

By: Senator(s) England

To: Judiciary, Division B;  
Education

SENATE BILL NO. 2189

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, 2025.

