

By: Representative Crudup

To: Judiciary B

HOUSE BILL NO. 301

1 AN ACT TO AMEND SECTIONS 21-21-3 AND 19-25-13, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE EACH SHERIFF OR POLICE OFFICER TO HAVE AT
3 LEAST ONE LESS-LETHAL FORCE OPTION MADE AVAILABLE TO SUCH SHERIFF
4 OR POLICE OFFICER WHILE ON DUTY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 21-21-3, Mississippi Code of 1972, is
7 amended as follows:

8 21-21-3. (1) The governing authorities of municipalities
9 shall have the power and authority to employ, regulate and support
10 a sufficient police force or night marshals, to define the duties
11 thereof, and to furnish and supply all suitable and necessary
12 equipment therefor.

13 (2) The equipment provided for under subsection (1) of
14 this section shall include for each police officer, but is not
15 limited to, at least one (1) less-lethal force option such as a
16 stun gun, baton or pepper spray. The equipment described under
17 this subsection shall be made available to an officer while he or
18 she is on duty.



19 **SECTION 2.** Section 19-25-13, Mississippi Code of 1972, is
20 amended as follows:

21 19-25-13. The sheriff shall, at the July meeting of the
22 board of supervisors, submit a budget of estimated expenses of his
23 office for the ensuing fiscal year beginning October 1 in such
24 form as shall be prescribed by the Director of the State
25 Department of Audit. The board shall examine this proposed budget
26 and determine the amount to be expended by the sheriff in the
27 performance of his duties for the fiscal year and may increase or
28 reduce that amount as it deems necessary and proper.

29 The budget shall include amounts for compensating the
30 deputies and other employees of the sheriff's office, for
31 insurance providing protection for the sheriff and his deputies in
32 case of disability, death and other similar coverage, for travel
33 and transportation expenses of the sheriff and deputies, for
34 feeding prisoners and inmates of the county jail, and for any
35 other expenses that may be incurred in the performance of the
36 duties of the office of sheriff. Such other expenses shall
37 include for each sheriff and deputy sheriff at least one (1)
38 less-lethal force option such as a stun gun, baton or pepper spray
39 that shall be made available to each sheriff and deputy sheriff
40 while he or she is on duty. In addition, the budget shall include
41 amounts for the payment of premiums on bonds and insurance for the
42 sheriff and his deputies which, in the opinion of the board of
43 supervisors, are deemed necessary to protect the interests of the



44 county or the sheriff and his deputies. The amounts may include
45 official bonds and any bonds required of his deputies by the
46 sheriff; liability insurance; insurance against false arrest
47 charges; insurance against false imprisonment charges; theft, fire
48 and other hazards insurance; and hospitalization insurance as
49 provided for in Sections 25-15-101 and 25-15-103. The board may
50 authorize the reimbursement of the sheriff and deputies for the
51 use of privately owned automobiles or other motor vehicles in the
52 performance of official duties at the rate provided by law for
53 state officers and employees, or may authorize the purchase by the
54 sheriff of such motor vehicles and such equipment as may be needed
55 for operation of the sheriff's office, the vehicles and equipment
56 to be owned by the county. In counties that have elected to
57 purchase the motor vehicles and the equipment for the operation of
58 the sheriff's office, if a sheriff or deputy shall be required in
59 the performance of his official duties, in the event of an
60 emergency, to use his privately owned automobile or other motor
61 vehicle, the board of supervisors may, in its discretion,
62 authorize the reimbursement for that use at the rate per mile
63 provided by law for state officers and employees. This shall not
64 be construed as giving an officer a choice of whether to use his
65 own or the county's vehicle, but shall be construed so as not to
66 penalize an officer who must use his own vehicle because the
67 county's vehicle was not available.



68 The board of supervisors, in its discretion, may include in
69 its annual budget for the sheriff's office an amount not to exceed
70 One Thousand Dollars (\$1,000.00), which may be expended by the
71 sheriff to provide food, water and beverages for the sheriff, the
72 sheriff's deputies, state, national and local law enforcement
73 officers, emergency personnel, county employees and members of the
74 general public who the sheriff requests to assist him and his
75 office while in the performance of search and rescue missions,
76 disasters or other emergency operations.

77 The board of supervisors may acquire one or more credit cards
78 that may be used by the sheriff and his deputies to pay expenses
79 incurred by them when traveling in or out of state in the
80 performance of their official duties. The chancery clerk or
81 county purchase clerk shall maintain complete records of all
82 credit card numbers and all receipts and other documents relating
83 to the use of those credit cards. The sheriff shall furnish
84 receipts for the use of the credit cards each month to the
85 chancery clerk or purchase clerk who shall submit a written report
86 monthly to the board of supervisors, which report shall include an
87 itemized list of all expenditures and use of the credit cards for
88 the month, and the expenditures may be allowed for payment by the
89 county in the same manner as other items on the claims docket.
90 The issuance of a credit card to a sheriff or his deputy under the
91 provisions of this section shall not be construed to authorize the



92 sheriff or deputy sheriff to use the credit card to make any
93 expenditure that is not otherwise authorized by law.

94 The board of supervisors is hereby authorized and empowered,
95 in its discretion, to appropriate and pay a sum not to exceed One
96 Thousand Dollars (\$1,000.00) annually as a clothing allowance to
97 each plainclothes investigator employed by the sheriff's office of
98 that county. The board of supervisors of any county bordering on
99 the Gulf of Mexico and having a population of more than thirty-one
100 thousand seven hundred (31,700) but less than thirty-one thousand
101 eight hundred (31,800) according to the 1990 Federal Census may
102 appropriate and pay a sum not to exceed One Thousand Dollars
103 (\$1,000.00) annually as a clothing allowance to the administrator
104 of the county jail.

105 The board of supervisors shall, at its first meeting of each
106 quarter beginning on October 1, January 1, April 1 and July 1,
107 appropriate a lump sum for the sheriff for the expenses of his
108 office during the current quarter. The quarterly appropriation
109 shall be one-fourth (1/4) of the amount approved in the annual
110 budget unless the sheriff requests a different amount. Except in
111 case of emergency, as provided in the county budget law, the
112 appropriation for the quarter beginning in October of the last
113 year of the sheriff's term shall not exceed one-fourth (1/4) of
114 the annual budget.

115 The sheriff shall file a report of all expenses of his office
116 incurred during the preceding month with the board of supervisors



117 for approval at its regular monthly meeting in a form to be
118 prescribed by the Director of the State Department of Audit, and
119 upon filing thereof, and approval by the board, the clerk of the
120 board shall issue warrants in payment thereof but not to exceed
121 the budget appropriation for that quarter. Any appropriated funds
122 that are unexpended at the end of the fiscal year shall remain in
123 the county general fund.

124 The budget for the sheriff's office may be revised at any
125 regular meeting by the board of supervisors. Upon recommendation
126 of the sheriff, the board may at any regular meeting make
127 supplemental appropriations to the sheriff's office.

128 Any fees previously required to be paid by a sheriff shall be
129 paid by the board of supervisors by including the estimates
130 therefor in the sheriff's budget. All fees and charges for
131 services heretofore collected by sheriffs shall be collected by
132 the sheriff and paid monthly into the general fund of the
133 concerned county. However, any fees heretofore collected by those
134 sheriffs from the county shall not be paid.

135 **SECTION 3.** This act shall take effect and be in force from
136 and after July 1, 2024.

