

Senate Amendments to House Bill No. 1338

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

15 **SECTION 1.** Section 25-1-87, Mississippi Code of 1972, is
16 amended as follows:

17 25-1-87. (1) All motor vehicles owned or leased by the
18 State of Mississippi or any agency, department or political
19 subdivision thereof, which shall include counties and
20 municipalities, when such agency or department or political
21 subdivision, which shall include counties and municipalities, is
22 supported wholly or in part by public taxes or by appropriations
23 from public funds, shall have painted on both sides in letters at
24 least three (3) inches in height, and on the rear in letters not
25 less than one and one-half (1-1/2) inches in height, the name of
26 the state agency or department, or political subdivision, which
27 shall include counties and municipalities, in a color which is in
28 contrast with the color of the vehicle; provided, however, that a
29 permanent decal may be used in lieu of paint, and provided
30 further, that any * * * state agency or department, or political
31 subdivision, which shall include counties and municipalities, may

32 affix a permanent decal or design at least twelve (12) inches in
33 height and twelve (12) inches in width on both sides of the
34 vehicle with the name of the municipality within or across the
35 permanent decal or design, and the permanent design or decal shall
36 be in a color or colors which are in contrast with the color of
37 the vehicle. No privilege license tag shall be issued for such
38 vehicle until the name has been painted thereon or a permanent
39 design or decal affixed thereto as required by this section. A
40 permanent decal may be used in lieu of paint. The provisions of
41 this paragraph shall not apply to vehicles used by the Chief
42 Executive of the State of Mississippi, to vehicles owned or leased
43 by the Department of Economic and Community Development, to
44 vehicles owned or leased by the Office of the Attorney
45 General, * * * to vehicles owned or leased motor vehicles operated
46 by the Department of Mental Health or by facilities operated by
47 the Department of Mental Health and used for transporting patients
48 living in group homes or alternative living arrangements, up to
49 four (4) vehicles owned or leased by economic development
50 districts or economic development authorities, up to three (3)
51 vehicles owned or leased by the Department of Insurance for use by
52 the State Fire Marshal's Office, up to three (3) vehicles owned or
53 leased by the Department of Corrections and used only by Community
54 Services Division officers, to vehicles owned or leased by the
55 Department of Public Safety for executive protection, and to
56 vehicles owned or leased by the Agricultural and Livestock Theft
57 Bureau of the Department of Agriculture and Commerce and used for

58 investigative purposes. The provisions of this paragraph shall
59 not apply to one (1) vehicle owned or leased by the Executive
60 Director of the Department of Mental Health, * * * the Mississippi
61 Division of Medicaid, * * * the State Department of Rehabilitation
62 Services, * * * the Mississippi Department of
63 Transportation, * * * the Commissioner of the Mississippi
64 Department of Corrections, * * * the Mississippi Department of
65 Marine Resources, or to not more than one (1) vehicle owned or
66 leased by the Department of Revenue; * * * the State Adjutant
67 General, the Commissioner of Public Safety, * * * the Alcoholic
68 Beverage Control Division of the Department of Revenue, * * * the
69 Mississippi Department of Wildlife, Fisheries and Parks, the
70 Director of the Bureau of Narcotics, * * * the Board of Pharmacy,
71 the Executive Director of the Mississippi Gaming Commission, the
72 State Auditor or a president or chancellor of a state institution
73 of higher learning * * *.

74 The Governor may authorize the use of specified unmarked
75 vehicles * * * upon written request of any state agency department
76 or political subdivision only in instances where such identifying
77 marks will hinder official investigations. The written request
78 shall contain the manufacturer's serial number, the state
79 inventory number, where applicable, and shall set forth why the
80 vehicle should be exempt. In the event the request is granted,
81 the Governor shall furnish the State Department of Audit with a
82 copy of his written authority for the use of the unmarked
83 vehicles. The governing authorities of any municipality or county

84 may authorize the use of specified, unmarked police vehicles when
85 identifying marks would hinder official criminal investigations by
86 the police. The * * * order or resolution authorizing such shall
87 contain the manufacturer's serial number, the state inventory
88 number, where applicable, and shall set forth why the vehicle
89 should be exempt from the provisions of this paragraph. * * * The
90 governing authority * * * shall enter its order or resolution on
91 the minutes and shall furnish the State Department of Audit with a
92 certified copy of its order or resolution for the use of the
93 unmarked police vehicle. The governing authorities of any board
94 or political subdivision of the State of Mississippi may authorize
95 the use of specified, unmarked vehicles when identifying marks
96 would hinder official investigations by a sworn law enforcement
97 officer. The governing authority of any airport or school may
98 authorize the use of unmarked vehicles when identifying mark will
99 compromise security at such airport or school. The order or
100 resolution authorizing such unmarked vehicles shall contain the
101 manufacturer's serial number, the inventory number, and shall set
102 forth why the vehicle should be exempt from the provisions of this
103 paragraph. The governing authority shall enter its order or
104 resolution on the minutes and shall furnish the State Department
105 of Audit with a certified copy of its order or resolution for the
106 use of the unmarked police vehicle. The state property auditors
107 of the State Department of Audit shall personally examine vehicles
108 owned or leased by the State of Mississippi or any agency,
109 department or commission thereof and report violations of the

provisions of this paragraph to the State Auditor and the Chairman of the Joint Legislative Committee on Performance Evaluation and Expenditure Review. Any vehicle found to be in violation of this paragraph shall be reported immediately to the department head charged with such vehicle, and five (5) days shall be given for compliance; and if not complied with, such vehicles shall be impounded by the State Auditor until properly marked or exempted.

Upon notification to the Department of Revenue by the State Auditor that any municipality or political subdivision is not in compliance with this section, the Department of Revenue shall withhold any sales tax due for distribution to any such municipality and any excise tax on gasoline, diesel fuel, kerosene and oil due any such county and for any months thereafter, and shall continue to withhold such funds until compliance with this section is certified to the Department of Revenue by the State Department of Audit.

County-owned motor vehicles operated by the sheriff's department shall not be subject to the provisions of this section, but shall be subject to the provisions of Section 19-25-15. County-owned motor vehicles operated by a family court established pursuant to Section 43-23-1 et seq., shall not be subject to the provisions of this section.

* * *

(2) Any authorization of unmarked vehicles under this section, notwithstanding any other provision of law, shall only apply to vehicles which are for use by sworn officers in the

performance of their official duties which include, but are not limited to, ensuring the safety of the public, the apprehension and investigation of criminal offenders, or the investigation of criminal activities, including vehicles.

SECTION 2. Section 45-3-29, Mississippi Code of 1972, is amended as follows:

45-3-29. (1) Except as otherwise authorized under this section, it shall be unlawful for any person not authorized so to do to impersonate a state highway safety patrolman, wear or use the insignia or uniform thereof, or to in anywise imitate or impersonate such patrolman. Any person adjudged guilty of violating this section shall be guilty of a * * * felony and upon conviction, shall be punished by a fine of not more than * * * Five Thousand Dollars (\$5,000.00) or by imprisonment in the * * * custody of the Department of Corrections for a term not exceeding * * * three (3) years, or by both such fine and imprisonment. Nothing in this section, however, shall be construed to prevent or preclude the boards of supervisors of the several counties from employing county highway patrolmen as presently authorized by law, and said county patrolmen shall, when authorized by the commissioner and under rules and regulations with respect thereto, after completing such examinations and meeting such requirements as are specified by the commissioner, be entitled to wear the uniform and insignia of state highway safety patrolmen and discharge the duties thereof.

(2) It shall not be unlawful or a violation of this section for a retired state highway safety patrol officer to wear the uniform and insignia of the state highway safety patrol when making presentations, delivering speeches or addressing public or private audiences for the purpose of entertaining or amusing such audiences provided such retired officer obtains written authorization from the Commissioner of Public Safety before engaging in such events. The approval of the commissioner shall not be required for each separate event but shall remain effective as an authorization for all such events until revoked or rescinded by the commissioner.

SECTION 3. Section 97-7-44, Mississippi Code of 1972, is amended as follows:

97-7-44. (1) Any person who falsely and willfully assumes or pretends to be an officer or employee acting under the authority of the State of Mississippi or any department, agency or officer thereof; or of any county, municipality or any other subdivision of the State of Mississippi, or of any department agency or officer of such county, municipality or subdivision, shall be guilty of a misdemeanor and punished for each separate such offense by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment.

(2) Any person who violates this section by willfully assuming or pretending to be a law enforcement officer shall be guilty of a felony and shall be subject to a fine of not more than

187 Five Thousand Dollars (\$5,000.00) or by imprisonment in the
188 custody of the Department of Corrections for a term not exceeding
189 three (3) years, or by both such fine and imprisonment.

190 **SECTION 4.** Section 97-7-43, Mississippi Code of 1972, which
191 provides for the offense of impersonating state, county or
192 municipal officers or employees, is repealed.

193 **SECTION 5.** This act shall take effect and be in force from
194 and after July 1, 2025.

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

1 AN ACT TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PROVISIONS OF LAW REGULATING UNMARKED VEHICLES FOR
3 PURPOSES OF CLARIFICATION; TO AMEND SECTION 45-3-29, MISSISSIPPI
4 CODE OF 1972, TO PROVIDE THAT THE CRIME OF IMPERSONATING A
5 PATROLMAN SHALL BE A FELONY; TO INCREASE THE MINIMUM TERM OF
6 IMPRISONMENT FOR THE CRIME OF IMPERSONATING A PATROLMAN; TO AMEND
7 SECTION 97-7-44, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
8 CRIME OF IMPERSONATING A LAW ENFORCEMENT OFFICER SHALL BE A
9 FELONY; TO INCREASE THE PENALTY FOR IMPERSONATING A LAW
10 ENFORCEMENT OFFICER; TO REPEAL SECTION 97-7-43, MISSISSIPPI CODE
11 OF 1972, WHICH PROVIDES FOR THE OFFENSE OF IMPERSONATING STATE,
12 COUNTY OR MUNICIPAL OFFICERS OR EMPLOYEES AND IS A DUPLICATIVE
13 SECTION; AND FOR RELATED PURPOSES.

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Amanda White
Secretary of the Senate