two (2) or more offenses related to the use
245 of alcohol under the laws of this state or similar laws of any
246 other state or the United States within the three-year period
247 immediately preceding the date on which the application is
248 submitted;

249 (g) Desires a legal means to carry a stun gun,
250 concealed pistol or revolver to defend himself;



251 (h) Has not been adjudicated mentally incompetent, or
252 has waited five (5) years from the date of his restoration to
253 capacity by court order;

254 (i) Has not been voluntarily or involuntarily committed
255 to a mental institution or mental health treatment facility unless
256 he possesses a certificate from a psychiatrist licensed in this
257 state that he has not suffered from disability for a period of
258 five (5) years;

259 (j) Has not had adjudication of guilt withheld or
260 imposition of sentence suspended on any felony unless three (3)
261 years have elapsed since probation or any other conditions set by
262 the court have been fulfilled;

263 (k) Is not a fugitive from justice; and

264 (l) Is not disqualified to possess a weapon based on
265 federal law.

266 (3) The Department of Public Safety may deny a license if
267 the applicant has been found guilty of one or more crimes of
268 violence constituting a misdemeanor unless three (3) years have
269 elapsed since probation or any other conditions set by the court
270 have been fulfilled or expunction has occurred prior to the date
271 on which the application is submitted, or may revoke a license if
272 the licensee has been found guilty of one or more crimes of
273 violence within the preceding three (3) years. The department
274 shall, upon notification by a law enforcement agency or a court
275 and subsequent written verification, suspend a license or the



276 processing of an application for a license if the licensee or
277 applicant is arrested or formally charged with a crime which would
278 disqualify such person from having a license under this section,
279 until final disposition of the case. The provisions of subsection
280 (7) of this section shall apply to any suspension or revocation of
281 a license pursuant to the provisions of this section.

282 (4) The application shall be completed, under oath, on a
283 form promulgated by the Department of Public Safety and shall
284 include only:

285 (a) The name, address, place and date of birth, race,
286 sex and occupation of the applicant;

287 (b) The driver's license number or social security
288 number of applicant;

289 (c) Any previous address of the applicant for the two
290 (2) years preceding the date of the application;

291 (d) A statement that the applicant is in compliance
292 with criteria contained within subsections (2) and (3) of this
293 section;

294 (e) A statement that the applicant has been furnished a
295 copy of this section and is knowledgeable of its provisions;

296 (f) A conspicuous warning that the application is
297 executed under oath and that a knowingly false answer to any
298 question, or the knowing submission of any false document by the
299 applicant, subjects the applicant to criminal prosecution; and



300 (g) A statement that the applicant desires a legal
301 means to carry a stun gun, concealed pistol or revolver to defend
302 himself.

303 (5) The applicant shall submit only the following to the
304 Department of Public Safety:

305 (a) A completed application as described in subsection
306 (4) of this section;

307 (b) A full-face photograph of the applicant taken
308 within the preceding thirty (30) days in which the head, including
309 hair, in a size as determined by the Department of Public Safety,
310 except that an applicant who is younger than twenty-one (21) years
311 of age must submit a photograph in profile of the applicant;

312 (c) A nonrefundable license fee of Eighty Dollars
313 (\$80.00). Costs for processing the set of fingerprints as
314 required in paragraph (d) of this subsection shall be borne by the
315 applicant. Honorably retired law enforcement officers, disabled
316 veterans and active duty members of the Armed Forces of the United
317 States, and law enforcement officers employed with a law
318 enforcement agency of a municipality, county or state at the time
319 of application for the license, shall be exempt from the payment
320 of the license fee;

321 (d) A full set of fingerprints of the applicant
322 administered by the Department of Public Safety; and

323 (e) A waiver authorizing the Department of Public
324 Safety access to any records concerning commitments of the



325 applicant to any of the treatment facilities or institutions
326 referred to in subsection (2) of this section and permitting
327 access to all the applicant's criminal records.

328 (6) (a) The Department of Public Safety, upon receipt of
329 the items listed in subsection (5) of this section, shall forward
330 the full set of fingerprints of the applicant to the appropriate
331 agencies for state and federal processing.

332 (b) The Department of Public Safety shall forward a
333 copy of the applicant's application to the sheriff of the
334 applicant's county of residence and, if applicable, the police
335 chief of the applicant's municipality of residence. The sheriff
336 of the applicant's county of residence, and, if applicable, the
337 police chief of the applicant's municipality of residence may, at
338 his discretion, participate in the process by submitting a
339 voluntary report to the Department of Public Safety containing any
340 readily discoverable prior information that he feels may be
341 pertinent to the licensing of any applicant. The reporting shall
342 be made within thirty (30) days after the date he receives the
343 copy of the application. Upon receipt of a response from a
344 sheriff or police chief, such sheriff or police chief shall be
345 reimbursed at a rate set by the department.

346 (c) The Department of Public Safety shall, within
347 forty-five (45) days after the date of receipt of the items listed
348 in subsection (5) of this section:

349 (i) Issue the license;



350 (ii) Deny the application based solely on the
351 ground that the applicant fails to qualify under the criteria
352 listed in subsections (2) and (3) of this section. If the
353 Department of Public Safety denies the application, it shall
354 notify the applicant in writing, stating the ground for denial,
355 and the denial shall be subject to the appeal process set forth in
356 subsection (7); or

357 (iii) Notify the applicant that the department is
358 unable to make a determination regarding the issuance or denial of
359 a license within the forty-five-day period prescribed by this
360 subsection, and provide an estimate of the amount of time the
361 department will need to make the determination.

362 (d) In the event a legible set of fingerprints, as
363 determined by the Department of Public Safety and the Federal
364 Bureau of Investigation, cannot be obtained after a minimum of two
365 (2) attempts, the Department of Public Safety shall determine
366 eligibility based upon a name check by the Mississippi Highway
367 Safety Patrol and a Federal Bureau of Investigation name check
368 conducted by the Mississippi Highway Safety Patrol at the request
369 of the Department of Public Safety.

370 (7) (a) If the Department of Public Safety denies the
371 issuance of a license, or suspends or revokes a license, the party
372 aggrieved may appeal such denial, suspension or revocation to the
373 Commissioner of Public Safety, or his authorized agent, within
374 thirty (30) days after the aggrieved party receives written notice



375 of such denial, suspension or revocation. The Commissioner of
376 Public Safety, or his duly authorized agent, shall rule upon such
377 appeal within thirty (30) days after the appeal is filed and
378 failure to rule within this thirty-day period shall constitute
379 sustaining such denial, suspension or revocation. Such review
380 shall be conducted pursuant to such reasonable rules and
381 regulations as the Commissioner of Public Safety may adopt.

382 (b) If the revocation, suspension or denial of issuance
383 is sustained by the Commissioner of Public Safety, or his duly
384 authorized agent pursuant to paragraph (a) of this subsection, the
385 aggrieved party may file within ten (10) days after the rendition
386 of such decision a petition in the circuit or county court of his
387 residence for review of such decision. A hearing for review shall
388 be held and shall proceed before the court without a jury upon the
389 record made at the hearing before the Commissioner of Public
390 Safety or his duly authorized agent. No such party shall be
391 allowed to carry a stun gun, concealed pistol or revolver pursuant
392 to the provisions of this section while any such appeal is
393 pending.

394 (8) The Department of Public Safety shall maintain an
395 automated listing of license holders and such information shall be
396 available online, upon request, at all times, to all law
397 enforcement agencies through the Mississippi Crime Information
398 Center. However, the records of the department relating to
399 applications for licenses to carry stun guns, concealed pistols or



400 revolvers and records relating to license holders shall be exempt
401 from the provisions of the Mississippi Public Records Act of 1983,
402 and shall be released only upon order of a court having proper
403 jurisdiction over a petition for release of the record or records.

404 (9) Within thirty (30) days after the changing of a
405 permanent address, or within thirty (30) days after having a
406 license lost or destroyed, the licensee shall notify the
407 Department of Public Safety in writing of such change or loss.
408 Failure to notify the Department of Public Safety pursuant to the
409 provisions of this subsection shall constitute a noncriminal
410 violation with a penalty of Twenty-five Dollars (\$25.00) and shall
411 be enforceable by a summons.

412 (10) In the event that a stun gun, concealed pistol or
413 revolver license is lost or destroyed, the person to whom the
414 license was issued shall comply with the provisions of subsection
415 (9) of this section and may obtain a duplicate, or substitute
416 thereof, upon payment of Fifteen Dollars (\$15.00) to the
417 Department of Public Safety, and furnishing a notarized statement
418 to the department that such license has been lost or destroyed.

419 (11) A license issued under this section shall be revoked if
420 the licensee becomes ineligible under the criteria set forth in
421 subsection (2) of this section.

422 (12) (a) Except as provided in subsection (25) of this
423 section, no less than ninety (90) days prior to the expiration
424 date of the license, the Department of Public Safety shall mail to



425 each licensee a written notice of the expiration and a renewal
426 form prescribed by the department. The licensee must renew his
427 license on or before the expiration date by filing with the
428 department the renewal form, a notarized affidavit stating that
429 the licensee remains qualified pursuant to the criteria specified
430 in subsections (2) and (3) of this section, and a full set of
431 fingerprints administered by the Department of Public Safety or
432 the sheriff of the county of residence of the licensee. The first
433 renewal may be processed by mail and the subsequent renewal must
434 be made in person. Thereafter every other renewal may be
435 processed by mail to assure that the applicant must appear in
436 person every ten (10) years for the purpose of obtaining a new
437 photograph.

438 (i) Except as provided in this subsection, a
439 renewal fee of Forty Dollars (\$40.00) shall also be submitted
440 along with costs for processing the fingerprints;

441 (ii) Honorably retired law enforcement officers,
442 disabled veterans, active duty members of the Armed Forces of the
443 United States and law enforcement officers employed with a law
444 enforcement agency of a municipality, county or state at the time
445 of renewal, shall be exempt from the renewal fee; and

446 (iii) The renewal fee for a Mississippi resident
447 aged sixty-five (65) years of age or older shall be Twenty Dollars
448 (\$20.00).



449 (b) The Department of Public Safety shall forward the
450 full set of fingerprints of the applicant to the appropriate
451 agencies for state and federal processing. The license shall be
452 renewed upon receipt of the completed renewal application and
453 appropriate payment of fees.

454 (c) A licensee who fails to file a renewal application
455 on or before its expiration date must renew his license by paying
456 a late fee of Fifteen Dollars (\$15.00). No license shall be
457 renewed six (6) months or more after its expiration date, and such
458 license shall be deemed to be permanently expired. A person whose
459 license has been permanently expired may reapply for licensure;
460 however, an application for licensure and fees pursuant to
461 subsection (5) of this section must be submitted, and a background
462 investigation shall be conducted pursuant to the provisions of
463 this section.

464 (13) No license issued pursuant to this section shall
465 authorize any person, except a law enforcement officer as defined
466 in Section 45-6-3 with a distinct license authorized by the
467 Department of Public Safety, to carry a stun gun, concealed pistol
468 or revolver into any place of nuisance as defined in Section
469 95-3-1, Mississippi Code of 1972; any police, sheriff or highway
470 patrol station; any detention facility, prison or jail; any
471 courthouse; any courtroom, except that nothing in this section
472 shall preclude a judge from carrying a concealed weapon or
473 determining who will carry a concealed weapon in his courtroom;



474 any polling place; any meeting place of the governing body of any
475 governmental entity; any meeting of the Legislature or a committee
476 thereof; any school, college or professional athletic event not
477 related to firearms, except nothing in this section shall preclude
478 any school employee authorized under Section 1 of this act from
479 carrying a concealed weapon upon the interior and exterior
480 premises of a school approved by the local school board for the
481 use of specialized security and threat mitigation teams within its
482 schools; any portion of an establishment, licensed to dispense
483 alcoholic beverages for consumption on the premises, that is
484 primarily devoted to dispensing alcoholic beverages; any portion
485 of an establishment in which beer, light spirit product or light
486 wine is consumed on the premises, that is primarily devoted to
487 such purpose; any elementary or secondary school facility, except
488 nothing in this section shall preclude any school employee
489 authorized under Section 1 of this act from carrying a concealed
490 weapon upon the interior and exterior premises of a school
491 approved by the local school board for the use of specialized
492 security and threat mitigation teams within its schools; any
493 junior college, community college, college or university facility
494 unless for the purpose of participating in any authorized
495 firearms-related activity; inside the passenger terminal of any
496 airport, except that no person shall be prohibited from carrying
497 any legal firearm into the terminal if the firearm is encased for
498 shipment, for purposes of checking such firearm as baggage to be



499 lawfully transported on any aircraft; any church or other place of
500 worship, except as provided in Section 45-9-171; or any place
501 where the carrying of firearms is prohibited by federal law. In
502 addition to the places enumerated in this subsection, the carrying
503 of a stun gun, concealed pistol or revolver may be disallowed in
504 any place in the discretion of the person or entity exercising
505 control over the physical location of such place by the placing of
506 a written notice clearly readable at a distance of not less than
507 ten (10) feet that the "carrying of a pistol or revolver is
508 prohibited." No license issued pursuant to this section shall
509 authorize the participants in a parade or demonstration for which
510 a permit is required to carry a stun gun, concealed pistol or
511 revolver.

512 (14) A law enforcement officer as defined in Section 45-6-3,
513 chiefs of police, sheriffs and persons licensed as professional
514 bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of
515 1972, shall be exempt from the licensing requirements of this
516 section.

517 (a) The Commissioner of Public Safety shall promulgate
518 rules and regulations to provide licenses to law enforcement
519 officers as defined in Section 45-6-3 who choose to obtain a
520 license under the provisions of this section, which shall include
521 a distinction that the officer is an "active duty" law enforcement
522 officer and an endorsement that such officer is authorized to
523 carry in the locations listed in subsection (13). A law



524 enforcement officer shall provide the following information to
525 receive the license described in this subsection: (i) a letter,
526 with the official letterhead of the agency or department for which
527 the officer is employed at the time of application and (ii) a
528 letter with the official letterhead of the agency or department,
529 which explains that such officer has completed a certified law
530 enforcement training academy.

531 (b) The licensing requirements of this section do not
532 apply to the carrying by any person of a stun gun, pistol or
533 revolver, knife, or other deadly weapon that is not concealed as
534 defined in Section 97-37-1.

535 (15) Any person who knowingly submits a false answer to any
536 question on an application for a license issued pursuant to this
537 section, or who knowingly submits a false document when applying
538 for a license issued pursuant to this section, shall, upon
539 conviction, be guilty of a misdemeanor and shall be punished as
540 provided in Section 99-19-31, Mississippi Code of 1972.

541 (16) All fees collected by the Department of Public Safety
542 pursuant to this section shall be deposited into a special fund
543 hereby created in the State Treasury and shall be used for
544 implementation and administration of this section. After the
545 close of each fiscal year, the balance in this fund shall be
546 certified to the Legislature and then may be used by the
547 Department of Public Safety as directed by the Legislature.



548 (17) All funds received by a sheriff or police chief
549 pursuant to the provisions of this section shall be deposited into
550 the general fund of the county or municipality, as appropriate,
551 and shall be budgeted to the sheriff's office or police department
552 as appropriate.

553 (18) Nothing in this section shall be construed to require
554 or allow the registration, documentation or providing of serial
555 numbers with regard to any stun gun or firearm.

556 (19) Any person holding a valid unrevoked and unexpired
557 license to carry stun guns, concealed pistols or revolvers issued
558 in another state shall have such license recognized by this state
559 to carry stun guns, concealed pistols or revolvers. The
560 Department of Public Safety is authorized to enter into a
561 reciprocal agreement with another state if that state requires a
562 written agreement in order to recognize licenses to carry stun
563 guns, concealed pistols or revolvers issued by this state.

564 (20) The provisions of this section shall be under the
565 supervision of the Commissioner of Public Safety. The
566 commissioner is authorized to promulgate reasonable rules and
567 regulations to carry out the provisions of this section.

568 (21) For the purposes of this section, the term "stun gun"
569 means a portable device or weapon from which an electric current,
570 impulse, wave or beam may be directed, which current, impulse,
571 wave or beam is designed to incapacitate temporarily, injure,



572 momentarily stun, knock out, cause mental disorientation or
573 paralyze.

574 (22) (a) From and after January 1, 2016, the Commissioner
575 of Public Safety shall promulgate rules and regulations which
576 provide that licenses authorized by this section for honorably
577 retired law enforcement officers and honorably retired
578 correctional officers from the Mississippi Department of
579 Corrections shall (i) include the words "retired law enforcement
580 officer" on the front of the license, and (ii) unless the licensee
581 chooses to have this license combined with a driver's license or
582 identification card under subsection (25) of this section, that
583 the license itself have a red background to distinguish it from
584 other licenses issued under this section.

585 (b) An honorably retired law enforcement officer and
586 honorably retired correctional officer shall provide the following
587 information to receive the license described in this section: (i)
588 a letter, with the official letterhead of the agency or department
589 from which such officer is retiring, which explains that such
590 officer is honorably retired, and (ii) a letter with the official
591 letterhead of the agency or department, which explains that such
592 officer has completed a certified law enforcement training
593 academy.

594 (23) A disabled veteran who seeks to qualify for an
595 exemption under this section shall be required to provide a
596 veterans health services identification card issued by the United



597 States Department of Veterans Affairs indicating a
598 service-connected disability, which shall be sufficient proof of
599 such service-connected disability.

600 (24) A license under this section is not required for a
601 loaded or unloaded pistol or revolver to be carried upon the
602 person in a sheath, belt holster or shoulder holster or in a
603 purse, handbag, satchel, other similar bag or briefcase or fully
604 enclosed case if the person is not engaged in criminal activity
605 other than a misdemeanor traffic offense, is not otherwise
606 prohibited from possessing a pistol or revolver under state or
607 federal law, and is not in a location prohibited under subsection
608 (13) of this section. However, the medical use of medical
609 cannabis by a cardholder who is a registered qualifying patient
610 which is lawful under the provisions of the Mississippi Medical
611 Cannabis Act and in compliance with rules and regulations adopted
612 thereunder shall not disqualify a person under this subsection
613 (24) solely because the person is prohibited from possessing a
614 firearm under 18 USCS Section 922(g)(3) due to such medical use of
615 medical cannabis.

616 (25) An applicant for a license under this section shall
617 have the option of, instead of being issued a separate card for
618 the license, having the license appear as a notation on the
619 individual's driver's license or identification card. If the
620 applicant chooses this option, the license issued under this
621 section shall have the same expiration date as the driver's



622 license or identification card, and renewal shall take place at
623 the same time and place as renewal of the driver's license or
624 identification card. The Commissioner of Public Safety shall have
625 the authority to promulgate rules and regulations which may be
626 necessary to ensure the effectiveness of the concurrent
627 application and renewal processes.

628 **SECTION 4.** Section 97-37-1, Mississippi Code of 1972, is
629 brought forward as follows:

630 97-37-1. (1) Except as otherwise provided in Section
631 45-9-101, any person who carries, concealed on or about one's
632 person, any bowie knife, dirk knife, butcher knife, switchblade
633 knife, metallic knuckles, blackjack, slingshot, pistol, revolver,
634 or any rifle with a barrel of less than sixteen (16) inches in
635 length, or any shotgun with a barrel of less than eighteen (18)
636 inches in length, machine gun or any fully automatic firearm or
637 deadly weapon, or any muffler or silencer for any firearm, whether
638 or not it is accompanied by a firearm, or uses or attempts to use
639 against another person any imitation firearm, shall, upon
640 conviction, be punished as follows:

641 (a) By a fine of not less than One Hundred Dollars
642 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by
643 imprisonment in the county jail for not more than six (6) months,
644 or both, in the discretion of the court, for the first conviction
645 under this section.



646 (b) By a fine of not less than One Hundred Dollars
647 (\$100.00) nor more than Five Hundred Dollars (\$500.00), and
648 imprisonment in the county jail for not less than thirty (30) days
649 nor more than six (6) months, for the second conviction under this
650 section.

651 (c) By confinement in the custody of the Department of
652 Corrections for not less than one (1) year nor more than five (5)
653 years, for the third or subsequent conviction under this section.

654 (d) By confinement in the custody of the Department of
655 Corrections for not less than one (1) year nor more than ten (10)
656 years for any person previously convicted of any felony who is
657 convicted under this section.

658 (2) It shall not be a violation of this section for any
659 person over the age of eighteen (18) years to carry a firearm or
660 deadly weapon concealed within the confines of his own home or his
661 place of business, or any real property associated with his home
662 or business or within any motor vehicle.

663 (3) It shall not be a violation of this section for any
664 person to carry a firearm or deadly weapon concealed if the
665 possessor of the weapon is then engaged in a legitimate
666 weapon-related sports activity or is going to or returning from
667 such activity. For purposes of this subsection, "legitimate
668 weapon-related sports activity" means hunting, fishing, target
669 shooting or any other legal activity which normally involves the
670 use of a firearm or other weapon.



671 (4) For the purposes of this section, "concealed" means
672 hidden or obscured from common observation and shall not include
673 any weapon listed in subsection (1) of this section, including,
674 but not limited to, a loaded or unloaded pistol carried upon the
675 person in a sheath, belt holster or shoulder holster that is
676 wholly or partially visible, or carried upon the person in a
677 scabbard or case for carrying the weapon that is wholly or
678 partially visible.

679 **SECTION 5.** Section 97-37-7, Mississippi Code of 1972, is
680 amended as follows:

681 97-37-7. (1) (a) It shall not be a violation of Section
682 97-37-1 or any other statute for pistols, firearms or other
683 suitable and appropriate weapons to be carried by duly constituted
684 bank guards, company guards, watchmen, railroad special agents or
685 duly authorized representatives who are not sworn law enforcement
686 officers, agents or employees of a patrol service, guard service,
687 or a company engaged in the business of transporting money,
688 securities or other valuables, while actually engaged in the
689 performance of their duties as such, provided that such persons
690 have made a written application and paid a nonrefundable permit
691 fee of One Hundred Dollars (\$100.00) to the Department of Public
692 Safety.

693 (b) No permit shall be issued to any person who has
694 ever been convicted of a felony under the laws of this or any
695 other state or of the United States. To determine an applicant's



696 eligibility for a permit, the person shall be fingerprinted. If
697 no disqualifying record is identified at the state level, the
698 fingerprints shall be forwarded by the Department of Public Safety
699 to the Federal Bureau of Investigation for a national criminal
700 history record check. The department shall charge a fee which
701 includes the amounts required by the Federal Bureau of
702 Investigation and the department for the national and state
703 criminal history record checks and any necessary costs incurred by
704 the department for the handling and administration of the criminal
705 history background checks. In the event a legible set of
706 fingerprints, as determined by the Department of Public Safety and
707 the Federal Bureau of Investigation, cannot be obtained after a
708 minimum of three (3) attempts, the Department of Public Safety
709 shall determine eligibility based upon a name check by the
710 Mississippi Highway Safety Patrol and a Federal Bureau of
711 Investigation name check conducted by the Mississippi Highway
712 Safety Patrol at the request of the Department of Public Safety.

713 (c) A person may obtain a duplicate of a lost or
714 destroyed permit upon payment of a Fifteen Dollar (\$15.00)
715 replacement fee to the Department of Public Safety, if he
716 furnishes a notarized statement to the department that the permit
717 has been lost or destroyed.

718 (d) (i) No less than ninety (90) days prior to the
719 expiration date of a permit, the Department of Public Safety shall
720 mail to the permit holder written notice of expiration together



721 with the renewal form prescribed by the department. The permit
722 holder shall renew the permit on or before the expiration date by
723 filing with the department the renewal form, a notarized affidavit
724 stating that the permit holder remains qualified, and the renewal
725 fee of Fifty Dollars (\$50.00); honorably retired law enforcement
726 officers shall be exempt from payment of the renewal fee. A
727 permit holder who fails to file a renewal application on or before
728 its expiration date shall pay a late fee of Fifteen Dollars
729 (\$15.00).

730 (ii) Renewal of the permit shall be required every
731 four (4) years. The permit of a qualified renewal applicant shall
732 be renewed upon receipt of the completed renewal application and
733 appropriate payment of fees.

734 (iii) A permit cannot be renewed six (6) months or
735 more after its expiration date, and such permit shall be deemed to
736 be permanently expired; the holder may reapply for an original
737 permit as provided in this section.

738 (2) It shall not be a violation of this or any other statute
739 for pistols, firearms or other suitable and appropriate weapons to
740 be carried by Department of Wildlife, Fisheries and Parks law
741 enforcement officers, railroad special agents who are sworn law
742 enforcement officers, investigators employed by the Attorney
743 General, criminal investigators employed by the district
744 attorneys, all prosecutors, public defenders, investigators or
745 probation officers employed by the Department of Corrections,



746 employees of the State Auditor who are authorized by the State
747 Auditor to perform investigative functions, or any deputy fire
748 marshal or investigator employed by the State Fire Marshal, while
749 engaged in the performance of their duties as such, or by fraud
750 investigators with the Department of Human Services, or by judges
751 of the Mississippi Supreme Court, Court of Appeals, circuit,
752 chancery, county, justice and municipal courts, or by coroners, or
753 by school employees authorized under Section 1 as a member of a
754 school's specialized security and threat mitigation team approved
755 by the local school board. Before any person shall be authorized
756 under this subsection to carry a weapon, he shall complete a
757 weapons training course approved by the Board of Law Enforcement
758 Officer Standards and Training. Before any criminal investigator
759 employed by a district attorney shall be authorized under this
760 section to carry a pistol, firearm or other weapon, he shall have
761 complied with Section 45-6-11 or any training program required for
762 employment as an agent of the Federal Bureau of Investigation. A
763 law enforcement officer, as defined in Section 45-6-3, shall be
764 authorized to carry weapons in courthouses in performance of his
765 official duties. A person licensed under Section 45-9-101 to
766 carry a concealed pistol, who (a) has voluntarily completed an
767 instructional course in the safe handling and use of firearms
768 offered by an instructor certified by a nationally recognized
769 organization that customarily offers firearms training, or by any
770 other organization approved by the Department of Public Safety,



771 (b) is a member or veteran of any active or reserve component
772 branch of the United States of America Armed Forces having
773 completed law enforcement or combat training with pistols or other
774 handguns as recognized by such branch after submitting an
775 affidavit attesting to have read, understand and agree to comply
776 with all provisions of the enhanced carry law, or (c) is an
777 honorably retired law enforcement officer or honorably retired
778 member or veteran of any active or reserve component branch of the
779 United States of America Armed Forces having completed law
780 enforcement or combat training with pistols or other handguns,
781 after submitting an affidavit attesting to have read, understand
782 and agree to comply with all provisions of Mississippi enhanced
783 carry law shall also be authorized to carry weapons in courthouses
784 except in courtrooms during a judicial proceeding, and any
785 location listed in subsection (13) of Section 45-9-101, except any
786 place of nuisance as defined in Section 95-3-1, any police,
787 sheriff or highway patrol station or any detention facility,
788 prison or jail. For the purposes of this subsection (2),
789 component branch of the United States Armed Forces includes the
790 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army
791 National Guard, the Army National Guard of the United States, the
792 Air National Guard or the Air National Guard of the United States,
793 as those terms are defined in Section 101, Title 10, United States
794 Code, and any other reserve component of the United States Armed
795 Forces enumerated in Section 10101, Title 10, United States Code.



796 The department shall promulgate rules and regulations allowing
797 concealed pistol permit holders to obtain an endorsement on their
798 permit indicating that they have completed the aforementioned
799 course and have the authority to carry in these locations. This
800 section shall in no way interfere with the right of a trial judge
801 to restrict the carrying of firearms in the courtroom.

802 For purposes of this subsection (2), the following words
803 shall have the meanings described herein, unless the context
804 otherwise requires:

805 (i) "Courthouse" means any building in which a
806 circuit court, chancery court, youth court, municipal court,
807 justice court or any appellate court is located, or any building
808 in which a court of law is regularly held.

809 (ii) "Courtroom" means the actual room in which a
810 judicial proceeding occurs, including any jury room, witness room,
811 judge's chamber, office housing the judge's staff, or similar
812 room. "Courtroom" shall not mean hallways, courtroom entrances,
813 courthouse grounds, lobbies, corridors, or other areas within a
814 courthouse which are generally open to the public for the
815 transaction of business outside of an active judicial proceeding,
816 the grassed areas, cultivated flower beds, sidewalks, parking
817 lots, or other areas contained within the boundaries of the public
818 land upon which the courthouse is located.

819 (3) It shall not be a violation of this or any other statute
820 for pistols, firearms or other suitable and appropriate weapons,



821 to be carried by any out-of-state, full-time commissioned law
822 enforcement officer who holds a valid commission card from the
823 appropriate out-of-state law enforcement agency and a photo
824 identification. The provisions of this subsection shall only
825 apply if the state where the out-of-state officer is employed has
826 entered into a reciprocity agreement with the state that allows
827 full-time commissioned law enforcement officers in Mississippi to
828 lawfully carry or possess a weapon in such other states. The
829 Commissioner of Public Safety is authorized to enter into
830 reciprocal agreements with other states to carry out the
831 provisions of this subsection.

832 **SECTION 6.** Section 97-37-17, Mississippi Code of 1972, is
833 amended as follows:

834 97-37-17. (1) The following definitions apply to this
835 section:

836 (a) "Educational property" shall mean any public or
837 private school building or bus, public or private school campus,
838 grounds, recreational area, athletic field, or other property
839 owned, used or operated by any local school board, school, college
840 or university board of trustees, or directors for the
841 administration of any public or private educational institution or
842 during a school-related activity, and shall include the facility
843 and property of the Oakley Youth Development Center, operated by
844 the Department of Human Services; provided, however, that the term
845 "educational property" shall not include any sixteenth section



846 school land or lieu land on which is not located a school
847 building, school campus, recreational area or athletic field.

848 (b) "Student" shall mean a person enrolled in a public
849 or private school, college or university, or a person who has been
850 suspended or expelled within the last five (5) years from a public
851 or private school, college or university, or a person in the
852 custody of the Oakley Youth Development Center, operated by the
853 Department of Human Services, whether the person is an adult or a
854 minor.

855 (c) "Switchblade knife" shall mean a knife containing a
856 blade or blades which open automatically by the release of a
857 spring or a similar contrivance.

858 (d) "Weapon" shall mean any device enumerated in
859 subsection (2) or (4) of this section.

860 (2) It shall be a felony for any person to possess or carry,
861 whether openly or concealed, any gun, rifle, pistol or other
862 firearm of any kind, or any dynamite cartridge, bomb, grenade,
863 mine or powerful explosive on educational property, except the
864 criminal restriction of carrying a concealed firearm on
865 educational property shall not apply to any school employee
866 authorized under Section 1 as a member of a school's specialized
867 security and threat mitigation team approved by the local school
868 board. However, this subsection does not apply to a BB gun, air
869 rifle or air pistol. Any person violating this subsection shall
870 be guilty of a felony and, upon conviction thereof, shall be fined



871 not more than Five Thousand Dollars (\$5,000.00), or committed to
872 the custody of the State Department of Corrections for not more
873 than three (3) years, or both.

874 (3) It shall be a felony for any person to cause, encourage
875 or aid a minor who is less than eighteen (18) years old to possess
876 or carry, whether openly or concealed, any gun, rifle, pistol or
877 other firearm of any kind, or any dynamite cartridge, bomb,
878 grenade, mine or powerful explosive on educational property.
879 However, this subsection does not apply to a BB gun, air rifle or
880 air pistol. Any person violating this subsection shall be guilty
881 of a felony and, upon conviction thereof, shall be fined not more
882 than Five Thousand Dollars (\$5,000.00), or committed to the
883 custody of the State Department of Corrections for not more than
884 three (3) years, or both.

885 (4) It shall be a misdemeanor for any person to possess or
886 carry, whether openly or concealed, any BB gun, air rifle, air
887 pistol, bowie knife, dirk, dagger, slingshot, leaded cane,
888 switchblade knife, blackjack, metallic knuckles, razors and razor
889 blades (except solely for personal shaving), and any sharp-pointed
890 or edged instrument except instructional supplies, unaltered nail
891 files and clips and tools used solely for preparation of food,
892 instruction and maintenance on educational property. Any person
893 violating this subsection shall be guilty of a misdemeanor and,
894 upon conviction thereof, shall be fined not more than One Thousand



895 Dollars (\$1,000.00), or be imprisoned not exceeding six (6)
896 months, or both.

897 (5) It shall be a misdemeanor for any person to cause,
898 encourage or aid a minor who is less than eighteen (18) years old
899 to possess or carry, whether openly or concealed, any BB gun, air
900 rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded
901 cane, switchblade, knife, blackjack, metallic knuckles, razors and
902 razor blades (except solely for personal shaving) and any
903 sharp-pointed or edged instrument except instructional supplies,
904 unaltered nail files and clips and tools used solely for
905 preparation of food, instruction and maintenance on educational
906 property. Any person violating this subsection shall be guilty of
907 a misdemeanor and, upon conviction thereof, shall be fined not
908 more than One Thousand Dollars (\$1,000.00), or be imprisoned not
909 exceeding six (6) months, or both.

910 (6) It shall not be a violation of this section for any
911 person to possess or carry, whether openly or concealed, any gun,
912 rifle, pistol or other firearm of any kind on educational property
913 if:

914 (a) The person is not a student attending school on any
915 educational property;

916 (b) The firearm is within a motor vehicle; and

917 (c) The person does not brandish, exhibit or display
918 the firearm in any careless, angry or threatening manner.

919 (7) This section shall not apply to:



920 (a) A weapon used solely for educational or
921 school-sanctioned ceremonial purposes, or used in a
922 school-approved program conducted under the supervision of an
923 adult whose supervision has been approved by the school authority;

924 (b) Armed Forces personnel of the United States,
925 officers and soldiers of the militia and National Guard, law
926 enforcement personnel, any private police employed by an
927 educational institution, State Militia or Emergency Management
928 Corps and any guard or patrolman in a state or municipal
929 institution, and any law enforcement personnel or guard at a state
930 juvenile training school, when acting in the discharge of their
931 official duties;

932 (c) Home schools as defined in the compulsory school
933 attendance law, Section 37-13-91;

934 (d) Competitors while participating in organized
935 shooting events;

936 (e) Any person as authorized in Section 97-37-7 while
937 in the performance of his official duties;

938 (f) Any mail carrier while in the performance of his
939 official duties; * * *

940 (g) Any weapon not prescribed by Section 97-37-1 which
941 is in a motor vehicle under the control of a parent, guardian or
942 custodian, as defined in Section 43-21-105, which is used to bring
943 or pick up a student at a school building, school property or
944 school function * * *; or



945 (h) Any school employee authorized under Section 1 as a
946 member of a school's specialized security and threat mitigation
947 team approved by the local school board.

948 (8) All schools shall post in public view a copy of the
949 provisions of this section.

950 **SECTION 7.** Section 37-3-82.1, Mississippi Code of 1972, is
951 brought forward as follows:

952 37-3-82.1. In the event that a public school district is
953 unable to participate in the MCOPS program due to the district's
954 inability to meet the necessary financial requirements of the
955 local fund match, the local school board of that school district
956 may develop a plan for the security of its students, faculty and
957 administration, which must be approved by the State Board of
958 Education and the Mississippi Department of Public Safety prior to
959 its implementation. The local school board may still apply for
960 grants under the MCOPS program for training of security personnel
961 employed by the school district.

962 **SECTION 8.** Section 37-3-83, Mississippi Code of 1972, is
963 brought forward as follows:

964 37-3-83. (1) There is established within the State
965 Department of Education, using only existing staff and resources,
966 a School Safety Grant Program, available to all eligible public
967 school districts, to assist in financing programs to provide
968 school safety. However, no monies from the Temporary Assistance



969 for Needy Families grant may be used for the School Safety Grant
970 Program.

971 (2) The school board of each school district, with the
972 assistance of the State Department of Education School Safety
973 Center, shall adopt a comprehensive local school district school
974 safety plan and shall update the plan on an annual basis.

975 (3) Subject to the extent of appropriations available, the
976 School Safety Grant Program shall offer any of the following
977 specific preventive services, and other additional services
978 appropriate to the most current school district school safety
979 plan:

980 (a) Metal detectors;

981 (b) Video surveillance cameras, communications
982 equipment and monitoring equipment for classrooms, school
983 buildings, school grounds and school buses;

984 (c) Crisis management/action teams responding to school
985 violence;

986 (d) Violence prevention training, conflict resolution
987 training, behavioral stress training and other appropriate
988 training designated by the State Department of Education for
989 faculty and staff; and

990 (e) School safety personnel.

991 (4) Each local school district of this state may annually
992 apply for school safety grant funds subject to appropriations by
993 the Legislature. School safety grants shall include a base grant



994 amount plus an additional amount per student in average daily
995 attendance in the school or school district. The base grant
996 amount and amount per student shall be determined by the State
997 Board of Education, subject to specific appropriation therefor by
998 the Legislature. In order to be eligible for such program, each
999 local school board desiring to participate shall apply to the
1000 State Department of Education by May 31 before the beginning of
1001 the applicable fiscal year on forms provided by the department,
1002 and shall be required to establish a local School Safety Task
1003 Force to involve members of the community in the school safety
1004 effort. The State Department of Education shall determine by July
1005 1 of each succeeding year which local school districts have
1006 submitted approved applications for school safety grants.

1007 (5) As part of the School Safety Grant Program, the State
1008 Department of Education may conduct a pilot program to research
1009 the feasibility of using video camera equipment in the classroom
1010 to address the following:

1011 (a) Determine if video cameras in the classroom reduce
1012 student disciplinary problems;

1013 (b) Enable teachers to present clear and convincing
1014 evidence of a student's disruptive behavior to the student, the
1015 principal, the superintendent and the student's parents; and

1016 (c) Enable teachers to review teaching performance and
1017 receive diagnostic feedback for developmental purposes.



1018 (6) Any local school district may use
1019 audio/visual-monitoring equipment in classrooms, hallways,
1020 buildings, grounds and buses for the purpose of monitoring school
1021 disciplinary problems.

1022 (7) As a component of the comprehensive local school
1023 district school safety plan required under subsection (2) of this
1024 section, the school board of a school district may adopt and
1025 implement a policy addressing sexual abuse of children, to be
1026 known as "Erin's Law Awareness." Any policy adopted under this
1027 subsection may include or address, but need not be limited to, the
1028 following:

1029 (a) Methods for increasing teacher, student and
1030 parental awareness of issues regarding sexual abuse of children,
1031 including knowledge of likely warning signs indicating that a
1032 child may be a victim of sexual abuse;

1033 (b) Educational information for parents or guardians,
1034 which may be included in the school handbook, on the warning signs
1035 of a child being abused, along with any needed assistance,
1036 referral or resource information;

1037 (c) Training for school personnel on child sexual
1038 abuse;

1039 (d) Age-appropriate curriculum for students in
1040 prekindergarten through fifth grade;

1041 (e) Actions that a child who is a victim of sexual
1042 abuse should take to obtain assistance and intervention;



1043 (f) Counseling and resources available for students
1044 affected by sexual abuse; and

1045 (g) Emotional and educational support for a child who
1046 has been abused to enable the child to be successful in school.

1047 (8) As part of the school safety grant program, the State
1048 Department of Education shall establish three (3) pilot programs
1049 in six (6) school districts utilizing an evidence-based curriculum
1050 to provide students in Grades K-5 with skills to manage stress and
1051 anxiety in order for them to be better equipped to handle
1052 challenges in a healthy way and build resiliency. The Mississippi
1053 Department of Mental Health shall be responsible for the selection
1054 of the content of the evidence-based curriculum. The results of
1055 this pilot program shall be measured and reported, and such
1056 results shall be used in consideration of the implementation of
1057 this curriculum statewide.

1058 (9) As a component of the comprehensive local school
1059 district safety plan required under subsection (2) of this
1060 section, beginning in the 2019-2020 school year, the State
1061 Department of Education shall require local school districts to
1062 conduct, every two (2) years, refresher training on mental health
1063 and suicide prevention for all school employees and personnel,
1064 including all cafeteria workers, custodians, teachers and
1065 administrators. The Mississippi Department of Mental Health shall
1066 be responsible for the development and/or selection of the content
1067 of the training, which training shall be provided at no cost to



1068 school employees. School districts shall report completion of the
1069 training to the State Department of Education.

1070 **SECTION 9.** Section 37-7-301, Mississippi Code of 1972, is
1071 brought forward as follows:

1072 37-7-301. The school boards of all school districts shall
1073 have the following powers, authority and duties in addition to all
1074 others imposed or granted by law, to wit:

1075 (a) To organize and operate the schools of the district
1076 and to make such division between the high school grades and
1077 elementary grades as, in their judgment, will serve the best
1078 interests of the school;

1079 (b) To introduce public school music, art, manual
1080 training and other special subjects into either the elementary or
1081 high school grades, as the board shall deem proper;

1082 (c) To be the custodians of real and personal school
1083 property and to manage, control and care for same, both during the
1084 school term and during vacation;

1085 (d) To have responsibility for the erection, repairing
1086 and equipping of school facilities and the making of necessary
1087 school improvements;

1088 (e) To suspend or to expel a pupil or to change the
1089 placement of a pupil to the school district's alternative school
1090 or homebound program for misconduct in the school or on school
1091 property, as defined in Section 37-11-29, on the road to and from
1092 school, or at any school-related activity or event, or for conduct



1093 occurring on property other than school property or other than at
1094 a school-related activity or event when such conduct by a pupil,
1095 in the determination of the school superintendent or principal,
1096 renders that pupil's presence in the classroom a disruption to the
1097 educational environment of the school or a detriment to the best
1098 interest and welfare of the pupils and teacher of such class as a
1099 whole, and to delegate such authority to the appropriate officials
1100 of the school district;

1101 (f) To visit schools in the district, in their
1102 discretion, in a body for the purpose of determining what can be
1103 done for the improvement of the school in a general way;

1104 (g) To support, within reasonable limits, the
1105 superintendent, principal and teachers where necessary for the
1106 proper discipline of the school;

1107 (h) To exclude from the schools students with what
1108 appears to be infectious or contagious diseases; provided,
1109 however, such student may be allowed to return to school upon
1110 presenting a certificate from a public health officer, duly
1111 licensed physician or nurse practitioner that the student is free
1112 from such disease;

1113 (i) To require those vaccinations specified by the
1114 State Health Officer as provided in Section 41-23-37;

1115 (j) To see that all necessary utilities and services
1116 are provided in the schools at all times when same are needed;



1117 (k) To authorize the use of the school buildings and
1118 grounds for the holding of public meetings and gatherings of the
1119 people under such regulations as may be prescribed by said board;

1120 (l) To prescribe and enforce rules and regulations not
1121 inconsistent with law or with the regulations of the State Board
1122 of Education for their own government and for the government of
1123 the schools, and to transact their business at regular and special
1124 meetings called and held in the manner provided by law;

1125 (m) To maintain and operate all of the schools under
1126 their control for such length of time during the year as may be
1127 required;

1128 (n) To enforce in the schools the courses of study and
1129 the use of the textbooks prescribed by the proper authorities;

1130 (o) To make orders directed to the superintendent of
1131 schools for the issuance of pay certificates for lawful purposes
1132 on any available funds of the district and to have full control of
1133 the receipt, distribution, allotment and disbursement of all funds
1134 provided for the support and operation of the schools of such
1135 school district whether such funds be derived from state
1136 appropriations, local ad valorem tax collections, or otherwise.
1137 The local school board shall be authorized and empowered to
1138 promulgate rules and regulations that specify the types of claims
1139 and set limits of the dollar amount for payment of claims by the
1140 superintendent of schools to be ratified by the board at the next
1141 regularly scheduled meeting after payment has been made;



1142 (p) To select all school district personnel in the
1143 manner provided by law, and to provide for such employee fringe
1144 benefit programs, including accident reimbursement plans, as may
1145 be deemed necessary and appropriate by the board;

1146 (q) To provide athletic programs and other school
1147 activities and to regulate the establishment and operation of such
1148 programs and activities;

1149 (r) To join, in their discretion, any association of
1150 school boards and other public school-related organizations, and
1151 to pay from local funds other than minimum foundation funds, any
1152 membership dues;

1153 (s) To expend local school activity funds, or other
1154 available school district funds, other than minimum education
1155 program funds, for the purposes prescribed under this paragraph.
1156 "Activity funds" shall mean all funds received by school officials
1157 in all school districts paid or collected to participate in any
1158 school activity, such activity being part of the school program
1159 and partially financed with public funds or supplemented by public
1160 funds. The term "activity funds" shall not include any funds
1161 raised and/or expended by any organization unless commingled in a
1162 bank account with existing activity funds, regardless of whether
1163 the funds were raised by school employees or received by school
1164 employees during school hours or using school facilities, and
1165 regardless of whether a school employee exercises influence over
1166 the expenditure or disposition of such funds. Organizations shall



1167 not be required to make any payment to any school for the use of
1168 any school facility if, in the discretion of the local school
1169 governing board, the organization's function shall be deemed to be
1170 beneficial to the official or extracurricular programs of the
1171 school. For the purposes of this provision, the term
1172 "organization" shall not include any organization subject to the
1173 control of the local school governing board. Activity funds may
1174 only be expended for any necessary expenses or travel costs,
1175 including advances, incurred by students and their chaperons in
1176 attending any in-state or out-of-state school-related programs,
1177 conventions or seminars and/or any commodities, equipment, travel
1178 expenses, purchased services or school supplies which the local
1179 school governing board, in its discretion, shall deem beneficial
1180 to the official or extracurricular programs of the district,
1181 including items which may subsequently become the personal
1182 property of individuals, including yearbooks, athletic apparel,
1183 book covers and trophies. Activity funds may be used to pay
1184 travel expenses of school district personnel. The local school
1185 governing board shall be authorized and empowered to promulgate
1186 rules and regulations specifically designating for what purposes
1187 school activity funds may be expended. The local school governing
1188 board shall provide (i) that such school activity funds shall be
1189 maintained and expended by the principal of the school generating
1190 the funds in individual bank accounts, or (ii) that such school
1191 activity funds shall be maintained and expended by the



1192 superintendent of schools in a central depository approved by the
1193 board. The local school governing board shall provide that such
1194 school activity funds be audited as part of the annual audit
1195 required in Section 37-9-18. The State Department of Education
1196 shall prescribe a uniform system of accounting and financial
1197 reporting for all school activity fund transactions;

1198 (t) To enter into an energy performance contract,
1199 energy services contract, on a shared-savings, lease or
1200 lease-purchase basis, for energy efficiency services and/or
1201 equipment as provided for in Section 31-7-14;

1202 (u) To maintain accounts and issue pay certificates on
1203 school food service bank accounts;

1204 (v) (i) To lease a school building from an individual,
1205 partnership, nonprofit corporation or a private for-profit
1206 corporation for the use of such school district, and to expend
1207 funds therefor as may be available from any nonminimum program
1208 sources. The school board of the school district desiring to
1209 lease a school building shall declare by resolution that a need
1210 exists for a school building and that the school district cannot
1211 provide the necessary funds to pay the cost or its proportionate
1212 share of the cost of a school building required to meet the
1213 present needs. The resolution so adopted by the school board
1214 shall be published once each week for three (3) consecutive weeks
1215 in a newspaper having a general circulation in the school district
1216 involved, with the first publication thereof to be made not less



1217 than thirty (30) days prior to the date upon which the school
1218 board is to act on the question of leasing a school building. If
1219 no petition requesting an election is filed prior to such meeting
1220 as hereinafter provided, then the school board may, by resolution
1221 spread upon its minutes, proceed to lease a school building. If
1222 at any time prior to said meeting a petition signed by not less
1223 than twenty percent (20%) or fifteen hundred (1500), whichever is
1224 less, of the qualified electors of the school district involved
1225 shall be filed with the school board requesting that an election
1226 be called on the question, then the school board shall, not later
1227 than the next regular meeting, adopt a resolution calling an
1228 election to be held within such school district upon the question
1229 of authorizing the school board to lease a school building. Such
1230 election shall be called and held, and notice thereof shall be
1231 given, in the same manner for elections upon the questions of the
1232 issuance of the bonds of school districts, and the results thereof
1233 shall be certified to the school board. If at least three-fifths
1234 (3/5) of the qualified electors of the school district who voted
1235 in such election shall vote in favor of the leasing of a school
1236 building, then the school board shall proceed to lease a school
1237 building. The term of the lease contract shall not exceed twenty
1238 (20) years, and the total cost of such lease shall be either the
1239 amount of the lowest and best bid accepted by the school board
1240 after advertisement for bids or an amount not to exceed the
1241 current fair market value of the lease as determined by the



1242 averaging of at least two (2) appraisals by certified general
1243 appraisers licensed by the State of Mississippi. The term "school
1244 building" as used in this paragraph (v) (i) shall be construed to
1245 mean any building or buildings used for classroom purposes in
1246 connection with the operation of schools and shall include the
1247 site therefor, necessary support facilities, and the equipment
1248 thereof and appurtenances thereto such as heating facilities,
1249 water supply, sewage disposal, landscaping, walks, drives and
1250 playgrounds. The term "lease" as used in this paragraph (v) (i)
1251 may include a lease-purchase contract;

1252 (ii) If two (2) or more school districts propose
1253 to enter into a lease contract jointly, then joint meetings of the
1254 school boards having control may be held but no action taken shall
1255 be binding on any such school district unless the question of
1256 leasing a school building is approved in each participating school
1257 district under the procedure hereinabove set forth in paragraph
1258 (v) (i). All of the provisions of paragraph (v) (i) regarding the
1259 term and amount of the lease contract shall apply to the school
1260 boards of school districts acting jointly. Any lease contract
1261 executed by two (2) or more school districts as joint lessees
1262 shall set out the amount of the aggregate lease rental to be paid
1263 by each, which may be agreed upon, but there shall be no right of
1264 occupancy by any lessee unless the aggregate rental is paid as
1265 stipulated in the lease contract. All rights of joint lessees



1266 under the lease contract shall be in proportion to the amount of
1267 lease rental paid by each;

1268 (w) To employ all noninstructional and noncertificated
1269 employees and fix the duties and compensation of such personnel
1270 deemed necessary pursuant to the recommendation of the
1271 superintendent of schools;

1272 (x) To employ and fix the duties and compensation of
1273 such legal counsel as deemed necessary;

1274 (y) Subject to rules and regulations of the State Board
1275 of Education, to purchase, own and operate trucks, vans and other
1276 motor vehicles, which shall bear the proper identification
1277 required by law;

1278 (z) To expend funds for the payment of substitute
1279 teachers and to adopt reasonable regulations for the employment
1280 and compensation of such substitute teachers;

1281 (aa) To acquire in its own name by purchase all real
1282 property which shall be necessary and desirable in connection with
1283 the construction, renovation or improvement of any public school
1284 building or structure. Whenever the purchase price for such real
1285 property is greater than Fifty Thousand Dollars (\$50,000.00), the
1286 school board shall not purchase the property for an amount
1287 exceeding the fair market value of such property as determined by
1288 the average of at least two (2) independent appraisals by
1289 certified general appraisers licensed by the State of Mississippi.
1290 If the board shall be unable to agree with the owner of any such



1291 real property in connection with any such project, the board shall
1292 have the power and authority to acquire any such real property by
1293 condemnation proceedings pursuant to Section 11-27-1 et seq.,
1294 Mississippi Code of 1972, and for such purpose, the right of
1295 eminent domain is hereby conferred upon and vested in said board.
1296 Provided further, that the local school board is authorized to
1297 grant an easement for ingress and egress over sixteenth section
1298 land or lieu land in exchange for a similar easement upon
1299 adjoining land where the exchange of easements affords substantial
1300 benefit to the sixteenth section land; provided, however, the
1301 exchange must be based upon values as determined by a competent
1302 appraiser, with any differential in value to be adjusted by cash
1303 payment. Any easement rights granted over sixteenth section land
1304 under such authority shall terminate when the easement ceases to
1305 be used for its stated purpose. No sixteenth section or lieu land
1306 which is subject to an existing lease shall be burdened by any
1307 such easement except by consent of the lessee or unless the school
1308 district shall acquire the unexpired leasehold interest affected
1309 by the easement;

1310 (bb) To charge reasonable fees related to the
1311 educational programs of the district, in the manner prescribed in
1312 Section 37-7-335;

1313 (cc) Subject to rules and regulations of the State
1314 Board of Education, to purchase relocatable classrooms for the use



1315 of such school district, in the manner prescribed in Section
1316 37-1-13;

1317 (dd) Enter into contracts or agreements with other
1318 school districts, political subdivisions or governmental entities
1319 to carry out one or more of the powers or duties of the school
1320 board, or to allow more efficient utilization of limited resources
1321 for providing services to the public;

1322 (ee) To provide for in-service training for employees
1323 of the district;

1324 (ff) As part of their duties to prescribe the use of
1325 textbooks, to provide that parents and legal guardians shall be
1326 responsible for the textbooks and for the compensation to the
1327 school district for any books which are not returned to the proper
1328 schools upon the withdrawal of their dependent child. If a
1329 textbook is lost or not returned by any student who drops out of
1330 the public school district, the parent or legal guardian shall
1331 also compensate the school district for the fair market value of
1332 the textbooks;

1333 (gg) To conduct fund-raising activities on behalf of
1334 the school district that the local school board, in its
1335 discretion, deems appropriate or beneficial to the official or
1336 extracurricular programs of the district; provided that:

1337 (i) Any proceeds of the fund-raising activities
1338 shall be treated as "activity funds" and shall be accounted for as
1339 are other activity funds under this section; and



1340 (ii) Fund-raising activities conducted or
1341 authorized by the board for the sale of school pictures, the
1342 rental of caps and gowns or the sale of graduation invitations for
1343 which the school board receives a commission, rebate or fee shall
1344 contain a disclosure statement advising that a portion of the
1345 proceeds of the sales or rentals shall be contributed to the
1346 student activity fund;

1347 (hh) To allow individual lessons for music, art and
1348 other curriculum-related activities for academic credit or
1349 nonacademic credit during school hours and using school equipment
1350 and facilities, subject to uniform rules and regulations adopted
1351 by the school board;

1352 (ii) To charge reasonable fees for participating in an
1353 extracurricular activity for academic or nonacademic credit for
1354 necessary and required equipment such as safety equipment, band
1355 instruments and uniforms;

1356 (jj) To conduct or participate in any fund-raising
1357 activities on behalf of or in connection with a tax-exempt
1358 charitable organization;

1359 (kk) To exercise such powers as may be reasonably
1360 necessary to carry out the provisions of this section;

1361 (ll) To expend funds for the services of nonprofit arts
1362 organizations or other such nonprofit organizations who provide
1363 performances or other services for the students of the school
1364 district;



1365 (mm) To expend federal No Child Left Behind Act funds,
1366 or any other available funds that are expressly designated and
1367 authorized for that use, to pay training, educational expenses,
1368 salary incentives and salary supplements to employees of local
1369 school districts; except that incentives shall not be considered
1370 part of the local supplement as defined in Section 37-151-5(o),
1371 nor shall incentives be considered part of the local supplement
1372 paid to an individual teacher for the purposes of Section
1373 37-19-7(1). Mississippi Adequate Education Program funds or any
1374 other state funds may not be used for salary incentives or salary
1375 supplements as provided in this paragraph (mm);

1376 (nn) To use any available funds, not appropriated or
1377 designated for any other purpose, for reimbursement to the
1378 state-licensed employees from both in state and out of state, who
1379 enter into a contract for employment in a school district, for the
1380 expense of moving when the employment necessitates the relocation
1381 of the licensed employee to a different geographical area than
1382 that in which the licensed employee resides before entering into
1383 the contract. The reimbursement shall not exceed One Thousand
1384 Dollars (\$1,000.00) for the documented actual expenses incurred in
1385 the course of relocating, including the expense of any
1386 professional moving company or persons employed to assist with the
1387 move, rented moving vehicles or equipment, mileage in the amount
1388 authorized for county and municipal employees under Section
1389 25-3-41 if the licensed employee used his personal vehicle or



1390 vehicles for the move, meals and such other expenses associated
1391 with the relocation. No licensed employee may be reimbursed for
1392 moving expenses under this section on more than one (1) occasion
1393 by the same school district. Nothing in this section shall be
1394 construed to require the actual residence to which the licensed
1395 employee relocates to be within the boundaries of the school
1396 district that has executed a contract for employment in order for
1397 the licensed employee to be eligible for reimbursement for the
1398 moving expenses. However, the licensed employee must relocate
1399 within the boundaries of the State of Mississippi. Any individual
1400 receiving relocation assistance through the Critical Teacher
1401 Shortage Act as provided in Section 37-159-5 shall not be eligible
1402 to receive additional relocation funds as authorized in this
1403 paragraph;

1404 (oo) To use any available funds, not appropriated or
1405 designated for any other purpose, to reimburse persons who
1406 interview for employment as a licensed employee with the district
1407 for the mileage and other actual expenses incurred in the course
1408 of travel to and from the interview at the rate authorized for
1409 county and municipal employees under Section 25-3-41;

1410 (pp) Consistent with the report of the Task Force to
1411 Conduct a Best Financial Management Practices Review, to improve
1412 school district management and use of resources and identify cost
1413 savings as established in Section 8 of Chapter 610, Laws of 2002,
1414 local school boards are encouraged to conduct independent reviews



1415 of the management and efficiency of schools and school districts.
1416 Such management and efficiency reviews shall provide state and
1417 local officials and the public with the following:

1418 (i) An assessment of a school district's
1419 governance and organizational structure;

1420 (ii) An assessment of the school district's
1421 financial and personnel management;

1422 (iii) An assessment of revenue levels and sources;

1423 (iv) An assessment of facilities utilization,
1424 planning and maintenance;

1425 (v) An assessment of food services, transportation
1426 and safety/security systems;

1427 (vi) An assessment of instructional and
1428 administrative technology;

1429 (vii) A review of the instructional management and
1430 the efficiency and effectiveness of existing instructional
1431 programs; and

1432 (viii) Recommended methods for increasing
1433 efficiency and effectiveness in providing educational services to
1434 the public;

1435 (qq) To enter into agreements with other local school
1436 boards for the establishment of an educational service agency
1437 (ESA) to provide for the cooperative needs of the region in which
1438 the school district is located, as provided in Section 37-7-345;



1439 (rr) To implement a financial literacy program for
1440 students in Grades 10 and 11. The board may review the national
1441 programs and obtain free literature from various nationally
1442 recognized programs. After review of the different programs, the
1443 board may certify a program that is most appropriate for the
1444 school districts' needs. If a district implements a financial
1445 literacy program, then any student in Grade 10 or 11 may
1446 participate in the program. The financial literacy program shall
1447 include, but is not limited to, instruction in the same areas of
1448 personal business and finance as required under Section
1449 37-1-3(2) (b). The school board may coordinate with volunteer
1450 teachers from local community organizations, including, but not
1451 limited to, the following: United States Department of
1452 Agriculture Rural Development, United States Department of Housing
1453 and Urban Development, Junior Achievement, bankers and other
1454 nonprofit organizations. Nothing in this paragraph shall be
1455 construed as to require school boards to implement a financial
1456 literacy program;

1457 (ss) To collaborate with the State Board of Education,
1458 Community Action Agencies or the Department of Human Services to
1459 develop and implement a voluntary program to provide services for
1460 a prekindergarten program that addresses the cognitive, social,
1461 and emotional needs of four-year-old and three-year-old children.
1462 The school board may utilize any source of available revenue to
1463 fund the voluntary program. Effective with the 2013-2014 school



1464 year, to implement voluntary prekindergarten programs under the
1465 Early Learning Collaborative Act of 2013 pursuant to state funds
1466 awarded by the State Department of Education on a matching basis;

1467 (tt) With respect to any lawful, written obligation of
1468 a school district, including, but not limited to, leases
1469 (excluding leases of sixteenth section public school trust land),
1470 bonds, notes, or other agreement, to agree in writing with the
1471 obligee that the Department of Revenue or any state agency,
1472 department or commission created under state law may:

1473 (i) Withhold all or any part (as agreed by the
1474 school board) of any monies which such local school board is
1475 entitled to receive from time to time under any law and which is
1476 in the possession of the Department of Revenue, or any state
1477 agency, department or commission created under state law; and

1478 (ii) Pay the same over to any financial
1479 institution, trustee or other obligee, as directed in writing by
1480 the school board, to satisfy all or part of such obligation of the
1481 school district.

1482 The school board may make such written agreement to withhold
1483 and transfer funds irrevocable for the term of the written
1484 obligation and may include in the written agreement any other
1485 terms and provisions acceptable to the school board. If the
1486 school board files a copy of such written agreement with the
1487 Department of Revenue, or any state agency, department or
1488 commission created under state law then the Department of Revenue



1489 or any state agency, department or commission created under state
1490 law shall immediately make the withholdings provided in such
1491 agreement from the amounts due the local school board and shall
1492 continue to pay the same over to such financial institution,
1493 trustee or obligee for the term of the agreement.

1494 This paragraph (tt) shall not grant any extra authority to a
1495 school board to issue debt in any amount exceeding statutory
1496 limitations on assessed value of taxable property within such
1497 school district or the statutory limitations on debt maturities,
1498 and shall not grant any extra authority to impose, levy or collect
1499 a tax which is not otherwise expressly provided for, and shall not
1500 be construed to apply to sixteenth section public school trust
1501 land;

1502 (uu) With respect to any matter or transaction that is
1503 competitively bid by a school district, to accept from any bidder
1504 as a good-faith deposit or bid bond or bid surety, the same type
1505 of good-faith deposit or bid bond or bid surety that may be
1506 accepted by the state or any other political subdivision on
1507 similar competitively bid matters or transactions. This paragraph
1508 (uu) shall not be construed to apply to sixteenth section public
1509 school trust land. The school board may authorize the investment
1510 of any school district funds in the same kind and manner of
1511 investments, including pooled investments, as any other political
1512 subdivision, including community hospitals;



1513 (vv) To utilize the alternate method for the conveyance
1514 or exchange of unused school buildings and/or land, reserving a
1515 partial or other undivided interest in the property, as
1516 specifically authorized and provided in Section 37-7-485;

1517 (ww) To delegate, privatize or otherwise enter into a
1518 contract with private entities for the operation of any and all
1519 functions of nonacademic school process, procedures and operations
1520 including, but not limited to, cafeteria workers, janitorial
1521 services, transportation, professional development, achievement
1522 and instructional consulting services materials and products,
1523 purchasing cooperatives, insurance, business manager services,
1524 auditing and accounting services, school safety/risk prevention,
1525 data processing and student records, and other staff services;
1526 however, the authority under this paragraph does not apply to the
1527 leasing, management or operation of sixteenth section lands.
1528 Local school districts, working through their regional education
1529 service agency, are encouraged to enter into buying consortia with
1530 other member districts for the purposes of more efficient use of
1531 state resources as described in Section 37-7-345;

1532 (xx) To partner with entities, organizations and
1533 corporations for the purpose of benefiting the school district;

1534 (yy) To borrow funds from the Rural Economic
1535 Development Authority for the maintenance of school buildings;

1536 (zz) To fund and operate voluntary early childhood
1537 education programs, defined as programs for children less than



1538 five (5) years of age on or before September 1, and to use any
1539 source of revenue for such early childhood education programs.
1540 Such programs shall not conflict with the Early Learning
1541 Collaborative Act of 2013;

1542 (aaa) To issue and provide for the use of procurement
1543 cards by school board members, superintendents and licensed school
1544 personnel consistent with the rules and regulations of the
1545 Mississippi Department of Finance and Administration under Section
1546 31-7-9; and

1547 (bbb) To conduct an annual comprehensive evaluation of
1548 the superintendent of schools consistent with the assessment
1549 components of paragraph (pp) of this section and the assessment
1550 benchmarks established by the Mississippi School Board Association
1551 to evaluate the success the superintendent has attained in meeting
1552 district goals and objectives, the superintendent's leadership
1553 skill and whether or not the superintendent has established
1554 appropriate standards for performance, is monitoring success and
1555 is using data for improvement.

1556 **SECTION 10.** Section 37-7-301.1, Mississippi Code of 1972, is
1557 brought forward as follows:

1558 37-7-301.1. The school board of a school district may adopt
1559 any orders, resolutions or ordinances with respect to school
1560 district affairs, property and finances which are not inconsistent
1561 with the Mississippi Constitution of 1890, the Mississippi Code of
1562 1972, or any other statute or law of the State of Mississippi.



1563 Except as otherwise provided in this section, the powers granted
1564 to the school boards in this section are complete without the
1565 existence of or reference to any specific authority granted in any
1566 other statute or law of the State of Mississippi. Unless such
1567 actions are specifically authorized by another statute or law of
1568 the State of Mississippi, this section shall not authorize a
1569 school board to: (a) levy taxes of any kind or increase the levy
1570 of any authorized tax; (b) issue bonds of any kind; or (c) enter
1571 into collective bargaining agreements.

1572 **SECTION 11.** This act shall take effect and be in force from
1573 and after July 1, 2023.

