

House Amendments to Senate Bill No. 2239

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7 **SECTION 1.** Section 17-25-11, Mississippi Code of 1972, is
8 amended as follows:

9 17-25-11. (1) Certified law enforcement officers or
10 certified part-time law enforcement officers, as defined in
11 Section 45-6-3, who are employed by a county * * *, municipality
12 or the Mississippi Highway Patrol may wear the official uniform
13 and may utilize the official firearm and the official vehicle
14 issued by the employing jurisdiction while in the performance of
15 private security services in off-duty hours. The governing
16 authority of a municipality must approve of such use of the
17 uniform, official weapon and vehicle by municipal law enforcement
18 officers by act spread upon the minutes of such board and approved
19 by the chief executive. The sheriff of a county must approve such
20 use of the uniform, official weapon and vehicle by deputy
21 sheriffs. The Colonel of the Mississippi Highway Patrol must
22 approve such use of the uniform, official weapon and vehicle by
23 highway patrol officers. Approval shall be on an

employee-by-employee basis and not by general order. Any proceedings regarding application or approval and the minutes regarding same shall be a public record.

(2) Each governing board and chief executive * * *, sheriff or Colonel of the Mississippi Highway Patrol shall determine before the use of the official uniform, weapon and vehicle is approved that the proposed employment is not likely to bring disrepute to the employing jurisdiction or its law enforcement agency, the officer at issue, or law enforcement generally, and that the use of the official uniform, weapon and vehicle in the discharge of the officer's private security endeavor promotes the public interest.

(3) (a) Acts and omissions of an officer in discharge of private security employment shall be deemed to be the acts and omissions of the person or entity who hires or enters into any independent contractual service agreement with an officer for the private security services, and not the acts and omissions of the employing jurisdiction whose uniform, weapon and vehicle are approved for the private security use.

(b) The person or entity, and the person's or entity's insurer, who hires or enters into any independent contractual service agreement with an officer for private security services shall:

(i) Hold harmless the employing jurisdiction and fully indemnify the employing jurisdiction for any expense or loss, including attorney's fees and any damage to the official

50 vehicle, which results from any action taken against the employing
51 jurisdiction arising out of the acts or omissions of the officer
52 in discharge of private security services while wearing the
53 official uniform or using the official weapon or vehicle; and

54 (ii) Name the employing jurisdiction as a named
55 insured on its general liability and automobile liability policies
56 for at least the amount of recovery provided for in Section
57 11-46-15 for any damage to the official vehicle.

58 (c) If the person or entity, and the person's or
59 entity's insurer, fails or refuses to endorse, indemnify and hold
60 harmless the employing jurisdiction, the employing jurisdiction
61 shall not approve the use of the official vehicle of the employing
62 jurisdiction for private security services.

63 (d) Neither the state nor any subdivision thereof shall
64 be liable for a claim or injury arising from the acts or omissions
65 of an officer in the discharge of any private security employment
66 duties under this section, including travel to and from private
67 security employment duties in the official vehicle.

68 (4) Certified police officers performing private jobs during
69 their off-duty hours are required to notify the appropriate law
70 enforcement agency of the place of employment, the hours to be
71 worked, and the type of employment.

72 (5) The official uniform, weapon and vehicle may be worn and
73 utilized only at locations which are within the jurisdiction of
74 the governmental entity whose uniform, weapon and vehicle are
75 involved.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 17-25-11, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE MISSISSIPPI HIGHWAY PATROL OFFICERS TO USE THEIR
3 OFFICIAL UNIFORM, FIREARM AND VEHICLE WHILE IN THE PERFORMANCE OF
4 PRIVATE SECURITY SERVICES IN OFF DUTY HOURS; AND FOR RELATED
5 PURPOSES.

HR43\SB2239A.1J

Andrew Ketchings
Clerk of the House of Representatives