

By: Representative Ladner

To: Public Health and Human Services

HOUSE BILL NO. 1282

1 AN ACT TO CREATE NEW SECTION 41-9-41, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE THE GOVERNING BOARD OF A PRIVATELY OWNED
3 HOSPITAL TO ESTABLISH A HOSPITAL POLICE DEPARTMENT IF THE HOSPITAL
4 WAS PREVIOUSLY PUBLICLY OWNED AND HAD AN ESTABLISHED POLICE
5 DEPARTMENT AT THE TIME THAT IT WAS PUBLICLY OWNED; TO AUTHORIZE
6 THE GOVERNING BOARD OF A PRIVATELY OWNED HOSPITAL TO APPOINT
7 QUALIFIED INDIVIDUALS TO SERVE AS HOSPITAL POLICE OFFICERS UPON
8 ANY PREMISES OWNED OR LEASED BY THE HOSPITAL AND UNDER THE
9 JURISDICTION OF THE GOVERNING BOARD; TO AUTHORIZE THE DEPARTMENT
10 OF HEALTH AND THE DEPARTMENT OF PUBLIC SAFETY TO PROMULGATE
11 RESTRICTIONS AND CONDITIONS UPON THE EXERCISE OF AUTHORITY UNDER
12 THIS SECTION; TO PROVIDE CERTIFICATION STANDARDS FOR A HOSPITAL
13 POLICE OFFICER; TO PROVIDE THE DUTIES OF A HOSPITAL POLICE
14 OFFICER; TO PROVIDE THAT THE SALARY OF A HOSPITAL POLICE OFFICER
15 SHALL BE PAID BY THE EMPLOYING HOSPITAL'S GOVERNING BOARD; TO
16 PROVIDE THAT THE HOSPITAL POLICE OFFICERS SHALL SERVE AT THE WILL
17 AND PLEASURE OF THE GOVERNING BOARD; TO PROVIDE FOR A LIMITATION
18 OF LIABILITY FOR HOSPITAL POLICE OFFICERS; TO REQUIRE THE
19 DEPARTMENT OF PUBLIC SAFETY TO TRAIN HOSPITAL POLICE OFFICERS IN
20 CRISIS DE-ESCALATION TECHNIQUES; TO AMEND SECTIONS 41-9-3, 45-6-3,
21 45-5-5 AND 45-5-11, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
22 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** The following shall be codified as Section
25 41-9-41, Mississippi Code of 1972:

26 41-9-41. (1) (a) The governing board of a privately owned
27 hospital licensed under this chapter may:



28 (i) Establish a hospital police department if the
29 hospital was previously publicly owned and had an established
30 police department at the time that it was publicly owned; and

31 (ii) Appoint qualified individuals to serve as
32 hospital police officers upon any premises owned or leased by the
33 hospital and under the jurisdiction of the governing board.

34 (b) (i) In the exercise of its authority under this
35 section, a hospital police department shall be subject to the
36 conditions and restrictions established in this section and any
37 conditions and restrictions promulgated by rule by the department
38 or the Department of Public Safety.

39 (ii) The authority granted under this section does
40 not supersede in any way the authority or duty of other law
41 enforcement officers to preserve law and order on such hospital
42 premises.

43 (iii) The authority granted under this section
44 shall be the sole law enforcement authority for the hospital
45 police department and a hospital police officer.

46 (c) Hospital police departments shall be subject to the
47 same reporting and accountability requirements as a public police
48 department as provided for by law.

49 (2) (a) A person who fulfills the certification
50 requirements prescribed by Title 45, Mississippi Code of 1972, for
51 law enforcement officers as defined in Section 45-6-3 is
52 considered qualified for appointment as a hospital police officer.



53 (b) A retired police officer may qualify for
54 appointment as a hospital police officer if he or she meets the
55 certification requirements of paragraph (a) of this subsection.

56 (3) (a) A hospital police officer may carry a gun and any
57 other dangerous weapon while on duty as long as the officer meets
58 the certification requirements of paragraph (a) of subsection (2)
59 of this section.

60 (b) A hospital police officer has and may exercise all
61 the powers and authority of a law enforcement officer as to
62 offenses committed within the area under the jurisdiction of the
63 governing board of the hospital except arrest where the offense is
64 solely a violation of policy or procedure.

65 (c) A hospital police officer is subject to all the
66 requirements and responsibilities of a law enforcement officer.

67 (4) Under this section, a hospital police officer shall:

68 (a) Preserve law and order on the premises under the
69 jurisdiction of the governing board of the hospital and its
70 affiliated properties;

71 (b) Preserve law and order on any street, road or
72 thoroughfare, except controlled access highways, immediately
73 adjacent to or passing through the premises under the jurisdiction
74 of the governing board, to which the officer is assigned by the
75 chief executive officer or his or her designee if a local law
76 enforcement agency requests a hospital police department to



77 enforce the provisions of Chapter 3, Title 63, Mississippi Code of
78 1972, under this paragraph (b);

79 (c) Enforce the general policies and procedures of the
80 hospital as established by the chief executive officer or his or
81 her designee;

82 (d) Wear a badge with the appropriate inscription while
83 on duty; and

84 (e) Carry credentials certifying the person's identity
85 and authority as a hospital police officer while on duty.

86 (5) Under this section, a hospital police officer may:

87 (a) Assist a local law enforcement agency on public
88 highways. The assistance may be provided when:

89 (i) Traffic is generated as a result of activities
90 or events conducted or sponsored by the hospital; and

91 (ii) The assistance has been requested by the
92 local law enforcement agency; and

93 (b) Assist a local law enforcement agency in any
94 location under the agency's jurisdiction at the specific request
95 of the agency.

96 (6) The salary of a hospital police officer shall be paid by
97 the employing hospital's governing board. The hospital shall
98 furnish each hospital police officer with a firearm and an
99 official uniform and badge to be worn while on duty. The hospital
100 shall furnish credentials certifying the officer's identity and
101 authority as a hospital police officer.



102 (7) The governing board of the employing hospital may at its
103 pleasure revoke the authority of any hospital police officer and
104 such officers serve at the will and pleasure of the governing
105 board. The chief executive officer of the hospital or his or her
106 designee shall report the termination of employment of a hospital
107 police officer by filing a notice to that effect in the office of
108 the clerk of each county in which the hospital police officer's
109 oath of office was filed.

110 (8) A hospital police officer shall not be subject to civil
111 or criminal liability unless one (1) of the following applies:

112 (a) His or her acts or omissions were manifestly
113 outside the scope of employment or official responsibilities;

114 (b) His or her acts or omissions were with malicious
115 purpose, in bad faith, or in a wanton or reckless manner; or

116 (c) Liability is expressly imposed upon the hospital
117 police officer by any other provision of state law.

118 (9) At the expense of the governing board of the hospital,
119 the Department of Public Safety shall train a hospital police
120 officer in crisis de-escalation techniques consistent with the
121 goals and objectives of this section within one hundred eighty
122 (180) days of the officer beginning work at the hospital.

123 **SECTION 2.** Section 41-9-3, Mississippi Code of 1972, is
124 amended as follows:



125 41-9-3. As used in Sections 41-9-1 through * * * 41-9-41,
126 the following words shall have the meanings as defined in this
127 section unless the context clearly indicates otherwise:

128 (a) "Hospital" means a place devoted primarily to the
129 maintenance and operation of facilities for the diagnosis,
130 treatment and care of individuals suffering from physical or
131 mental infirmity, illness, disease, injury or deformity, or a
132 place devoted primarily to providing obstetrical or other medical,
133 surgical or nursing care of individuals, whether or not any such
134 place be organized or operated for profit and whether any such
135 place be publicly or privately owned. The term "hospital" does
136 not include convalescent or boarding homes, children's homes,
137 homes for the aged or other like establishments where room and
138 board only are provided, nor does it include offices or clinics
139 where patients are not regularly kept as bed patients. For the
140 purposes of Section 41-9-41, the term "hospital" means a hospital
141 that is privately owned.

142 (b) "Person" means any individual, firm, partnership,
143 corporation, company, association or joint stock association, and
144 the legal successor thereof.

145 (c) "Governmental unit" means the state, or any county,
146 municipality or other political subdivision or any department,
147 division, board or other agency of any of the foregoing, excluding
148 all federal establishments.



149 (d) "Licensing agency" means the State Department of
150 Health.

151 **SECTION 3.** Section 45-6-3, Mississippi Code of 1972, is
152 amended as follows:

153 45-6-3. For the purposes of this chapter, the following
154 words shall have the meanings ascribed herein, unless the context
155 shall otherwise require:

156 (a) "Commission" means the Criminal Justice Planning
157 Commission.

158 (b) "Board" means the Board on Law Enforcement Officer
159 Standards and Training.

160 (c) "Law enforcement officer" means any person
161 appointed or employed full time by the state or any political
162 subdivision thereof, * * * by the state military department as
163 provided in Section 33-1-33 or by a hospital as provided in
164 Section 41-9-41, who is duly sworn and vested with authority to
165 bear arms and make arrests, and whose primary responsibility is
166 the prevention and detection of crime, the apprehension of
167 criminals and the enforcement of the criminal and traffic laws of
168 this state and/or the ordinances of any political subdivision
169 thereof. The term "law enforcement officer" also includes
170 employees of the Department of Corrections who are designated as
171 law enforcement officers by the Commissioner of Corrections
172 pursuant to Section 47-5-54, those district attorney criminal
173 investigators who are designated as law enforcement officers, the



174 acting Commissioner of Public Safety, the acting Director of
175 Mississippi Bureau of Narcotics, the acting Director of the Office
176 of Homeland Security, and any employee of the Department of Public
177 Safety designated by the commissioner who has previously served as
178 a law enforcement officer and who would not otherwise be
179 disqualified to serve in such capacity. However, the term "law
180 enforcement officer" shall not mean or include any elected
181 official or any person employed as a legal assistant to a district
182 attorney in this state, compliance agents of the State Board of
183 Pharmacy, or any person or elected official who, subject to
184 approval by the board, provides some criminal justice related
185 services for a law enforcement agency. As used in this paragraph,
186 "appointed or employed full time" means any person, other than a
187 deputy sheriff or municipal law enforcement officer, who is
188 receiving gross compensation for his or her duties as a law
189 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more
190 per week or One Thousand Seventy-five Dollars (\$1,075.00) or more
191 per month; for a deputy sheriff or municipal law enforcement
192 officer, the term "appointed or employed full time" means a deputy
193 sheriff or municipal law enforcement officer who is receiving
194 gross compensation for his or her duties as a law enforcement
195 officer of Four Hundred Seventy-five Dollars (\$475.00) or more per
196 week or Two Thousand Fifty Dollars (\$2,050.00) or more per month.

197 (d) "Part-time law enforcement officer" shall mean any
198 person appointed or employed in a part-time, reserve or auxiliary



199 capacity by the state or any political subdivision thereof, by the
200 state military department as provided in Section 33-1-33 or by a
201 hospital as provided in Section 41-9-41, who is duly sworn and
202 vested with authority to bear arms and make arrests, and whose
203 primary responsibility is the prevention and detection of crime,
204 the apprehension of criminals and the enforcement of the criminal
205 and traffic laws of this state or the ordinances of any political
206 subdivision thereof. However, the term "part-time law enforcement
207 officer" shall not mean or include any person or elected official
208 who, subject to approval by the board, provides some criminal
209 justice related services for a law enforcement agency. As used in
210 this paragraph, "appointed or employed" means any person, other
211 than a deputy sheriff or municipal law enforcement officer, who is
212 performing such duties at any time whether or not they receive any
213 compensation for duties as a law enforcement officer provided that
214 such compensation is less than Two Hundred Fifty Dollars (\$250.00)
215 per week or One Thousand Seventy-five Dollars (\$1,075.00) per
216 month; for a deputy sheriff or municipal law enforcement officer,
217 the term "appointed or employed" means a deputy sheriff or
218 municipal law enforcement officer who is performing such duties at
219 any time whether or not they receive any compensation for duties
220 as a law enforcement officer provided that such compensation is
221 less than Four Hundred Seventy-five Dollars (\$475.00) per week or
222 Two Thousand Fifty Dollars (\$2,050.00) per month.



223 (e) "Law enforcement trainee" shall mean any person
224 appointed or employed in a full-time, part-time, reserve or
225 auxiliary capacity by the state or any political subdivision
226 thereof, by the state military department as provided in Section
227 33-1-33 or by a hospital as provided in Section 41-9-41, for the
228 purposes of completing all the selection and training requirements
229 established by the board to become a law enforcement officer or a
230 part-time law enforcement officer. The term "law enforcement
231 trainee" also includes any employee of the Department of Public
232 Safety so designated by the Commissioner of Public Safety.
233 Individuals under this paragraph shall not have the authority to
234 use force, bear arms, make arrests or exercise any of the powers
235 of a peace officer unless:

236 (i) The trainee is under the direct control and
237 supervision of a law enforcement officer;

238 (ii) The trainee was previously certified under
239 this chapter; or

240 (iii) The trainee is a certified law enforcement
241 officer in a reciprocating state.

242 **SECTION 4.** Section 45-5-5, Mississippi Code of 1972, is
243 amended as follows:

244 45-5-5. The Commissioner of Public Safety is hereby
245 authorized and empowered to establish, maintain and supervise a
246 "law enforcement officers' training academy" for the purpose of
247 providing training facilities for members of the Department of



248 Public Safety and such other law enforcement officers of the
249 state, counties * * *, municipalities or hospitals as provided in
250 Section 41-9-41 as may schedule the use of the same with the
251 commissioner.

252 The commissioner shall promulgate such reasonable rules and
253 regulations as are necessary; * * * however, * * * any such rules
254 and regulations shall be published and kept on file in the office
255 of the commissioner and in the administrative office of the
256 academy. To carry out the provisions of this chapter and any such
257 rules and regulations, the commissioner shall appoint a director
258 who shall answer to the commissioner in the performance of his
259 duties. The commissioner shall employ such other technical,
260 professional and clerical assistance as may be required from time
261 to time, and fix their duties and compensation. All employees and
262 other personnel must be qualified by education and experience.

263 **SECTION 5.** Section 45-5-11, Mississippi Code of 1972, is
264 amended as follows:

265 45-5-11. (1) The Legislature may appropriate funds to carry
266 out the purposes of this chapter in whole or in part. The
267 commissioner shall establish and charge reasonable tuition fees to
268 be paid. Any municipality, county, district or other political
269 subdivision or agency of the state is hereby authorized to pay the
270 expenses, including tuition, of any of its officers or
271 officer-designees or officers-elect for attending the academy. All
272 municipalities, counties, districts, other political subdivisions



273 and agencies of the state shall comply with subsection (4) of
274 Section 45-6-13 in the event that an officer leaves one
275 governmental entity and becomes employed by another governmental
276 entity within three (3) years. Grants and donations to the
277 academy may be accepted from individuals, firms, corporations,
278 foundations and other interested organizations and societies.

279 (2) A hospital as provided in Section 41-9-41 shall pay the
280 expenses, including tuition, of any of its officers or officer
281 designees or officers elect for attending the academy.

282 **SECTION 6.** This act shall take effect and be in force from
283 and after July 1, 2023.

