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To: Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1197

1 AN ACT TO CREATE THE "SAFE SOLICITATION ACT"; TO REQUIRE ANY
2 PERSON WHO DESIRES TO SOLICIT TO OBTAIN A SOLICITATION PERMIT FROM
3 THE MUNICIPALITY, COUNTY OR POLITICAL SUBDIVISION IN WHICH THE
4 SOLICITATION OCCURS; TO CREATE PENALTIES FOR FAILURE TO COMPLY; TO
5 AMEND SECTIONS 97-35-25 AND 97-35-23, MISSISSIPPI CODE OF 1972, TO
6 CONFORM TO THIS ACT; TO AMEND SECTION 45-1-19, MISSISSIPPI CODE OF
7 1972, TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY OR THE CHIEF OF
8 CAPITOL POLICE TO ISSUE SOLICITATION PERMITS; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** This act shall be known and may be cited as the
12 "Safe Solicitation Act".

13 **SECTION 2.** For purposes of this act, the following words
14 shall have the meanings described herein:

15 (a) "Governing Authority" means the municipality,
16 county, political subdivision of the state or state agency that
17 governs the street, traffic median, shoulder, improved shoulder,
18 sidewalk, or improved portion of the roadway where the
19 solicitation occurs.

20 (b) "Solicitation" or "solicit" means to request money
21 or anything of value as a donation or contribution while standing,



sitting or positioned in any manner on any road, street, highway median, traffic island or highway intersection; or to request any other thing of value in exchange for any goods, wares, merchandise or thing of value while standing, sitting or positioned in any manner on any road, street, highway median, traffic island or highway intersection.

(c) "Solicitation permit" means a form designed and provided by a municipality, county, political subdivision of the state or state agency as proof that a person is authorized to solicit in accordance with this act.

SECTION 3. (1) It shall be unlawful for any person to solicit in any municipality, county or political subdivision of this state without a solicitation permit issued by the municipality, county or political subdivision in which the solicitation will occur.

(2) The municipality, county or political subdivision is authorized to charge a fee for the solicitation permit in an amount which shall not exceed Twenty-five Dollars (\$25.00).

(3) (a) It shall be unlawful for any person to create or otherwise design a solicitation permit without the authority or permission of a municipality, county or political subdivision in which the solicitation occurs and to use or allow use of the document for the purpose of solicitation in violation of this act.

(b) Any person violating the provisions of paragraph (a) of this subsection (3) shall, upon conviction, be guilty of



the misdemeanor crime of "forgery of a solicitation permit", and fined not more than Three Hundred Dollars (\$300.00), imprisoned not more than six (6) months in the county jail, or both.

SECTION 4. (1) (a) Any person who wishes to solicit shall obtain a solicitation permit from the municipality, county or political subdivision in which the solicitation will occur in accordance with this act.

(2) Any person who has received a permit may solicit in accordance with the following terms and conditions:

(a) No solicitor may impede traffic at any time;

(b) All solicitors must enter or remain in a roadway, street or thoroughfare only while the controlling traffic signal prohibits vehicular movement;

(c) All solicitors must remain within one hundred (100) feet of or from the intersection approved under the permit;

(d) All solicitations shall occur during daylight hours only.

(e) Solicitation activities shall not interfere with the safe and efficient movement of traffic and shall not cause danger to the participants or the public.

(f) No person engaging in solicitation activities shall persist after solicitation has been denied, act in a demanding or harassing manner, or use any sound or voice-amplifying apparatus or device.



(3) The governing authority may stop solicitation activities at any time if any conditions or requirements of this act are not met.

SECTION 5. (1) Each permit shall allow solicitation only between the hours of 9:00 a.m. and one hour before sunset, as determined by the governing authority.

(2) Only one (1) permit will be issued for an intersection on any given day. Permits will be issued on a first come basis to those applicants who submit a completed application form.

(3) The application for a solicitation permit shall state the name, mailing address and telephone number of the person requesting the authority to solicit, and the location(s) and times the solicitation will take place.

SECTION 6. Section 97-35-25, Mississippi Code of 1972, is amended as follows:

97-35-25. (1) Except as otherwise authorized for solicitation permits in accordance with the Safe Solicitation Act, 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 7. Section 97-35-23, Mississippi Code of 1972, is amended as follows:

97-35-23. (1) Except as otherwise authorized by a municipality, county, political subdivision or state agency in accordance with the Safe Solicitation Act, 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 8. Section 45-1-19, Mississippi Code of 1972, is amended as follows:



45-1-19. (1) The Department of Public Safety, through the Office of Capitol Police, shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi on the properties, from curb to curb, including adjoining streets, sidewalks and leased parking lots within the Capitol Complex, set forth in Section 29-5-2, the Governor's mansion, the Supreme Court Building, the Mississippi Department of Transportation Building and the Public Employees' Retirement System Building, and any property purchased, constructed or otherwise acquired by the State of Mississippi for conducting state business and not specifically under the supervision and care by any other state entity, but which is reasonably assumed the Department of Public Safety would be responsible for such. The Department of Public Safety shall, through any person or persons appointed by the commissioner, make arrests for any violation of any law of the State of Mississippi on the grounds of or within those properties. The Department of Public Safety shall, in addition, enforce the provisions of this section and Sections 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95, and prescribe such rules and regulations as are necessary therefor. The powers and duties related to the administration of Sections 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95 shall remain with the Department of Finance and Administration.

(2) Subject to the approval of the Board of Trustees of State Institutions of Higher Learning, the Board of Trustees and



the Department of Public Safety shall be authorized to enter into a contract for the Department of Public Safety to supply the security personnel with jurisdiction to enforce all laws of the State of Mississippi on the property of the Board of Trustees located at the corner of Ridgewood Road and Lakeland Drive in the City of Jackson.

(3) The Department of Public Safety and the Department of Agriculture are authorized to enter into a contract for the Department of Public Safety to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Department of Agriculture located at 121 North Jefferson Street and the new Farmers Market Building located at the corner of High and Jefferson Streets in the City of Jackson, Hinds County, Mississippi. It is the intent of the Legislature that the Department of Public Safety will not post any security personnel at such buildings, but will provide regular vehicle patrols and responses to security system alarms.

(4) The Department of Public Safety and the Department of Agriculture are authorized to enter into a contract for the Department of Public Safety to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Department of Agriculture known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property. The Department of Public Safety and the Department of Agriculture are authorized to enter into a contract for the Department of



Public Safety to supply the security personnel to the Department of Agriculture with jurisdiction to enforce all laws of the State of Mississippi on this property and any and all buildings on this property. The Department of Public Safety is authorized to charge the Department of Agriculture a fee for security services provided for special events at the Mississippi State Fairgrounds Complex. The fee charged will be commensurate with the cost associated with the Department of Public Safety providing those services.

(5) The Department of Public Safety and the Department of Revenue are authorized to enter into a contract for the Department of Public Safety to supply the security personnel with jurisdiction to enforce all laws of the State of Mississippi at the Alcoholic Beverage Control facility and the Department of Revenue main office.

(6) (a) The Department of Public Safety shall have primary jurisdiction relative to any other state or municipal law enforcement agency to enforce all laws of the State of Mississippi within the boundaries of the Capitol Complex Improvement District created in Section 29-5-203; such enforcement shall be its primary function. The Department of Public Safety may, through any person or persons appointed by the Department of Public Safety, make arrests for any violation of any law of the State of Mississippi and violations of the City of Jackson's traffic ordinances or ordinances related to the disturbance of the public peace which occurs within the boundaries of the district and within the



boundaries of the City of Jackson. The Department of Public Safety may choose to present cases to either the District Attorney or the prosecuting attorneys designated by the Attorney General for prosecution of any violation of law that accrues or occurs, in whole or in part, within the boundaries established by Section 29-5-203. The jurisdiction of the Department of Public Safety granted under this subsection (6) shall be concurrent with the jurisdiction of the City of Jackson, Mississippi, and that of Hinds County, Mississippi within the boundaries of the Capitol Complex Improvement District created in Section 29-5-203. At any time and/or during any event necessitating the coordination of and/or utilization at multiple jurisdictions, as determined by the Chief of Capitol Police or the Commissioner of the Department of Public Safety shall be the lead agency when the event occurs on property as defined herein that is owned or leased by the state as provided in subsection (1) of this section. The jurisdiction and authority of the Department of Public Safety under this subsection (6) shall be in addition to any other jurisdiction and authority provided to the department under this section or any other law.

(b) The Department of Public Safety shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi within the boundaries of the City of Jackson, Mississippi. The Department of Public Safety may, through any person or persons appointed by the Department of Public Safety, make arrests for any violation of any law of the State of



Mississippi which occurs within the boundaries of the City of Jackson. The jurisdiction of the Department of Public Safety granted under this paragraph (b) shall not be primary and shall be concurrent with the jurisdiction of the City of Jackson, Mississippi, and that of Hinds County, Mississippi.

(c) (i) Written approval from the Chief of the Capitol Police or the Commissioner of the Department of Public Safety shall be required before any event occurs which will take place on any street or sidewalk immediately adjacent to any building or property owned or occupied by any official, agency, board, commission, office or other entity of the State of Mississippi, or which can reasonably be expected to block, impede or otherwise hinder ingress thereto and/or egress therefrom. The Department of Public Safety shall promulgate rules and regulations to effectuate the provisions of this paragraph (c).

(ii) The Chief of the Capitol Police is authorized to issue solicitation permits in conformity with the Safe Solicitation Act within the boundaries of the Capitol Complex Improvement District.

(d) The Chief of the Capitol Police and/or the Commissioner of the Department of Public Safety, the Chief of the Jackson Police Department, and the Sheriff of Hinds County shall hold a regular meeting within the boundaries of the Capitol Complex Improvement District to address the concerns of the



public. Each meeting shall be called by the Chief of the Capitol Police; and the first meeting shall be called by October 15, 2023.

(7) The Department of Public Safety is authorized to enter into a contract with any county for the county to take custody of the misdemeanor offenders arrested under the authority granted under this section.

(8) All accrued personal leave earned pursuant to Section 25-3-93, accrued major medical leave earned pursuant to Section 25-3-95, accrued state compensatory leave earned pursuant to Section 25-3-92, and compensatory leave earned pursuant to the Fair Labor Standards Act (FLSA) shall transfer from the Department of Finance and Administration to the Department of Public Safety for all employees transferred under this section.

SECTION 9. This act shall take effect and be in force from and after July 1, 2025.

