

By: Representative Harness

To: Judiciary B;  
Appropriations

HOUSE BILL NO. 356

1 AN ACT TO ESTABLISH THE SUPPLEMENTAL SALARY PAY FOR LAW  
 2 ENFORCEMENT ACT OF 2023; TO DEFINE CERTAIN TERMS; TO PROVIDE THAT  
 3 ANY CERTIFIED LAW ENFORCEMENT OFFICER WHO HAS BEEN EMPLOYED IN LAW  
 4 ENFORCEMENT FOR AT LEAST A YEAR SHALL BE ENTITLED TO ADDITIONAL  
 5 COMPENSATION IN THE AMOUNT OF SIX HUNDRED DOLLARS PER MONTH; TO  
 6 PROVIDE THAT SUCH SUPPLEMENTAL SALARY SHALL BE PAID BY THE STATE  
 7 OF MISSISSIPPI; TO PROVIDE THAT IF SUCH ADDITIONAL PAY IS DENIED  
 8 TO A LAW ENFORCEMENT OFFICER, THEN SUCH OFFICER SHALL HAVE A  
 9 CERTAIN RIGHT OF APPEAL; TO CREATE A BOARD OF REVIEW TO ADDRESS  
 10 QUESTIONS OF ELIGIBILITY FOR THE SUPPLEMENTAL SALARY; TO CREATE A  
 11 SPECIAL FUND ENTITLED THE "SUPPLEMENTAL SALARY PAY FOR LAW  
 12 ENFORCEMENT FUND"; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** This act shall be known and may be cited as the  
 15 "Supplemental Salary Pay for Law Enforcement Act of 2023."

16 **SECTION 2.** Whenever used in this act, the term:

17 (a) "Law enforcement officer" means any person employed  
 18 full time by the state or any political subdivision thereof, who  
 19 is duly sworn and vested with authority to bear arms and make  
 20 arrests, and whose primary responsibility is the prevention and  
 21 detection of crime, the apprehension of criminals and the  
 22 enforcement of the criminal and traffic laws of this state and/or  
 23 the ordinances of any political subdivision thereof. The term



24 "law enforcement officer" also includes employees of the  
25 Department of Corrections who are designated as law enforcement  
26 officers by the Commissioner of Corrections pursuant to Section  
27 47-5-54, those district attorney criminal investigators who are  
28 designated as law enforcement officers, the acting Commissioner of  
29 Public Safety, the acting Director of Mississippi Bureau of  
30 Narcotics, the acting Director of the Office of Homeland Security,  
31 and any employee of the Department of Public Safety designated by  
32 the commissioner who has previously served as a law enforcement  
33 officer and who would not otherwise be disqualified to serve in  
34 such capacity. However, the term "law enforcement officer" shall  
35 not mean or include any elected official or any person employed as  
36 a legal assistant to a district attorney in this state, compliance  
37 agents of the State Board of Pharmacy, or any person or elected  
38 official who, subject to approval by the board, provides some  
39 criminal justice related services for a law enforcement agency.

40 (b) "Employed full time" means any person, other than a  
41 deputy sheriff or municipal law enforcement officer, who is  
42 receiving gross compensation for his or her duties as a law  
43 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more  
44 per week or One Thousand Seventy-five Dollars (\$1,075.00) or more  
45 per month; for a deputy sheriff or municipal law enforcement  
46 officer, the term "employed full time" means a deputy sheriff or  
47 municipal law enforcement officer who is receiving gross  
48 compensation for his or her duties as a law enforcement officer of



49 Four Hundred Seventy-five Dollars (\$475.00) or more per week or  
50 Two Thousand Fifty Dollars (\$2,050.00) or more per month.

51 (c) "Certified law enforcement officer" means any  
52 officer who has been certified by the Mississippi Board on Law  
53 Enforcement Officer Standards and Training.

54 **SECTION 3.** (1) In addition to the compensation now paid by  
55 any law enforcement agency of the state or any law enforcement  
56 agency of a political subdivision of the state that employs one or  
57 more certified law enforcement officers on a full-time basis and  
58 who have been employed for a minimum of one (1) year with such  
59 agency shall be paid by the state extra compensation in the amount  
60 of Six Hundred Dollars (\$600.00) per month for each full-time law  
61 enforcement officer and such payment shall be in addition to the  
62 compensation now paid to him or her by his or her employer out of  
63 self-generated revenue attributable to the agency employing such  
64 officers.

65 (2) If any certified law enforcement officer employed on a  
66 full-time basis transfers or begins employment with any other law  
67 enforcement agency, the officer shall receive credit for prior  
68 service with any such agency.

69 (3) Any law enforcement agency of the state or any law  
70 enforcement agency of a political subdivision of the state shall  
71 disclose, in writing, at the time the law enforcement officer is  
72 hired that such state supplemental pay is entitled to be received  
73 by an officer after completing one (1) year of service.



74 (4) Notwithstanding any other provision of law to the  
75 contrary, no law enforcement agency of the state or any law  
76 enforcement agency of a political subdivision of the state shall  
77 be subject to penalty for reducing the portion of the salary that  
78 represents the state supplemental pay of any law enforcement  
79 officer whose salary has been enhanced pursuant to this act for  
80 one year by an amount not exceeding the amount of such  
81 enhancement.

82 **SECTION 4.** (1) In the event the additional pay authorized  
83 under this act is denied to any person previously receiving the  
84 same, such person shall have the right to an appeal to the board  
85 of review, created under Section 13 of this act, which may  
86 reinstate the additional pay, provided notice of such appeal is  
87 filed in writing with the board within thirty (30) days following  
88 the denial of the additional pay. The board shall hold a hearing  
89 and render a decision within thirty (30) days of the filing of the  
90 notice of appeal.

91 (2) Notwithstanding any law to the contrary, any person who  
92 receives additional pay out of state funds as provided for under  
93 this act shall continue to receive such additional state pay  
94 during any period of disability resulting from an injury sustained  
95 in the line of duty. The additional pay out of state funds shall  
96 continue to be paid to such person until such time that such  
97 person is determined to be permanently disabled and no longer able  
98 to return and perform the duties of his or her employment and is



99 separated from his or her employment either through normal  
100 retirement or is determined to be eligible for disability  
101 retirement benefits.

102 **SECTION 5.** For purposes of this act the following classes of  
103 persons, whether or not duly commissioned as law enforcement  
104 officers or having the power to make arrests, shall not be deemed  
105 to be a law enforcement officer entitled to additional pay out of  
106 state funds:

107 (a) Personnel employed primarily to perform purely  
108 clerical or nonenforcement duties, including, but not necessarily  
109 restricted to, the following types of duties of persons:

110 typographical; office machine operators; switchboard operators;  
111 filing clerks; steno clerks; stenographers; dog pound keepers;  
112 school crossing guards; and secretaries except those classified  
113 under the municipal fire and police civil service law and those  
114 classified as secretary to the chief of police in a classified  
115 municipal police employees civil service system or a classified  
116 municipal employees civil service system created by legislative  
117 act.

118 (b) Personnel whose compensation for the performance of  
119 law enforcement work is not paid solely from municipal or tribal  
120 funds, except town marshals, city marshals, and constables  
121 employed and paid partially by the municipality or tribe and  
122 partially by the parish; or



123 (c) Personnel employed as law enforcement officers on  
124 less than a full-time basis or on an hourly basis.

125 **SECTION 6.** Notwithstanding any law to the contrary, the  
126 state shall not be liable for any action of the officers based on  
127 the payments of the supplemental pay provided for under this act.

128 **SECTION 7.** For the payment of the supplemental salaries  
129 provided under this act, there is hereby created a special fund in  
130 the State Treasury, to be known as the "Supplemental Salary Pay  
131 for Law Enforcement Fund." The fund shall consist of monies  
132 appropriated by an act of the Legislature, to which the  
133 appropriations hereinafter made shall be credited, and the funds  
134 so credited shall be and remain dedicated to the payment of such  
135 supplemental salaries, as provided under this act.

136 **SECTION 8.** (1) The funds appropriated and dedicated as  
137 herein provided shall be disbursed upon warrants approved and  
138 certified by any law enforcement agency of the state or any law  
139 enforcement agency of a political subdivision of the state of the  
140 respective agencies of law enforcement officers under the  
141 provisions of this act, and the warrants shall have attached to  
142 them a detailed list of the names of the individuals for whose  
143 benefit any particular warrant is drawn and such other information  
144 as the Department of Finance and Administration may require.

145 (2) If a person who is required to sign a warrant fails to  
146 sign it, the person shall forward by certified mail to the  
147 Department of Finance and Administration a letter which includes a



148 justification for the failure to sign the warrant and supporting  
149 documentation. The board of review may approve a warrant that  
150 does not include all required signatures.

151 **SECTION 9.** Any law enforcement agency of the state or any  
152 law enforcement agency of a political subdivision of the state  
153 shall forward the approved and certified warrants to the  
154 Department of Finance and Administration and, on the basis of such  
155 warrants, the Department of Finance and Administration shall issue  
156 payments in accordance with the provisions of this act.

157 **SECTION 10.** Any law enforcement agency of the state or any  
158 law enforcement agency of a political subdivision of the state  
159 employing the individuals entitled to additional compensation from  
160 the state under the provisions of this act and who is charged with  
161 the responsibility of preparing the payrolls for such individuals,  
162 shall include the additional compensation paid by the state to  
163 such individuals in the calculation and deduction from the pay of  
164 such individuals the sums required by state or federal law to be  
165 withheld by an employer, such as federal income tax and social  
166 security tax or contributions to state or local retirement  
167 systems. Any officials so charged with withholding sums from the  
168 pay of the individuals shall be further charged with the  
169 responsibility of transmitting the sums so withheld in accordance  
170 with the law or laws requiring the withholding.

171 **SECTION 11.** The additional compensation paid by the state to  
172 individuals as authorized under this act shall be included in the



173 calculation and computation of the total wages paid to the  
174 individual in the determination of employer contributions to any  
175 retirement system or pension fund of which the individual may be a  
176 member as well as in the determination of retirement eligibility  
177 and benefits which may accrue to the individual under any  
178 retirement system or pension fund, as well as in the determination  
179 of any other employee benefits, sick leave, or disability pay to  
180 which the individual might be entitled with the exception of  
181 workers' compensation benefits.

182        **SECTION 12.** Any reduction of the salary of any individual,  
183 which salary is in effect on July 1, 2023, whether by the  
184 governing authority or by any pay plan under the provisions of any  
185 civil service law, or otherwise, shall be void where it is made  
186 solely by reason of the additional compensation by the state under  
187 this act. Any appropriation made by the Legislature which results  
188 in a salary adjustment to the state supplemental pay program under  
189 this act shall not have the effect of reducing or replacing any  
190 base salary or benefits paid by the local governing authority from  
191 other sources.

192        **SECTION 13.** (1) There is hereby created a board of review  
193 which shall be composed of nine (9) members as follows:

194               (a) The Executive Director of the Department of Finance  
195 and Administration or his or her designee.

196               (b) A member of the Mississippi Association of Chiefs  
197 of Police, appointed by the president of the association.





198 (c) The Executive Director of the Department of Public  
199 Safety or his or her designee.

200 (d) A member of the Mississippi Law Enforcement  
201 Officer's Association, appointed by the association's president.

202 (e) A member of the Mississippi Board on Officer Law  
203 Enforcement Officer Standards and Training, appointed by the  
204 Governor.

205 (f) A member of the Mississippi Municipal League,  
206 appointed by the executive director of the league.

207 (g) A member of the Mississippi Constables Association,  
208 appointed by the president of the association.

209 (h) A member of the Mississippi Sheriffs' Association,  
210 appointed by the president of the association.

211 (i) A member of the Mississippi State Troopers  
212 Association, appointed by the Governor.

213 (2) Members of the board of review shall serve for terms of  
214 four (4) years, with no member being appointed for more than three  
215 (3) consecutive terms. Vacancies on the board of review shall be  
216 filled by appointment in like manner for the balance of the  
217 unexpired term and each member shall serve until his or her  
218 successor is appointed in like manner for the balance of an  
219 unexpired term and each member shall serve until his or her  
220 successor is appointed.

221 (3) Whenever any question arises as to the eligibility of  
222 any person to receive additional pay out of state funds as



223 provided under this act, the question thereof, together with all  
224 of the facts relating thereto, shall be submitted to the board of  
225 review, created under this section, for determination, and the  
226 decision of the board with regard to eligibility shall be final.

227 (4) If it is determined by the board of review, as  
228 established by this section, that supplemental salaries are due to  
229 eligible recipients for back periods of time, the board shall  
230 certify to the Joint Legislative Budget Committee that such  
231 payment is due. Upon receipt of such certification, the Joint  
232 Legislative Budget Committee may, in its discretion, approve  
233 payment of all or a portion of such supplemental salary from the  
234 special fund created under Section 7 of this act; however, no  
235 payment shall be made to any one recipient in excess of Ten  
236 Thousand Dollars (\$10,000.00) at any one time.

237 **SECTION 14.** This act shall take effect and be in force from  
238 and after July 1, 2023.

