

By: Representative Crudup

To: Judiciary B

HOUSE BILL NO. 890

1 AN ACT TO AMEND SECTIONS 21-21-3 AND 19-25-13, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE EACH SHERIFF OR POLICE OFFICER TO HAVE AT  
3 LEAST ONE LESS-LETHAL FORCE OPTION MADE AVAILABLE TO SUCH SHERIFF  
4 OR POLICE OFFICER WHILE ON DUTY; AND FOR RELATED PURPOSES.

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

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

8 21-21-3. (1) The governing authorities of municipalities  
9 shall have the power and authority to employ, regulate and support  
10 a sufficient police force or night marshals, to define the duties  
11 thereof, and to furnish and supply all suitable and necessary  
12 equipment therefor.

13 (2) The equipment provided for under subsection (1) of  
14 this section shall include for each police officer, but is not  
15 limited to, at least one (1) less-lethal force option such as a  
16 stun gun, baton or pepper spray. The equipment described under  
17 this subsection shall be made available to an officer while he or  
18 she is on duty.



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

21           19-25-13. The sheriff shall, at the July meeting of the  
22 board of supervisors, submit a budget of estimated expenses of his  
23 office for the ensuing fiscal year beginning October 1 in such  
24 form as shall be prescribed by the Director of the State  
25 Department of Audit. The board shall examine this proposed budget  
26 and determine the amount to be expended by the sheriff in the  
27 performance of his duties for the fiscal year and may increase or  
28 reduce that amount as it deems necessary and proper.

29           The budget shall include amounts for compensating the  
30 deputies and other employees of the sheriff's office, for  
31 insurance providing protection for the sheriff and his deputies in  
32 case of disability, death and other similar coverage, for travel  
33 and transportation expenses of the sheriff and deputies, for  
34 feeding prisoners and inmates of the county jail, and for any  
35 other expenses that may be incurred in the performance of the  
36 duties of the office of sheriff. Such other expenses shall  
37 include for each sheriff and deputy sheriff at least one (1)  
38 less-lethal force option such as a stun gun, baton or pepper spray  
39 that shall be made available to each sheriff and deputy sheriff  
40 while he or she is on duty. In addition, the budget shall include  
41 amounts for the payment of premiums on bonds and insurance for the  
42 sheriff and his deputies which, in the opinion of the board of  
43 supervisors, are deemed necessary to protect the interests of the



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



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

77           The board of supervisors may acquire one or more credit cards  
78 that may be used by the sheriff and his deputies to pay expenses  
79 incurred by them when traveling in or out of state in the  
80 performance of their official duties. The chancery clerk or  
81 county purchase clerk shall maintain complete records of all  
82 credit card numbers and all receipts and other documents relating  
83 to the use of those credit cards. The sheriff shall furnish  
84 receipts for the use of the credit cards each month to the  
85 chancery clerk or purchase clerk who shall submit a written report  
86 monthly to the board of supervisors, which report shall include an  
87 itemized list of all expenditures and use of the credit cards for  
88 the month, and the expenditures may be allowed for payment by the  
89 county in the same manner as other items on the claims docket.  
90 The issuance of a credit card to a sheriff or his deputy under the  
91 provisions of this section shall not be construed to authorize the



92 sheriff or deputy sheriff to use the credit card to make any  
93 expenditure that is not otherwise authorized by law.

94 The board of supervisors is hereby authorized and empowered,  
95 in its discretion, to appropriate and pay a sum not to exceed One  
96 Thousand Dollars (\$1,000.00) annually as a clothing allowance to  
97 each plainclothes investigator employed by the sheriff's office of  
98 that county. The board of supervisors of any county bordering on  
99 the Gulf of Mexico and having a population of more than thirty-one  
100 thousand seven hundred (31,700) but less than thirty-one thousand  
101 eight hundred (31,800) according to the 1990 Federal Census may  
102 appropriate and pay a sum not to exceed One Thousand Dollars  
103 (\$1,000.00) annually as a clothing allowance to the administrator  
104 of the county jail.

105 The board of supervisors shall, at its first meeting of each  
106 quarter beginning on October 1, January 1, April 1 and July 1,  
107 appropriate a lump sum for the sheriff for the expenses of his  
108 office during the current quarter. The quarterly appropriation  
109 shall be one-fourth (1/4) of the amount approved in the annual  
110 budget unless the sheriff requests a different amount. Except in  
111 case of emergency, as provided in the county budget law, the  
112 appropriation for the quarter beginning in October of the last  
113 year of the sheriff's term shall not exceed one-fourth (1/4) of  
114 the annual budget.

115 The sheriff shall file a report of all expenses of his office  
116 incurred during the preceding month with the board of supervisors



117 for approval at its regular monthly meeting in a form to be  
118 prescribed by the Director of the State Department of Audit, and  
119 upon filing thereof, and approval by the board, the clerk of the  
120 board shall issue warrants in payment thereof but not to exceed  
121 the budget appropriation for that quarter. Any appropriated funds  
122 that are unexpended at the end of the fiscal year shall remain in  
123 the county general fund.

124 The budget for the sheriff's office may be revised at any  
125 regular meeting by the board of supervisors. Upon recommendation  
126 of the sheriff, the board may at any regular meeting make  
127 supplemental appropriations to the sheriff's office.

128 Any fees previously required to be paid by a sheriff shall be  
129 paid by the board of supervisors by including the estimates  
130 therefor in the sheriff's budget. All fees and charges for  
131 services heretofore collected by sheriffs shall be collected by  
132 the sheriff and paid monthly into the general fund of the  
133 concerned county. However, any fees heretofore collected by those  
134 sheriffs from the county shall not be paid.

135 **SECTION 3.** This act shall take effect and be in force from  
136 and after July 1, 2023.

