

By: Senator(s) England

To: Judiciary, Division B;
Education

SENATE BILL NO. 2430

1 AN ACT TO AUTHORIZE THE GOVERNING BODY OF AN EDUCATIONAL
2 ENTITY TO ESTABLISH A POLICE DEPARTMENT; TO AUTHORIZE THE
3 GOVERNING BODY OF AN EDUCATIONAL ENTITY TO APPOINT QUALIFIED
4 INDIVIDUALS TO SERVE AS LAW ENFORCEMENT OFFICERS UPON ANY PREMISES
5 OWNED OR LEASED BY THE EDUCATIONAL ENTITY AND UNDER THE
6 JURISDICTION OF THE GOVERNING BODY; TO AUTHORIZE THE DEPARTMENT OF
7 PUBLIC SAFETY TO PROMULGATE RESTRICTIONS AND CONDITIONS UPON THE
8 EXERCISE OF AUTHORITY UNDER THIS SECTION; TO REQUIRE THE GOVERNING
9 BOARD OF THE EMPLOYING EDUCATIONAL ENTITY TO ENTER INTO A
10 MEMORANDUM OF UNDERSTANDING WITH A LOCAL LAW ENFORCEMENT AGENCY TO
11 HOLD AND MAINTAIN THE CERTIFICATION OF AN EDUCATIONAL ENTITY'S LAW
12 ENFORCEMENT OFFICER; TO PROVIDE THE CERTIFICATION STANDARDS AND
13 THE DUTIES OF A LAW ENFORCEMENT OFFICER OF AN EDUCATIONAL ENTITY;
14 TO PROVIDE THAT THE SALARY OF AN EDUCATIONAL ENTITY LAW
15 ENFORCEMENT OFFICER SHALL BE PAID BY THE EMPLOYING EDUCATIONAL
16 ENTITY'S GOVERNING BODY; TO PROVIDE THAT AN OFFICER SHALL SERVE AT
17 THE WILL AND PLEASURE OF THE GOVERNING BODY; TO PROVIDE FOR A
18 LIMITATION OF LIABILITY FOR A LAW ENFORCEMENT OFFICER OF AN
19 EDUCATIONAL ENTITY; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
20 TRAIN LAW ENFORCEMENT OFFICERS OF AN EDUCATIONAL ENTITY IN CRISIS
21 DE-ESCALATION TECHNIQUES AT THE EXPENSE OF THE EDUCATIONAL ENTITY;
22 AMEND SECTIONS 45-5-5, 45-5-11 AND 45-6-3, MISSISSIPPI CODE OF
23 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** (1) As used in this act, "educational entity"
26 means an independent school that is a member of the Mississippi
27 Association of Independent Schools, a private college or private
28 university.



29 (2) (a) The governing body of an educational entity may
30 establish a school police department.

31 (b) The Chief of Police, in accordance with the rules
32 and policy of the governing body, shall appoint qualified
33 individuals to serve as law enforcement officers upon any premises
34 owned or leased by the educational entity and under the
35 jurisdiction of the educational entity's governing body.

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

41 (ii) The authority granted under this section does
42 not supersede in any way the authority or duty of other law
43 enforcement officers to preserve law and order on the premises of
44 an educational entity.

45 (iii) The authority granted under this section
46 shall be the sole law enforcement authority for the educational
47 entity's police department and a law enforcement officer of such
48 department.

49 (d) Police departments authorized under this section
50 shall be subject to the same reporting and accountability
51 requirements as a public police department as provided for by law.

52 (e) The governing body of the employing educational
53 entity shall enter into a memorandum of understanding with a local



54 law enforcement agency with concurrent jurisdiction of the
55 geographic location of the educational entity to hold and to
56 maintain the certification issued by the Board on Law Enforcement
57 Officer Standards and Training of a law enforcement officer of an
58 educational entity. Without the memorandum of understanding
59 required by this section, a educational entity's police department
60 shall lose its law enforcement authority granted under this
61 section. A local law enforcement agency may withdraw from a
62 memorandum of understanding executed with an educational entity at
63 any time without any required notice to the educational entity.

64 (3) (a) A person who fulfills the certification
65 requirements prescribed by Title 45, Mississippi Code of 1972, for
66 law enforcement officers as defined in Section 45-6-3 is
67 considered qualified for appointment as a law enforcement officer
68 under this section.

69 (b) A retired law enforcement officer may qualify for
70 appointment as a law enforcement officer under this section if he
71 or she meets the certification requirements of paragraph (a) of
72 this subsection.

73 (4) (a) A law enforcement officer authorized under this
74 section may carry a gun and any other dangerous weapon while on
75 duty as long as the officer meets the certification requirements
76 of subsection (3) (a) of this section.

77 (b) A law enforcement officer authorized under this
78 section has and may exercise all the powers and authority of a law



79 enforcement officer as to offenses committed on the premises under
80 the jurisdiction established by the educational entity's governing
81 body, except arrest where the offense is solely a violation of
82 school policy or procedure.

83 (c) A law enforcement officer authorized under this
84 section is subject to all the requirements and responsibilities of
85 a law enforcement officer as otherwise provided by law or by rule
86 or regulation promulgated by the Commissioner of the Department of
87 Public Safety or the Board on Law Enforcement Officer Standards
88 and Training.

89 (5) Under this section, a law enforcement officer shall:

90 (a) Preserve law and order on the premises under the
91 jurisdiction of the governing body of the educational entity and
92 its affiliated properties;

93 (b) Preserve law and order on any street, road, or
94 thoroughfare, except controlled access highways, immediately
95 adjacent to or passing through the premises under the jurisdiction
96 of the governing body, to which the officer is assigned by the
97 Chief of Police, or his or her designee, if a local law
98 enforcement agency requests an educational entity's police
99 department to enforce the provisions of Title 63, Chapter 3,
100 Mississippi Code of 1972, under this paragraph (b);

101 (c) Enforce the general policies and procedures of the
102 educational entity as established by the governing body of the
103 educational entity;



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

106 (e) Carry credentials certifying the person's identity
107 and authority as a law enforcement officer of the educational
108 entity while on duty.

109 (6) Under this section a law enforcement officer may:

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

112 (i) Traffic is generated as a result of activities
113 or events conducted or sponsored by the educational activity; and

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

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

119 (7) The salary of a law enforcement officer authorized under
120 this section shall be paid by the employing educational entity's
121 governing body. The educational entity shall furnish each school
122 law enforcement officer with a firearm and an official uniform and
123 badge to be worn while on duty. The educational entity shall
124 furnish credentials certifying the law enforcement officer's
125 identity and authority as a law enforcement officer of the
126 educational entity.

127 (8) The governing body of the employing educational entity
128 may at its pleasure revoke the authority of any law enforcement



129 officer authorized under this section and such officers shall
130 serve at the will and pleasure of the governing body. The Chief
131 of Police of the educational entity, or his or her designee, shall
132 report the termination of employment of a law enforcement officer
133 of the educational entity by submitting the law enforcement
134 officer's notice of termination to the Board on Law Enforcement
135 Officer Standards and Training. The Chief of Police of the
136 educational entity, or his or her designee, shall report the
137 hiring of a school law enforcement officer by submitting notice of
138 the hired officer to the Board on Law Enforcement Officer
139 Standards and Training.

140 (9) A law enforcement officer authorized under this section
141 shall not be subject to civil or criminal liability unless one of
142 the following applies:

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

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

147 (c) Liability is expressly imposed upon the law
148 enforcement officer of the educational entity by any other
149 provision of this code.

150 (10) At the expense of the governing body of the educational
151 entity, the Department of Public Safety shall train a law
152 enforcement officer in crisis de-escalation techniques consistent



153 with the goals and objectives of this section within six (6)
154 months of the officer beginning work at the school.

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

156 **SECTION 2.** Section 45-5-5, Mississippi Code of 1972, is
157 amended as follows:

158 45-5-5. The commissioner of public safety is hereby
159 authorized and empowered to establish, maintain and supervise a
160 "law enforcement officers' training academy" for the purpose of
161 providing training facilities for members of the Department of
162 Public Safety and such other law enforcement officers of the
163 state, counties, municipalities, educational entities as provided
164 in Section 1 of this act, or hospitals as provided in Section
165 41-9-41, as may schedule the use of the same with the
166 commissioner.

167 The commissioner shall promulgate such reasonable rules and
168 regulations as are necessary; provided, however, that any such
169 rules and regulations shall be published and kept on file in the
170 office of the commissioner and in the administrative office of the
171 academy. To carry out the provisions of this chapter and any such
172 rules and regulations, the commissioner shall appoint a director
173 who shall answer to the commissioner in the performance of his
174 duties. The commissioner shall employ such other technical,
175 professional and clerical assistance as may be required from time
176 to time, and fix their duties and compensation. All employees and
177 other personnel must be qualified by education and experience.



178 **SECTION 3.** Section 45-5-11, Mississippi Code of 1972, is
179 amended as follows:

180 45-5-11. (1) The Legislature may appropriate funds to carry
181 out the purposes of this chapter in whole or in part. The
182 commissioner shall establish and charge reasonable tuition fees to
183 be paid. Any municipality, county, district or other political
184 subdivision or agency of the state is hereby authorized to pay the
185 expenses, including tuition, of any of its officers or
186 officer-designees or officers-elect for attending the academy.
187 All municipalities, counties, districts, other political
188 subdivisions and agencies of the state shall comply with
189 subsection (4) of Section 45-6-13 in the event that an officer
190 leaves one governmental entity and becomes employed by another
191 governmental entity within three (3) years. Grants and donations
192 to the academy may be accepted from individuals, firms,
193 corporations, foundations and other interested organizations and
194 societies.

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

198 (3) An educational entity, as provided in Section 1 of this
199 act, shall pay the expenses, including tuition, of any of its
200 officers or officer designees or officers elect for attending the
201 academy.



202 **SECTION 4.** Section 45-6-3, Mississippi Code of 1972, is
203 amended as follows:

204 45-6-3. For the purposes of this chapter, the following
205 words shall have the meanings ascribed herein, unless the context
206 shall otherwise require:

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

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

211 (c) "Law enforcement officer" means any person
212 appointed or employed full time by the state or any political
213 subdivision thereof, by the state military department as provided
214 in Section 33-1-33, an educational entity as provided in Section 1
215 of this act, or by a hospital as provided in Section 41-9-41, who
216 is duly sworn and vested with authority to bear arms and make
217 arrests, and whose primary responsibility is the prevention and
218 detection of crime, the apprehension of criminals and the
219 enforcement of the criminal and traffic laws of this state and/or
220 the ordinances of any political subdivision thereof. The term
221 "law enforcement officer" also includes employees of the
222 Department of Corrections who are designated as law enforcement
223 officers by the Commissioner of Corrections pursuant to Section
224 47-5-54, those district attorney criminal investigators who are
225 designated as law enforcement officers, the acting Commissioner of
226 Public Safety, the acting Director of Mississippi Bureau of



227 Narcotics, the acting Director of the Office of Homeland Security,
228 and any employee of the Department of Public Safety designated by
229 the commissioner who has previously served as a law enforcement
230 officer and who would not otherwise be disqualified to serve in
231 such capacity. However, the term "law enforcement officer" shall
232 not mean or include any elected official or any person employed as
233 a legal assistant to a district attorney in this state, compliance
234 agents of the State Board of Pharmacy, or any person or elected
235 official who, subject to approval by the board, provides some
236 criminal justice related services for a law enforcement agency.
237 As used in this paragraph, "appointed or employed full time" means
238 any person, other than a deputy sheriff or municipal law
239 enforcement officer, who is receiving gross compensation for his
240 or her duties as a law enforcement officer of Two Hundred Fifty
241 Dollars (\$250.00) or more per week or One Thousand Seventy-five
242 Dollars (\$1,075.00) or more per month; for a deputy sheriff or
243 municipal law enforcement officer, the term "appointed or employed
244 full time" means a deputy sheriff or municipal law enforcement
245 officer who is receiving gross compensation for his or her duties
246 as a law enforcement officer of Four Hundred Seventy-five Dollars
247 (\$475.00) or more per week or Two Thousand Fifty Dollars
248 (\$2,050.00) or more per month.

249 (d) "Part-time law enforcement officer" shall mean any
250 person appointed or employed in a part-time, reserve or auxiliary
251 capacity by the state or any political subdivision thereof, by the



252 state military department as provided in Section 33-1-33, an
253 educational entity as provided in Section 1 of this act, or by a
254 hospital as provided in Section 41-9-41, who is duly sworn and
255 vested with authority to bear arms and make arrests, and whose
256 primary responsibility is the prevention and detection of crime,
257 the apprehension of criminals and the enforcement of the criminal
258 and traffic laws of this state or the ordinances of any political
259 subdivision thereof. However, the term "part-time law enforcement
260 officer" shall not mean or include any person or elected official
261 who, subject to approval by the board, provides some criminal
262 justice related services for a law enforcement agency. As used in
263 this paragraph, "appointed or employed" means any person, other
264 than a deputy sheriff or municipal law enforcement officer, who is
265 performing such duties at any time whether or not they receive any
266 compensation for duties as a law enforcement officer provided that
267 such compensation is less than Two Hundred Fifty Dollars (\$250.00)
268 per week or One Thousand Seventy-five Dollars (\$1,075.00) per
269 month; for a deputy sheriff or municipal law enforcement officer,
270 the term "appointed or employed" means a deputy sheriff or
271 municipal law enforcement officer who is performing such duties at
272 any time whether or not they receive any compensation for duties
273 as a law enforcement officer provided that such compensation is
274 less than Four Hundred Seventy-five Dollars (\$475.00) per week or
275 Two Thousand Fifty Dollars (\$2,050.00) per month.



276 (e) "Law enforcement trainee" shall mean any person
277 appointed or employed in a full-time, part-time, reserve or
278 auxiliary capacity by the state or any political subdivision
279 thereof, by the state military department as provided in Section
280 33-1-33, an educational entity as provided in Section 1 of this
281 act, or by a hospital as provided in Section 41-9-41, for the
282 purposes of completing all the selection and training requirements
283 established by the board to become a law enforcement officer or a
284 part-time law enforcement officer. The term "law enforcement
285 trainee" also includes any employee of the Department of Public
286 Safety so designated by the Commissioner of Public Safety.
287 Individuals under this paragraph shall not have the authority to
288 use force, bear arms, make arrests or exercise any of the powers
289 of a peace officer unless:

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

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

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

296 **SECTION 5.** This act shall take effect and be in force from
297 and after July 1, 2024.

