

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2179**

**BY: Committee**

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

24           **SECTION 1.** Section 45-3-51, Mississippi Code of 1972, is  
25 amended as follows:  
26           45-3-51. Each \* \* \* person employed as a law enforcement  
27 officer or agent by the Department of Public Safety who retires  
28 under the Highway Safety Patrol Retirement System or the Public  
29 Employees' Retirement System, for superannuation or for reason of  
30 disability, or a beneficiary of such \* \* \* law enforcement officer  
31 or agent who is killed in the line of duty, shall be allowed to  
32 retain, as his personal property, one (1) sidearm which was issued  
33 under authority of Section 45-3-19 or 41-29-159. Likewise, a



34 beneficiary of any law enforcement officer killed in the line of  
35 duty shall be allowed to retain the officer's sidearm.

36 **SECTION 2.** Section 45-9-131, Mississippi Code of 1972, is  
37 amended as follows:

38 45-9-131. (1) Upon approval of the governing authority of  
39 the municipality or county, a member of any municipal or county  
40 law enforcement agency who retires under any state retirement  
41 system may be allowed to purchase, as his or her personal  
42 property, one (1) sidearm which was issued to the law enforcement  
43 officer by the law enforcement agency from which he or she retired  
44 or by whom he or she was employed at the time of death.

45 (2) \* \* \* Except as otherwise provided in subsection (5),  
46 upon approval of the director of a state agency, board or  
47 commission, a law enforcement officer employed by a state agency,  
48 board or commission who retires under any state retirement system  
49 may be allowed to purchase, as his or her personal property, one  
50 (1) sidearm which was issued to the law enforcement officer by a  
51 state agency, board or commission.

52 (3) \* \* \* Except as otherwise provided in subsection (5),  
53 the next of kin of a law enforcement officer who is killed in the  
54 line of duty is authorized to purchase the sidearm that was issued  
55 to the officer. The amount to be paid for any firearm purchased  
56 under the authority of this subsection shall be an agreed upon  
57 price as determined by the appropriate governmental authority who  
58 employed the officer.



59           (4) The amount to be paid for any firearm purchased under  
60 the authority of this section, except for any firearm purchased  
61 under subsection (3) of this section, shall be the fair market  
62 value of the firearm as determined by the appropriate governmental  
63 authority who employed the officer.

64           (5) This section does not apply to a law enforcement officer  
65 employed by the Department of Public Safety or a beneficiary of a  
66 law enforcement officer employed by the Department of Public  
67 Safety, who, pursuant to Section 45-3-51, may retain one (1)  
68 sidearm upon the officer's retirement or death in the line of  
69 duty.

70           **SECTION 3.** Section 77-7-345, Mississippi Code of 1972, is  
71 amended as follows:

72           77-7-345. (1) When not otherwise specifically provided, the  
73 Commissioner of Public Safety is authorized to make and promulgate  
74 reasonable rules and regulations to provide a voluntary program  
75 for inspection of commercial motor vehicles.

76           (2) For the purposes of this section, "commercial motor  
77 vehicle" has the meaning ascribed in Section 63-1-203.

78           (3) The regulations, if promulgated, will:

79           (a) Create a voluntary program for inspection of any  
80 combination of truck, truck tractor, trailer, semi-trailer or pole  
81 trailer, including each segment of a combined vehicle, that is  
82 used upon the highways or streets as a commercial motor vehicle



83 for compliance with all applicable federal and state motor carrier  
84 safety regulations;

85 (b) Require that inspectors have access to the vehicle  
86 maintenance log;

87 (c) Prescribe a method of documentation to be displayed  
88 on the vehicle that is readily visible to an observer in the form  
89 of a decal or sticker, and require that the form of documentation  
90 prescribed must be kept on the vehicle;

91 (d) Require that inspection occur on an annual basis  
92 for participation in the program;

93 (e) Provide that inspection is not mandatory;

94 (f) Impose a reasonable inspection fee, which shall be  
95 deposited to the credit of the operating fund of the Commercial  
96 Transportation Enforcement Division of the Mississippi Department  
97 of Public Safety; and

98 (g) Specify that officers of the Commercial  
99 Transportation Enforcement Division will retain all responsibility  
100 and authority to monitor and enforce violations under Section  
101 77-7-335.

102 \* \* \*

103 **SECTION 4.** Section 97-3-54.7, Mississippi Code of 1972, is  
104 amended as follows:

105 97-3-54.7. (1) In addition to any other civil or criminal  
106 penalties provided by law, any property used in the commission of  
107 a violation of this act shall be forfeited as provided herein.



108           (a) The following property shall be subject to  
109 forfeiture if used or intended for use as an instrumentality in or  
110 used in furtherance of a violation of this act:

111                   (i) Conveyances, including aircraft, vehicles or  
112 vessels;

113                   (ii) Books, records, telecommunication equipment,  
114 or computers;

115                   (iii) Money or weapons;

116                   (iv) Everything of value furnished, or intended to  
117 be furnished, in exchange for an act in violation and all proceeds  
118 traceable to the exchange;

119                   (v) Negotiable instruments and securities;

120                   (vi) Any property, real or personal, directly or  
121 indirectly acquired or received in a violation or as an inducement  
122 to violate;

123                   (vii) Any property traceable to proceeds from a  
124 violation; and

125                   (viii) Any real property, including any right,  
126 title and interest in the whole of or any part of any lot or tract  
127 of land used in furtherance of a violation of this act.

128           (b) (i) No property used by any person as a common  
129 carrier in the transaction of business as a common carrier is  
130 subject to forfeiture under this section unless it appears that  
131 the owner or other person in charge of the property is a  
132 consenting party or privy to a violation of this act;



133                   (ii) No property is subject to forfeiture under  
134 this section by reason of any act or omission proved by the owner  
135 thereof to have been committed or omitted without his knowledge or  
136 consent; if the confiscating authority has reason to believe that  
137 the property is a leased or rented property, then the confiscating  
138 authority shall notify the owner of the property within five (5)  
139 days of the confiscation or within five (5) days of forming reason  
140 to believe that the property is a leased or rented property;

141                   (iii) Forfeiture of a property encumbered by a  
142 bona fide security interest is subject to the interest of the  
143 secured party if he neither had knowledge of nor consented to the  
144 act or omission.

145           (2) No property shall be forfeited under the provisions of  
146 this section, to the extent of the interest of an owner, by reason  
147 of any act or omission established by him to have been committed  
148 or omitted without his knowledge or consent.

149           (3) Seizure without process may be made if the seizure is  
150 incident to an arrest or a search under a search warrant or an  
151 inspection under an administrative inspection warrant.

152           (4) (a) When any property is seized under this section,  
153 proceedings shall be instituted within a reasonable period of time  
154 from the date of seizure or the subject property shall be  
155 immediately returned to the party from whom seized.

156                   (b) A petition for forfeiture shall be filed by the  
157 Attorney General, the Department of Public Safety or a district



158 attorney in the name of the State of Mississippi, the county, or  
159 the municipality, and may be filed in the county in which the  
160 seizure is made, the county in which the criminal prosecution is  
161 brought, or the county in which the owner of the seized property  
162 is found. Forfeiture proceedings may be brought in the circuit  
163 court or the county court if a county court exists in the county  
164 and the value of the seized property is within the jurisdictional  
165 limits of the county court as set forth in Section 9-9-21. A copy  
166 of the petition shall be served upon the following persons by  
167 service of process in the same manner as in civil cases:

168 (i) The owner of the property, if address is  
169 known;

170 (ii) Any secured party who has registered his lien  
171 or filed a financing statement as provided by law, if the identity  
172 of the secured party can be ascertained by the entity filing the  
173 petition by making a good faith effort to ascertain the identity  
174 of the secured party;

175 (iii) Any other bona fide lienholder or secured  
176 party or other person holding an interest in the property in the  
177 nature of a security interest of whom the seizing law enforcement  
178 agency has actual knowledge; and

179 (iv) Any person in possession of property subject  
180 to forfeiture at the time that it was seized.

181 (5) If the property is a motor vehicle susceptible of  
182 titling under the Mississippi Motor Vehicle Title Law and if there



183 is any reasonable cause to believe that the vehicle has been  
184 titled, inquiry of the Department of Revenue shall be made as to  
185 what the records of the Department of Revenue show as to who is  
186 the record owner of the vehicle and who, if anyone, holds any lien  
187 or security interest that affects the vehicle.

188 (6) If the property is a motor vehicle and is not titled in  
189 the State of Mississippi, then an attempt shall be made to  
190 ascertain the name and address of the person in whose name the  
191 vehicle is licensed, and if the vehicle is licensed in a state  
192 which has in effect a certificate of title law, inquiry of the  
193 appropriate agency of that state shall be made as to what the  
194 records of the agency show as to who is the record owner of the  
195 vehicle and who, if anyone, holds any lien, security interest or  
196 other instrument in the nature of a security device that affects  
197 the vehicle.

198 (7) If the property is of a nature that a financing  
199 statement is required by the laws of this state to be filed to  
200 perfect a security interest affecting the property and if there is  
201 any reasonable cause to believe that a financing statement  
202 covering the security interest has been filed under the laws of  
203 this state, inquiry of the appropriate office designated in  
204 Section 75-9-501, shall be made as to what the records show as to  
205 who is the record owner of the property and who, if anyone, has  
206 filed a financing statement affecting the property.





207           (8) If the property is an aircraft or part thereof and if  
208 there is any reasonable cause to believe that an instrument in the  
209 nature of a security device affects the property, inquiry of the  
210 Mississippi Department of Transportation shall be made as to what  
211 the records of the Federal Aviation Administration show as to who  
212 is the record owner of the property and who, if anyone, holds an  
213 instrument in the nature of a security device which affects the  
214 property.

215           (9) If the answer to an inquiry states that the record owner  
216 of the property is any person other than the person who was in  
217 possession of it when it was seized, or states that any person  
218 holds any lien, encumbrance, security interest, other interest in  
219 the nature of a security interest, mortgage or deed of trust that  
220 affects the property, the record owner and also any lienholder,  
221 secured party, other person who holds an interest in the property  
222 in the nature of a security interest, or holder of an encumbrance,  
223 mortgage or deed of trust that affects the property is to be named  
224 in the petition of forfeiture and is to be served with process in  
225 the same manner as in civil cases.

226           (10) If the owner of the property cannot be found and served  
227 with a copy of the petition of forfeiture, or if no person was in  
228 possession of the property subject to forfeiture at the time that  
229 it was seized and the owner of the property is unknown, there  
230 shall be filed with the clerk of the court in which the proceeding  
231 is pending an affidavit to such effect, whereupon the clerk of the



232 court shall publish notice of the hearing addressed to "the  
233 Unknown Owner of \_\_\_\_\_," filling in the blank space with  
234 a reasonably detailed description of the property subject to  
235 forfeiture. Service by publication shall contain the other  
236 requisites prescribed in Section 11-33-41, and shall be served as  
237 provided in Section 11-33-37, for publication of notice for  
238 attachments at law.

239 (11) No proceedings instituted pursuant to the provisions of  
240 this section shall proceed to hearing unless the judge conducting  
241 the hearing is satisfied that this section has been complied with.  
242 Any answer received from an inquiry required by this section shall  
243 be introduced into evidence at the hearing.

244 (12) (a) An owner of a property that has been seized shall  
245 file an answer within thirty (30) days after the completion of  
246 service of process. If an answer is not filed, the court shall  
247 hear evidence that the property is subject to forfeiture and  
248 forfeit the property to the seizing law enforcement agency. If an  
249 answer is filed, a time for hearing on forfeiture shall be set  
250 within thirty (30) days of filing the answer or at the succeeding  
251 term of court if court would not be in session within thirty (30)  
252 days after filing the answer. The court may postpone the  
253 forfeiture hearing to a date past the time any criminal action is  
254 pending against the owner upon request of any party.

255 (b) If the owner of the property has filed an answer  
256 denying that the property is subject to forfeiture, then the



257 burden is on the petitioner to prove that the property is subject  
258 to forfeiture. However, if an answer has not been filed by the  
259 owner of the property, the petition for forfeiture may be  
260 introduced into evidence and is prima facie evidence that the  
261 property is subject to forfeiture. The burden of proof placed  
262 upon the petitioner in regard to property forfeited under the  
263 provisions of this chapter shall be by a preponderance of the  
264 evidence.

265 (c) At the hearing any claimant of any right, title or  
266 interest in the property may prove his lien, encumbrance, security  
267 interest, other interest in the nature of a security interest,  
268 mortgage or deed of trust to be bona fide and created without  
269 knowledge or consent that the property was to be used so as to  
270 cause the property to be subject to forfeiture.

271 (d) If it is found that the property is subject to  
272 forfeiture, then the judge shall forfeit the property. However,  
273 if proof at the hearing discloses that the interest of any bona  
274 fide lienholder, secured party, other person holding an interest  
275 in the property in the nature of a security interest, or any  
276 holder of a bona fide encumbrance, mortgage or deed of trust is  
277 greater than or equal to the present value of the property, the  
278 court shall order the property released to him. If the interest  
279 is less than the present value of the property and if the proof  
280 shows that the property is subject to forfeiture, the court shall  
281 order the property forfeited.



282 (13) Unless otherwise provided herein, all personal property  
283 which is forfeited under this section shall be liquidated and,  
284 after deduction of court costs and the expense of liquidation, the  
285 proceeds shall be divided as follows:

286 (a) If only one (1) law enforcement agency participates  
287 in the underlying criminal case out of which the forfeiture  
288 arises, fifty percent (50%) of the proceeds shall be forwarded to  
289 the State Treasurer and deposited in the Victims of Human  
290 Trafficking and Commercial Sexual Exploitation Fund, and fifty  
291 percent (50%) shall be deposited and credited to the budget of the  
292 participating law enforcement agency.

293 (b) If more than one (1) law enforcement agency  
294 participates in the underlying criminal case out of which the  
295 forfeiture arises, fifty percent (50%) of the proceeds shall be  
296 forwarded to the State Treasurer and deposited in the Victims of  
297 Human Trafficking and Commercial Sexual Exploitation Fund,  
298 twenty-five percent (25%) of the proceeds shall be deposited and  
299 credited to the budget of the law enforcement agency whose  
300 officers initiated the criminal case and twenty-five percent (25%)  
301 shall be divided equitably between or among the other  
302 participating law enforcement agencies, and shall be deposited and  
303 credited to the budgets of the participating law enforcement  
304 agencies. In the event that the other participating law  
305 enforcement agencies cannot agree on the division of their  
306 twenty-five percent (25%), a petition shall be filed by any one of



307 them in the court in which the civil forfeiture case is brought  
308 and the court shall make an equitable division.

309 (14) All money forfeited under this section shall be  
310 divided, deposited and credited in the same manner as provided in  
311 subsection (13).

312 (15) All real estate forfeited under the provisions of this  
313 section shall be sold to the highest and best bidder at a public  
314 auction for cash, the auction to be conducted by the chief law  
315 enforcement officer of the initiating law enforcement agency, or  
316 his designee, at such place, on such notice and in accordance with  
317 the same procedure, as far as practicable, as is required in the  
318 case of sales of land under execution at law. The proceeds of the  
319 sale shall first be applied to the cost and expense in  
320 administering and conducting the sale, then to the satisfaction of  
321 all mortgages, deeds of trust, liens and encumbrances of record on  
322 the property. The remaining proceeds shall be divided, forwarded  
323 and deposited in the same manner as provided in subsection (13).

324 (16) (a) Any state, county or municipal law enforcement  
325 agency may maintain, repair, use and operate for official purposes  
326 all property described in subsection (1)(a)(i) of this section  
327 that has been forfeited to the agency if it is free from any  
328 interest of a bona fide lienholder, secured party or other party  
329 who holds an interest in the property in the nature of a security  
330 interest. The state, county or municipal law enforcement agency  
331 may purchase the interest of a bona fide lienholder, secured party



332 or other party who holds an interest so that the property can be  
333 released for its use. If the property is a motor vehicle  
334 susceptible of titling under the Mississippi Motor Vehicle Title  
335 Law, the law enforcement agency shall be deemed to be the  
336 purchaser, and the certificate of title shall be issued to it as  
337 required by subsection (9) of this section.

338 (b) (i) If a vehicle is forfeited to or transferred to  
339 a sheriff's department, then the sheriff may transfer the vehicle  
340 to the county for official or governmental use as the board of  
341 supervisors may direct.

342 (ii) If a vehicle is forfeited to or transferred  
343 to a police department, then the police chief may transfer the  
344 vehicle to the municipality for official or governmental use as  
345 the governing authority of the municipality may direct.

346 (c) If a motor vehicle forfeited to a state, county or  
347 municipal law enforcement agency becomes obsolete or is no longer  
348 needed for official or governmental purposes, it may be disposed  
349 of in accordance with Section 19-7-5 or in the manner provided by  
350 law for disposing of municipal property.

351 (17) The forfeiture procedure set forth in this section is  
352 the sole remedy of any claimant, and no court shall have  
353 jurisdiction to interfere therewith by replevin, injunction,  
354 supersedeas or in any other manner.

355 **SECTION 5.** (1) There is established the State Medical  
356 Examiner Task Force as a successor entity to the State Medical



357 Examiner Advisory Council created under Section 41-61-55(3). The  
358 task force is comprised of the following nine (9) members:

359 (a) The State Health Officer or the officer's designee;

360 (b) The Dean of the University of Mississippi Medical  
361 Center School of Medicine or the dean's designee;

362 (c) The Commissioner of Public Safety;

363 (d) The Attorney General or the Attorney General's  
364 designee;

365 (e) The President of the Mississippi Coroners and  
366 Medical Examiners Association or the president's designee;

367 (f) The President of the Mississippi Prosecutors  
368 Association or the president's designee;

369 (g) The President of the Mississippi Public Defenders  
370 Association or the president's designee;

371 (h) The President of the Mississippi Association of  
372 Chiefs of Police or the president's designee; and

373 (i) The President of the Mississippi Sheriffs'  
374 Association or the president's designee.

375 Each member of the task force serves at the pleasure of the  
376 head of the member's agency or appointing authority.

377 (2) The members of the task force shall elect a member  
378 annually to serve as chair. A member may not serve as chair more  
379 than two (2) consecutive years. The chair shall call meetings of  
380 the task force and shall cause written notice of the meetings to



381 be furnished to members of the task force at least thirty (30)  
382 days before the date of a meeting.

383 (3) Members of the task force must serve without  
384 compensation.

385 (4) The task force shall meet at least once annually.

386 (5) The first meeting of the task force must be held before  
387 September 30, 2024. Notice of the time and place of the first  
388 meeting must be provided to each member of the task force no less  
389 than sixty (60) days before the scheduled meeting.

390 (6) Before December 31 of each year, the task force shall  
391 prepare and submit an annual report containing recommendations and  
392 advice to the Legislature. The report must include, but need not  
393 be limited to, the following:

394 (a) Identification of needs and means to improve the  
395 investigation of deaths affecting the public interest while using  
396 best practices;

397 (b) Identification of state medical examiner resources;  
398 and

399 (c) Recommendations to enhance the efficiency of the  
400 Mississippi State Medical Examiner's Office.

401 **SECTION 6.** Section 41-61-55, Mississippi Code of 1972, is  
402 amended as follows:

403 41-61-55. (1) There is hereby created the position of State  
404 Medical Examiner, under the supervision of the Commissioner of  
405 Public Safety and within the Office of Forensic Laboratories. The





406 State Medical Examiner shall be appointed by the Commissioner of  
407 Public Safety subject to review by the dean of the University of  
408 Mississippi Medical Center School of Medicine and the State Health  
409 Officer. The State Medical Examiner may be discharged only for  
410 good cause by the Commissioner of Public Safety.

411 (2) The State Medical Examiner must obtain a license to  
412 practice medicine in Mississippi and be certified in forensic  
413 pathology by the American Board of Pathology. The State Medical  
414 Examiner may also be designated as the Chief Medical Examiner.

415 \* \* \*

416 **SECTION 7.** Section 45-1-3, Mississippi Code of 1972, is  
417 amended as follows:

418 45-1-3. (1) When not otherwise specifically provided, the  
419 commissioner is authorized to make and promulgate reasonable rules  
420 and regulations to be coordinated, and carry out the general  
421 provisions of the Highway Safety Patrol and Driver's License Law  
422 of 1938.

423 (2) The commissioner shall have the authority to administer  
424 oaths.

425 (3) Notwithstanding any other provision of law, with written  
426 approval from the Executive Director of the Department of Finance  
427 and Administration, the commissioner may enter into a lease or  
428 sublease agreement for space in the Department of Public Safety  
429 headquarters building with a third party for the purpose of  
430 providing services and assistance to the department and its



431 employees. Any funds generated from a lease or sublease under  
432 this subsection must be deposited into a special fund that is  
433 managed by the department for general public safety purposes and  
434 to offset any costs of the department in operating and maintaining  
435 that space. Unexpended funds remaining in the special fund may  
436 not lapse into the State General Fund, and any interest earned or  
437 investment earnings on amounts in the fund must be deposited into  
438 the special fund.

439 **SECTION 8.** This act shall take effect and be in force from  
440 and after July 1, 2024, and shall stand repealed June 30, 2024.

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

1 AN ACT TO AMEND SECTION 45-3-51, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE A LAW ENFORCEMENT OFFICER RETIRING FROM THE DEPARTMENT  
3 OF PUBLIC SAFETY AND BENEFICIARIES OF AN OFFICER KILLED IN THE  
4 LINE OF DUTY TO RETAIN A SIDEARM ISSUED TO THAT OFFICER; TO AMEND  
5 SECTION 45-9-131, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
6 PRECEDING PROVISIONS; TO AMEND SECTION 77-7-345, MISSISSIPPI CODE  
7 OF 1972, TO DELETE THE REPEALER ON THE STATUTE AUTHORIZING THE  
8 COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH A VOLUNTARY PROGRAM FOR  
9 THE INSPECTION OF COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION  
10 97-3-54.7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT  
11 OF PUBLIC SAFETY TO SEIZE PROPERTY USED IN THE COMMISSION OF  
12 VIOLATIONS OF THE HUMAN TRAFFICKING ACT; TO CREATE THE STATE  
13 MEDICAL EXAMINER TASK FORCE TO REPLACE THE STATE MEDICAL EXAMINER  
14 ADVISORY COUNCIL; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF  
15 1972, TO DELETE PROVISIONS RELATING TO THE STATE MEDICAL EXAMINER  
16 ADVISORY COUNCIL; TO AMEND SECTION 45-1-3, MISSISSIPPI CODE OF  
17 1972, TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY, WITH THE  
18 APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE  
19 AND ADMINISTRATION, TO LEASE SPACE IN THE DEPARTMENT'S  
20 HEADQUARTERS TO A THIRD PARTY; TO REQUIRE FUNDS GENERATED FROM A  
21 LEASE TO BE DEPOSITED INTO A SPECIAL FUND FOR PUBLIC SAFETY  
22 PURPOSES; AND FOR RELATED PURPOSES.

