

By: Representative Newman

To: Judiciary A

HOUSE BILL NO. 159

1 AN ACT TO CREATE THE "PUBLIC SAFETY FOR PUBLIC PROPERTY ACT";
2 TO PROHIBIT CAMPING ON CERTAIN PUBLIC PROPERTY; TO PROVIDE
3 DEFINITIONS FOR THIS ACT; TO PROHIBIT A PERSON FROM SLEEPING ON
4 PUBLIC SIDEWALKS, STREETS, OR ALLEYS AT ANY TIME AS A MATTER OF
5 INDIVIDUAL AND PUBLIC SAFETY; TO PROHIBIT A PERSON FROM SLEEPING
6 IN ANY PEDESTRIAN OR VEHICULAR ENTRANCE TO PUBLIC OR PRIVATE
7 PROPERTY ABUTTING A PUBLIC SIDEWALK; TO AUTHORIZE THE REMOVAL AND
8 DISPOSAL OF ITEMS IN AN UNSANITARY CONDITION; TO PROVIDE THAT NO
9 PERSON MAY OCCUPY A CAMPSITE INCONSISTENT WITH THE REGULATIONS OF
10 THIS ACT UNLESS SPECIFICALLY AUTHORIZED BY THE APPLICABLE
11 GOVERNING AUTHORITY ON WHICH THE CAMPSITE IS LOCATED; TO PROVIDE
12 PENALTIES FOR VIOLATIONS OF THIS ACT; TO AUTHORIZE THE COURT TO
13 MITIGATE PENALTIES FOR VIOLATIONS OF THIS ACT; TO BRING FORWARD
14 SECTIONS 97-17-85 AND 97-17-93, MISSISSIPPI CODE OF 1972, WHICH
15 PROVIDE FOR THE CRIME OF TRESPASS UPON THE ENCLOSED LAND OF
16 ANOTHER, FOR PURPOSES OF AMENDMENT; TO AMEND SECTION 97-35-25,
17 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO
18 BRING FORWARD SECTION 97-35-23, MISSISSIPPI CODE OF 1972, WHICH
19 PROHIBITS OBSTRUCTION OF PUBLIC STREETS; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** This act shall be known and may be cited as "The
22 Public Safety for Public Property Act".

23 **SECTION 2.** The following words shall have the meanings
24 described herein:

25 (a) "Camp" means to maintain a campsite in a single
26 location on any property owned or controlled by a municipality,



27 county or state, state agency or political subdivision of the
28 state for more than twenty-four (24) hours.

29 (b) "Campsite" means a location on any property owned
30 or controlled by a municipality, county or state, state agency or
31 political subdivision of the state where camping materials are
32 placed.

33 (c) "Camping Materials" include, but are not limited
34 to, tents, huts, blankets, plastics, awnings, lean-tos, chairs,
35 tarps, portable stoves, and/or other collections of personal
36 property that are, or reasonably appear to be, arranged and/or
37 used as accommodations to camp whether or not twenty-four (24)
38 hours have passed.

39 (d) "Personal Property" means any item that can
40 reasonably be identified as belonging to an individual and that
41 has apparent value or utility.

42 (e) "Public property" means sidewalks, streets,
43 highways, alleys, road or other passageways for pedestrian or
44 motor vehicle traffic and includes, rights of way, parking lots,
45 easements or other similar land owned, leased, controlled, or
46 managed by a municipality, county, state, state agency or
47 political subdivision of the state. This definition shall not
48 include any spaces designated by a municipality, county, state,
49 state agency or political subdivision of the state for camping.

50 (f) "Relocate" means to move both the individual(s) and
51 the individual's personal property off public property, or to a



different location authorized by a municipality, county, state, state agency or political subdivision of the state as applicable for at least twenty-four (24) hours. This definition does not include moving to another portion of the same property.

SECTION 3. (1) The Legislature finds that public safety and health risks exist to persons who camp or otherwise reside on sidewalks, streets, highways, alleys, roads, passageways or other public property. Accidents or intentional harm can be caused to the person who is camping by the pedestrian who crosses paths with the camper, a driver who drives too close to the camper or when things fall from motor vehicles onto the camper.

(2) The Legislature finds that persons who camp on public property do not clean or clear the public property when they move to new locations. This failure to clean or clear the public property leaves trash that causes odor and creates blight on public property.

(3) The Legislature finds that the presence of such trash, blight and odor on public property increases costs to the municipality, county, political subdivision or state for cleaning and maintenance of property.

(4) The Legislature finds that the presence of such trash, blight and odor on public property negatively affects tourism and economic development in the municipality, county or political subdivision in which it is located.



SECTION 4.

(1) No person may camp or create a campsite on any sidewalks, streets, highways, alleys, roads, passageways or any other public property.

(2) No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.

(3) In addition to any other remedy provided by this act or otherwise provided by law, any person found in violation of this section may be immediately removed from the premises by municipal, county or state law enforcement officers.

(4) The provisions of this section shall not be construed to affect the rights of private property owners to remove any person from his or her private property.

SECTION 5.

(1) No person may occupy a campsite inconsistent with the regulations in this act unless specifically authorized by the municipality, county, political subdivision or state agency, as applicable, or by state law with the conditions provided for in this section. Before specific authority is granted by any municipality, county, political subdivision or state agency, as applicable, or by state law, the applicant shall provide proof of adequate insurance coverage with a value of no less than One Million Dollars (\$1,000,000.00) and agree to indemnify the applicable municipality, county, political subdivision or state agency, as applicable, for any liability, damage or expense incurred by the applicable governing authority as a result of activities of the applicant. Any findings by the applicable



governing authority or agency shall specify the exact dates and location(s) covered by the exemption.

(2) Unless otherwise authorized as described in subsection (1) of this section, the only locations where it is lawful to place camping materials, or store camping materials for any period of time on public property are those locations designated by state law or the municipality, county, political subdivision or state agency, as applicable.

(3) The designated locations shall be listed on the website of the applicable municipality, county, political subdivision or state agency. The governing authority or state agency shall maintain an updated description of the designated locations on a public portion of its website and shall make paper copies available.

(4) Where the temporary placement of camping materials is authorized, an individual that has placed camping materials on public property must relocate according to the time limitations set forth for that location.

SECTION 6. Any municipality, county, political subdivision or state agency, as applicable, is authorized to remove individuals, personal property, camping materials, and campsites from public property consistent with this section as follows:

(a) Items having no apparent utility or monetary value and items in an unsanitary condition may be discarded.



(b) Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the law enforcement agency of the governing authority upon which the property is located until an alternate disposition is determined.

(c) All personal property removed from a campsite which is not, disposed of, or held as evidence (as provided above), shall be stored by the applicable law enforcement agency for a minimum of thirty (30) days, during which time it shall be made reasonably available for and released to an individual confirming ownership consistent with state law.

SECTION 7. (1) Upon conviction for a violation of this act, in addition to any other factors deemed appropriate by the court, the court shall consider in mitigation whether or not the person immediately removed all personal property and litter, including but not limited to bottles, cans, and garbage from the campsite after being informed they were in violation of the law.

(2) Upon conviction for a violation of this act, if an individual demonstrates that after receiving the citation and before the hearing, they meaningfully engaged with private resources and/or service providers to address the reason(s) that led them to be in violation, the court shall consider that information when determining the appropriate penalty.

(3) Conviction for violation of this act is punishable by a fine of not more than Fifty Dollars (\$50.00). In the court's discretion, alternative penalties intended to address the



reason(s) the individual was in violation of this chapter may be imposed. These alternative penalties may not include a term of imprisonment but are otherwise as broad as permissible.

SECTION 8. Section 97-17-85, Mississippi Code of 1972, is brought forward as follows:

97-17-85. Except as otherwise provided in Sections 73-13-103 and 49-7-79, if any person shall go upon the enclosed land of another without his consent, after having been notified by such person or his agent not to do so, either personally or by published or posted notice, or shall remain on such land after a request by such person or his agent to depart, he shall, upon conviction, be fined not more than Fifty Dollars (\$50.00) for such offense. The provisions of this section shall apply to land not enclosed where the stock law is in force.

SECTION 9. Section 97-17-93, Mississippi Code of 1972, is brought forward as follows:

97-17-93. (1) Any person who knowingly enters the lands of another without the permission of or without being accompanied by the landowner or the lessee of the land, or the agent of such landowner or lessee, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of Two Hundred Fifty Dollars (\$250.00). Upon conviction of any person for a second or subsequent offense, the offenses being committed within five (5) years of the last offense, such person shall be punished by a fine of Five Hundred Dollars (\$500.00), and



may be imprisoned in the county jail for a period of not less than ten (10) nor more than thirty (30) days, or by both such fine and imprisonment. This section shall not apply to the landowner's or lessee's family, guests, or agents, to a surveyor as provided in Section 73-13-103, or to persons entering upon such lands for lawful business purposes.

(2) (a) It shall be the duty of sheriffs, deputy sheriffs, constables and conservation officers to enforce this section.

(b) Such officers shall enforce this section by issuing a citation to those charged with trespassing under this section.

(3) The provisions of this section are supplementary to the provisions of any other statute of this state.

(4) A prosecution under the provisions of this section shall be dismissed upon the request of the landowner, lessee of the land or agent of such landowner or lessee, as the case may be.

SECTION 10. Section 97-35-25, Mississippi Code of 1972, is amended as follows:

97-35-25. (1) It shall be unlawful for any person or persons to * * * willfully obstruct the free, convenient and normal use of any public sidewalk, street, highway, alley, road * * * or other passageway by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, and any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00)



or by confinement in the county jail not exceeding six (6) months,
or by both such fine and imprisonment.

(2) The provisions of this section are supplementary to the
provisions of any other statute of this state.

SECTION 11. Section 97-35-23, Mississippi Code of 1972, is
brought forward as follows:

97-35-23. (1) It shall be unlawful for any person or
persons to intentionally obstruct, or interfere with the normal or
ordinary free use and passage of vehicles of or on, any public
street or highway provided for use by vehicular traffic, or for
any person or persons to intentionally obstruct, or interfere with
the normal or ordinary free use and passage of pedestrians of or
on any public sidewalk provided for foot travel by pedestrians,
and any person or persons who so do shall be guilty of a
misdemeanor and, upon conviction thereof, shall be punished by a
fine of not more than Four Hundred Dollars (\$400.00), or by
imprisonment in the county jail for not more than four (4) months,
or by both such fine and imprisonment.

(2) The provisions of this section are supplementary to the
provisions of any other statute of this state.

SECTION 12. This act shall take effect and be in force from
and after July 1, 2025.

