

## SENATE BILL NO. 2791

1       AN ACT TO REQUIRE THAT BEFORE A BILL OF INDICTMENT AGAINST A  
2 PRESENT OR FORMER LAW ENFORCEMENT OFFICER CHARGING THE OFFICER  
3 WITH A CRIME WHICH CONCERNS THE OFFICER'S USE OF LETHAL FORCE AND  
4 IS ALLEGED TO HAVE OCCURRED WHILE HE OR SHE WAS IN THE PERFORMANCE  
5 OF HIS OR HER DUTIES IS PRESENTED TO A GRAND JURY THAT THE OFFICER  
6 SHALL BE NOTIFIED IN WRITING OF THE CONTEMPLATED ACTION BY THE  
7 PROSECUTING ATTORNEY; TO REQUIRE THAT THE NOTICE TO THE OFFICER  
8 INFORM THE OFFICER OF THE GRAND JURY INVESTIGATION AND OFFER THE  
9 OFFICER THE OPPORTUNITY TO TESTIFY BEFORE THE GRAND JURY AT THE  
10 CONCLUSION OF THE STATE'S CASE-IN-CHIEF; TO PROVIDE THAT THE  
11 OFFICER MAY BE QUESTIONED BY THE PROSECUTING ATTORNEY OR MEMBERS  
12 OF THE GRAND JURY; TO PROVIDE A PROCEDURE FOR THE OFFICER TO  
13 TESTIFY; TO PROVIDE THAT THE OFFICER'S ATTORNEY SHALL NOT ASK THE  
14 OFFICER QUESTIONS OR OBJECT BASED ON EVIDENTIARY GROUNDS; TO  
15 AUTHORIZE THE PROSECUTING ATTORNEY TO PRESENT REBUTTAL EVIDENCE;  
16 TO PROHIBIT PROSECUTIONS FROM PROCEEDING WITHOUT A GRAND JURY  
17 INDICTMENT FOR SUCH CRIMES; AND FOR RELATED PURPOSES.

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

19       SECTION 1. (1) Before a bill of indictment against a  
20 present or former law enforcement officer charging the officer  
21 with a crime which concerns the officer's use of lethal force and  
22 is alleged to have occurred while the officer was in the  
23 performance of his or her duties is presented to a grand jury, the  
24 officer shall be notified in writing of the contemplated action by  
25 the prosecuting attorney. Such notice shall be provided to such

26      officer not less than twenty (20) days prior to the date upon  
27      which a grand jury will begin hearing evidence, and such notice  
28      shall inform such officer:

29                 (a)     That the grand jury is investigating such officer's  
30      conduct to determine if there is probable cause to conclude that  
31      he or she has violated one or more laws of this state;

32                 (b)     That he or she may request, but cannot be  
33      compelled, to testify as a witness before the grand jury regarding  
34      his or her conduct; and

35                 (c)     That, if such officer requests to testify before  
36      the grand jury, he or she will be permitted to do so at the  
37      conclusion of the presentation of the state's case-in-chief and  
38      that he or she may be questioned by the prosecuting attorney or  
39      members of the grand jury as are any other witnesses.

40                 (2)     If the officer requests to appear as a witness, he or  
41      she shall notify the prosecuting attorney any time prior to the  
42      date the grand jury will begin hearing testimony in such  
43      investigation. The prosecuting attorney shall inform the officer  
44      in writing of the date and time when he or she shall be present in  
45      order to testify and of the procedure that the grand jury will  
46      follow pursuant to subsection (3) of this section. The  
47      prosecuting attorney shall further advise the grand jury that an  
48      officer has the right to appear and testify or not to appear and  
49      testify and that, if the officer chooses not to testify, the grand



50       jury shall not consider that choice in any way in making its  
51       decision.

52           (3) If the officer requests to testify before the grand jury  
53       and appears at the date and time specified, the case shall proceed  
54       as in any other criminal case heard by a grand jury, except that  
55       the officer shall be permitted to testify at the conclusion of the  
56       presentation of the state's case-in-chief and that he or she shall  
57       only be present in the grand jury room while he or she is  
58       testifying. Such officer may be questioned by the prosecuting  
59       attorney or members of the grand jury as are any other witnesses.  
60       After the officer has been sworn as a witness and prior to any  
61       testimony by the officer, the prosecuting attorney shall advise  
62       the officer substantially of the following:

63           (a) The officer's appearance before the grand jury is  
64       voluntary, and he or she cannot be compelled to appear as a  
65       witness;

66           (b) By agreeing to be sworn as a witness, he or she  
67       will be asked to testify and answer questions and may be asked to  
68       produce records, documents and other physical evidence;

69           (c) The officer may refuse to answer any question or to  
70       produce records, documents and other physical evidence if a  
71       truthful answer to the question or producing such records,  
72       documents and other physical evidence would tend to incriminate  
73       the officer or would tend to bring infamy, disgrace or public  
74       contempt upon the officer;



75 (d) Any testimony given by the officer may be used  
76 against him or her by the grand jury or in a subsequent legal  
77 proceeding; and

78 (e) If the officer is represented by an attorney, the  
79 attorney shall have the right to be present in the grand jury room  
80 while the officer is testifying, and the officer will be permitted  
81 reasonable opportunity to consult with his or her attorney outside  
82 the grand jury room.

96           **SECTION 2.** This act shall take effect and be in force from  
97 and after July 1, 2025.

