MISSISSIPPI LEGISLATURE
REGULAR SESSION 2021

By: Representatives Bain, Karriem
To: Judiciary B

HOUSE BILL NO. 974
(As Sent to Governor)

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AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC SAFETY; TO EXPAND THE COMMISSIONER'S POWERS; TO REQUIRE THE COMMISSIONER TO ESTABLISH WITHIN THE DEPARTMENT THE MISSISSIPPI OFFICE OF HOMELAND SECURITY; TO CODIFY A NEW SECTION WITHIN CHAPTER 1, TITLE 45, MISSISSIPPI CODE OF 1972, TO TRANSFER THE OFFICE OF CAPITOL POLICE FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-1-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER TO ADMINISTER OATHS; TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "LAW ENFORCEMENT OFFICER" TO INCLUDE THE COMMISSIONER OF PUBLIC SAFETY AND OTHER DEPARTMENT OF PUBLIC SAFETY EMPLOYEES; TO REVISE THE DEFINITION OF THE TERM "PART-TIME LAW ENFORCEMENT OFFICER" TO INCLUDE ANY PART-TIME EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY SO DESIGNATED BY THE COMMISSIONER; TO AMEND SECTION 45-1-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE MISSISSIPPI BUREAU OF INVESTIGATION SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF INVESTIGATION; TO PROVIDE JURISDICTION TO THE MISSISSIPPI BUREAU OF INVESTIGATION TO INVESTIGATE ALL INCIDENTS OF OFFICER-INVOLVED SHOOTINGS IN THE STATE; TO AMEND SECTION 41-29-112, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE BUREAU OF NARCOTICS SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF NARCOTICS; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2021, 2021 REGULAR SESSION, TO EXEMPT FROM PUBLIC PROCUREMENT REVIEW BOARD APPROVAL CONTRACTS ENTERED INTO BY THE DEPARTMENT OF PUBLIC SAFETY FOR SERVICE ON SPECIALIZED EQUIPMENT AND SOFTWARE USED BY THE OFFICE OF FORENSICS LABORATORIES AND CONTRACTS FOR ANATOMICAL PATHOLOGY SERVICES; TO AMEND SECTION 45-1-7, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "PUBLIC SAFETY OFFICER" TO INCLUDE THE COMMISSIONER OF PUBLIC SAFETY.
41-61-53, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "MEDICAL EXAMINER INVESTIGATOR";
TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO APPROVE THE APPOINTMENT OR DISCHARGE OF THE STATE MEDICAL EXAMINER; TO AMEND SECTION 41-61-65, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE MEDICAL EXAMINER TO USE MEDICAL EXAMINER INVESTIGATORS; TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTOMATIC REPEALER ON THE PROVISION THAT AUTHORIZES FEES FOR MEDICAL EXAMINERS; TO AMEND SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT DEPUTY STATE MEDICAL EXAMINERS BE LICENSED IN MISSISSIPPI TO PRACTICE MEDICINE; TO AMEND SECTION 45-3-9, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-3-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PRIOR SWORN LAW ENFORCEMENT OFFICERS MAY HAVE A PERIOD OF TRAINING THAT IS LESS THAN 80 DAYS; TO ENACT THE "MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021"; TO PROSECUTE UNAUTHORIZED FLYING OPERATIONS OF UNMANNED AIRCRAFT SYSTEMS OVER CORRECTIONAL FACILITIES AND CRITICAL INFRASTRUCTURE SITES; TO DEFINE TERMS; TO PENALIZE VIOLATIONS OF THE ACT; TO AMEND SECTIONS 25-1-87 AND 29-5-69, MISSISSIPPI CODE OF 1972, TO CONFORM; TO REPEAL SECTION 29-5-77, MISSISSIPPI CODE OF 1972, WHICH PROVIDES JURISDICTION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ENFORCE THE LAWS OF MISSISSIPPI WITHIN THE CAPITOL COMPLEX; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 45-1-2, Mississippi Code of 1972, is amended as follows:

45-1-2. (1) The Executive Director of the Department of Public Safety shall be the Commissioner of Public Safety.

(2) The Commissioner of Public Safety shall establish the organizational structure of the Department of Public Safety, which shall include the creation of any units necessary to implement the duties assigned to the department and consistent with specific requirements of law including, but not limited to:

(a) Office of Public Safety Planning;

(b) Office of Mississippi Highway Safety Patrol;
(c) Office of Mississippi Bureau of Investigation (to be directed by a Lieutenant Colonel of the Mississippi Highway Safety Patrol);

( * * *d) Office of Forensics Laboratories, which includes the Office of the Medical Examiner;

( * * *e) Office of Law Enforcement Officers' Training Academy;

( * * *f) Office of Support Services;

( * * *g) Office of Narcotics, which shall be known as the Bureau of Narcotics; * * *

( * * *h) Office of Homeland Security * * *; and

(i) Office of Capitol Police.

(3) The department shall be headed by a commissioner, who shall be appointed by and serve at the pleasure of the Governor. The appointment of the commissioner shall be made with the advice and consent of the Senate. * * * The commissioner shall have, at a minimum, a bachelor's degree from an accredited college or university.

(4) Notwithstanding any provision of law to the contrary, the commissioner * * * shall appoint heads of offices, who shall serve at the pleasure of the commissioner. The commissioner shall have the authority to organize the offices established by subsection (2) of this section as deemed appropriate to carry out the responsibilities of the department. The commissioner may assign to the appropriate offices such powers and duties as deemed

appropriate to carry out the department's lawful functions. The
organization charts of the department shall be presented annually
with the budget request of the Governor for review by the
Legislature.

(5) The commissioner shall appoint, from within the
Department of Public Safety, a statewide safety training officer
who shall serve at the pleasure of the commissioner and whose duty
it shall be to perform public training for both law enforcement
and private persons throughout the state concerning proper
emergency response to the mentally ill, terroristic threats or
acts, domestic conflict, other conflict resolution, and such other
matters as the commissioner may direct.

(6) The commissioner shall establish within the department
the Mississippi Office of Homeland Security for the purpose of
seeing that the laws are faithfully executed and for the purpose
of investigating cyber-related crimes and suppressing crimes of
violence and acts of intimidation and terror. The commissioner is
hereby authorized to employ within the Office of Homeland Security
a director, investigators and other qualified personnel as he may
deem necessary to make investigation of cyber-related crimes,
crimes of violence and acts of terrorism or intimidation, to aid
in the arrest and prosecution of persons charged with such
cyber-related crimes, crimes of violence, acts of terrorism or
intimidation, or threats of violence and to perform other duties
as necessary to accomplish these purposes. Investigators and
other law enforcement personnel employed by the commissioner shall have full power to investigate, apprehend, and arrest persons committing cyber-related crimes, acts of violence, intimidation, or terrorism anywhere in the state, and shall be vested with the power of police officers in the performance of such duties as provided herein. Such investigators and other personnel shall perform their duties under the direction of the commissioner, or his designee. The commissioner shall be authorized to offer and pay suitable rewards to other persons for aiding in such investigation and in the apprehension and conviction of persons charged with cyber-related crimes, acts of violence, or threats of violence, or intimidation, or acts of terrorism.

(* * *?) The commissioner shall establish within the Office of Homeland Security a Mississippi Analysis and Information Center (MSAIC Fusion Center) which shall be the highest priority for the allocation of available federal resources for statewide information sharing, including the deployment of personnel and connectivity with federal data systems. Subject to appropriation therefor, the Mississippi Fusion Center shall employ three (3) regional analysts dedicated to analyzing and resolving potential threats identified by the agency's statewide social media intelligence platform and the dissemination of school safety information.

SECTION 2. (1) The department, 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 Court of Appeals 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 would be responsible for such.
The department 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 Farmer's 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 Mississippi Fair Commission 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 Mississippi Fair Commission known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property. The Department of Public Safety and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Public Safety to supply the security personnel to the Mississippi Fair Commission with jurisdiction to enforce all
laws of the State of Mississippi on this property and any and all
buildings on this property.

(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) 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 Capitol Complex
Improvement District created in Section 29-5-203. The Department
of Public Safety shall, 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 district. The jurisdiction of the Department of
Public Safety under this subsection (6) shall be concurrent with
the jurisdiction of the City of Jackson, Mississippi, and that of
Hinds County, Mississippi. At any time and/or during any event
necessitating the coordination of and/or utilization at multiple
jurisdictions, the Department of Public Safety shall be the lead
agency when the event occurs on property as defined herein. 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.

SECTION 3. Section 45-1-3, Mississippi Code of 1972, is amended as follows:

45-1-3. (1) When not otherwise specifically provided, the commissioner is authorized to make and promulgate reasonable rules and regulations to be coordinated, and carry out the general provisions of the Highway Safety Patrol and Driver's License Law of 1938.

(2) The commissioner shall have the authority to administer oaths.

SECTION 4. Section 45-6-3, Mississippi Code of 1972, is amended as follows:

45-6-3. For the purposes of this chapter, the following words shall have the meanings ascribed herein, unless the context shall otherwise require:

(a) "Commission" means the Criminal Justice Planning Commission.

(b) "Board" means the Board on Law Enforcement Officer Standards and Training.

(c) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary
responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state and/or the ordinances of any political subdivision thereof. The term "law enforcement officer" also includes employees of the Department of Corrections who are designated as law enforcement officers by the Commissioner of Corrections pursuant to Section 47-5-54, those district attorney criminal investigators who are designated as law enforcement officers, the acting Commissioner of Public Safety, the acting Director of Mississippi Bureau of Narcotics, the acting Director of the Office of Homeland Security, and any employee of the Department of Public Safety designated by the commissioner who has previously served as a law enforcement officer and who would not otherwise be disqualified to serve in such capacity. However, the term "law enforcement officer" shall not mean or include any elected official or any person employed as a legal assistant to a district attorney in this state, compliance agents of the State Board of Pharmacy, or any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed full time" means any person, other than a deputy sheriff or municipal law enforcement officer, who is receiving gross compensation for his or her duties as a law enforcement officer of Two Hundred Fifty Dollars ($250.00) or more per week or One Thousand Seventy-five Dollars ($1,075.00) or more
per month; for a deputy sheriff or municipal law enforcement officer, the term "appointed or employed full time" means a deputy sheriff or municipal law enforcement officer who is receiving gross compensation for his or her duties as a law enforcement officer of Four Hundred Seventy-five Dollars ($475.00) or more per week or Two Thousand Fifty Dollars ($2,050.00) or more per month.

(d) "Part-time law enforcement officer" shall mean any person appointed or employed in a part-time, reserve or auxiliary capacity by the state or any political subdivision thereof who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state or the ordinances of any political subdivision thereof. However, the term "part-time law enforcement officer" shall not mean or include any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed" means any person, other than a deputy sheriff or municipal law enforcement officer, who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Two Hundred Fifty Dollars ($250.00) per week or One Thousand Seventy-five Dollars ($1,075.00) per month; for a deputy sheriff or municipal law enforcement officer, the
term "appointed or employed" means a deputy sheriff or municipal
law enforcement officer who is performing such duties at any time
whether or not they receive any compensation for duties as a law
enforcement officer provided that such compensation is less than
Four Hundred Seventy-five Dollars ($475.00) per week or Two
Thousand Fifty Dollars ($2,050.00) per month.

(e) "Law enforcement trainee" shall mean any person
appointed or employed in a full-time, part-time, reserve or
auxiliary capacity by the state or any political subdivision
thereof for the purposes of completing all the selection and
training requirements established by the board to become a law
enforcement officer or a part-time law enforcement officer. The
term "law enforcement trainee" also includes any employee of the
Department of Public Safety so designated by the Commissioner of
Public Safety. ** Individuals under this paragraph shall not
have the authority to use force, bear arms, make arrests or
exercise any of the powers of a peace officer unless:

(i) The trainee is under the direct control and
supervision of a law enforcement officer;

(ii) The trainee was previously certified under
this chapter; or

(iii) The trainee is a certified law enforcement
officer in a reciprocating state.

**SECTION 5.** Section 45-1-6, Mississippi Code of 1972, is
amended as follows:
45-1-6. (1) The Director of the Mississippi Bureau of Investigation is authorized to retain on a contractual basis such persons as he shall deem necessary to detect and apprehend violators of the criminal statutes of this state.

(2) Those persons contracting with the Director of the Mississippi Bureau of Investigation pursuant to subsection (1) shall be known and hereinafter referred to as "special contract agents."

(3) The investigative services provided for in this section shall be designed to support law enforcement efforts of state agencies and to support local law enforcement efforts.

(4) Special contract investigators shall have all powers necessary and incidental to the fulfillment of their contractual obligations, including the power of arrest when authorized by the Director of the Mississippi Bureau of Investigation.

(5) No person shall be a special contract investigator unless he is at least twenty-one (21) years of age.

(6) The Director of the Mississippi Bureau of Investigation shall conduct a background investigation of all potential special contract investigators. All contract agents must meet the minimum standard requirements established by the Board on Law Enforcement Officer Standards and Training.

(7) Any contract pursuant to subsection (1) shall be:

(a) Reduced to writing; and
(b) Terminate upon written notice by either party, and shall in any event terminate one (1) year from the date of signing; and

(c) Approved as to form by the * * * Commissioner of Public Safety.

Such contracts shall not be public records and shall not be available for inspection under the provisions of a law providing for the inspection of public records as now or hereafter amended.

(8) Special contract investigators shall not be considered employees of the Mississippi Bureau of Investigation for any purpose.

(9) The Director of the Mississippi Bureau of Investigation shall have all powers necessary and incidental to the effective operation of this section.

(10) The Mississippi Bureau of Investigation shall have jurisdiction to investigate all incidents of officer-involved shootings, other than state trooper-involved shootings, resulting in injury or death occurring in the state. However, the District Attorney in the jurisdiction where such incident occurred may designate another law enforcement agency to investigate the incident if the District Attorney determines that there is a conflict with the Mississippi Bureau of Investigation or that other extenuating circumstances exist. The Attorney General shall designate another law enforcement agency or task force to
investigate any incident of a state trooper-involved shooting resulting in injury or death occurring in the state.

(* * *11) Notwithstanding any other provisions contained in this section, all contracts authorized under this section and related matters shall be made available to the Legislative Budget Office and the Department of Finance and Administration.

SECTION 6. Section 41-29-112, Mississippi Code of 1972, is amended as follows:

41-29-112. (1) The Director of the Bureau of Narcotics is authorized to retain on a contractual basis such persons as he shall deem necessary to detect and apprehend violators of the criminal statutes pertaining to the possession, sale or use of narcotics or other dangerous drugs.

(2) Those persons contracting with the Director of the Bureau of Narcotics, pursuant to subsection (1), shall be known as, and are hereinafter referred to as, "special contract agents."

(3) The investigative services provided for in this section shall be designed to support law enforcement efforts of state agencies and to support local law enforcement efforts.

(4) Special contract investigators shall have all powers necessary and incidental to the fulfillment of their contractual obligations, including the power of arrest when authorized by the Director of the Bureau of Narcotics.

(5) No person shall be a special contract investigator unless he is at least eighteen (18) years of age.
(6) The Director of the Bureau of Narcotics shall conduct a background investigation of all potential special contract investigators. If the background investigation discloses a criminal record, the applicant shall not be retained without the express approval of the Director of the Bureau of Narcotics. Any matters pertaining to special contract investigators shall be exempt from the provisions of a law relating to meetings open to the public, approved as now or hereafter amended.

(7) Any contract pursuant to subsection (1) shall be:

(a) Reduced to writing; and

(b) Termini-able upon written notice by either party, and shall in any event terminate one (1) year from the date of signing; and

(c) Approved as to form by the **Commissioner of Public Safety.** Such contracts shall not be public records and shall not be available for inspection under the provisions of a law providing for the inspection of public records as now or hereafter amended.

(8) Special contract investigators shall not be considered employees of the Bureau of Narcotics for any purpose.

(9) The Director of the Bureau of Narcotics shall have all powers necessary and incidental to the effective operation of this section.

(10) Notwithstanding any other provisions contained in this section, all said contracts and related matters shall be made
available to the Legislative Budget Office and the State Fiscal Management Board.

**SECTION 7.** Section 27-104-7, Mississippi Code of 1972, as amended by Senate Bill No. 2021, 2021 Regular Session, is amended as follows:

27-104-7. (1) (a) There is created the Public Procurement Review Board, which shall be reconstituted on January 1, 2018, and shall be composed of the following members:

(i) Three (3) individuals appointed by the Governor with the advice and consent of the Senate;

(ii) Two (2) individuals appointed by the Lieutenant Governor with the advice and consent of the Senate; and

(iii) The Executive Director of the Department of Finance and Administration, serving as an ex officio and nonvoting member.

(b) The initial terms of each appointee shall be as follows:

(i) One (1) member appointed by the Governor to serve for a term ending on June 30, 2019;

(ii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2020;

(iii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2021;

(iv) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2019; and
(v) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2020.

After the expiration of the initial terms, all appointed members' terms shall be for a period of four (4) years from the expiration date of the previous term, and until such time as the member's successor is duly appointed and qualified.

(c) When appointing members to the Public Procurement Review Board, the Governor and Lieutenant Governor shall take into consideration persons who possess at least five (5) years of management experience in general business, health care or finance for an organization, corporation or other public or private entity. Any person, or any employee or owner of a company, who receives any grants, procurements or contracts that are subject to approval under this section shall not be appointed to the Public Procurement Review Board. Any person, or any employee or owner of a company, who is a principal of the source providing a personal or professional service shall not be appointed to the Public Procurement Review Board if the principal owns or controls a greater than five percent (5%) interest or has an ownership value of One Million Dollars ($1,000,000.00) in the source's business, whichever is smaller. No member shall be an officer or employee of the State of Mississippi while serving as a voting member on the Public Procurement Review Board.
(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of
commodities and equipment, except computer equipment acquired
pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of
contracts let for the construction and maintenance of state
buildings and other state facilities as well as related contracts
for architectural and engineering services.

The provisions of this paragraph (b) shall not apply to such
contracts involving buildings and other facilities of state
institutions of higher learning which are self-administered as
provided under this paragraph (b) or Section 37-101-15(m);

(c) Adopt regulations governing any lease or rental
agreement by any state agency or department, including any state
agency financed entirely by federal funds, for space outside the
buildings under the jurisdiction of the Department of Finance and
Administration. These regulations shall require each agency
requesting to lease such space to provide the following
information that shall be published by the Department of Finance
and Administration on its website: the agency to lease the space;
the terms of the lease; the approximate square feet to be leased;
the use for the space; a description of a suitable space; the
general location desired for the leased space; the contact
information for a person from the agency; the deadline date for
the agency to have received a lease proposal; any other specific
terms or conditions of the agency; and any other information
deemed appropriate by the Division of Real Property Management of
the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of Finance and Administration to review and preapprove the lease before the time for advertisement begins;
(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;
(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian-American: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original people of North America; or

(v) Female;

(e) In consultation with and approval by the Chairs of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building;

(f) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c), any personal service contracts entered into for computer or information technology-related services governed
by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the individual state institutions of higher learning, any personal service contracts entered into by the Mississippi Department of Transportation, any personal service contracts entered into by the Department of Human Services through June 30, 2019, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services, any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019, any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission, any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services, any contract entered into by the Department of Public Safety for service on specialized equipment and/or software required for the operation at such specialized equipment for use by the Office of Forensics Laboratories, and any contract for attorney, accountant, actuary auditor, architect, engineer, anatomical pathologist, utility rate expert services, and any personal service contracts approved by the Executive Director of the Department of Finance and Administration and entered into by the Coordinator of Mental Health Accessibility through June 30, 2022. Any such rules and regulations shall provide for maintaining continuous internal audit covering the
activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes, if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act;

(g) Approve all personal and professional services contracts involving the expenditures of funds in excess of Seventy-five Thousand Dollars ($75,000.00), except as provided in paragraph (f) of this subsection (2) and in subsection (8);

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;
(i) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Public Procurement Review Board. The Public Procurement Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

(ii) Agency requirements may be fulfilled by procuring services performed incident to the state's own programs. The agency head shall determine in writing whether the price represents a fair market value for the services. When the procurements are made from other governmental entities, the private sector need not be solicited; however, these contracts shall still be submitted for approval to the Public Procurement Review Board.

(ii) Contracts between two (2) state agencies, both under Public Procurement Review Board purview, shall not require Public Procurement Review Board approval. However, the contracts shall still be entered into the enterprise resource planning system.* * *

(j) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;
(k) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;

(l) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of Education shall procure these services in accordance with the Public Procurement Review Board procurement regulations;

(m) Request the State Auditor to conduct a performance audit on any personal or professional service contract;

(n) Prepare an annual report to the Legislature concerning the issuance of personal and professional services contracts during the previous year, collecting any necessary information from state agencies in making such report;

(o) Develop and implement the following standards and procedures for the approval of any sole source contract for personal and professional services regardless of the value of the procurement:

(i) For the purposes of this paragraph (o), the term "sole source" means only one (1) source is available that can provide the required personal or professional service.
(ii) An agency that has been issued a binding, valid court order mandating that a particular source or provider must be used for the required service must include a copy of the applicable court order in all future sole source contract reviews for the particular personal or professional service referenced in the court order.

(iii) Any agency alleging to have a sole source for any personal or professional service, other than those exempted under paragraph (f) of this subsection (2) and subsection (8), shall publish on the procurement portal website established by Sections 25-53-151 and 27-104-165, for at least fourteen (14) days, the terms of the proposed contract for those services. In addition, the publication shall include, but is not limited to, the following information:

1. The personal or professional service offered in the contract;

2. An explanation of why the personal or professional service is the only one that can meet the needs of the agency;

3. An explanation of why the source is the only person or entity that can provide the required personal or professional service;

4. An explanation of why the amount to be expended for the personal or professional service is reasonable; and
5. The efforts that the agency went through to obtain the best possible price for the personal or professional service.

(iv) If any person or entity objects and proposes that the personal or professional service published under subparagraph (iii) of this paragraph (o) is not a sole source service and can be provided by another person or entity, then the objecting person or entity shall notify the Public Procurement Review Board and the agency that published the proposed sole source contract with a detailed explanation of why the personal or professional service is not a sole source service.

(v) 1. If the agency determines after review that the personal or professional service in the proposed sole source contract can be provided by another person or entity, then the agency must withdraw the sole source contract publication from the procurement portal website and submit the procurement of the personal or professional service to an advertised competitive bid or selection process.

2. If the agency determines after review that there is only one (1) source for the required personal or professional service, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving that the personal or professional service is only provided by one (1) source.
3. If the Public Procurement Review Board has any reasonable doubt as to whether the personal or professional service can only be provided by one (1) source, then the agency must submit the procurement of the personal or professional service to an advertised competitive bid or selection process. No action taken by the Public Procurement Review Board in this appeal process shall be valid unless approved by a majority of the members of the Public Procurement Review Board present and voting.

(vi) The Public Procurement Review Board shall prepare and submit a quarterly report to the House of Representatives and Senate Accountability, Efficiency and Transparency Committees that details the sole source contracts presented to the Public Procurement Review Board and the reasons that the Public Procurement Review Board approved or rejected each contract. These quarterly reports shall also include the documentation and memoranda required in subsection (4) of this section. An agency that submitted a sole source contract shall be prepared to explain the sole source contract to each committee by December 15 of each year upon request by the committee * * *;

(p) Assess any fines and administrative penalties provided for in Sections 31-7-401 through 31-7-423.

(3) All submissions shall be made sufficiently in advance of each monthly meeting of the Public Procurement Review Board as prescribed by the Public Procurement Review Board. If the Public Procurement Review Board rejects any contract submitted for review
or approval, the Public Procurement Review Board shall clearly set out the reasons for its action, including, but not limited to, the policy that the agency has violated in its submitted contract and any corrective actions that the agency may take to amend the contract to comply with the rules and regulations of the Public Procurement Review Board.

(4) All sole source contracts for personal and professional services awarded by state agencies, other than those exempted under Section 27-104-7(2)(f) and (8), whether approved by an agency head or the Public Procurement Review Board, shall contain in the procurement file a written determination for the approval, using a request form furnished by the Public Procurement Review Board. The written determination shall document the basis for the determination, including any market analysis conducted in order to ensure that the service required was practically available from only one (1) source. A memorandum shall accompany the request form and address the following four (4) points:

(a) Explanation of why this service is the only service that can meet the needs of the purchasing agency;

(b) Explanation of why this vendor is the only practically available source from which to obtain this service;

(c) Explanation of why the price is considered reasonable; and
(d) Description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

(5) In conjunction with the State Personnel Board, the Public Procurement Review Board shall develop and promulgate rules and regulations to define the allowable legal relationship between contract employees and the contracting departments, agencies and institutions of state government under the jurisdiction of the State Personnel Board, in compliance with the applicable rules and regulations of the federal Internal Revenue Service (IRS) for federal employment tax purposes. Under these regulations, the usual common law rules are applicable to determine and require that such worker is an independent contractor and not an employee, requiring evidence of lawful behavioral control, lawful financial control and lawful relationship of the parties. Any state department, agency or institution shall only be authorized to contract for personnel services in compliance with those regulations.

(6) No member of the Public Procurement Review Board shall use his or her official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities, the contracting for personal or professional services, or the contracting for public construction under this chapter.
(7) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

(8) Nothing in this section shall impair or limit the authority of the Board of Trustees of the Public Employees' Retirement System to enter into any personal or professional services contracts directly related to their constitutional obligation to manage the trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts.

(9) Notwithstanding the exemption of personal and professional services contracts entered into by the Department of Human Services and personal and professional services contracts entered into by the Department of Child Protection Services from the provisions of this section under subsection (2)(f), before the Department of Human Services or the Department of Child Protection Services may enter into a personal or professional service contract, the department(s) shall give notice of the proposed personal or professional service contract to the Public Procurement Review Board for any recommendations by the board. Upon receipt of the notice, the board shall post the notice on its website and on the procurement portal website established by Sections 25-53-151 and 27-104-165. If the board does not respond to the department(s) within seven (7) calendar days after receiving the notice, the department(s) may enter the proposed
personal or professional service contract. If the board responds
to the department(s) within seven (7) calendar days, then the
board has seven (7) calendar days from the date of its initial
response to provide any additional recommendations. After the end
of the second seven-day period, the department(s) may enter the
proposed personal or professional service contract. The board is
not authorized to disapprove any proposed personal or professional
services contracts. This subsection shall stand repealed on July
1, 2022.

SECTION 8. Section 41-61-53, Mississippi Code of 1972, is
amended as follows:
41-61-53. For the purposes of Sections 41-61-51 through
41-61-79, the following definitions shall apply:
(a) "Certification of death" means signing the death
certificate.
(b) "Coroner" means the elected county official
provided for in Sections 19-21-101 through 19-21-107.
(c) "County medical examiner investigator" means a
nonphysician coroner or deputy coroner trained * * * to
investigate and certify deaths affecting the public interest.
(d) "County medical examiner" means a licensed
physician * * * who is a coroner or deputy coroner trained to
investigate and certify deaths affecting the public interest.
(e) "Death affecting the public interest" means any death of a human being where the circumstances are sudden, unexpected, violent, suspicious or unattended.

(f) "Medical examiner" means the medical examiner system which is composed of the State Medical Examiner, county medical examiners and county medical examiner investigators collectively, and is a jurisdictional identifier, not a title, unless the context clearly requires otherwise.

(g) "Medical examiner investigator" means a nonphysician appointed, trained and supervised by the State Medical Examiner to investigate and assist with the certification of deaths affecting the public interest.

(* * *h) "Pronouncement of death" means the statement of opinion that life has ceased for an individual.

(* * *i) "State Medical Examiner" means the person appointed by the Commissioner of Public Safety pursuant to Section 41-61-55 to investigate and certify deaths that affect the public interest.

(* * *j) "Autopsy" means a postmortem examination.

(* * *k) "Postmortem examination" means an examination of a dead human body that may include the least invasive to most invasive methods based on the expertise and judgment of the pathologist handling the case.

SECTION 9. Section 41-61-55, Mississippi Code of 1972, is amended as follows:
41-61-55. (1) There is hereby created the position of State Medical Examiner, under the supervision of the Commissioner of Public Safety and within the Office of Forensic Laboratories. The State Medical Examiner shall be appointed by the Commissioner of Public Safety subject to review by the dean of the University of Mississippi Medical Center School of Medicine and the State Health Officer. The State Medical Examiner may be discharged only for good cause by the Commissioner of Public Safety.

(2) The State Medical Examiner must obtain a license to practice medicine in Mississippi and be certified in forensic pathology by the American Board of Pathology. The State Medical Examiner may also be designated as the Chief Medical Examiner.

(3) There is hereby created the State Medical Examiner Advisory Council composed of the State Health Officer or his or her designee, the Dean of the University of Mississippi Medical Center School of Medicine or his or her designee, the Commissioner of Public Safety, the Attorney General or his or her designee, the President of the Mississippi Coroner and Medical Examiners Association or his or her designee, the President of the Mississippi Prosecutors Association or his or her designee, the President of the Mississippi Public Defenders Association or his or her designee, the President of the Mississippi Association of Chiefs of Police or his or her designee, and the President of the Mississippi Sheriffs' Association or his or her designee. The
SECTION 10. Section 41-61-65, Mississippi Code of 1972, is amended as follows:

41-61-65. (1) If, in the opinion of the medical examiner investigating the case, it is advisable and in the public interest that an autopsy or other study be made for the purpose of determining the primary and/or contributing cause of death, an autopsy or other study shall be made by the State Medical Examiner, or the State Medical Examiner may choose a competent pathologist who is designated by the State Medical Examiner or the Department of Public Safety as a pathologist qualified to perform postmortem examinations and autopsies to perform the autopsy or study. To be eligible to be designated under this section, a pathologist must be an M.D. or D.O. who is certified in * * * anatomic pathology by the American Board of Pathology unless a certified * * * anatomic pathologist is not available to perform a postmortem examination or autopsy within a reasonable time. The State Medical Examiner or designated pathologist may retain any tissues as needed for further postmortem studies or documentation. When the medical examiner has received notification under Section 41-39-15(6) that the deceased is medically suitable to be an organ and/or tissue donor, the State Medical Examiner or designated pathologist may retain any biopsy or medically approved sample of
the organ and/or tissue in accordance with the provisions of Section 41-39-15(6). A complete autopsy report of findings and interpretations, prepared on forms designated for this purpose, shall be submitted promptly to the State Medical Examiner. Copies of the report shall be furnished to the authorizing medical examiner, district attorney and court clerk. A copy of the report shall be furnished to one (1) adult member of the immediate family of the deceased or the legal representative or legal guardian of members of the immediate family of the deceased upon request. In determining the need for an autopsy, the medical examiner may consider the request from the district attorney or county prosecuting attorney, law enforcement or other public officials or private persons. However, if the death occurred in the manner specified in subsection (2)(j) of Section 41-61-59, an autopsy shall be performed by the State Medical Examiner or a designated pathologist who is qualified as required by this subsection, and the report of findings shall be forwarded promptly to the State Medical Examiner, investigating medical examiner, the State Department of Health, the infant's attending physician and the local sudden infant death syndrome coordinator. In addition to the authority granted under this section, medical examiner investigators, under the supervision of the State Medical Examiner, may assist with the performance or completion of autopsies or other duties of the Office of the State Medical Examiner.
(2) Any medical examiner or duly licensed physician performing authorized investigations and/or autopsies as provided in Sections 41-61-51 through 41-61-79 who, in good faith, complies with the provisions of Sections 41-61-51 through 41-61-79 in the determination of the cause and/or manner of death for the purpose of certification of that death, shall not be liable for damages on account thereof, and shall be immune from any civil liability that might otherwise be incurred or imposed.

(3) Family members or others who disagree with the medical examiner's determination shall be able to petition and present written argument to the State Medical Examiner for further review. If the petitioner still disagrees, he may petition the circuit court, which may, in its discretion, hold a formal hearing. In all those proceedings, the State Medical Examiner and the county medical examiner or county medical examiner investigator who certified the information shall be made defendants. All costs of the petition and hearing shall be borne by the petitioner.

SECTION 11. Section 41-61-75, Mississippi Code of 1972, is amended as follows:

41-61-75. (1) For each investigation with the preparation and submission of the required reports, the following fees shall be billed to and paid by the county for which the service is provided:

(a) A medical examiner or his deputy shall receive One Hundred Seventy-five Dollars ($175.00) for each completed report
of investigation of death, plus the examiner's actual expenses. In addition to that fee, in cases where the cause of death was sudden infant death syndrome (SIDS) and the medical examiner provides a SIDS Death Scene Investigation report, the medical examiner shall receive for completing that report an additional Fifty Dollars ($50.00), or an additional One Hundred Dollars ($100.00) if the medical examiner has received advanced training in child death investigations and presents to the county a certificate of completion of that advanced training. The State Medical Examiner shall develop and prescribe a uniform format and list of matters to be contained in SIDS/Child Death Scene Investigation reports, which shall be used by all county medical examiners and county medical examiner investigators in the state.

(b) The pathologist performing autopsies as provided in Section 41-61-65 shall receive One Thousand Dollars ($1,000.00) per completed autopsy, plus mileage expenses to and from the site of the autopsy, and shall be reimbursed for any out-of-pocket expenses for third-party testing, not to exceed One Hundred Dollars ($100.00) per autopsy.

(2) Any medical examiner, physician or pathologist who is subpoenaed for appearance and testimony before a grand jury, courtroom trial or deposition shall be entitled to an expert witness hourly fee to be set by the court and mileage expenses to and from the site of the testimony, and such amount shall be paid by the jurisdiction or party issuing the subpoena.
SECTION 12. Section 41-61-77, Mississippi Code of 1972, is amended as follows:

41-61-77. (1) The Department of Public Safety shall establish and maintain a central office for the Mississippi Forensics Laboratory and the State Medical Examiner with appropriate facilities and personnel for postmortem medicolegal examinations. District offices, with appropriate facilities and personnel, may also be established and maintained if considered necessary by the department for the proper management of postmortem examinations.

The facilities of the central and district offices and their staff services may be available to the medical examiners and designated pathologists in their investigations.

(2) In order to provide proper facilities for investigating deaths as authorized in Sections 41-61-51 through 41-61-79, the State Medical Examiner may arrange for the use of existing public or private laboratory facilities. The State Medical Examiner may contract with qualified persons to perform or to provide support services for autopsies, studies and investigations not inconsistent with other applicable laws. Such laboratory facilities may be located at the University of Mississippi Medical Center or any other suitable location. The State Medical Examiner may be an affiliate or regular faculty member of the Department of Pathology at the University of Mississippi Medical Center and may
serve as a member of the faculty of other institutions of higher learning. He shall be authorized to employ, with the approval of the Commissioner of Public Safety, such additional scientific, technical, administrative and clerical assistants as are necessary for performance of his duties. Such employees in the Office of the State Medical Examiner shall be subject to the rules, regulations and policies of the Mississippi State Personnel Board in their employment.

(3) The State Medical Examiner shall be authorized to employ qualified pathologists as deputy state medical examiners as are necessary to carry out the duties of his office. The deputy state medical examiners shall be licensed to practice medicine and, either board-certified in forensic pathology by the American Board of Pathology or be a physician who is board certified in anatomic pathology by the American Board of Pathology. The State Medical Examiner may delegate specific duties to competent and qualified medical examiners within the scope of the express authority granted to him by law or regulation. Employees of the Office of the State Medical Examiner shall have the authority to enter any political subdivisions of this state for the purpose of carrying out medical investigations.

SECTION 13. Section 45-3-9, Mississippi Code of 1972, is amended as follows:

45-3-9. (1) The chief of patrol, directors, inspectors, assistant inspectors, patrol officers and investigators of the
department shall be selected after an examination as to physical and mental fitness, knowledge of traffic laws, rules and regulations of this state, the laws of the state pertaining to arrest, and the rules and regulations of the Mississippi Department of Public Safety and Public Service Commission, such examination to be prescribed by the commissioner. At the time of appointment they shall be citizens of the United States and the State of Mississippi, of good moral character, and shall be not less than twenty-one (21) years of age and shall have * * * a high school diploma or High School Equivalency Diploma * * *.

(2) Sworn agents of the Mississippi Bureau of Narcotics who are employed as enforcement troopers shall retain all compensatory, personal and sick leave accrued pursuant to Sections 25-3-92, 25-3-93 and 25-3-95.

SECTION 14. Section 45-3-45, Mississippi Code of 1972, is amended as follows:

45-3-45. The commissioner is hereby authorized to set up a training school for patrolmen. He shall prescribe the rules and regulations for the operation of same and the period of training to be required of appointees to the Mississippi Highway Safety Patrol. * * * The period of training for recruits shall not be less than eighty (80) days; however, prior sworn law enforcement officers who have at least two (2) years of law enforcement experience may have a period of additional training...
that is less than eighty (80) days. The expense of such training shall be paid in the same manner as other expenses of the patrol.

SECTION 15. Sections 15 through 19 of this act shall be known and referred to as the "Mississippi Unmanned Aircraft Systems Protection Act of 2021."

SECTION 16. For the purposes of Sections 15 through 19 of this act, unless otherwise specified, the following terms shall have the following meanings:

(a) "Correctional facility" means any:
   (i) Confinement facility operated or contracted by the Mississippi Department of Corrections;
   (ii) Confinement facility operated or contracted by the Federal Department of Prisons;
   (iii) Municipality or county jail;
   (iv) Confinement facility operated or contracted by the Federal Department of Prisons; or
   (v) Public or private youth detention facility.

(b) "Critical infrastructure" means any of the following, whether public or private:
   (i) Petroleum refinery or petroleum tank farm;
   (ii) Electrical power generation facility which supports the Mississippi power grid system;
   (iii) Natural gas processing and terminal facility;
Military installation owned by the federal or state government; or

Entity contracted by the Department of Defense or State Military Department to produce defense products.

"Unmanned aircraft" means an aircraft that is constructed or operated without the possibility of direct human intervention from within or on the aircraft, including every object that is on board or otherwise attached to the aircraft, or carried or operated during flight, regardless of weight. For purposes of this act, this term is synonymous with the term "drone."

"Unmanned aircraft system" means an unmanned aircraft and all associated elements, including, but not limited to, communication links, sensing devices, and components that control the unmanned aircraft.

SECTION 17. A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly:

(a) Uses an unmanned aircraft system to conduct surveillance of, collect information or data, or photographically or electronically record a critical infrastructure or correctional facility without the prior written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; or

(b) Delivers or attempts to deliver contraband using an unmanned aircraft system on a correctional facility property or
adjacent property for the purpose of introducing contraband into a correctional facility.

SECTION 18. (1) Nothing in Sections 15 through 19 of this act shall be deemed to prohibit the operation of an unmanned aircraft system by a law enforcement agency for any lawful purpose in this state.

(2) A public agency or a public contractor, other than a law enforcement agency or contractor, may operate an unmanned aircraft system only if the public agency or contracted entity operates the unmanned aircraft system:

(a) With the written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; and

(b) In accordance with the rules and regulations adopted by the Federal Aviation Administration.

(3) This act shall not pertain to unmanned aircraft operating under Federal Aviation Administration Certificates of Waiver Authorization.

SECTION 19. (1) Any person who is convicted under Section 17(a) of this act shall be guilty of a misdemeanor, punishable up to one (1) year in prison or a fine not to exceed One Thousand Dollars ($1,000.00) for the first offense or both.

(2) Any person convicted under Section 17(b) of this act shall be guilty of a felony, punishable by a term of no less than three (3) years and no more than fifteen (15) years in the State
Penitentiary or a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), or both.

SECTION 20. Section 25-1-87, Mississippi Code of 1972, is amended as follows:

25-1-87. All motor vehicles owned or leased by the State of Mississippi or any agency, department or political subdivision thereof, which shall include counties and municipalities, when such agency or department or political subdivision, which shall include counties and municipalities, is supported wholly or in part by public taxes or by appropriations from public funds, shall have painted on both sides in letters at least three (3) inches in height, and on the rear in letters not less than one and one-half (1-1/2) inches in height, the name of the state agency or department, or political subdivision, which shall include counties and municipalities, in a color which is in contrast with the color of the vehicle; provided, however, that a permanent decal may be used in lieu of paint, and provided further, that any municipality may affix a permanent decal or design at least twelve (12) inches in height and twelve (12) inches in width on both sides of the vehicle with the name of the municipality within or across the permanent decal or design, and the permanent design or decal shall be in a color or colors which are in contrast with the color of the vehicle. No privilege license tag shall be issued for such vehicle until the name has been painted thereon or a permanent design or decal affixed thereto as required by this section. A
permanent decal may be used in lieu of paint. The provisions of this paragraph shall not apply to vehicles used by the Chief Executive of the State of Mississippi, to vehicles owned or leased by the Department of Economic and Community Development, to vehicles owned or leased by the Office of the Attorney General, to not more than one (1) vehicle owned or leased by the Department of \*\*\* Public Safety for use by the Capitol Police, to vehicles owned or leased by the Mississippi State Board of Medical Licensure and used only by the Investigative Division of the board, to one (1) vehicle owned or leased by the Executive Director of the Department of Mental Health, to not more than one (1) vehicle owned or leased by the Mississippi Division of Medicaid, to one (1) vehicle owned or leased by the State Department of Rehabilitation Services, to one (1) vehicle owned or leased by the Mississippi Department of Transportation, to one (1) vehicle owned or leased by the Commissioner of the Mississippi Department of Corrections, to not more than three (3) vehicles owned or leased by the Department of Corrections and used only by Community Services Division officers, to not more than one (1) vehicle owned or leased by the Mississippi Department of Transportation and used only by an investigator employed by the Mississippi Department of Transportation, to not more than two (2) vehicles owned or leased by the Mississippi Department of Marine Resources, or to not more than one (1) vehicle owned or leased by the \*\*\* Department of Revenue; and upon receipt of a written
request from the State Adjutant General, the Commissioner of Public Safety, the Director of the Alcoholic Beverage Control Division of the *** Department of Revenue, the Executive Director of the Mississippi Department of Wildlife, Fisheries and Parks, the Director of the Bureau of Narcotics, the Executive Officer of the Board of Pharmacy, the Executive Director of the Mississippi Gaming Commission, the State Auditor or a president or chancellor of a state institution of higher learning, the Governor may authorize the use of specified unmarked vehicles only in instances where such identifying marks will hinder official investigations, and the governing authorities of any municipality may authorize the use of specified, unmarked police vehicles when identifying marks would hinder official criminal investigations by the police. The written request or the order or resolution authorizing such shall contain the manufacturer's serial number, the state inventory number, where applicable, and shall set forth why the vehicle should be exempt from the provisions of this paragraph. In the event the request is granted, the Governor shall furnish the State Department of Audit with a copy of his written authority for the use of the unmarked vehicles, or the governing authority, as the case may be, shall enter its order or resolution on the minutes and shall furnish the State Department of Audit with a certified copy of its order or resolution for the use of the unmarked police vehicle. The state property auditors of the State Department of Audit shall personally examine vehicles
owned or leased by the State of Mississippi or any agency, 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.
State-owned or leased motor vehicles operated by the Department of Mental Health or by facilities operated by the Department of Mental Health and used for transporting patients living in group homes or alternative living arrangements shall not be subject to the provisions of this section.

Up to four (4) passenger automobiles owned or leased by economic development districts or economic development authorities shall not be subject to the provisions of this section.

State-owned or leased motor vehicles operated by the Agricultural and Livestock Theft Bureau of the Department of Agriculture and Commerce and used to investigate livestock theft shall not be subject to the provisions of this section.

Up to three (3) motor vehicles owned or leased by the Pascagoula Municipal Separate School District for use by district security officers shall not be subject to the provisions of this section.

Up to three (3) motor vehicles owned or leased by the Department of Human Services for use only by the Program Integrity Division and the executive director shall not be subject to the provisions of this section.

Up to three (3) motor vehicles owned or leased by the Department of Insurance for use by the State Fire Marshal's Office shall not be subject to the provisions of this section.

The motor vehicles of a public airport shall not be subject to the provisions of this section upon a finding by the governing
authority of such airport that marking a motor vehicle as required
in this section will compromise security at such airport.

SECTION 21. Section 29-5-69, Mississippi Code of 1972, is
amended as follows:

29-5-69. During the period each year when the Legislature is
in session, all parking spaces adjacent to the Capitol grounds on
the west side of President Street and on both sides of High Street
shall be reserved for the use of Capitol employees. The Office of
General Services is instructed to place signs to that effect on
said streets during legislative sessions.

All employees in the Capitol who own automobiles shall be
provided with distinctive stickers. Each such employee shall
place the sticker in a prominent place on the rear of the
automobile owned and regularly used by such employee.

Any person without a sticker on his automobile who parks in
any space reserved in the first paragraph of this section shall be
guilty of a misdemeanor and shall, upon conviction, be fined not
to exceed Twenty-five Dollars ($25.00).

Any person who is not a Capitol employee who has on his
automobile a Capitol parking sticker or any Capitol employee who
gives his parking sticker to a non-Capitol employee to use on such
person's car, shall be guilty of a misdemeanor and shall, upon
conviction, be fined One Hundred Dollars ($100.00).
The Office of Capitol Police ** within the Department of Public Safety shall have the authority and are directed to enforce the provisions of this section.

**SECTION 22.** Section 2 of this act shall be codified in Chapter 1, Title 45, Mississippi Code of 1972.

**SECTION 23.** Section 29-5-77, Mississippi Code of 1972, which provides jurisdiction to the Department of Finance and Administration to enforce the laws of Mississippi within the Capitol Complex, is repealed.

**SECTION 24.** This act shall take effect and be in force from and after July 1, 2021.