

**Pending  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1203**

**BY: Committee**

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

43        SECTION 1. (1) As used in this act, the following terms  
44 shall have the meaning ascribed herein:

45               (a) "Critical infrastructure" means public or private  
46 real property or facilities that the local governing authority or  
47 board of supervisors designate as being so vital and integral to  
48 the operation or functioning of the municipality or county or in  
49 need of protection that its damage, incapacity, disruption or  
50 destruction would have a debilitating impact on the public health,  
51 safety or welfare. The term "critical infrastructure" includes  
52 without designation by the local governing authority, but is



53 limited to, roads, railroad rights-of-way, bridges, underpasses,  
54 canals and other waterways, sewer plants, police and fire  
55 stations, drainage systems, financial institutions, electrical and  
56 natural gas pipelines or public utility easements.

57 (b) "Camp" means, within any tent, motor vehicle,  
58 trailer, camper, or temporary structure without the provision of  
59 services by utilities, any of the following activities:

60 (i) Cooking upon a stove;

61 (ii) Bathing, when using a shower or tub-type  
62 device;

63 (iii) The elimination of human digestive wastes;

64 or

65 (iv) Using any tent, motor vehicle, trailer,  
66 camper, or temporary structure or covering as the person's place  
67 of sleep for one or more nights or days. The term "camp" includes  
68 personal property placed and maintained in a location with the  
69 intent to camp and personal property abandoned in a location after  
70 camping.

71 (c) "Encampment" means an outdoor location where one or  
72 more people camp in an unsheltered area.

73 (d) "Law enforcement officer" means a member of the  
74 municipal police department, the sheriff's department or the  
75 Department of Public Safety wherein the applicable property is  
76 located.



77 (2) It is unlawful for a person to camp upon any street,  
78 sidewalk, public right-of-way, any public property, or within one  
79 thousand (1,000) feet of critical infrastructure unless the  
80 location is designated by the local governing authority or real  
81 property owner for the purpose of camping.

82 (3) A violation of this section shall be a misdemeanor.  
83 Upon conviction of a first offense, a fine not exceeding One  
84 Hundred Dollars (\$100.00) shall be imposed. Upon conviction of a  
85 second or subsequent offense, a fine not exceeding Two Hundred and  
86 Fifty Dollars (\$250.00) or imprisonment in the county jail for a  
87 term of not less than five (5) days nor exceeding four (4) months,  
88 or both such fine and imprisonment shall be imposed.

89 (4) A person shall not be found to be in violation of this  
90 section unless a law enforcement officer has provided that person  
91 written or oral notice, or posted notice within the encampment in  
92 a prominent location at least forty-eight (48) hours before  
93 commencement of any enforcement action under this section. The  
94 notice shall provide that the person or persons are prohibited  
95 from camping or placing personal property in a manner that  
96 violates this section.

97 **SECTION 2.** (1) A violation of Section 1 of this act is a  
98 public nuisance that may be enjoined, abated, prevented, and  
99 removed. Any prosecuting attorney of the applicable jurisdiction,  
100 in the name of the citizens of that jurisdiction, may maintain an  
101 action to abate and prevent the nuisance. Before pursuing



102 abatement authorized by this subsection, the prosecuting attorney  
103 shall confirm that the notice required by this section has been  
104 provided.

105 (2) The owner of real property located in a municipality or  
106 county has the right to request the assistance of law enforcement  
107 officers with jurisdiction to remove an encampment or to set up  
108 any barriers or other methods to prevent encampments. Persons  
109 living in encampments shall receive notice at least forty-eight  
110 (48) hours before the removal. Posted notice in a prominent  
111 location within the encampment shall satisfy the requirements of  
112 this section. The removal of encampments on private property  
113 shall be done in a humane manner. It is unlawful to inflict harm  
114 on a person or willfully damage a person's personal property while  
115 enforcing this section. A tent or temporary structure or covering  
116 shall not be considered the personal property of any trespasser  
117 who has received the proper notice under this section. If an  
118 encampment is on public property, only law enforcement officers  
119 may remove the encampment or set up barriers.

120 (3) In order to enforce the provisions of this section, the  
121 local municipal governing authority or the county board of  
122 supervisors may establish a Dilapidated Property Fund and make  
123 annual expenditures into the fund for the legal removal of  
124 homeless encampments on public and private property. The local  
125 municipal governing authority or county board of supervisors  
126 establishing such fund shall prescribe rules and regulations for



127 the administration of the fund and expenditures from the fund and  
128 shall spread these prescribed amounts and procedures on its  
129 minutes.

130 **SECTION 3.** (1) As used in this section:

131 (a) "Local governing authority" means the municipality,  
132 county, or state agency when soliciting within the jurisdiction of  
133 such entity.

134 (b) "Solicit" means the in-person request of an  
135 immediate contribution or donation.

136 (2) It shall be unlawful to solicit in a street, sidewalk,  
137 public right-of-way, or any portion thereof without obtaining a  
138 permit from the appropriate local governing authority and keeping  
139 the permit on one's person while soliciting.

140 (3) The local governing authority shall issue a permit to  
141 any eligible person who presents at the local governing authority,  
142 states his or her true name, presents a photo identification or  
143 signs a declaration under penalty of perjury that he or she has no  
144 such identification, permits himself or herself to be photographed  
145 and fingerprinted and is eligible for the permit. A person is  
146 ineligible for a permit if, within the past five (5) years, the  
147 person:

148 (a) Has been convicted of two (2) or more violations of  
149 this section;

150 (b) Has had a permit revoked within the last six (6)  
151 months; or



152 (c) Has been convicted of a violation of Section 4 or 5  
153 of this act.

154 (4) The permit authorized under this section shall be valid  
155 for three (3) years from the date of issuance and shall only  
156 permit soliciting from sunrise until sunset. The local governing  
157 authority shall revoke the permit for a violation of this section  
158 or Section 4 or 5 of this act.

159 (5) A violation of the provisions of this section shall be a  
160 misdemeanor. Upon conviction of a first offense, a person shall  
161 be fined not more than One Hundred Dollars (\$100.00). Upon  
162 conviction of a second or subsequent offense, a person shall be  
163 imprisoned in the county jail for a term of not less than five (5)  
164 days nor more than four (4) months and fined not more than Two  
165 Hundred Fifty Dollars (\$250.00), or both.

166 **SECTION 4.** (1) A person commits aggressive panhandling who  
167 solicits a donation of money or goods in the following manner:

168 (a) By intentionally touching the person being  
169 solicited without the person's consent;

170 (b) By intentionally obstructing the path of the  
171 person, or of the vehicle of the person, being solicited;

172 (c) By following a person who is walking away from the  
173 person soliciting the donation, unless that person has indicated  
174 that the person wishes to make a donation; or



175 (d) By making any statement, gesture, or other  
176 communication that would cause a reasonable person to feel fear of  
177 personal harm for refusing a solicitation of a donation.

178 (2) (a) Upon conviction for a first violation of this  
179 section, a person shall be sentenced to imprisonment in the county  
180 jail for a term of not more than thirty (30) days, or a fine of  
181 not more than Five Hundred Dollars (\$500.00), or by both.

182 (b) Upon conviction for a second or subsequent  
183 violation of this section, a person shall be sentenced to  
184 imprisonment in the county jail for a term of not less than  
185 fifteen (15) days nor more than ninety (90) days, or a fine of not  
186 more than One Thousand Dollars (\$1,000.00), or by both.

187 **SECTION 5.** (1) A person commits the offense of loitering if  
188 he or she:

189 (a) Lingers, remains, or prowls in a public place or  
190 the premises of another person without apparent reason and under  
191 circumstances that warrant alarm or concern for the safety of  
192 persons or property in the vicinity and, upon inquiry by a law  
193 enforcement officer, refuses to identify himself or herself and  
194 give a reasonably credible account of his or her presence and  
195 purpose;

196 (b) Lingers, remains, or prowls in or near a school  
197 building, not having any reason or relationship involving custody  
198 of or responsibility for a student and not having written  
199 permission from anyone authorized to grant permission;



200 (c) Lingers or remains on a sidewalk, roadway, or  
201 public right-of-way, in a public parking lot or public  
202 transportation vehicle or facility, or on private property:  
203 (i) In a harassing or threatening manner;  
204 (ii) In a way likely to cause alarm to another  
205 person; or  
206 (iii) Under circumstances that create a traffic  
207 hazard or impediment;  
208 (d) Lingers or remains in a public place for the  
209 purpose of unlawful gambling;  
210 (e) Lingers or remains in a public place for the  
211 purpose of engaging or soliciting another person to engage in  
212 prostitution or deviate sexual activity;  
213 (f) Lingers or remains in a public place for the  
214 purpose of unlawfully buying, distributing, or using a controlled  
215 substance;  
216 (g) Lingers or remains in a public place for the  
217 purpose of unlawfully buying, distributing, or consuming an  
218 alcoholic beverage;  
219 (h) Lingers or remains on or about the premises of  
220 another person for the purpose of spying upon or invading the  
221 privacy of another person; or  
222 (i) Lingers or remains on or about the premises of any  
223 off-site customer-bank communication terminal without any  
224 legitimate purpose.





225 (2) Among the circumstances that may be considered in  
226 determining whether a person is loitering are that the person:

227 (a) Takes flight upon the appearance of a law  
228 enforcement officer;

229 (b) Refuses to identify himself or herself;

230 (c) Manifestly endeavors to conceal himself or herself  
231 or any object; or

232 (d) Has acted in a harassing or threatening manner or  
233 in a way likely to cause alarm to another person after sunset or  
234 before sunrise.

235 (3) Unless flight by the actor or another circumstance makes  
236 it impracticable, prior to an arrest for an offense under  
237 subsection (1)(a) of this section, a law enforcement officer shall  
238 afford the actor an opportunity to dispel any alarm that would  
239 otherwise be warranted by requesting the actor to identify himself  
240 or herself and explain his or her presence and conduct.

241 (4) It is a defense to a prosecution under subsection (1)(a)  
242 of this section if:

243 (a) The law enforcement officer did not afford the  
244 defendant an opportunity to identify himself or herself and  
245 explain his or her presence and conduct; or

246 (b) It appears at trial that an explanation given by  
247 the defendant to the law enforcement officer was true and, if  
248 believed by the law enforcement officer at that time, would have  
249 dispelled the alarm.



250 (5) Upon conviction, a person shall be:

251 (a) For a first offense, fined not more than One  
252 Hundred Dollars (\$100.00).

253 (b) For a second or subsequent offense, imprisoned in  
254 the county jail for a term of not less than two (2) days nor more  
255 than fifteen (15) days, fined not more than Two Hundred Fifty  
256 Dollars (\$250.00), or by both.

257 **SECTION 6.** Convictions under Section 1, Section 3, Section 4  
258 or Section 5 of this act shall not appear on a person's public  
259 record. The court of conviction and law enforcement authorities  
260 may keep a confidential record for purposes related to enforcement  
261 of the sentence and for charging purposes for subsequent offenses.

262 **SECTION 7.** Any person arrested under Section 1, Section 3,  
263 Section 4 or Section 5 of this act and transported to a county or  
264 municipal jail who appears to be in need of mental health and/or  
265 substance abuse issues shall be evaluated for the need for such  
266 services. If the evaluation reveals that the person is in need of  
267 such services, the person shall be provided the services by an  
268 appropriate entity, authority, commission or agency.

269 **SECTION 8.** Section 21-19-11, Mississippi Code of 1972, is  
270 amended as follows:

271 21-19-11. (1) To determine whether property or parcel of  
272 land located within a municipality is in such a state of  
273 uncleanliness as to be a menace to the public health, safety and  
274 welfare of the community, a governing authority of any



275 municipality shall conduct a hearing, on its own motion, or upon  
276 the receipt of a petition signed by a majority of the residents  
277 residing within four hundred (400) feet of any property or parcel  
278 of land alleged to be in need of the cleaning. Notice shall be  
279 provided to the property owner by:

280 (a) United States mail two (2) weeks before the date of  
281 the hearing mailed to the address of the subject property, except  
282 where the land or structure(s) is apparently vacant, and to the  
283 address where the ad valorem tax notice for such property is sent  
284 by the office charged with collecting ad valorem tax; and

285 (b) Posting notice for at least two (2) weeks before  
286 the date of a hearing on the property or parcel of land alleged to  
287 be in need of cleaning and at city hall or another place in the  
288 municipality where such notices are posted.

289 Any notice required by this section shall include language  
290 that informs the property owner that an adjudication at the  
291 hearing that the property or parcel of land is in need of cleaning  
292 will authorize the municipality to reenter the property or parcel  
293 of land for a period of two (2) years after final adjudication  
294 without any further hearing if notice is posted on the property or  
295 parcel of land and at city hall or another place in the  
296 municipality where such notices are generally posted at least  
297 seven (7) days before the property or parcel of land is reentered  
298 for cleaning. A copy of the required notice mailed and posted as  
299 required by this section shall be recorded in the minutes of the



300 governing authority in conjunction with the hearing required by  
301 this section.

302 If, at such hearing, the governing authority shall adjudicate  
303 the property or parcel of land in its then condition to be a  
304 menace to the public health, safety and welfare of the community,  
305 the governing authority, if the owner does not do so himself,  
306 shall proceed to clean the land, by the use of municipal employees  
307 or by contract, by cutting grass and weeds; filling cisterns;  
308 securing abandoned or dilapidated buildings; removing rubbish,  
309 abandoned or dilapidated fences, outside toilets, abandoned or  
310 dilapidated buildings, slabs, personal property \* \* \* which  
311 removal of personal property shall not be subject to the  
312 provisions of Section 21-39-21, and other debris; removing  
313 encampments as defined in Section 1(1)(c) of this act; and  
314 draining cesspools and standing water therefrom. The governing  
315 authority may by resolution adjudicate the actual cost of cleaning  
316 the property and/or removal of encampments and may also impose a  
317 penalty not to exceed \* \* \* Ten Thousand Dollars (\$10,000.00) or  
318 fifty percent (50%) of the actual cost, whichever is more. The  
319 cost and any penalty may become a civil debt against the property  
320 owner, and/or, at the option of the governing authority, an  
321 assessment against the property. The "cost assessed against the  
322 property" means either the cost to the municipality of using its  
323 own employees to do the work or the cost to the municipality of  
324 any contract executed by the municipality to have the work done,



325 and administrative costs and legal costs of the municipality. For  
326 subsequent cleaning within the one-year period after the date of  
327 the hearing at which the property or parcel of land was  
328 adjudicated in need of cleaning, upon seven (7) days' notice  
329 posted both on the property or parcel of land adjudicated in need  
330 of cleaning and at city hall or another place in the municipality  
331 where such notices are generally posted, and consistent with the  
332 municipality's adjudication as authorized in this subsection (1),  
333 a municipality may reenter the property or parcel of land to  
334 maintain cleanliness without further notice or hearing no more  
335 than six (6) times in any twelve-month period with respect to  
336 removing or securing abandoned or dilapidated buildings, slabs,  
337 dilapidated fences and outside toilets, and no more than twelve  
338 (12) times in any twenty-four-month period with respect to cutting  
339 grass and weeds and removing rubbish, personal property and other  
340 debris on the land, and the expense of cleaning of the property,  
341 except as otherwise provided in this section for removal of  
342 hazardous substances, shall not exceed an aggregate amount of  
343 Twenty Thousand Dollars (\$20,000.00) per year, or the fair market  
344 value of the property subsequent to cleaning, whichever is more.  
345 The aggregate cost of removing hazardous substances will be the  
346 actual cost of such removal to the municipality and shall not be  
347 subject to the cost limitations provided in this subsection. The  
348 governing authority may assess the same penalty for each time the  
349 property or land is cleaned as otherwise provided in this section.



350 The penalty provided herein shall not be assessed against the  
351 State of Mississippi upon request for reimbursement under Section  
352 29-1-145, nor shall a municipality clean a parcel owned by the  
353 State of Mississippi without first giving notice. Upon written  
354 authority from the Secretary of State's office, for state-owned  
355 properties, a municipality may forgo the notification process that  
356 is prescribed in this subsection and proceed to clean the  
357 properties and assess costs as prescribed in this subsection,  
358 except that penalties shall not be assessed against the State of  
359 Mississippi.

360 (2) When the fee or cost to clean property or a parcel of  
361 land that is one (1) acre or less does not exceed Two Hundred  
362 Fifty Dollars (\$250.00), excluding administrative costs, and the  
363 property or parcel is located within a municipality having a  
364 population over one thousand five hundred (1,500), the governing  
365 authority of the municipality may authorize one or more of its  
366 employees to determine whether the property or parcel of land is  
367 in such a state of uncleanliness as to be a menace to the public  
368 health, safety and welfare of the community and the determination  
369 made by the authorized municipal employee shall be set forth and  
370 recorded in the minutes of the governing authority. Notice of  
371 this determination shall be provided to the property owner by:

372 (a) United States mail seven (7) days before the date  
373 of cleaning of the property or parcel of land mailed to the  
374 address of the subject property, except where the land or



375 structure(s) is apparently vacant, and to the address where the ad  
376 valorem tax notice for such property is sent by the office charged  
377 with collecting ad valorem tax; and

378 (b) Posting notice for at least seven (7) days before  
379 the cleaning of the property or parcel of land and at city hall or  
380 another place in the municipality where such notices are posted.

381 Any notice required by this subsection shall include language  
382 that informs the property owner that the appropriate municipal  
383 official has determined that the property or parcel of land is a  
384 menace to the public health, safety and welfare of the community  
385 and in need of cleaning and the municipality is authorized to  
386 enter the property for cleaning and that the municipality is  
387 further authorized to reenter the property or parcel of land for a  
388 period of two (2) years after this cleaning without any further  
389 hearing or action if notice is posted on the property or parcel of  
390 land and at city hall or another place in the municipality where  
391 such notices are generally posted at least seven (7) days before  
392 the property or parcel of land is reentered for cleaning. A copy  
393 of the required notice mailed and posted as required by this  
394 subsection shall be recorded in the minutes of the governing  
395 authority in conjunction with the determination made by the  
396 municipal employee in this subsection (2).

397 If an authorized municipal employee determines that the  
398 condition of property or parcel of land or the existence of an  
399 encampment as defined in Section 1(1)(c) of this act is a menace



400 to the public health, safety and welfare of the community, the  
401 governing authority, if the owner does not do so himself, shall  
402 proceed to clean the land, by the use of municipal employees or by  
403 contract, by cutting grass and weeds; filling cisterns; securing  
404 abandoned or dilapidated buildings; removing rubbish, abandoned or  
405 dilapidated fences, outside toilets, abandoned or dilapidated  
406 buildings, slabs, personal property, which removal of personal  
407 property shall not be subject to the provisions of Section  
408 21-39-21, and other debris; removing encampments as defined in  
409 Section 1(1)(c) of this act; and draining cesspools and standing  
410 water therefrom. The governing authority shall by resolution  
411 adjudicate the actual cost of cleaning the property under this  
412 provision, provided the same does not exceed \* \* \* Ten Thousand  
413 Dollars (\$10,000.00) and may also impose a penalty not to  
414 exceed \* \* \* One Thousand Five Hundred Dollars (\$1,500.00) or one  
415 hundred percent (100%) of the actual cost of cleaning the  
416 property, whichever is more. The cost and any penalty imposed may  
417 become a civil debt against the property owner, and/or, at the  
418 option of the governing authority, an assessment against the  
419 property. The "cost assessed against the property" means either  
420 the cost to the municipality of using its own employees to do the  
421 work or the cost to the municipality of any contract executed by  
422 the municipality to have the work done, and additionally may  
423 include administrative costs of the municipality not to exceed  
424 Fifty Dollars (\$50.00). For subsequent cleaning within the





425 one-year period set forth in this subsection (2), upon seven (7)  
426 days' notice posted both on the property or parcel of land  
427 adjudicated in need of cleaning and at city hall or another place  
428 in the municipality where such notices are generally posted, and  
429 consistent with the municipal official's determination as  
430 authorized in this subsection (2), a municipality may reenter the  
431 property or parcel of land to maintain cleanliness without further  
432 notice or hearing under this subsection (2) no more than six (6)  
433 times in any twelve-month period with respect to removing or  
434 securing abandoned or dilapidated buildings, slabs, dilapidated  
435 fences and outside toilets, and no more than twelve (12) times in  
436 any twenty-four-month period with respect to cutting grass and  
437 weeds and removing rubbish, personal property and other debris on  
438 the land, and removing encampments on the land, and the expense of  
439 cleaning of the property shall not exceed an aggregate amount of  
440 One Thousand Dollars (\$1,000.00) per year under this subsection  
441 (2). The governing authority may assess the same actual costs,  
442 administrative costs and penalty for each time the property or  
443 land is cleaned as otherwise provided in this subsection (2). The  
444 penalty provided herein shall not be assessed against the State of  
445 Mississippi upon request for reimbursement under Section 29-1-145,  
446 nor shall a municipality clean a parcel owned by the State of  
447 Mississippi without first giving notice. Upon written authority  
448 from the Secretary of State's office, for state-owned properties,  
449 a municipality may forgo the notification process that is



450 prescribed in this subsection and proceed to clean the properties  
451 and assess costs as prescribed in this subsection, except that  
452 penalties shall not be assessed against the State of Mississippi.  
453 A determination made by an appropriate municipal employee under  
454 this subsection (2) that the state or condition of property or a  
455 parcel of land is a menace to the public health, safety and  
456 welfare of the community shall not subsequently be used to replace  
457 a hearing if subsection (1) of this section is later utilized by a  
458 municipality when the prerequisites of this subsection (2) are not  
459 satisfied.

460 (3) If the governing authority declares, by resolution, that  
461 the cost and any penalty shall be collected as a civil debt, the  
462 governing authority may authorize the institution of a suit on  
463 open account against the owner of the property in a court of  
464 competent jurisdiction in the manner provided by law for the cost  
465 and any penalty, plus court costs, reasonable attorney's fees and  
466 interest from the date that the property was cleaned.

467 (4) (a) If the governing authority declares that the cost  
468 and any penalty shall be collected as an assessment against the  
469 property, then the assessment above provided for shall be a lien  
470 against the property and may be enrolled in the office of the  
471 chancery clerk of the county as other liens and encumbrances are  
472 enrolled, and the tax collector of the municipality shall, upon  
473 order of the board of governing authorities, proceed to sell the  
474 land to satisfy the lien as now provided by law for the sale of



475 lands for delinquent municipal taxes. The lien against the  
476 property shall be an encumbrance upon the property and shall  
477 follow title of the property.

478 (b) (i) All assessments levied under the provisions of  
479 this section shall be included with municipal ad valorem taxes and  
480 payment shall be enforced in the same manner in which payment is  
481 enforced for municipal ad valorem taxes, and all statutes  
482 regulating the collection of other taxes in a municipality shall  
483 apply to the enforcement and collection of the assessments levied  
484 under the provisions of this section, including utilization of the  
485 procedures authorized under Sections 17-13-9(2) and 27-41-2.

486 (ii) All assessments levied under the provisions  
487 of this section shall become delinquent at the same time municipal  
488 ad valorem taxes become delinquent. Delinquencies shall be  
489 collected in the same manner and at the same time delinquent ad  
490 valorem taxes are collected and shall bear the same penalties as  
491 those provided for delinquent taxes. If the property is sold for  
492 the nonpayment of an assessment under this section, it shall be  
493 sold in the manner that property is sold for the nonpayment of  
494 delinquent ad valorem taxes. If the property is sold for  
495 delinquent ad valorem taxes, the assessment under this section  
496 shall be added to the delinquent tax and collected at the same  
497 time and in the same manner.

498 (5) All decisions rendered under the provisions of this  
499 section may be appealed in the same manner as other appeals from



500 municipal boards or courts are taken. However, an appeal from a  
501 decision of a municipal officer or official shall be made to the  
502 governing authority and such appeal shall be in writing, state the  
503 basis for the appeal and be filed with the city clerk no later  
504 than seven (7) days from the latest date of notice required under  
505 this section.

506 (6) Nothing contained under this section shall prevent any  
507 municipality from:

508 (a) Enacting criminal penalties for failure to maintain  
509 property so as not to constitute a menace to public health, safety  
510 and welfare \* \* \*; or

511 (b) Enforcing the provisions of Section 2 of this act  
512 relating to the abatement of encampments.

513 (7) Notwithstanding any provision to the contrary in this  
514 section, the decision to remove an encampment on private property  
515 shall be discretionary by the governing authorities of the  
516 municipality.

517 ( \* \* \*8) (a) If private property or a parcel of land  
518 located within a municipality is a perpetual care cemetery subject  
519 to Section 41-43-1 et seq., the governing authority of the  
520 municipality may proceed pursuant to the same provisions of this  
521 section used to determine whether a property is a public health  
522 menace to instead determine if the perpetual care cemetery and all  
523 structures on the cemetery are not being properly maintained and  
524 have become detrimental to the public health and welfare. A



525 perpetual care cemetery that is "not being properly maintained and  
526 has become detrimental to the public health and welfare" means a  
527 perpetual care cemetery that shows signs of neglect, including,  
528 without limitation, the unchecked growth of vegetation, repeated  
529 and unchecked acts of vandalism, unusable entrances and exits,  
530 excess rubbish or debris, or the disintegration of grave markers  
531 or boundaries. Upon notice and opportunity to be heard as  
532 provided in subsection (1) of this section, the governing  
533 authority of the municipality may adjudicate the property or  
534 parcel of land in its then condition to be not properly maintained  
535 and detrimental to the public health and welfare, and if the owner  
536 does not do so itself, may proceed to clean the property or parcel  
537 of land as provided in subsection (1) of this section. When  
538 cleaning the property or parcel of land of a perpetual care  
539 cemetery pursuant to this subsection ( \* \* \*8), the penalty or  
540 penalties provided in subsection (1) of this section shall not be  
541 assessed against owners of the perpetual care cemeteries.

542 (b) The governing authority of a municipality that  
543 cleans the property or parcel of land of a perpetual care cemetery  
544 pursuant to this subsection ( \* \* \*8) may make application to the  
545 Secretary of State for an order directing the trustee of the  
546 perpetual care cemetery trust fund to release accrued interest or  
547 principal of the trust fund sufficient to reimburse the  
548 municipality for only the actual cleanup costs incurred by the  
549 municipality. The application to the Secretary of State shall



550 include a statement by the municipality that all of the  
551 requirements of this section have been met.

552 (c) If the Secretary of State is satisfied that the  
553 notice and hearing requirements of this section have been met, and  
554 that the application for an order directing the trustee to release  
555 accrued interest of the perpetual care cemetery trust fund does  
556 not threaten the ability of the trust fund to provide for the care  
557 and maintenance of the cemetery, the Secretary of State may order  
558 the trustee to release accrued interest of the trust fund  
559 sufficient to reimburse the municipality for the actual costs of  
560 cleanup performed by the municipality.

561 (d) If the Secretary of State is satisfied that the  
562 notice and hearing requirements of this section have been met, but  
563 makes a determination that the accrued interest of the perpetual  
564 care cemetery trust fund is insufficient to reimburse the  
565 municipality for the actual costs of cleanup performed by the  
566 municipality, or that an order to release accrued interest would  
567 threaten the ability of the trust fund to provide for the care and  
568 maintenance of the cemetery, the Secretary of State may consider  
569 an order directing the trustee to reimburse the municipality from  
570 the principal of the trust fund. If the Secretary of State  
571 determines that an order to the trustee to release principal from  
572 the trust fund will not threaten the solvency of the trust fund,  
573 the Secretary of State may order the trustee to release principal  
574 of the trust fund in an amount sufficient to reimburse the



575 municipality for the actual costs of cleanup performed by the  
576 municipality.

577 (i) The Secretary of State may not order the  
578 trustee to release an amount of more than fifteen percent (15%) of  
579 principal of the trust fund to reimburse the municipality for the  
580 actual costs of cleanup performed by the municipality.

581 (ii) The provisions of this section may be  
582 utilized no more than once in a four-year period.

583 **SECTION 9.** Section 19-5-105, Mississippi Code of 1972, is  
584 amended as follows:

585 19-5-105. (1) To determine whether property or a parcel of  
586 land located within a county is in such a state of uncleanliness  
587 as to be a menace to the public health, safety and welfare of the  
588 community, the board of supervisors of any county is authorized  
589 and empowered to conduct a hearing on its own motion, or upon the  
590 receipt of a petition requesting the board of supervisors to act  
591 signed by a majority of the residents eighteen (18) years of age  
592 or older, residing upon any street or alley, within reasonable  
593 proximity of any property alleged to be in need of cleaning, or  
594 within seven hundred fifty (750) feet of the precise location of  
595 the alleged menace situated on any parcel of land which is located  
596 in a populated area or in a housing subdivision and alleged to be  
597 in need of cleaning.

598 Notice shall be provided to the property owner by:



599 (a) United States mail two (2) weeks before the date of  
600 the hearing mailed to the address of the subject property and to  
601 the address where the ad valorem tax notice for such property is  
602 sent by the office charged with collecting ad valorem tax; and

603 (b) Posting notice for at least two (2) weeks before  
604 the date of a hearing on the property or parcel of land alleged to  
605 be in need of cleaning and at the county courthouse or another  
606 place in the county where such notices are posted.

607 The notice required by this subsection (1) shall include  
608 language that informs the property owner that an adjudication at  
609 the hearing that the property or parcel of land is in need of  
610 cleaning will authorize the board of supervisors to reenter the  
611 property or parcel of land for a period of one (1) year after the  
612 hearing without any further hearing, if notice is posted on the  
613 property or parcel of land and at the county courthouse or another  
614 place in the county where such notices are generally posted at  
615 least seven (7) days before the property or parcel of land is  
616 reentered for cleaning. A copy of the required notice mailed and  
617 posted as required by this subsection (1) shall be recorded in the  
618 minutes of the board of supervisors in conjunction with the  
619 hearing required by this subsection.

620 If at such hearing the board of supervisors shall in its  
621 resolution adjudicate such parcel of land in its then condition or  
622 the existence of an encampment as defined in Section 1(1)(c) of  
623 this act to be a menace to the public health and safety of the





624 community, the board of supervisors may, if the owner not do so  
625 himself, proceed to have the land cleaned by cutting weeds,  
626 filling cisterns, and removing rubbish, dilapidated fences,  
627 outside toilets, dilapidated buildings and other debris, and  
628 draining cesspools and standing water, or removing encampment.  
629 Thereafter, the board of supervisors may at its next regular  
630 meeting by resolution adjudicate the actual cost of cleaning the  
631 land and may also impose a penalty not to exceed One Thousand Five  
632 Hundred Dollars (\$1,500.00) or \* \* \* one hundred percent (100%) of  
633 the actual cost, whichever is more. The cost and any penalty  
634 shall become an assessment against the property. The "cost  
635 assessed against the property" means either the cost to the county  
636 of using its own employees to do the work or the cost to the  
637 county of any contract executed by the county to have the work  
638 done, and administrative costs and legal costs of the county.

639 A county may reenter the property or parcel of land to  
640 maintain cleanliness without further notice of hearing no more  
641 than six (6) times in any twelve-month period with respect to  
642 removing dilapidated buildings, dilapidated fences and outside  
643 toilets, and no more than twelve (12) times in any  
644 twenty-four-month period with respect to cutting grass and weeds  
645 and removing rubbish, personal property and other debris on the  
646 land, and the removal of encampments as defined in Section 1(1)(c)  
647 of this act. The expense of cleaning the property shall not  
648 exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00)



649 per year, or the fair market value of the property subsequent to  
650 cleaning, whichever is less. The board of supervisors may assess  
651 the same penalty each time the property or land is cleaned as  
652 otherwise provided in this subsection (1).

653 The penalty provided in this subsection (1) shall not be  
654 assessed against the State of Mississippi upon request for  
655 reimbursement under Section 29-1-145, nor shall a county clean a  
656 parcel owned by the State of Mississippi without first giving  
657 notice.

658 The assessment authorized by this subsection (1) shall be a  
659 lien against the property and may be enrolled in the office of the  
660 circuit clerk of the county as other judgments are enrolled, and  
661 the tax collector of the county shall, upon order of the board of  
662 supervisors, proceed to sell the land to satisfy the lien as now  
663 provided by law for the sale of lands for delinquent taxes.  
664 Furthermore, the property owner whose land has been sold pursuant  
665 to this subsection (1) shall have the same right of redemption as  
666 now provided by law for the sale of lands for delinquent taxes.  
667 All decisions rendered under the provisions of this subsection may  
668 be appealed in the same manner as other appeals from county  
669 boards.

670 (2) (a) If private property or a parcel of land located  
671 within a county is a perpetual care cemetery subject to Section  
672 41-43-1 et seq., the board of supervisors of the county may  
673 proceed pursuant to the same provisions of subsection (1) of this



674 section used to determine whether a property is a public health  
675 menace to instead determine if the perpetual care cemetery and all  
676 structures on the cemetery are not being properly maintained and  
677 have become detrimental to the public health and welfare. A  
678 perpetual care cemetery that is "not being properly maintained and  
679 has become detrimental to the public health and welfare" means a  
680 perpetual care cemetery that shows signs of neglect, including,  
681 without limitation, the unchecked growth of vegetation, repeated  
682 and unchecked acts of vandalism, unusable entrances and exits,  
683 excess rubbish or debris, or the disintegration of grave markers  
684 or boundaries. Upon notice and opportunity to be heard as  
685 provided in subsection (1) of this section, the board of  
686 supervisors of the county may adjudicate the property or parcel of  
687 land in its then condition to be not properly maintained and  
688 detrimental to the public health and welfare, and if the owner  
689 does not do so itself, may proceed to clean the property or parcel  
690 of land as provided in subsection (1) of this section. When  
691 cleaning the property or parcel of land of a perpetual care  
692 cemetery pursuant to this subsection (2), the penalty or penalties  
693 provided in subsection (1) of this section shall not be assessed  
694 against owners of the perpetual care cemeteries.

695 (b) The board of supervisors of a county that cleans  
696 property or parcel of land of a perpetual care cemetery pursuant  
697 to this subsection (2) may make application to the Secretary of  
698 State for an order directing the trustee of the perpetual care



699 cemetery trust fund to release accrued interest or principal of  
700 the trust fund sufficient to reimburse the county for only the  
701 actual cleanup costs incurred by the county. The application to  
702 the Secretary of State shall include a statement by the county  
703 that all of the requirements of this section have been met.

704 (c) If the Secretary of State is satisfied that the  
705 notice and hearing requirements of this section have been met, and  
706 that the application for an order directing the trustee to release  
707 accrued interest of the perpetual care cemetery trust fund does  
708 not threaten the ability of the trust fund to provide for the care  
709 and maintenance of the cemetery, the Secretary of State may order  
710 the trustee to release up to the total amount of accrued interest  
711 of the trust fund in an amount sufficient to reimburse the county  
712 for the actual costs of cleanup performed by the county.

713 (d) If the Secretary of State is satisfied that the  
714 notice and hearing requirements of this section have been met, but  
715 makes a determination that the accrued interest of the perpetual  
716 care cemetery trust fund is insufficient to reimburse the county  
717 for the actual costs of cleanup performed by the county, or that  
718 an order to release accrued interest would threaten the ability of  
719 the trust fund to provide for the care and maintenance of the  
720 cemetery, the Secretary of State may consider an order directing  
721 the trustee to reimburse the county from the principal of the  
722 trust fund. If the Secretary of State determines that an order to  
723 the trustee to release principal from the trust fund will not



724 threaten the solvency of the trust fund, the Secretary of State  
725 may order the trustee to release principal of the trust fund in an  
726 amount sufficient to reimburse the county for the actual costs of  
727 cleanup performed by the county.

728 (i) The Secretary of State may not order the  
729 trustee to release an amount of more than fifteen percent (15%) of  
730 principal of the trust fund to reimburse the county for the actual  
731 costs of cleanup performed by the county.

732 (ii) The provisions of this section may be  
733 utilized no more than once in a four-year period.

734 (3) Nothing contained under this section shall prevent any  
735 county from enforcing the provisions of Section 2 of this act  
736 relating to the abatement and prevention of encampments.

737 **SECTION 10.** This act shall be severable as provided in  
738 Section 1-3-77.

739 **SECTION 11.** This act shall take effect and be in force from  
740 and after July 1, 2025, and shall stand repealed on June 30, 2025.

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

1 AN ACT TO PROHIBIT A PERSON FROM CAMPING UPON ANY STREET,  
2 SIDEWALK, PUBLIC RIGHT-OF-WAY, ANY OTHER PUBLIC PROPERTY OR WITHIN  
3 1,000 FEET OF A DEFINED CRITICAL INFRASTRUCTURE AREA THAT IS NOT  
4 DESIGNATED FOR THE PURPOSE OF CAMPING; TO PROVIDE THAT A VIOLATION  
5 OF THIS PROHIBITION SHALL BE CHARGED AS A MISDEMEANOR; TO REQUIRE  
6 NOTICE AT LEAST 48 HOURS BEFORE COMMENCEMENT OF ANY ENFORCEMENT  
7 ACTION; TO PROVIDE THAT VIOLATION OF THIS PROHIBITION IS A PUBLIC  
8 NUISANCE THAT CAN BE ENJOINED, ABATED, PREVENTED AND REMOVED; TO  
9 AUTHORIZE THE REMOVAL OF ENCAMPMENTS ON PRIVATE PROPERTY IN A  
10 HUMANE MANNER AFTER AT LEAST 48 HOURS BEFORE THE RENEWAL NOTICE;



11 TO PROVIDE THAT THE LOCAL GOVERNING AUTHORITIES MAY ESTABLISH A  
12 DILAPIDATED PROPERTY FUND AND MAKE EXPENDITURES FOR THE LEGAL  
13 REMOVAL OF ENCAMPMENTS ON PUBLIC AND PRIVATE PROPERTY; TO PROHIBIT  
14 SOLICITING FOR A CONTRIBUTION OR DONATION WITHOUT A PERMIT FROM  
15 THE LOCAL GOVERNING AUTHORITY; TO CREATE THE CRIME OF AGGRESSIVE  
16 PANHANDLING WHERE A PERSON SOLICITS A DONATION OF MONEY OR GOODS  
17 IN CERTAIN CIRCUMSTANCES; TO CREATE THE CRIME OF LOITERING WHERE A  
18 PERSON LINGERS, REMAINS, OR PROWLs IN CERTAIN PLACES; TO ENUMERATE  
19 CERTAIN CIRCUMSTANCES THAT MAY BE CONSIDERED TO DETERMINE IF THAT  
20 PERSON IS LOITERING; TO REQUIRE A LAW ENFORCEMENT OFFICER TO  
21 AFFORD THE ACTOR AN OPPORTUNITY TO DISPEL ANY ALARM THAT WOULD  
22 OTHERWISE BE WARRANTED BY REQUESTING THE ACTOR TO IDENTIFY HIMSELF  
23 OR HERSELF AND EXPLAIN HIS OR HER PRESENCE AND CONDUCT; TO PROVIDE  
24 CERTAIN DEFENSES TO PROSECUTION; TO PROVIDE CRIMINAL PENALTIES FOR  
25 THE CRIME OF LOITERING; TO PROVIDE CRIMINAL PENALTIES FOR THE  
26 CRIME OF AGGRESSIVE PANHANDLING; TO PROVIDE THAT CONVICTIONS UNDER  
27 THIS ACT SHALL NOT APPEAR ON A PERSON'S PUBLIC RECORD; TO PROVIDE  
28 THAT ANY PERSON ARRESTED UNDER THIS ACT AND TRANSPORTED TO A  
29 COUNTY OR MUNICIPAL JAIL WHO APPEARS TO BE IN NEED OF MENTAL  
30 HEALTH AND/OR SUBSTANCE ABUSE ISSUES SHALL BE EVALUATED FOR THE  
31 NEED FOR SUCH SERVICES; TO PROVIDE THAT IF THE EVALUATION REVEALS  
32 THAT THE PERSON IS IN NEED OF SUCH SERVICES, THE PERSON SHALL BE  
33 PROVIDED SUCH SERVICES BY AN APPROPRIATE ENTITY, AUTHORITY,  
34 COMMISSION OR AGENCY; TO AMEND SECTIONS 21-19-11 AND 19-5-105,  
35 MISSISSIPPI CODE OF 1972, TO INCLUDE THE REMOVAL OF ENCAMPMENTS ON  
36 PRIVATE PROPERTY WITHIN THE PROVISIONS OF LAW AUTHORIZING A  
37 MUNICIPALITY OR COUNTY TO CLEAN PRIVATE PROPERTY; TO PROVIDE THAT  
38 THE COST OF REMOVING SUCH ENCAMPMENTS ON PRIVATE PROPERTY SHALL BE  
39 A LIEN ON THE PRIVATE PROPERTY; TO INCREASE CERTAIN PENALTIES; TO  
40 PROVIDE THAT THE PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR  
41 RELATED PURPOSES.

