

By: Senator(s) England, Wiggins, Thompson

To: Judiciary, Division B

SENATE BILL NO. 2347

1 AN ACT TO CREATE NEW SECTION 41-9-41, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE THE GOVERNING BODY 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 BODY 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 BODY; TO AUTHORIZE THE DEPARTMENT OF
10 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 BODY; TO
16 PROVIDE THAT THE HOSPITAL POLICE OFFICERS SHALL SERVE AT THE WILL
17 AND PLEASURE OF THE GOVERNING BODY; TO PROVIDE FOR A LIMITATION OF
18 LIABILITY FOR HOSPITAL POLICE OFFICERS; TO REQUIRE THE DEPARTMENT
19 OF PUBLIC SAFETY TO TRAIN HOSPITAL POLICE OFFICERS IN CRISIS
20 DE-ESCALATION TECHNIQUES; TO AMEND SECTIONS 41-9-3, 45-6-3, 45-5-5
21 AND 45-5-11, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
22 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 body of a privately owned
27 hospital licensed under this chapter may establish a hospital
28 police department if the hospital was previously publicly owned



29 and had an established police department at the time that it was
30 publicly owned or the wholly owned subsidiary of a hospital that
31 was previously publicly owned and had an established police
32 department at the time that it was publicly owned.

33 (b) The Chief of Hospital Police, in accordance with
34 the rules and policy of the governing body, shall appoint
35 qualified individuals to serve as hospital police officers upon
36 any premises owned or leased by the hospital and under the
37 jurisdiction of the governing body.

38 (c) (i) In the exercise of its authority under this
39 section, a hospital police department shall be subject to the
40 conditions and restrictions established in this section and any
41 conditions and restrictions promulgated by rule by the department
42 or the Department of Public Safety.

43 (ii) The authority granted under this section does
44 not supersede in any way the authority or duty of other
45 law-enforcement officers to preserve law and order on such
46 hospital premises.

47 (iii) The authority granted under this section
48 shall be the sole law-enforcement authority for the hospital
49 police department and a hospital police officer.

50 (d) Hospital police departments shall be subject to the
51 same reporting and accountability requirements as a public police
52 department as provided for by law.



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

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

60 (3) (a) A hospital police officer may carry a gun and any
61 other dangerous weapon while on duty as long as the officer meets
62 the certification requirements of subsection (2)(a) of this
63 section.

64 (b) A hospital police officer has and may exercise all
65 the powers and authority of a law enforcement officer as to
66 offenses committed on the premises under the jurisdiction
67 established by the governing body, except arrest where the offense
68 is solely a violation of policy or procedure.

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

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

72 (a) Preserve law and order on the premises under the
73 jurisdiction of the governing body of the hospital and its
74 affiliated properties;

75 (b) Preserve law and order on any street, road, or
76 thoroughfare, except controlled access highways, immediately
77 adjacent to or passing through the premises under the jurisdiction



of the governing body, to which the officer is assigned by the Chief of Hospital Police, or his or her designee, if a local law-enforcement agency requests a hospital police department to enforce the provisions of Title 63, Chapter 3, Mississippi Code of 1972, under this paragraph (b);

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

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

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

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

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

1. Traffic is generated as a result of activities or events conducted or sponsored by the hospital; and

2. The assistance has been requested by the local law-enforcement agency; and

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

(6) The salary of a hospital police officer shall be paid by the employing hospital's governing body. The hospital shall furnish each hospital police officer with a firearm and an



103 official uniform and badge to be worn while on duty. The hospital
104 shall furnish credentials certifying the officer's identity and
105 authority as a hospital police officer.

106 (7) The governing body of the employing hospital may at its
107 pleasure revoke the authority of any hospital police officer and
108 such officers shall serve at the will and pleasure of the
109 governing body. The Chief Hospital Police of the hospital, or his
110 or her designee, shall report the termination of employment of a
111 hospital police officer by submitting notice of the terminated
112 officers to the Mississippi Law Enforcement Board of Standards and
113 Training. The Chief Hospital Police of the hospital, or his or
114 her designee, shall report the hiring of a hospital police officer
115 by submitting notice of the hired officers to the Mississippi Law
116 Enforcement Board of Standards and Training.

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

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

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

123 (c) Liability is expressly imposed upon the hospital
124 police officer by any other provision of this code.

125 (9) At the expense of the governing body of the hospital,
126 the Department of Public Safety shall train a hospital police
127 officer in crisis de-escalation techniques consistent with the



goals and objectives of this section within 180 days of the officer beginning work at the hospital.

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

41-9-3. As used in Sections 41-9-1 through * * * 41-9-41, the following words shall have the meaning ascribed in this section unless the context clearly indicates otherwise:

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment and care of individuals suffering from physical or mental infirmity, illness, disease, injury or deformity, or a place devoted primarily to providing obstetrical or other medical, surgical or nursing care of individuals, whether or not any such place be organized or operated for profit and whether any such place be publicly or privately owned. The term "hospital" does not include convalescent or boarding homes, children's homes, homes for the aged or other like establishments where room and board only are provided, nor does it include offices or clinics where patients are not regularly kept as bed patients. For the purposes of Section 41-9-41, the term "hospital" shall mean a hospital that is privately owned to include any hospital premises under the jurisdiction established by the governing body of the hospital.



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

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

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

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

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

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

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

(c) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, * * * by the state military department as provided in Section 33-1-33 or by a hospital as provided in Section 41-9-41, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of



176 criminals and the enforcement of the criminal and traffic laws of
177 this state and/or the ordinances of any political subdivision
178 thereof. The term "law enforcement officer" also includes
179 employees of the Department of Corrections who are designated as
180 law enforcement officers by the Commissioner of Corrections
181 pursuant to Section 47-5-54, those district attorney criminal
182 investigators who are designated as law enforcement officers, the
183 acting Commissioner of Public Safety, the acting Director of
184 Mississippi Bureau of Narcotics, the acting Director of the Office
185 of Homeland Security, and any employee of the Department of Public
186 Safety designated by the commissioner who has previously served as
187 a law enforcement officer and who would not otherwise be
188 disqualified to serve in such capacity. However, the term "law
189 enforcement officer" shall not mean or include any elected
190 official or any person employed as a legal assistant to a district
191 attorney in this state, compliance agents of the State Board of
192 Pharmacy, or any person or elected official who, subject to
193 approval by the board, provides some criminal justice related
194 services for a law enforcement agency. As used in this paragraph,
195 "appointed or employed full time" means any person, other than a
196 deputy sheriff or municipal law enforcement officer, who is
197 receiving gross compensation for his or her duties as a law
198 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more
199 per week or One Thousand Seventy-five Dollars (\$1,075.00) or more
200 per month; for a deputy sheriff or municipal law enforcement



officer, the term "appointed or employed full time" means a deputy sheriff or municipal law enforcement officer who is receiving gross compensation for his or her duties as a law enforcement officer of Four Hundred Seventy-five Dollars (\$475.00) or more per week or Two Thousand Fifty Dollars (\$2,050.00) or more per month.

(d) "Part-time law enforcement officer" shall mean any person appointed or employed in a part-time, reserve or auxiliary capacity by the state or any political subdivision thereof, by the state military department as provided in Section 33-1-33 or by a hospital as provided in Section 41-9-41, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state or the ordinances of any political subdivision thereof. However, the term "part-time law enforcement officer" shall not mean or include any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed" means any person, other than a deputy sheriff or municipal law enforcement officer, who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Two Hundred Fifty Dollars (\$250.00) per week or One Thousand Seventy-five Dollars (\$1,075.00) per month; for a deputy sheriff or municipal law enforcement officer,



the term "appointed or employed" means a deputy sheriff or municipal law enforcement officer who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Four Hundred Seventy-five Dollars (\$475.00) per week or Two Thousand Fifty Dollars (\$2,050.00) per month.

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

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

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

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



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

253 45-5-5. The commissioner of public safety is hereby
254 authorized and empowered to establish, maintain and supervise a
255 "law enforcement officers' training academy" for the purpose of
256 providing training facilities for members of the department of
257 public safety and such other law enforcement officers of the
258 state, counties * * *, municipalities or hospitals as provided in
259 Section 41-9-41 as may schedule the use of the same with the
260 commissioner.

261 The commissioner shall promulgate such reasonable rules and
262 regulations as are necessary; provided, however, that any such
263 rules and regulations shall be published and kept on file in the
264 office of the commissioner and in the administrative office of the
265 academy. To carry out the provisions of this chapter and any such
266 rules and regulations, the commissioner shall appoint a director
267 who shall answer to the commissioner in the performance of his
268 duties. The commissioner shall employ such other technical,
269 professional and clerical assistance as may be required from time
270 to time, and fix their duties and compensation. All employees and
271 other personnel must be qualified by education and experience.

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

274 45-5-11. (1) The Legislature may appropriate funds to carry
275 out the purposes of this chapter in whole or in part. The



commissioner shall establish and charge reasonable tuition fees to be paid. Any municipality, county, district or other political subdivision or agency of the state is hereby authorized to pay the expenses, including tuition, of any of its officers or officer-designees or officers-elect for attending the academy. All municipalities, counties, districts, other political subdivisions and agencies of the state shall comply with subsection (4) of Section 45-6-13 in the event that an officer leaves one governmental entity and becomes employed by another governmental entity within three (3) years. Grants and donations to the academy may be accepted from individuals, firms, corporations, foundations and other interested organizations and societies.

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

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

