

By: Representative Carpenter

To: Judiciary B;
Transportation

HOUSE BILL NO. 1037

1 AN ACT TO AMEND SECTIONS 63-3-519 AND 45-3-21, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE COMMERCIAL TRANSPORTATION
3 ENFORCEMENT DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY TO
4 OPERATE RADAR SPEED DETECTION EQUIPMENT UPON ANY PUBLIC STREET,
5 ROAD, HIGHWAY OR RIGHT OF WAY OF THIS STATE FOR THE SOLE PURPOSE
6 OF ENFORCING ALL OF THE TRAFFIC LAWS, RULES AND REGULATIONS
7 APPLICABLE TO COMMERCIAL VEHICLES; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 63-3-519, Mississippi Code of 1972, is
10 amended as follows:

11 63-3-519. (1) It shall be unlawful for any person or peace
12 officer or law enforcement agency, except the Mississippi Highway
13 Safety Patrol, to purchase or use or allow to be used any type of
14 radar speed detection equipment upon any public street, road or
15 highway of this state. However, such equipment may be used:

16 (a) By municipal law enforcement officers within a
17 municipality having a population of two thousand (2,000) or more
18 according to the latest or a previous federal decennial census
19 upon the public streets of the municipality, but in no case where



20 the latest federal census population for the municipality is less
21 than one thousand five hundred (1,500);

22 (b) By any college or university campus police force
23 within the confines of any campus wherein more than two thousand
24 (2,000) students are enrolled;

25 (c) By municipal law enforcement officers in any
26 municipality having a population in excess of fifteen thousand
27 (15,000) according to the latest federal decennial census on
28 federally designated highways lying within the corporate
29 limits * * *; and

30 (d) By law enforcement officers withing the Commercial
31 Transportation Enforcement Division within the Department of
32 Public Safety upon any public street, road, highway or
33 right-of-way of this state for the sole purpose of enforcing all
34 of the traffic laws, rules and regulations applicable to
35 commercial vehicles, as defined in Section 63-19-3, operated
36 within this state.

37 (2) The Mississippi Highway Safety Patrol shall be
38 immediately notified by municipal law enforcement of any road
39 blockages or emergencies occurring on any federally designated
40 limited-access highways lying within the corporate limits.

41 **SECTION 2.** Section 45-3-21, Mississippi Code of 1972, is
42 amended as follows:



43 45-3-21. (1) The powers and duties of the Highway Safety
44 Patrol shall be, in addition to all others prescribed by law, as
45 follows:

46 (a) To enforce all of the traffic laws, rules and
47 regulations of the State of Mississippi upon all highways of the
48 state highway system and the rights-of-way of such highways;
49 provided, however, that if any person commits an offense upon the
50 state highway system and be pursued by a member of the Highway
51 Safety Patrol, such patrol officer may pursue and apprehend such
52 offender upon any of the highways or public roads of this state,
53 or to any other place to which such offender may flee.

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

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

59 (d) Upon the request of the Department of Revenue, and
60 with the approval of the Governor, to enforce all of the
61 provisions of law with reference to the registration, license and
62 taxation of vehicles using the highways of this state, and
63 relative to the sizes, weights and load limits of such vehicles,
64 and to enforce the provisions of all other laws administered by
65 the Department of Revenue upon any of the highways or public roads
66 of this state; and for such purpose the Highway Safety Patrol
67 shall have the authority to collect and receive all taxes which



68 may be due under any of such laws, and to report and remit same to
69 the Department of Revenue in the manner required by law, or the
70 rules and regulations of the Department of Revenue.

71 (e) * * * To authorize the Commercial Transportation
72 Enforcement Division within the Department of Public Safety, and
73 when so instructed by the commissioner, to enforce the Mississippi
74 Motor Carrier Regulatory Law of 1938 and rules and regulations
75 promulgated thereunder, including the authority to operate radar
76 speed detection equipment, as provided in Section 63-3-519, to
77 enforce all of the traffic laws, rules and regulations applicable
78 to commercial vehicles, as defined in Section 63-19-3, operated
79 within this state.

80 (f) To arrest without warrant any person or persons
81 committing or attempting to commit any misdemeanor, felony or
82 breach of the peace within their presence or view, and to pursue
83 and so arrest any person committing such an offense to and at any
84 place in the State of Mississippi where he may go or be. Nothing
85 herein shall be construed as granting the Mississippi Highway
86 Safety Patrol general police powers.

87 (g) To aid and assist any law enforcement officer whose
88 life or safety is in jeopardy. Additionally, officers of the
89 Highway Safety Patrol may arrest without warrant any fugitive from
90 justice who has escaped or who is using the highways of the state
91 in an attempt to flee. With the approval of the commissioner or
92 his designee, officers of the Highway Safety Patrol may assist



93 other law enforcement agencies in manhunts for convicted felons
94 who have escaped and/or for alleged felons where there is probable
95 cause to believe that the person being sought committed the felony
96 and a felony had actually been committed.

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

99 (i) Upon request of the sheriff or his designee, or
100 board of supervisors of any county or the chief of police or mayor
101 of any municipality, and when so instructed by the commissioner or
102 his designee, to respond to calls for assistance in a law
103 enforcement incident; such request and action shall be noted and
104 clearly reflected on the radio logs of both the Mississippi
105 Highway Safety Patrol district substation and that of the
106 requesting agency, entered on the local NCIC terminal, if
107 available, and a request in writing shall follow within
108 forty-eight (48) hours. Additionally, the time of commencement
109 and termination of the specific law enforcement incident shall be
110 clearly noted on the radio logs of both law enforcement agencies.

111 (2) The Legislature declares that the primary law
112 enforcement officer in any county in the State of Mississippi is
113 the duly qualified and elected sheriff thereof, but for the
114 purposes of this subsection there is hereby vested in the
115 Department of Public Safety, in addition to the powers hereinabove
116 mentioned and the other provisions of this section under the terms
117 and limitations hereinafter mentioned and for the purpose of



118 insuring domestic tranquility and for the purpose of preventing or
119 suppressing, or both, crimes of violence, acts and conduct
120 calculated to, or which may, provoke or lead to violence and/or
121 incite riots, mobs, mob violence, a breach of the peace, and acts
122 of intimidation or terror, the powers and duties to include the
123 enforcement of all the laws of the State of Mississippi relating
124 to such purposes, to investigate any violation of the laws of the
125 State of Mississippi and to aid in the arrest and prosecution of
126 persons charged with violating the laws of the State of
127 Mississippi which relate to such purposes. Investigators of the
128 Bureau of Investigation of the Department of Public Safety shall
129 have general police powers to enforce all the laws of the State of
130 Mississippi. All officers of the Department of Public Safety
131 charged with the enforcement of the laws administered by that
132 agency, for the purposes herein set forth, shall have full power
133 to investigate, prevent, apprehend and arrest law violators
134 anywhere in the state, and shall be vested with the power of
135 general police officers in the performance of their duties. The
136 officers of the Department of Public Safety are authorized and
137 empowered to carry and use firearms and other weapons deemed
138 necessary in the discharge of their duties as such and are also
139 empowered to serve warrants and subpoenas issued under the
140 authority of the State of Mississippi. The Governor shall be
141 authorized to offer and pay suitable rewards to persons aiding in
142 the investigation, apprehension and conviction of persons charged



143 with acts of violence, or threats of violence or intimidation or
144 acts of terrorism. The additional powers herein granted to or
145 vested in the Department of Public Safety or any of its officers
146 or employees by this section, excepting investigating powers, and
147 those powers of investigators who shall have general police power,
148 being the investigators in the Bureau of Investigation of the
149 Department of Public Safety, shall not be exercised by the
150 Department of Public Safety, or any of its officers or employees,
151 except upon authority and direction of the Governor or Acting
152 Governor, by proclamation duly signed, in the following instances,
153 to wit:

154 (a) When requested by the sheriff or board of
155 supervisors of any county or the mayor of any municipality on the
156 grounds that mob violence, crimes of violence, acts and conduct of
157 terrorism, riots or acts of intimidation, or either, calculated to
158 or which may provoke violence or incite riots, mobs, mob violence,
159 violence, or lead to any breach of the peace, or either, and acts
160 of intimidation or terror are anticipated, and when such acts or
161 conduct in the opinion of the Governor or Acting Governor would
162 provoke violence or any of the foregoing acts or conduct set out
163 in this subsection, and the sheriff or mayor, as the case may be,
164 lacks adequate police force to prevent or suppress the same.

165 (b) Acting upon evidence submitted to him by the
166 Department of Public Safety, or other investigating agency
167 authorized by the Governor or Acting Governor to make such



168 investigations, because of the failure or refusal of the sheriff
169 of any county or mayor of any municipality to take action or
170 employ such means at his disposal, to prevent or suppress the
171 acts, conduct or offenses provided for in subsection (1) of this
172 section, the Governor or Acting Governor deems it necessary to
173 invoke the powers and authority vested in the Department of Public
174 Safety.

175 (c) The Governor or Acting Governor is hereby
176 authorized and empowered to issue his proclamation invoking the
177 powers and authority vested by this paragraph, as provided in
178 paragraphs (a) and (b) of this subsection, and when the Governor
179 or Acting Governor issues said proclamation in accordance
180 herewith, said proclamation shall become effective upon the
181 signing thereof and shall continue in full force and effect for a
182 period of ninety (90) days, or for a shorter period if otherwise
183 ordered by the Governor or Acting Governor. At the signing of the
184 proclamation by the Governor or Acting Governor, the Department of
185 Public Safety and its officers and employees shall thereupon be
186 authorized to exercise the additional power and authority vested
187 in them by this paragraph. The Governor and Acting Governor may
188 issue additional proclamations for periods of ninety (90) days
189 each under the authority of paragraphs (a) and (b) of this
190 subsection (2).



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

194 (4) It is not the intention of this section to vest the wide
195 powers and authority herein provided for, as general powers of the
196 Department of Public Safety, and the same are not hereby so
197 vested, but to limit these general powers to cases and incidents
198 wherein it is deemed necessary to prevent or suppress the offenses
199 and conditions herein mentioned in this and other subsections of
200 this section, and under the terms and conditions hereinabove
201 enumerated, it being the sense of the Legislature that the prime
202 duties of the Department of Public Safety are to patrol the
203 highways of this state and enforce the highway safety laws.

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

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

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

