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To: Judiciary A

HOUSE BILL NO. 1197
(As Passed the House)

1 AN ACT TO CREATE THE "SAFE SOLICITATION ACT"; TO REQUIRE ANY
2 PERSON WHO DESIRES TO SOLICIT TO OBTAIN A SOLICITATION PERMIT FROM
3 THE MUNICIPALITY, COUNTY OR POLITICAL SUBDIVISION IN WHICH THE
4 SOLICITATION OCCURS; TO CREATE PENALTIES FOR FAILURE TO COMPLY; TO
5 AMEND SECTIONS 97-35-25 AND 97-35-23, MISSISSIPPI CODE OF 1972, TO
6 CONFORM TO THIS ACT; TO AMEND SECTION 45-1-19, MISSISSIPPI CODE OF
7 1972, TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY OR THE CHIEF OF
8 CAPITOL POLICE TO ISSUE SOLICITATION PERMITS; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** This act shall be known and may be cited as the
12 "Safe Solicitation Act".

13 **SECTION 2.** For purposes of this act, the following words
14 shall have the meanings described herein:

15 (a) "Governing authority" means the municipality,
16 county, political subdivision of the state or state agency that
17 governs the street, traffic median, shoulder, improved shoulder,
18 sidewalk, or improved portion of the roadway where the
19 solicitation occurs.

20 (b) "Solicitation" or "solicit" means to request money
21 or anything of value as a donation or contribution while standing,



22 sitting or positioned in any manner on any road, street, highway
23 median, traffic island or highway intersection; or to request any
24 other thing of value in exchange for any goods, wares, merchandise
25 or thing of value while standing, sitting or positioned in any
26 manner on any road, street, highway median, traffic island or
27 highway intersection.

28 (c) "Solicitation permit" means a form designed and
29 provided by a municipality, county, political subdivision of the
30 state or state agency as proof that a person is authorized to
31 solicit in accordance with this act.

32 **SECTION 3.** (1) It shall be unlawful for any person to
33 solicit in any municipality, county or political subdivision of
34 this state without a solicitation permit issued by the
35 municipality, county or political subdivision in which the
36 solicitation will occur.

37 (2) The municipality, county or political subdivision is
38 authorized to charge a fee for the solicitation permit in an
39 amount which shall not exceed Twenty-five Dollars (\$25.00).

40 (3) (a) It shall be unlawful for any person to create or
41 otherwise design a solicitation permit without the authority or
42 permission of a municipality, county or political subdivision in
43 which the solicitation occurs and to use or allow use of the
44 document for the purpose of solicitation in violation of this act.

45 (b) Any person violating the provisions of paragraph
46 (a) of this subsection (3) shall, upon conviction, be guilty of



47 the misdemeanor crime of "forgery of a solicitation permit", and
48 fined not more than Three Hundred Dollars (\$300.00), imprisoned
49 not more than six (6) months in the county jail, or both.

50 **SECTION 4.** (1) (a) Any person who wishes to solicit shall
51 obtain a solicitation permit from the municipality, county or
52 political subdivision in which the solicitation will occur in
53 accordance with this act.

54 (2) Any person who has received a permit may solicit in
55 accordance with the following terms and conditions:

56 (a) No solicitor may impede traffic at any time;

57 (b) All solicitors must enter or remain in a roadway,
58 street or thoroughfare only while the controlling traffic signal
59 prohibits vehicular movement;

60 (c) All solicitors must remain within one hundred (100)
61 feet of or from the intersection approved under the permit;

62 (d) All solicitations shall occur during daylight hours
63 only;

64 (e) Solicitation activities shall not interfere with
65 the safe and efficient movement of traffic and shall not cause
66 danger to the participants or the public; and

67 (f) No person engaging in solicitation activities shall
68 persist after solicitation has been denied, act in a demanding or
69 harassing manner, or use any sound or voice-amplifying apparatus
70 or device.



71 (3) The governing authority may stop solicitation activities
72 at any time if any conditions or requirements of this act are not
73 met.

74 **SECTION 5.** (1) Each permit shall allow solicitation only
75 between the hours of 9:00 a.m. and one hour before sunset, as
76 determined by the governing authority.

77 (2) Only one (1) permit will be issued for an intersection
78 on any given day. Permits will be issued on a first come basis to
79 those applicants who submit a completed application form.

80 (3) The application for a solicitation permit shall state
81 the name, mailing address and telephone number of the person
82 requesting the authority to solicit, and the location(s) and times
83 the solicitation will take place.

84 **SECTION 6.** The provisions of the act shall be legal and
85 binding in every county and municipality unless a county or
86 municipality opts out of this act through a vote by the board of
87 supervisors of the county or the governing authority of the
88 municipality, as applicable, within six (6) months after the
89 effective date of this act.

90 **SECTION 7.** Section 97-35-25, Mississippi Code of 1972, is
91 amended as follows:

92 97-35-25. (1) Except as otherwise authorized for
93 solicitation permits in accordance with the Safe Solicitation Act,
94 it shall be unlawful for any person or persons to * * * willfully
95 obstruct the free, convenient and normal use of any public



96 sidewalk, street, highway, alley, road * * * or other passageway
97 by impeding, hindering, stifling, retarding or restraining traffic
98 or passage thereon, and any person or persons violating the
99 provisions of this section shall be guilty of a misdemeanor, and
100 upon conviction thereof, shall be punished by a fine of not more
101 than Five Hundred Dollars (\$500.00) or by confinement in the
102 county jail not exceeding six (6) months, or by both such fine and
103 imprisonment.

104 (2) The provisions of this section are supplementary to the
105 provisions of any other statute of this state.

106 **SECTION 8.** Section 97-35-23, Mississippi Code of 1972, is
107 amended as follows:

108 97-35-23. (1) Except as otherwise authorized by a
109 municipality, county, political subdivision or state agency in
110 accordance with the Safe Solicitation Act, it shall be unlawful
111 for any person or persons to intentionally obstruct, or interfere
112 with the normal or ordinary free use and passage of vehicles of or
113 on, any public street or highway provided for use by vehicular
114 traffic, or for any person or persons to intentionally obstruct,
115 or interfere with the normal or ordinary free use and passage of
116 pedestrians of or on any public sidewalk provided for foot travel
117 by pedestrians, and any person or persons who so do shall be
118 guilty of a misdemeanor and, upon conviction thereof, shall be
119 punished by a fine of not more than Four Hundred Dollars



120 (\$400.00), or by imprisonment in the county jail for not more than
121 four (4) months, or by both such fine and imprisonment.

122 (2) The provisions of this section are supplementary to the
123 provisions of any other statute of this state.

124 **SECTION 9.** Section 45-1-19, Mississippi Code of 1972, is
125 amended as follows:

126 45-1-19. (1) The Department of Public Safety, through the
127 Office of Capitol Police, shall have jurisdiction relative to the
128 enforcement of all laws of the State of Mississippi on the
129 properties, from curb to curb, including adjoining streets,
130 sidewalks and leased parking lots within the Capitol Complex, set
131 forth in Section 29-5-2, the Governor's mansion, the Supreme Court
132 Building, the Mississippi Department of Transportation Building
133 and the Public Employees' Retirement System Building, and any
134 property purchased, constructed or otherwise acquired by the State
135 of Mississippi for conducting state business and not specifically
136 under the supervision and care by any other state entity, but
137 which is reasonably assumed the Department of Public Safety would
138 be responsible for such. The Department of Public Safety shall,
139 through any person or persons appointed by the commissioner, make
140 arrests for any violation of any law of the State of Mississippi
141 on the grounds of or within those properties. The Department of
142 Public Safety shall, in addition, enforce the provisions of this
143 section and Sections 29-5-57 through 29-5-67, 29-5-73 through
144 29-5-75, and 29-5-81 through 29-5-95, and prescribe such rules and



145 regulations as are necessary therefor. The powers and duties
146 related to the administration of Sections 29-5-57 through 29-5-67,
147 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95 shall remain
148 with the Department of Finance and Administration.

149 (2) Subject to the approval of the Board of Trustees of
150 State Institutions of Higher Learning, the Board of Trustees and
151 the Department of Public Safety shall be authorized to enter into
152 a contract for the Department of Public Safety to supply the
153 security personnel with jurisdiction to enforce all laws of the
154 State of Mississippi on the property of the Board of Trustees
155 located at the corner of Ridgewood Road and Lakeland Drive in the
156 City of Jackson.

157 (3) The Department of Public Safety and the Department of
158 Agriculture are authorized to enter into a contract for the
159 Department of Public Safety to have jurisdiction and enforce all
160 laws of the State of Mississippi on the property of the Department
161 of Agriculture located at 121 North Jefferson Street and the new
162 Farmers Market Building located at the corner of High and
163 Jefferson Streets in the City of Jackson, Hinds County,
164 Mississippi. It is the intent of the Legislature that the
165 Department of Public Safety will not post any security personnel
166 at such buildings, but will provide regular vehicle patrols and
167 responses to security system alarms.

168 (4) The Department of Public Safety and the Department of
169 Agriculture are authorized to enter into a contract for the



170 Department of Public Safety to have jurisdiction and enforce all
171 laws of the State of Mississippi on the property of the Department
172 of Agriculture known as the "Mississippi State Fairgrounds
173 Complex" and any and all of its outlying buildings and property.
174 The Department of Public Safety and the Department of Agriculture
175 are authorized to enter into a contract for the Department of
176 Public Safety to supply the security personnel to the Department
177 of Agriculture with jurisdiction to enforce all laws of the State
178 of Mississippi on this property and any and all buildings on this
179 property. The Department of Public Safety is authorized to charge
180 the Department of Agriculture a fee for security services provided
181 for special events at the Mississippi State Fairgrounds Complex.
182 The fee charged will be commensurate with the cost associated with
183 the Department of Public Safety providing those services.

184 (5) The Department of Public Safety and the Department of
185 Revenue are authorized to enter into a contract for the Department
186 of Public Safety to supply the security personnel with
187 jurisdiction to enforce all laws of the State of Mississippi at
188 the Alcoholic Beverage Control facility and the Department of
189 Revenue main office.

190 (6) (a) The Department of Public Safety shall have primary
191 jurisdiction relative to any other state or municipal law
192 enforcement agency to enforce all laws of the State of Mississippi
193 within the boundaries of the Capitol Complex Improvement District
194 created in Section 29-5-203; such enforcement shall be its primary



195 function. The Department of Public Safety may, through any person
196 or persons appointed by the Department of Public Safety, make
197 arrests for any violation of any law of the State of Mississippi
198 and violations of the City of Jackson's traffic ordinances or
199 ordinances related to the disturbance of the public peace which
200 occurs within the boundaries of the district and within the
201 boundaries of the City of Jackson. The Department of Public
202 Safety may choose to present cases to either the District Attorney
203 or the prosecuting attorneys designated by the Attorney General
204 for prosecution of any violation of law that accrues or occurs, in
205 whole or in part, within the boundaries established by Section
206 29-5-203. The jurisdiction of the Department of Public Safety
207 granted under this subsection (6) shall be concurrent with the
208 jurisdiction of the City of Jackson, Mississippi, and that of
209 Hinds County, Mississippi within the boundaries of the Capitol
210 Complex Improvement District created in Section 29-5-203. At any
211 time and/or during any event necessitating the coordination of
212 and/or utilization at multiple jurisdictions, as determined by the
213 Chief of Capitol Police or the Commissioner of the Department of
214 Public Safety shall be the lead agency when the event occurs on
215 property as defined herein that is owned or leased by the state as
216 provided in subsection (1) of this section. The jurisdiction and
217 authority of the Department of Public Safety under this subsection
218 (6) shall be in addition to any other jurisdiction and authority
219 provided to the department under this section or any other law.



220 (b) The Department of Public Safety shall have
221 jurisdiction relative to the enforcement of all laws of the State
222 of Mississippi within the boundaries of the City of Jackson,
223 Mississippi. The Department of Public Safety may, through any
224 person or persons appointed by the Department of Public Safety,
225 make arrests for any violation of any law of the State of
226 Mississippi which occurs within the boundaries of the City of
227 Jackson. The jurisdiction of the Department of Public Safety
228 granted under this paragraph (b) shall not be primary and shall be
229 concurrent with the jurisdiction of the City of Jackson,
230 Mississippi, and that of Hinds County, Mississippi.

231 (c) (i) Written approval from the Chief of the Capitol
232 Police or the Commissioner of the Department of Public Safety
233 shall be required before any event occurs which will take place on
234 any street or sidewalk immediately adjacent to any building or
235 property owned or occupied by any official, agency, board,
236 commission, office or other entity of the State of Mississippi, or
237 which can reasonably be expected to block, impede or otherwise
238 hinder ingress thereto and/or egress therefrom. The Department of
239 Public Safety shall promulgate rules and regulations to effectuate
240 the provisions of this paragraph (c).

241 (ii) The Chief of the Capitol Police is authorized
242 to issue solicitation permits in conformity with the Safe
243 Solicitation Act within the boundaries of the Capitol Complex
244 Improvement District.



245 (d) The Chief of the Capitol Police and/or the
246 Commissioner of the Department of Public Safety, the Chief of the
247 Jackson Police Department, and the Sheriff of Hinds County shall
248 hold a regular meeting within the boundaries of the Capitol
249 Complex Improvement District to address the concerns of the
250 public. Each meeting shall be called by the Chief of the Capitol
251 Police; and the first meeting shall be called by October 15, 2023.

252 (7) The Department of Public Safety is authorized to enter
253 into a contract with any county for the county to take custody of
254 the misdemeanor offenders arrested under the authority granted
255 under this section.

256 (8) All accrued personal leave earned pursuant to Section
257 25-3-93, accrued major medical leave earned pursuant to Section
258 25-3-95, accrued state compensatory leave earned pursuant to
259 Section 25-3-92, and compensatory leave earned pursuant to the
260 Fair Labor Standards Act (FLSA) shall transfer from the Department
261 of Finance and Administration to the Department of Public Safety
262 for all employees transferred under this section.

263 **SECTION 10.** This act shall take effect and be in force from
264 and after July 1, 2025.

