

By: Representative Bain

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 620

1 AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION AND THE
3 DRIVER SERVICE BUREAU AS SEPARATE UNITS WITHIN THE DEPARTMENT OF
4 PUBLIC SAFETY; TO AMEND SECTION 41-29-107, MISSISSIPPI CODE OF
5 1972, TO AMEND DISCIPLINARY POLICY WITHIN THE BUREAU OF NARCOTICS
6 TO MATCH OTHER UNITS OF THE DEPARTMENT OF PUBLIC SAFETY AND TO
7 REMOVE OUTDATED, UNNECESSARY LANGUAGE; TO AMEND SECTION 41-61-75,
8 MISSISSIPPI CODE OF 1972, TO ESTABLISH THE FEE TO BE COLLECTED
9 WHEN STATE MEDICAL EXAMINERS, PHYSICIANS AND PATHOLOGISTS ARE
10 SUBPOENAED TO TESTIFY; TO AMEND SECTION 41-61-59, MISSISSIPPI CODE
11 OF 1972, TO ALLOW TESTIMONY OF EMPLOYEES OF THE MISSISSIPPI
12 FORENSICS LABORATORY AND THE OFFICE OF THE STATE MEDICAL EXAMINER
13 IN CRIMINAL TRIALS TO BE CONDUCTED VIA REMOTE AUDIOVISUAL
14 COMMUNICATIONS IN CERTAIN CIRCUMSTANCES; TO AMEND SECTION
15 41-61-77, MISSISSIPPI CODE OF 1972, TO PROVIDE THE COMMISSIONER OF
16 PUBLIC SAFETY WITH THE AUTHORITY TO ESTABLISH THE MINIMUM
17 QUALIFICATIONS AND SALARIES FOR EMPLOYEES OF THE MISSISSIPPI
18 FORENSICS LABORATORY AND THE OFFICE OF THE STATE MEDICAL EXAMINER;
19 TO REPEAL SECTION 97-35-27, MISSISSIPPI CODE OF 1972, WHICH
20 REQUIRES PERSONS CONVICTED IN ANOTHER STATE OF AN OFFENSE THAT
21 WOULD HAVE BEEN PUNISHABLE AS A FELONY IN THE STATE OF MISSISSIPPI
22 TO REGISTER WITH THE CHIEF OF POLICE OF THE CITY OR SHERIFF OF THE
23 COUNTY HE OR SHE RESIDES IN; TO AMEND SECTION 45-2-1, MISSISSIPPI
24 CODE OF 1972, TO MAKE CERTAIN REVISIONS TO THE LAW ENFORCEMENT
25 OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND; TO AMEND
26 SECTION 45-2-31, MISSISSIPPI CODE OF 1972, TO MAKE CERTAIN
27 REVISIONS TO THE OTHER SAFETY OFFICIALS DEATH BENEFITS TRUST FUND;
28 TO AMEND SECTION 63-16-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
29 THE UNINSURED MOTORIST IDENTIFICATION FUND TO BE TRANSFERRED TO
30 THE OTHER SAFETY OFFICIALS DEATH BENEFITS TRUST FUND WHEN NEEDED
31 DUE TO INSUFFICIENT FUNDS; TO AMEND SECTION 45-1-6, MISSISSIPPI
32 CODE OF 1972, TO PROVIDE THAT THE MISSISSIPPI BUREAU OF
33 INVESTIGATION SHALL HAVE JURISDICTION TO INVESTIGATE ALL INCIDENTS
34 OF OFFICER-INVOLVED SHOOTINGS, OTHER THAN SHOOTINGS INVOLVING ONE



35 OR MORE MEMBERS OF THE MISSISSIPPI BUREAU OF INVESTIGATION,
36 RESULTING IN INJURY OR DEATH OCCURRING IN THE STATE; TO PROVIDE
37 THAT THE ATTORNEY GENERAL SHALL DESIGNATE ANOTHER LAW ENFORCEMENT
38 AGENCY OR TASK FORCE TO INVESTIGATE ANY INCIDENT OF A SHOOTING
39 INVOLVING ONE OR MORE MEMBERS OF THE MISSISSIPPI BUREAU OF
40 INVESTIGATIONS RESULTING IN INJURY OR DEATH OCCURRING IN THE
41 STATE; TO PROVIDE THAT THE ATTORNEY GENERAL'S OFFICE SHALL BE
42 EXCLUSIVELY RESPONSIBLE FOR PRESENTING ALL OFFICER-INVOLVED
43 SHOOTINGS RESULTING IN INJURY OR DEATH OCCURRING IN THE STATE TO
44 THE APPROPRIATE DULY EMPANELED GRAND JURY AND, UPON INDICTMENT BY
45 THE GRAND JURY, PROSECUTING SUCH MATTERS; AND FOR RELATED
46 PURPOSES.

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

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

50 45-1-2. (1) The Executive Director of the Department of
51 Public Safety shall be the Commissioner of Public Safety.

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

57 (a) Office of Public Safety Planning;

58 (b) Office of Mississippi Highway Safety Patrol;

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

62 (d) Office of Forensics Laboratories, which includes
63 the Mississippi Forensics Laboratory and the Office of the State
64 Medical Examiner;



- 65 (e) Office of Law Enforcement Officers' Training
66 Academy;
- 67 (f) Office of Support Services;
- 68 (g) Office of Narcotics, which shall be known as the
69 Bureau of Narcotics;
- 70 (h) Office of Homeland Security; * * *
- 71 (i) Office of Capitol Police * * *;
- 72 (j) Driver Service Bureau; and
- 73 (k) Commercial Transportation Enforcement Division.

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

80 (4) Notwithstanding any provision of law to the contrary,
81 the commissioner shall appoint heads of offices, who shall serve
82 at the pleasure of the commissioner. The commissioner shall have
83 the authority to organize the offices established by subsection
84 (2) of this section as deemed appropriate to carry out the
85 responsibilities of the department. The commissioner may assign
86 to the appropriate offices such powers and duties as deemed
87 appropriate to carry out the department's lawful functions. The
88 organization charts of the department shall be presented annually



89 with the budget request of the Governor for review by the
90 Legislature.

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

99 (6) The commissioner shall establish within the department
100 the Mississippi Office of Homeland Security for the purpose of
101 seeing that the laws are faithfully executed and for the purpose
102 of investigating cyber-related crimes and suppressing crimes of
103 violence and acts of intimidation and terror. The commissioner is
104 hereby authorized to employ within the Office of Homeland Security
105 a director, investigators and other qualified personnel as he may
106 deem necessary to make investigation of cyber-related crimes,
107 crimes of violence and acts of terrorism or intimidation, to aid
108 in the arrest and prosecution of persons charged with such
109 cyber-related crimes, crimes of violence, acts of terrorism or
110 intimidation, or threats of violence and to perform other duties
111 as necessary to accomplish these purposes. Investigators and
112 other law enforcement personnel employed by the commissioner shall
113 have full power to investigate, apprehend, and arrest persons



114 committing cyber-related crimes, acts of violence, intimidation,
115 or terrorism anywhere in the state, and shall be vested with the
116 power of police officers in the performance of such duties as
117 provided herein. Such investigators and other personnel shall
118 perform their duties under the direction of the commissioner, or
119 his designee. The commissioner shall be authorized to offer and
120 pay suitable rewards to other persons for aiding in such
121 investigation and in the apprehension and conviction of persons
122 charged with cyber-related crimes, acts of violence, or threats of
123 violence, or intimidation, or acts of terrorism.

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

135 **SECTION 2.** Section 41-29-107, Mississippi Code of 1972, is
136 amended as follows:

137 41-29-107. (1) There is created within the Mississippi
138 Department of Public Safety an office to be known as the



139 Mississippi Bureau of Narcotics. The office shall have a director
140 who shall be appointed by the Commissioner of Public Safety. The
141 commissioner may assign to the appropriate offices of the
142 department such powers and duties deemed appropriate to carry out
143 the lawful functions of the Mississippi Bureau of Narcotics.

144 (2) The Commissioner of Public Safety is empowered to employ
145 or appoint necessary agents. The commissioner may also employ
146 such secretarial, clerical and administrative personnel, including
147 a duly licensed attorney, as necessary for the operation of the
148 bureau, and shall have such quarters, equipment and facilities as
149 needed. The salary and qualifications of the attorney authorized
150 by this section shall be fixed by the director, but the salary
151 shall not exceed the salary authorized for an assistant attorney
152 general who performs similar duties.

153 (3) The director and agents so appointed shall be citizens
154 of the United States and of the State of Mississippi, and of good
155 moral character. The agents shall be not less than twenty-one
156 (21) years of age at the time of such appointment. In addition
157 thereto, those appointed shall have satisfactorily completed at
158 least two (2) years of college studies. However, two (2) years of
159 satisfactory service as a law enforcement officer and the
160 completion of the prescribed course of study at a school operated
161 by the Bureau of Narcotics and Dangerous Drugs, United States
162 Justice Department, shall satisfy one (1) year of such college
163 studies, and four (4) years of satisfactory service as a law



164 enforcement officer and the completion of the prescribed course of
165 study at such federal bureau school as stated heretofore shall
166 fully satisfy the two (2) years of college requirement.

167 During the period of the first twelve (12) months after
168 appointment, any * * * agent of the * * * Mississippi Bureau of
169 Narcotics shall be subject to dismissal at the will of the * * *
170 Commissioner of Public Safety. After twelve (12) months' service,
171 no * * * agent shall be subject to dismissal * * * or otherwise
172 have his or her salary adversely affected except for cause, and
173 any such action against an agent shall be subject to and proceed
174 under the laws, rules and regulations of the state personnel
175 system. * * *

176 (4) The Commissioner of Public Safety may assign members of
177 the Mississippi Highway Safety Patrol, regardless of age, to the
178 bureau; however, when any highway patrolman or other employee,
179 agent or official of the Mississippi Department of Public Safety
180 is assigned to duty with, or is employed by, the bureau, he shall
181 not be subject to assignment or transfer to any other office or
182 department within the Mississippi Department of Public Safety
183 except by the commissioner. Any highway patrolman assigned to
184 duty with the bureau shall retain his status as a highway
185 patrolman, but shall be under the supervision of the director.
186 For purposes of seniority within the Highway Safety Patrol and for
187 purposes of retirement under the Mississippi Highway Safety Patrol
188 Retirement System, highway patrolmen assigned to the bureau will



189 be credited as if performing duty with the Highway Safety Patrol.
190 The commissioner may assign employees of the Highway Safety Patrol
191 to the Mississippi Bureau of Narcotics and may assign agents of
192 the bureau to the Highway Safety Patrol; however, any employees so
193 assigned must meet all established requirements for the duties to
194 which they are assigned.

195 (5) The Commissioner of Public Safety may enter into
196 agreements with bureaus or departments of other states or of the
197 United States for the exchange or temporary assignment of agents
198 for special undercover assignments and for performance of specific
199 duties.

200 (6) The Commissioner of Public Safety may assign agents of
201 the bureau to such duty and to request and accept agents from such
202 other bureaus or departments for such duty.

203 * * *

204 **SECTION 3.** Section 41-61-75, Mississippi Code of 1972, is
205 amended as follows:

206 41-61-75. (1) For each investigation with the preparation
207 and submission of the required reports, the following fees shall
208 be billed to and paid by the county for which the service is
209 provided:

210 (a) A medical examiner or his deputy shall receive One
211 Hundred Seventy-five Dollars (\$175.00) for each completed report
212 of investigation of death, plus the examiner's actual expenses.
213 In addition to that fee, in cases where the cause of death was



214 sudden infant death syndrome (SIDS) and the medical examiner
215 provides a SIDS Death Scene Investigation report, the medical
216 examiner shall receive for completing that report an additional
217 Fifty Dollars (\$50.00), or an additional One Hundred Dollars
218 (\$100.00) if the medical examiner has received advanced training
219 in child death investigations and presents to the county a
220 certificate of completion of that advanced training. The State
221 Medical Examiner shall develop and prescribe a uniform format and
222 list of matters to be contained in SIDS/Child Death Scene
223 Investigation reports, which shall be used by all county medical
224 examiners and county medical examiner investigators in the state.

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

231 (2) * * * When a medical examiner, physician or
232 pathologist * * * is subpoenaed for appearance and testimony
233 before a grand jury, courtroom trial or deposition as a result of
234 their duties as a state medical examiner, physician or
235 pathologist, the office with which said professional is employed
236 shall be entitled to bill an expert witness hourly fee * * * and
237 mileage expenses to and from the site of the testimony, and such
238 amount shall be paid by the jurisdiction or party issuing the



239 subpoena. The expert witness fee shall be Five Hundred Dollars
240 (\$500.00) per hour, with a minimum of four (4) hours, plus one (1)
241 hour preparation, plus travel expenses. This fee will apply
242 whether the medical examiner, physician or pathologist who is
243 subpoenaed, or otherwise required to appear, testifies or not.
244 Said fees shall be made payable to the Office of the State Medical
245 Examiner.

246 **SECTION 4.** Section 41-61-59, Mississippi Code of 1972, is
247 amended as follows:

248 41-61-59. (1) A person's death that affects the public
249 interest as specified in subsection (2) of this section shall be
250 promptly reported to the medical examiner by the physician in
251 attendance, any hospital employee, any law enforcement officer
252 having knowledge of the death, the embalmer or other funeral home
253 employee, any emergency medical technician, any relative or any
254 other person present. The appropriate medical examiner shall
255 notify the municipal or state law enforcement agency or sheriff
256 and take charge of the body. When the medical examiner has
257 received notification under Section 41-39-15(6) that the deceased
258 is medically suitable to be an organ and/or tissue donor, the
259 medical examiner's authority over the body shall be subject to the
260 provisions of Section 41-39-15(6). The appropriate medical
261 examiner shall notify the Mississippi Bureau of Narcotics within
262 twenty-four (24) hours of receipt of the body in cases of death as
263 described in subsection (2) (m) or (n) of this section.



264 (2) A death affecting the public interest includes, but is
265 not limited to, any of the following:

266 (a) Violent death, including homicidal, suicidal or
267 accidental death.

268 (b) Death caused by thermal, chemical, electrical or
269 radiation injury.

270 (c) Death caused by criminal abortion, including
271 self-induced abortion, or abortion related to or by sexual abuse.

272 (d) Death related to disease thought to be virulent or
273 contagious that may constitute a public hazard.

274 (e) Death that has occurred unexpectedly or from an
275 unexplained cause.

276 (f) Death of a person confined in a prison, jail or
277 correctional institution.

278 (g) Death of a person where a physician was not in
279 attendance within thirty-six (36) hours preceding death, or in
280 prediagnosed terminal or bedfast cases, within thirty (30) days
281 preceding death.

282 (h) Death of a person where the body is not claimed by
283 a relative or a friend.

284 (i) Death of a person where the identity of the
285 deceased is unknown.

286 (j) Death of a child under the age of two (2) years
287 where death results from an unknown cause or where the



288 circumstances surrounding the death indicate that sudden infant
289 death syndrome may be the cause of death.

290 (k) Where a body is brought into this state for
291 disposal and there is reason to believe either that the death was
292 not investigated properly or that there is not an adequate
293 certificate of death.

294 (l) Where a person is presented to a hospital emergency
295 room unconscious and/or unresponsive, with cardiopulmonary
296 resuscitative measures being performed, and dies within
297 twenty-four (24) hours of admission without regaining
298 consciousness or responsiveness, unless a physician was in
299 attendance within thirty-six (36) hours preceding presentation to
300 the hospital, or in cases in which the decedent had a prediagnosed
301 terminal or bedfast condition, unless a physician was in
302 attendance within thirty (30) days preceding presentation to the
303 hospital.

304 (m) Death that is caused by drug overdose or which is
305 believed to be caused by drug overdose.

306 (n) When a stillborn fetus is delivered and the cause
307 of the demise is medically believed to be from the use by the
308 mother of any controlled substance as defined in Section
309 41-29-105.

310 (3) The State Medical Examiner is empowered to investigate
311 deaths, under the authority hereinafter conferred, in any and all
312 political subdivisions of the state. The county medical examiners



313 and county medical examiner investigators, while appointed for a
314 specific county, may serve other counties on a regular basis with
315 written authorization by the State Medical Examiner, or may serve
316 other counties on an as-needed basis upon the request of the
317 ranking officer of the investigating law enforcement agency. If a
318 death affecting the public interest takes place in a county other
319 than the one where injuries or other substantial causal factors
320 leading to the death have occurred, jurisdiction for investigation
321 of the death may be transferred, by mutual agreement of the
322 respective medical examiners of the counties involved, to the
323 county where the injuries or other substantial causal factors
324 occurred, and the costs of autopsy or other studies necessary to
325 the further investigation of the death shall be borne by the
326 county assuming jurisdiction.

327 (4) In criminal trials where the testimony of a member of
328 the Mississippi Forensics Laboratory or the Office of the State
329 Medical Examiner is required, courts shall allow for the use of
330 audiovisual communications equipment to present such testimony
331 remotely. However, where the defendant has designated a witness
332 challenging the conclusions made by a member of the Mississippi
333 Forensics Laboratory or Office of the State Medical Examiner,
334 courts shall not allow for the use of audiovisual communications
335 equipment to present such testimony remotely.

336 All persons qualified to administer an oath in the State of
337 Mississippi may swear a witness remotely by audiovisual



338 communications technology from a location within the State of
339 Mississippi, provided he or she can positively identify the
340 witness and he or she is able to both see and hear the witness via
341 audiovisual communications equipment.

342 A witness not located within the State of Mississippi may
343 consent to being put under oath via audiovisual communications
344 technology by a person located within the State of Mississippi
345 qualified to administer an oath in the State of Mississippi.

346 (* * *5) The chief county medical examiner or chief county
347 medical examiner investigator may receive from the county in which
348 he serves a salary of One Thousand Two Hundred Fifty Dollars
349 (\$1,250.00) per month, in addition to the fees specified in
350 Sections 41-61-69 and 41-61-75, provided that no county shall pay
351 the chief county medical examiner or chief county medical examiner
352 investigator less than Three Hundred Dollars (\$300.00) per month
353 as a salary, in addition to other compensation provided by law.
354 In any county having one or more deputy medical examiners or
355 deputy medical examiner investigators, each deputy may receive
356 from the county in which he serves, in the discretion of the board
357 of supervisors, a salary of not more than Nine Hundred Dollars
358 (\$900.00) per month, in addition to the fees specified in Sections
359 41-61-69 and 41-61-75; however, no county shall pay the deputy
360 medical examiners or deputy medical examiner investigators less
361 than Three Hundred Dollars (\$300.00) per month as a salary in
362 addition to other compensation provided by law. For this salary



363 the chief shall assure twenty-four-hour daily and readily
364 available death investigators for the county, and shall maintain
365 copies of all medical examiner death investigations for the county
366 for at least the previous five (5) years. He shall coordinate his
367 office and duties and cooperate with the State Medical Examiner,
368 and the State Medical Examiner shall cooperate with him.

369 **SECTION 5.** Section 41-61-77, Mississippi Code of 1972, is
370 amended as follows:

371 41-61-77. (1) The Department of Public Safety shall
372 establish and maintain a central office for the Mississippi
373 Forensics Laboratory and the State Medical Examiner with
374 appropriate facilities and personnel for postmortem medicolegal
375 examinations. District offices, with appropriate facilities and
376 personnel, may also be established and maintained if considered
377 necessary by the department for the proper management of
378 postmortem examinations.

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

382 (2) In order to provide proper facilities for investigating
383 deaths as authorized in Sections 41-61-51 through 41-61-79, the
384 State Medical Examiner may arrange for the use of existing public
385 or private laboratory facilities. The State Medical Examiner may
386 contract with qualified persons to perform or to provide support
387 services for autopsies, studies and investigations not



388 inconsistent with other applicable laws. Such laboratory
389 facilities may be located at the University of Mississippi Medical
390 Center or any other suitable location. The State Medical Examiner
391 may be an affiliate or regular faculty member of the Department of
392 Pathology at the University of Mississippi Medical Center and may
393 serve as a member of the faculty of other institutions of higher
394 learning. He shall be authorized to employ, with the approval of
395 the Commissioner of Public Safety, such additional scientific,
396 technical, administrative and clerical assistants as are necessary
397 for performance of his duties. Such employees in the Mississippi
398 Forensics Laboratory and the Office of the State Medical Examiner
399 shall be subject to the rules, regulations and policies of the
400 Mississippi State Personnel Board in their employment. The
401 Department of Public Safety may set the salaries for and establish
402 minimum qualifications for the employees of the Mississippi
403 Forensics Laboratory and the Office of the State Medical Examiner.

404 (3) The State Medical Examiner shall be authorized to employ
405 qualified pathologists as deputy state medical examiners as are
406 necessary to carry out the duties of his office. The deputy state
407 medical examiners shall be licensed to practice medicine and,
408 either board-certified in forensic pathology by the American Board
409 of Pathology or be a physician who is board certified in anatomic
410 pathology by the American Board of Pathology. The State Medical
411 Examiner may delegate specific duties to competent and qualified
412 medical examiners within the scope of the express authority



413 granted to him by law or regulation. Employees of the Office of
414 the State Medical Examiner shall have the authority to enter any
415 political subdivisions of this state for the purpose of carrying
416 out medical investigations.

417 **SECTION 6.** Section 45-2-1, Mississippi Code of 1972, is
418 amended as follows:

419 45-2-1. (1) Whenever used in this section, the term:

420 (a) "Covered individual" means a law enforcement
421 officer or firefighter, including volunteer firefighters, as
422 defined in this section when employed by an employer as defined in
423 this section; it does not include employees of independent
424 contractors.

425 (b) "Employer" means a state board, commission,
426 department, division, bureau or agency, or a county, municipality
427 or other political subdivision of the state, which employs,
428 appoints or otherwise engages the services of covered individuals.

429 (c) "Firefighter" means an individual who is trained
430 for the prevention and control of loss of life and property from
431 fire or other emergencies, who is assigned to firefighting
432 activity, and is required to respond to alarms and perform
433 emergency actions at the location of a fire, hazardous materials
434 or other emergency incident.

435 (d) "Law enforcement officer" means any lawfully sworn
436 officer or employee of the state or any political subdivision of
437 the state whose duties require the officer or employee to



438 investigate, pursue, apprehend, arrest, transport or maintain
439 custody of persons who are charged with, suspected of committing,
440 or convicted of a crime, whether the officer is on regular duty on
441 full-time status, an auxiliary or reserve officer, or is serving
442 on a temporary or part-time status.

443 (e) "Cause of death" means any cause of death that
444 would be covered under the Public Safety Officers' Benefits Act of
445 1976 or the Hometown Heroes Survivors Benefits Act of 2003,
446 generally codified at 42 USCS Chapter 46.

447 (2) (a) The Department of Public Safety shall make a
448 payment, as provided in this section, in the amount of One Hundred
449 Thousand Dollars (\$100,000.00) when a covered individual, while
450 engaged in the performance of the person's official duties, dies
451 or receives accidental or intentional bodily injury that results
452 in the loss of the covered individual's life and such death is the
453 result of a covered cause of death, provided that the death is not
454 the result of suicide and that the bodily injury is not
455 intentionally self-inflicted. Upon specific appropriation by the
456 Legislature, the Department of Public Safety may pay certain
457 claims for death benefits that it finds to be the result of
458 unforeseen or unprecedented circumstances, provided that
459 sufficient funds exist at the time such a claim for death benefits
460 is made.

461 (b) The payment provided for in this subsection shall
462 be made to the beneficiary who was designated in writing by the



463 covered individual, signed by the covered individual and delivered
464 to the employer during the covered individual's lifetime. If no
465 such designation is made, then the payment shall be made to the
466 surviving child or children and spouse in equal portions, and if
467 there is no surviving child or spouse, then to the parent or
468 parents. If a beneficiary is not designated and there is no
469 surviving child, spouse or parent, then the payment shall be made
470 to the covered individual's estate.

471 (c) The payment made in this subsection is in addition
472 to any workers' compensation or pension benefits and is exempt
473 from the claims and demands of creditors of the covered
474 individual.

475 (3) (a) There is established in the State Treasury a
476 special fund to be known as the Law Enforcement Officers and Fire
477 Fighters Death Benefits Trust Fund. The trust fund shall be
478 funded by an initial appropriation of Two Hundred Thousand Dollars
479 (\$200,000.00), and shall be comprised of any additional funds made
480 available by the Legislature or by donation, contribution, gift or
481 any other source.

482 (b) The State Treasurer shall invest the monies of the
483 trust fund in any of the investments authorized for the funds of
484 the Public Employees' Retirement System under Section 25-11-121,
485 and those investments shall be subject to the limitations
486 prescribed by Section 25-11-121.



487 (c) Unexpended amounts remaining in the trust fund at
488 the end of the state fiscal year shall not lapse into the State
489 General Fund, and any income earned on amounts in the trust fund
490 shall be deposited to the credit of the trust fund.

491 (4) The Department of Public Safety shall be responsible for
492 the management of the trust fund and the disbursement of death
493 benefits authorized under this section. As an alternative to the
494 Law Enforcement Officers and Fire Fighters Death Benefits Trust
495 Fund the Commissioner of Public Safety may establish a life
496 insurance policy in the amount of One Hundred Thousand Dollars
497 (\$100,000.00) for covered individuals. The commissioner may use
498 funds from the Uninsured Motorist Identification Fund established
499 by Section 63-16-13 to pay life insurance premiums for covered
500 individuals. The Department of Public Safety shall adopt rules
501 and regulations necessary to implement and standardize the payment
502 of death benefits under this section, to administer the trust fund
503 created by this section and to carry out the purposes of this
504 section.

505 **SECTION 7.** Section 45-2-31, Mississippi Code of 1972, is
506 amended as follows:

507 45-2-31. (1) As used in this section, the term "covered
508 individual" means the directors and assistant directors of local
509 emergency management organizations established under Section
510 33-15-17, and coroners and deputy coroners.



511 (2) (a) The Department of Public Safety shall make a
512 payment, as provided in this section, in the amount of One Hundred
513 Thousand Dollars (\$100,000.00) when a covered individual, while
514 engaged in the performance of the person's official duties, is
515 accidentally or intentionally killed, provided that the killing is
516 not the result of suicide and that the bodily injury is not
517 intentionally self-inflicted. Upon specific appropriation by the
518 Legislature, the Department of Public Safety may pay certain
519 claims for death benefits that it finds to be the result of
520 unforeseen or unprecedented circumstances, provided that
521 sufficient funds exist at the time such a claim for death benefits
522 is made.

523 (b) The payment provided for in this subsection shall
524 be made to the beneficiary who was designated in writing by the
525 covered individual during the covered individual's lifetime. If
526 no such designation is made, then the payment shall be made to the
527 surviving child or children and spouse in equal portions, and if
528 there is no surviving child or spouse, then to the parent or
529 parents. If a beneficiary is not designated and there is no
530 surviving child, spouse or parent, then the payment shall be made
531 to the covered individual's estate.

532 (c) The payment made in this subsection is in addition
533 to any workers' compensation or pension benefits and is exempt
534 from the claims and demands of creditors of the covered
535 individual.



536 (3) (a) There is established in the State Treasury a
537 special fund to be known as the "Other Safety Officials Death
538 Benefits Trust Fund." The trust fund shall be funded by monies
539 made available by the Legislature by appropriations as needed, or
540 by donation, contribution, gift or any other source.

541 (b) The State Treasurer shall invest the monies of the
542 trust fund in any of the investments authorized for the funds of
543 the Public Employees' Retirement System under Section 25-11-121,
544 and those investments shall be subject to the limitations
545 prescribed by Section 25-11-121.

546 (c) Unexpended amounts remaining in the trust fund at
547 the end of the state fiscal year shall not lapse into the State
548 General Fund, and any income earned on amounts in the trust fund
549 shall be deposited to the credit of the trust fund.

550 (4) The Department of Public Safety shall be responsible for
551 the management of the trust fund and the disbursement of death
552 benefits authorized under this section. As an alternative to the
553 Other Safety Officials Death Benefits Trust Fund the Commissioner
554 of Public Safety may establish a life insurance policy in the
555 amount of One Hundred Thousand Dollars (\$100,000.00) for covered
556 individuals. The commissioner may use funds from the Uninsured
557 Motorist Identification Fund established by Section 63-16-13 to
558 pay life insurance premiums for covered individuals. The
559 Department of Public Safety shall adopt rules and regulations
560 necessary to implement and standardize the payment of death



561 benefits under this section, to administer the trust fund created
562 by this section and to carry out the purposes of this section.

563 **SECTION 8.** Section 63-16-13, Mississippi Code of 1972, is
564 amended as follows:

565 63-16-13. (1) If the operator of a motor vehicle being
566 operated on the public roads, streets or highways of the State of
567 Mississippi or registered in the State of Mississippi has been
568 found failing to have motor vehicle liability insurance in at
569 least the minimum amounts required under Section 63-15-3(j), it is
570 a misdemeanor and, upon conviction, is punishable by a fine of One
571 Hundred Dollars (\$100.00) and suspension of driving privilege for
572 a period of one (1) year or until the owner of the motor vehicle
573 shows proof of liability insurance that is in compliance with the
574 liability limits required by Section 63-15-3(j) and has paid the
575 fines and assessments imposed and the driver's license
576 reinstatement fees imposed by the Department of Public Safety. A
577 judge shall determine whether the defendant is indigent, and if a
578 determination of indigence is made, shall authorize the
579 reinstatement of that person's driver's license upon proof of
580 mandatory liability insurance subject to compliance with a payment
581 plan for any fines, assessments and/or fees. If such fines are
582 levied in a municipal court, the funds from such fines shall be
583 deposited in the general fund of the municipality. If such fines
584 are levied in any of the courts of the county, the funds from such
585 fines shall be deposited in the general fund of the county. A



586 person convicted of a criminal offense under this subsection (1)
587 shall not be convicted of a criminal offense under Section
588 63-15-4(4) arising from the same incident.

589 (2) (a) There is created in the State Treasury a special
590 fund to be designated as the "Uninsured Motorist Identification
591 Fund." The fund shall consist of monies deposited therein as
592 provided under subsection (1) of this section and monies from any
593 other source designated for deposit into such fund. Unexpended
594 amounts remaining in the fund at the end of a fiscal year shall
595 not lapse into the State General Fund, and any interest earned or
596 investment earnings on amounts in the fund shall be deposited to
597 the credit of the fund; however, one-half (1/2) of any monies in
598 excess of the amount needed to defray the expenses and costs of
599 the verification system created under Section 63-16-3 remaining in
600 the fund at the end of a fiscal year shall be transferred to a
601 special fund created in the State Treasury for the purpose of
602 funding a Highway Patrol Trooper School, and one-half (1/2) of any
603 monies in excess of the amount needed to defray the expenses and
604 costs of the verification system created under Section 63-16-3
605 remaining in the fund at the end of a fiscal year shall be
606 transferred to the Mississippi Trauma Care Systems Fund created
607 under Section 41-59-75.

608 (b) Monies in the Uninsured Motorist Identification
609 Fund may be used by the Department of Public Safety, upon
610 appropriation by the Legislature, only for the purpose of



611 defraying expenses and costs for the motor vehicle insurance
612 verification system created under Section 63-16-3. In addition,
613 at any time during a fiscal year, if the Department of Public
614 Safety determines that funds in the Law Enforcement Officers and
615 Fire Fighters Death Benefits Trust Fund created under Section
616 45-2-1 or the Other Safety Officials Death Benefits Trust Fund
617 created under Section 45-2-31 are insufficient, the department may
618 request the State Fiscal Officer to transfer funds from the
619 Uninsured Motorist Identification Fund. The State Fiscal Officer
620 may make an appropriate transfer if he determines that the funds
621 in the Law Enforcement Officers and Fire Fighters Death Benefits
622 Trust Fund or the Other Safety Officials Death Benefits Trust Fund
623 are insufficient and the funds in the Uninsured Motorist
624 Identification Fund will be sufficient for defraying the expenses
625 and costs for the motor vehicle insurance verification system
626 created under Section 63-16-3. Monies in the fund used for the
627 purposes described in this paragraph (b) shall be in addition to
628 other funds available from any other source for such purposes.

629 **SECTION 9.** Section 45-1-6, Mississippi Code of 1972, is
630 amended as follows:

631 45-1-6. (1) The Director of the Mississippi Bureau of
632 Investigation is authorized to retain on a contractual basis such
633 persons as he shall deem necessary to detect and apprehend
634 violators of the criminal statutes of this state.



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

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

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

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

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

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

654 (a) Reduced to writing; and

655 (b) Terminable upon written notice by either party, and
656 shall in any event terminate one (1) year from the date of
657 signing; and

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



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

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

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

669 (10) The Mississippi Bureau of Investigation shall have
670 jurisdiction to investigate all incidents of officer-involved
671 shootings, other than * * * shootings involving one (1) or more
672 members of the Mississippi Bureau of Investigation, resulting in
673 injury or death occurring in the state. However, the District
674 Attorney in the jurisdiction where such incident occurred may
675 designate another law enforcement agency to investigate the
676 incident if the District Attorney determines that there is a
677 conflict with the Mississippi Bureau of Investigation or that
678 other extenuating circumstances exist. The Attorney General shall
679 designate another law enforcement agency or task force to
680 investigate any incident of a * * * shooting involving one (1) or
681 more members of the Mississippi Bureau of Investigations resulting
682 in injury or death occurring in the state. The Attorney General's
683 Office shall be exclusively responsible for presenting all
684 officer-involved shootings resulting in injury or death occurring



685 in the state to the appropriate duly empaneled grand jury and,
686 upon indictment by a grand jury, prosecuting such matters.

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

691 **SECTION 10.** Section 97-35-27, Mississippi Code of 1972,
692 which requires persons convicted in another state of an offense
693 that would have been punishable as a felony in the State of
694 Mississippi to register with the chief of police of the city or
695 sheriff of the county he or she resides in, is repealed.

696 **SECTION 11.** This act shall take effect and be in force from
697 and after July 1, 2022, and shall stand repealed on June 30, 2022.

