

By: Senator(s) England, Wiggins, Thompson

To: Judiciary, Division B

SENATE BILL NO. 2347
(As Passed the Senate)

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 REQUIRE THE GOVERNING BOARD OF THE EMPLOYING
13 HOSPITAL TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH A LOCAL
14 LAW ENFORCEMENT AGENCY TO HOLD AND MAINTAIN A HOSPITAL POLICE
15 OFFICER'S CERTIFICATION; TO PROVIDE CERTIFICATION STANDARDS FOR A
16 HOSPITAL POLICE OFFICER; TO PROVIDE THE DUTIES OF A HOSPITAL
17 POLICE OFFICER; TO PROVIDE THAT THE SALARY OF A HOSPITAL POLICE
18 OFFICER SHALL BE PAID BY THE EMPLOYING HOSPITAL'S GOVERNING BODY;
19 TO PROVIDE THAT THE HOSPITAL POLICE OFFICERS SHALL SERVE AT THE
20 WILL AND PLEASURE OF THE GOVERNING BODY; TO PROVIDE FOR A
21 LIMITATION OF LIABILITY FOR HOSPITAL POLICE OFFICERS; TO REQUIRE
22 THE DEPARTMENT OF PUBLIC SAFETY TO TRAIN HOSPITAL POLICE OFFICERS
23 IN CRISIS DE-ESCALATION TECHNIQUES; TO PROVIDE THAT THE SECTION
24 SHALL REPEAL ON A CERTAIN DATE; TO AMEND SECTIONS 41-9-3, 45-6-3,
25 45-5-5 AND 45-5-11, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
26 RELATED PURPOSES.

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

28 **SECTION 1.** The following shall be codified as Section

29 41-9-41, Mississippi Code of 1972:



30 41-9-41. (1) (a) The governing body of a privately owned
31 hospital licensed under this chapter may establish a hospital
32 police department if the hospital was previously publicly owned
33 and had an established police department at the time that it was
34 publicly owned or the wholly owned subsidiary of a hospital that
35 was previously publicly owned and had an established police
36 department at the time that it was publicly owned.

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

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

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

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



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

(e) The governing body of the employing hospital shall enter into a memorandum of understanding with a local law enforcement agency with concurrent jurisdiction of the geographic location of the hospital to hold and to maintain a hospital police officer's certification issued by the Board on Law Enforcement Officer Standards and Training.

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

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

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

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



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

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

82 (a) Preserve law and order on the premises under the
83 jurisdiction of the governing body of the hospital and its
84 affiliated properties;

85 (b) Preserve law and order on any street, road, or
86 thoroughfare, except controlled access highways, immediately
87 adjacent to or passing through the premises under the jurisdiction
88 of the governing body, to which the officer is assigned by the
89 Chief of Hospital Police, or his or her designee, if a local
90 law-enforcement agency requests a hospital police department to
91 enforce the provisions of Title 63, Chapter 3, Mississippi Code of
92 1972, under this paragraph (b);

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

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

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

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

101 (a) Assist a local law-enforcement agency on public
102 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 official uniform and badge to be worn while on duty. The hospital shall furnish credentials certifying the officer's identity and authority as a hospital police officer.

(7) The governing body of the employing hospital may at its pleasure revoke the authority of any hospital police officer and such officers shall serve at the will and pleasure of the governing body. The Chief Hospital Police of the hospital, or his or her designee, shall report the termination of employment of a hospital police officer by submitting notice of the terminated officers to the Board on Law Enforcement Officer Standards and Training. The Chief Hospital Police of the hospital, or his or her designee, shall report the hiring of a hospital police officer by submitting notice of the hired officers to the Board on Law Enforcement Officer Standards and Training.



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

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

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

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

(9) At the expense of the governing body of the hospital, the Department of Public Safety shall train a hospital police 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.

(10) This section shall stand repealed on July 1, 2028.

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 criminals and the enforcement of the criminal and traffic laws of this state and/or the ordinances of any political subdivision thereof. The term "law enforcement officer" also includes employees of the Department of Corrections who are designated as law enforcement officers by the Commissioner of Corrections pursuant to Section 47-5-54, those district attorney criminal investigators who are designated as law enforcement officers, the acting Commissioner of Public Safety, the acting Director of Mississippi Bureau of Narcotics, the acting Director of the Office of Homeland Security, and any employee of the Department of Public Safety designated by the commissioner who has previously served as a law enforcement officer and who would not otherwise be disqualified to serve in such capacity. However, the term "law enforcement officer" shall not mean or include any elected



201 official or any person employed as a legal assistant to a district
202 attorney in this state, compliance agents of the State Board of
203 Pharmacy, or any person or elected official who, subject to
204 approval by the board, provides some criminal justice related
205 services for a law enforcement agency. As used in this paragraph,
206 "appointed or employed full time" means any person, other than a
207 deputy sheriff or municipal law enforcement officer, who is
208 receiving gross compensation for his or her duties as a law
209 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more
210 per week or One Thousand Seventy-five Dollars (\$1,075.00) or more
211 per month; for a deputy sheriff or municipal law enforcement
212 officer, the term "appointed or employed full time" means a deputy
213 sheriff or municipal law enforcement officer who is receiving
214 gross compensation for his or her duties as a law enforcement
215 officer of Four Hundred Seventy-five Dollars (\$475.00) or more per
216 week or Two Thousand Fifty Dollars (\$2,050.00) or more per month.

217 (d) "Part-time law enforcement officer" shall mean any
218 person appointed or employed in a part-time, reserve or auxiliary
219 capacity by the state or any political subdivision thereof, by the
220 state military department as provided in Section 33-1-33 or by a
221 hospital as provided in Section 41-9-41, who is duly sworn and
222 vested with authority to bear arms and make arrests, and whose
223 primary responsibility is the prevention and detection of crime,
224 the apprehension of criminals and the enforcement of the criminal
225 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.

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

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

The commissioner shall promulgate such reasonable rules and regulations as are necessary; provided, however, that any such rules and regulations shall be published and kept on file in the office of the commissioner and in the administrative office of the



academy. To carry out the provisions of this chapter and any such rules and regulations, the commissioner shall appoint a director who shall answer to the commissioner in the performance of his duties. The commissioner shall employ such other technical, professional and clerical assistance as may be required from time to time, and fix their duties and compensation. All employees and other personnel must be qualified by education and experience.

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

45-5-11. (1) The Legislature may appropriate funds to carry 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.



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

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

