

By: Representatives Bain, Karriem

To: Judiciary B

HOUSE BILL NO. 974
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-1-2, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE QUALIFICATIONS OF THE COMMISSIONER OF PUBLIC SAFETY; TO
3 EXPAND THE COMMISSIONER'S POWERS; TO REQUIRE THE COMMISSIONER TO
4 ESTABLISH WITHIN THE DEPARTMENT THE MISSISSIPPI OFFICE OF HOMELAND
5 SECURITY; TO CODIFY A NEW SECTION WITHIN CHAPTER 1, TITLE 45,
6 MISSISSIPPI CODE OF 1972, TO TRANSFER THE OFFICE OF CAPITOL POLICE
7 FROM THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE
8 DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-1-3, MISSISSIPPI
9 CODE OF 1972, TO AUTHORIZE THE COMMISSIONER TO ADMINISTER OATHS;
10 TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO REVISE THE
11 DEFINITION OF THE TERM "LAW ENFORCEMENT OFFICER" TO INCLUDE THE
12 COMMISSIONER OF PUBLIC SAFETY AND OTHER DEPARTMENT OF PUBLIC
13 SAFETY EMPLOYEES; TO REVISE THE DEFINITION OF THE TERM "PART-TIME
14 LAW ENFORCEMENT OFFICER" TO INCLUDE ANY PART-TIME EMPLOYEE OF THE
15 DEPARTMENT OF PUBLIC SAFETY SO DESIGNATED BY THE COMMISSIONER; TO
16 AMEND SECTION 45-1-6, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
17 THE INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE
18 MISSISSIPPI BUREAU OF INVESTIGATION SHALL BE DESIGNED TO SUPPORT
19 LAW ENFORCEMENT EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL
20 REQUIREMENTS OF CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI
21 BUREAU OF INVESTIGATION; TO PROVIDE JURISDICTION TO THE
22 MISSISSIPPI BUREAU OF INVESTIGATION TO INVESTIGATE ALL INCIDENTS
23 OF OFFICER-INVOLVED SHOOTINGS IN THE STATE; TO AMEND SECTION
24 41-29-112, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
25 INVESTIGATIVE SERVICES PROVIDED ON A CONTRACTUAL BASIS TO THE
26 BUREAU OF NARCOTICS SHALL BE DESIGNED TO SUPPORT LAW ENFORCEMENT
27 EFFORTS OF STATE AGENCIES; TO REVISE THE APPROVAL REQUIREMENTS OF
28 CONTRACTUAL ARRANGEMENTS WITH THE MISSISSIPPI BUREAU OF NARCOTICS;
29 TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, AS AMENDED BY
30 SENATE BILL NO. 2021, 2021 REGULAR SESSION, TO EXEMPT FROM PUBLIC
31 PROCUREMENT REVIEW BOARD APPROVAL CONTRACTS ENTERED INTO BY THE
32 DEPARTMENT OF PUBLIC SAFETY FOR SERVICE ON SPECIALIZED EQUIPMENT
33 AND SOFTWARE USED BY THE OFFICE OF FORENSICS LABORATORIES AND
34 CONTRACTS FOR ANATOMICAL PATHOLOGY SERVICES; TO AMEND SECTION



41-61-53, MISSISSIPPI CODE OF 1972, TO DEFINE THE TERM "MEDICAL EXAMINER INVESTIGATOR"; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT OF CERTAIN PERSONS TO APPROVE THE APPOINTMENT OR DISCHARGE OF THE STATE MEDICAL EXAMINER; TO AMEND SECTION 41-61-65, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE MEDICAL EXAMINER TO USE MEDICAL EXAMINER INVESTIGATORS; TO AMEND SECTION 41-61-75, MISSISSIPPI CODE OF 1972, TO DELETE THE AUTOMATIC REPEALER ON THE PROVISION THAT AUTHORIZES FEES FOR MEDICAL EXAMINERS; TO AMEND SECTION 41-61-77, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT DEPUTY STATE MEDICAL EXAMINERS BE LICENSED IN MISSISSIPPI TO PRACTICE MEDICINE; TO AMEND SECTION 45-3-9, MISSISSIPPI CODE OF 1972, TO REVISE THE QUALIFICATIONS OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 45-3-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PRIOR SWORN LAW ENFORCEMENT OFFICERS MAY HAVE A PERIOD OF TRAINING THAT IS LESS THAN 80 DAYS; TO ENACT THE "MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021"; TO PROSECUTE UNAUTHORIZED FLYING OPERATIONS OF UNMANNED AIRCRAFT SYSTEMS OVER CORRECTIONAL FACILITIES AND CRITICAL INFRASTRUCTURE SITES; TO DEFINE TERMS; TO PENALIZE VIOLATIONS OF THE ACT; TO AMEND SECTIONS 25-1-87 AND 29-5-69, MISSISSIPPI CODE OF 1972, TO CONFORM; TO REPEAL SECTION 29-5-77, MISSISSIPPI CODE OF 1972, WHICH PROVIDES JURISDICTION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ENFORCE THE LAWS OF MISSISSIPPI WITHIN THE CAPITOL COMPLEX; AND FOR RELATED PURPOSES.

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

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

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

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

(a) Office of Public Safety Planning;

(b) Office of Mississippi Highway Safety Patrol;



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

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

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

(* * *f) Office of Support Services;

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

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

(i) Office of Capitol Police.

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

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



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

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

109 (6) The commissioner shall establish within the department
110 the Mississippi Office of Homeland Security for the purpose of
111 seeing that the laws are faithfully executed and for the purpose
112 of investigating cyber-related crimes and suppressing crimes of
113 violence and acts of intimidation and terror. The commissioner is
114 hereby authorized to employ within the Office of Homeland Security
115 a director, investigators and other qualified personnel as he may
116 deem necessary to make investigation of cyber-related crimes,
117 crimes of violence and acts of terrorism or intimidation, to aid
118 in the arrest and prosecution of persons charged with such
119 cyber-related crimes, crimes of violence, acts of terrorism or
120 intimidation, or threats of violence and to perform other duties
121 as necessary to accomplish these purposes. Investigators and



other law enforcement personnel employed by the commissioner shall have full power to investigate, apprehend, and arrest persons committing cyber-related crimes, acts of violence, intimidation, or terrorism anywhere in the state, and shall be vested with the power of police officers in the performance of such duties as provided herein. Such investigators and other personnel shall perform their duties under the direction of the commissioner, or his designee. The commissioner shall be authorized to offer and pay suitable rewards to other persons for aiding in such investigation and in the apprehension and conviction of persons charged with cyber-related crimes, acts of violence, or threats of violence, or intimidation, or acts of terrorism.

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

SECTION 2. (1) The department, through the Office of Capitol Police, shall have jurisdiction relative to the



147 enforcement of all laws of the State of Mississippi on the
148 properties, from curb to curb including adjoining streets,
149 sidewalks and leased parking lots within the Capitol Complex, set
150 forth in Section 29-5-2, the Court of Appeals Building, the
151 Mississippi Department of Transportation Building and the Public
152 Employees' Retirement System Building, and any property purchased,
153 constructed or otherwise acquired by the State of Mississippi for
154 conducting state business and not specifically under the
155 supervision and care by any other state entity, but which is
156 reasonably assumed the department would be responsible for such.
157 The department shall, through any person or persons appointed by
158 the commissioner, make arrests for any violation of any law of the
159 State of Mississippi on the grounds of or within those properties.
160 The Department of Public Safety shall, in addition, enforce the
161 provisions of this section and Sections 29-5-57 through 29-5-67,
162 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95, and
163 prescribe such rules and regulations as are necessary therefor.
164 The powers and duties related to the administration of Sections
165 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81
166 through 29-5-95 shall remain with the Department of Finance and
167 Administration.

168 (2) Subject to the approval of the Board of Trustees of
169 State Institutions of Higher Learning, the Board of Trustees and
170 the Department of Public Safety shall be authorized to enter into
171 a contract for the Department of Public Safety to supply the



172 security personnel with jurisdiction to enforce all laws of the
173 State of Mississippi on the property of the Board of Trustees
174 located at the corner of Ridgewood Road and Lakeland Drive in the
175 City of Jackson.

176 (3) The Department of Public Safety and the Department of
177 Agriculture are authorized to enter into a contract for the
178 Department of Public Safety to have jurisdiction and enforce all
179 laws of the State of Mississippi on the property of the Department
180 of Agriculture located at 121 North Jefferson Street and the new
181 Farmer's Market Building located at the corner of High and
182 Jefferson Streets in the City of Jackson, Hinds County,
183 Mississippi. It is the intent of the Legislature that the
184 Department of Public Safety will not post any security personnel
185 at such buildings, but will provide regular vehicle patrols and
186 responses to security system alarms.

187 (4) The Department of Public Safety and the Mississippi Fair
188 Commission are authorized to enter into a contract for the
189 Department of Public Safety to have jurisdiction and enforce all
190 laws of the State of Mississippi on the property of the
191 Mississippi Fair Commission known as the "Mississippi State
192 Fairgrounds Complex" and any and all of its outlying buildings and
193 property. The Department of Public Safety and the Mississippi
194 Fair Commission are authorized to enter into a contract for the
195 Department of Public Safety to supply the security personnel to
196 the Mississippi Fair Commission with jurisdiction to enforce all



197 laws of the State of Mississippi on this property and any and all
198 buildings on this property.

199 (5) The Department of Public Safety and the Department of
200 Revenue are authorized to enter into a contract for the Department
201 of Public Safety to supply the security personnel with
202 jurisdiction to enforce all laws of the State of Mississippi at
203 the Alcoholic Beverage Control facility and the Department of
204 Revenue main office.

205 (6) The Department of Public Safety shall have jurisdiction
206 relative to the enforcement of all laws of the State of
207 Mississippi within the boundaries of the Capitol Complex
208 Improvement District created in Section 29-5-203. The Department
209 of Public Safety shall, through any person or persons appointed by
210 the Department of Public Safety, make arrests for any violation of
211 any law of the State of Mississippi which occurs within the
212 boundaries of the district. The jurisdiction of the Department of
213 Public Safety under this subsection (6) shall be concurrent with
214 the jurisdiction of the City of Jackson, Mississippi, and that of
215 Hinds County, Mississippi. At any time and/or during any event
216 necessitating the coordination of and/or utilization at multiple
217 jurisdictions, the Department of Public Safety shall be the lead
218 agency when the event occurs on property as defined herein. The
219 jurisdiction and authority of the Department of Public Safety
220 under this subsection (6) shall be in addition to any other



jurisdiction and authority provided to the department under this section or any other law.

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

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

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

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

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

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

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

(c) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary



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



per month; for a deputy sheriff or municipal law enforcement officer, the term "appointed or employed full time" means a deputy sheriff or municipal law enforcement officer who is receiving gross compensation for his or her duties as a law enforcement officer of Four Hundred Seventy-five Dollars (\$475.00) or more per week or Two Thousand Fifty Dollars (\$2,050.00) or more per month.

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



term "appointed or employed" means a deputy sheriff or municipal law enforcement officer who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Four Hundred Seventy-five Dollars (\$475.00) per week or Two Thousand Fifty Dollars (\$2,050.00) per month.

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

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

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

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

SECTION 5. Section 45-1-6, Mississippi Code of 1972, is amended as follows:



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

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

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

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

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

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

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

(a) Reduced to writing; and



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

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

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

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

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

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



investigate any incident of a state trooper-involved shooting
resulting in injury or death occurring in the state.

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

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

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

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

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

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

(5) No person shall be a special contract investigator
unless he is at least eighteen (18) years of age.



(6) The Director of the Bureau of Narcotics shall conduct a background investigation of all potential special contract investigators. If the background investigation discloses a criminal record, the applicant shall not be retained without the express approval of the Director of the Bureau of Narcotics. Any matters pertaining to special contract investigators shall be exempt from the provisions of a law relating to meetings open to the public, approved as now or hereafter amended.

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

(a) Reduced to writing; and

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

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

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

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

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

(10) Notwithstanding any other provisions contained in this section, all said contracts and related matters shall be made



419 available to the Legislative Budget Office and the State Fiscal
420 Management Board.

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

424 27-104-7. (1) (a) There is created the Public Procurement
425 Review Board, which shall be reconstituted on January 1, 2018, and
426 shall be composed of the following members:

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

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

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

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

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

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

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

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



444 (v) One (1) member appointed by the Lieutenant
445 Governor to serve for a term ending on June 30, 2020.

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

450 (c) When appointing members to the Public Procurement
451 Review Board, the Governor and Lieutenant Governor shall take into
452 consideration persons who possess at least five (5) years of
453 management experience in general business, health care or finance
454 for an organization, corporation or other public or private
455 entity. Any person, or any employee or owner of a company, who
456 receives any grants, procurements or contracts that are subject to
457 approval under this section shall not be appointed to the Public
458 Procurement Review Board. Any person, or any employee or owner of
459 a company, who is a principal of the source providing a personal
460 or professional service shall not be appointed to the Public
461 Procurement Review Board if the principal owns or controls a
462 greater than five percent (5%) interest or has an ownership value
463 of One Million Dollars (\$1,000,000.00) in the source's business,
464 whichever is smaller. No member shall be an officer or employee
465 of the State of Mississippi while serving as a voting member on
466 the Public Procurement Review Board.



(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

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

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of



commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

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

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

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management of



the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of Finance and Administration to review and preapprove the lease before the time for advertisement begins;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;



(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

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

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

(v) Female;

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

(f) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel, including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c), any personal service contracts entered into for computer or information technology-related services governed



566 by the Mississippi Department of Information Technology Services,
567 any personal service contracts entered into by the individual
568 state institutions of higher learning, any personal service
569 contracts entered into by the Mississippi Department of
570 Transportation, any personal service contracts entered into by the
571 Department of Human Services through June 30, 2019, which the
572 Executive Director of the Department of Human Services determines
573 would be useful in establishing and operating the Department of
574 Child Protection Services, any personal service contracts entered
575 into by the Department of Child Protection Services through June
576 30, 2019, any contracts for entertainers and/or performers at the
577 Mississippi State Fairgrounds entered into by the Mississippi Fair
578 Commission, any contracts entered into by the Department of
579 Finance and Administration when procuring aircraft maintenance,
580 parts, equipment and/or services, any contract entered into by the
581 Department of Public Safety for service on specialized equipment
582 and/or software required for the operation at such specialized
583 equipment for use by the Office of Forensics Laboratories, and any
584 contract for attorney, accountant, actuary auditor, architect,
585 engineer, anatomical pathologist, utility rate expert services,
586 and any personal service contracts approved by the Executive
587 Director of the Department of Finance and Administration and
588 entered into by the Coordinator of Mental Health Accessibility
589 through June 30, 2022. Any such rules and regulations shall
590 provide for maintaining continuous internal audit covering the



activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes, if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act;

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

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;



615 (i) Prescribe certain circumstances by which agency
616 heads may enter into contracts for personal and professional
617 services without receiving prior approval from the Public
618 Procurement Review Board. The Public Procurement Review Board may
619 establish a preapproved list of providers of various personal and
620 professional services for set prices with which state agencies may
621 contract without bidding or prior approval from the board;

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

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

635 (j) Provide standards for the issuance of requests for
636 proposals, the evaluation of proposals received, consideration of
637 costs and quality of services proposed, contract negotiations, the
638 administrative monitoring of contract performance by the agency
639 and successful steps in terminating a contract;



640 (k) Present recommendations for governmental
641 privatization and to evaluate privatization proposals submitted by
642 any state agency;

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

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

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

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

661 (i) For the purposes of this paragraph (o), the
662 term "sole source" means only one (1) source is available that can
663 provide the required personal or professional service.



664 (ii) An agency that has been issued a binding,
665 valid court order mandating that a particular source or provider
666 must be used for the required service must include a copy of the
667 applicable court order in all future sole source contract reviews
668 for the particular personal or professional service referenced in
669 the court order.

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

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

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

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

686 4. An explanation of why the amount to be
687 expended for the personal or professional service is reasonable;
688 and



689 5. The efforts that the agency went through
690 to obtain the best possible price for the personal or professional
691 service.

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

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

707 2. If the agency determines after review that
708 there is only one (1) source for the required personal or
709 professional service, then the agency may appeal to the Public
710 Procurement Review Board. The agency has the burden of proving
711 that the personal or professional service is only provided by one
712 (1) source.



713 3. If the Public Procurement Review Board has
714 any reasonable doubt as to whether the personal or professional
715 service can only be provided by one (1) source, then the agency
716 must submit the procurement of the personal or professional
717 service to an advertised competitive bid or selection process. No
718 action taken by the Public Procurement Review Board in this appeal
719 process shall be valid unless approved by a majority of the
720 members of the Public Procurement Review Board present and voting.

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

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

734 (3) All submissions shall be made sufficiently in advance of
735 each monthly meeting of the Public Procurement Review Board as
736 prescribed by the Public Procurement Review Board. If the Public
737 Procurement Review Board rejects any contract submitted for review



738 or approval, the Public Procurement Review Board shall clearly set
739 out the reasons for its action, including, but not limited to, the
740 policy that the agency has violated in its submitted contract and
741 any corrective actions that the agency may take to amend the
742 contract to comply with the rules and regulations of the Public
743 Procurement Review Board.

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

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

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

759 (c) Explanation of why the price is considered
760 reasonable; and



761 (d) Description of the efforts that were made to
762 conduct a noncompetitive negotiation to get the best possible
763 price for the taxpayers.

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

779 (6) No member of the Public Procurement Review Board shall
780 use his or her official authority or influence to coerce, by
781 threat of discharge from employment, or otherwise, the purchase of
782 commodities, the contracting for personal or professional
783 services, or the contracting for public construction under this
784 chapter.



785 (7) Notwithstanding any other laws or rules to the contrary,
786 the provisions of subsection (2) of this section shall not be
787 applicable to the Mississippi State Port Authority at Gulfport.

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

795 (9) Notwithstanding the exemption of personal and
796 professional services contracts entered into by the Department of
797 Human Services and personal and professional services contracts
798 entered into by the Department of Child Protection Services from
799 the provisions of this section under subsection (2)(f), before the
800 Department of Human Services or the Department of Child Protection
801 Services may enter into a personal or professional service
802 contract, the department(s) shall give notice of the proposed
803 personal or professional service contract to the Public
804 Procurement Review Board for any recommendations by the board.
805 Upon receipt of the notice, the board shall post the notice on its
806 website and on the procurement portal website established by
807 Sections 25-53-151 and 27-104-165. If the board does not respond
808 to the department(s) within seven (7) calendar days after
809 receiving the notice, the department(s) may enter the proposed



810 personal or professional service contract. If the board responds
811 to the department(s) within seven (7) calendar days, then the
812 board has seven (7) calendar days from the date of its initial
813 response to provide any additional recommendations. After the end
814 of the second seven-day period, the department(s) may enter the
815 proposed personal or professional service contract. The board is
816 not authorized to disapprove any proposed personal or professional
817 services contracts. This subsection shall stand repealed on July
818 1, 2022.

819 **SECTION 8.** Section 41-61-53, Mississippi Code of 1972, is
820 amended as follows:

821 41-61-53. For the purposes of Sections 41-61-51 through
822 41-61-79, the following definitions shall apply:

823 (a) "Certification of death" means signing the death
824 certificate.

825 (b) "Coroner" means the elected county official
826 provided for in Sections 19-21-101 through 19-21-107.

827 (c) "County medical examiner investigator" means a
828 nonphysician coroner or deputy coroner trained * * * to
829 investigate and certify deaths affecting the public interest.

830 (d) "County medical examiner" means a licensed
831 physician * * * who is a coroner or deputy coroner trained to
832 investigate and certify deaths affecting the public interest.



833 (e) "Death affecting the public interest" means any
834 death of a human being where the circumstances are sudden,
835 unexpected, violent, suspicious or unattended.

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

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

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

847 (* * *i) "State Medical Examiner" means the person
848 appointed by the Commissioner of Public Safety pursuant to Section
849 41-61-55 to investigate and certify deaths that affect the public
850 interest.

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

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

856 **SECTION 9.** Section 41-61-55, Mississippi Code of 1972, is
857 amended as follows:



858 41-61-55. (1) There is hereby created the position of State
859 Medical Examiner, under the supervision of the Commissioner of
860 Public Safety and within the Office of Forensic Laboratories. The
861 State Medical Examiner shall be appointed by the Commissioner of
862 Public Safety subject to * * * review by the dean of the
863 University of Mississippi Medical Center School of Medicine and
864 the State Health Officer. The State Medical Examiner may be
865 discharged only for good cause * * * by the Commissioner of Public
866 Safety * * *.

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

871 (3) There is hereby created the State Medical Examiner
872 Advisory Council composed of the State Health Officer or his or
873 her designee, the Dean of the University of Mississippi Medical
874 Center School of Medicine or his or her designee, the Commissioner
875 of Public Safety, the Attorney General or his or her designee, the
876 President of the Mississippi Coroner and Medical Examiners
877 Association or his or her designee, the President of the
878 Mississippi Prosecutors Association or his or her designee, the
879 President of the Mississippi Public Defenders Association or his
880 or her designee, the President of the Mississippi Association of
881 Chiefs of Police or his or her designee, and the President of the
882 Mississippi Sheriffs' Association or his or her designee. The



council shall be purely advisory and serve as a liaison between the State Medical Examiner and the various entities related to the Medical Examiner Act.

SECTION 10. Section 41-61-65, Mississippi Code of 1972, is amended as follows:

41-61-65. (1) If, in the opinion of the medical examiner investigating the case, it is advisable and in the public interest that an autopsy or other study be made for the purpose of determining the primary and/or contributing cause of death, an autopsy or other study shall be made by the State Medical Examiner, or the State Medical Examiner may choose a competent pathologist who is designated by the State Medical Examiner or the Department of Public Safety as a pathologist qualified to perform postmortem examinations and autopsies to perform the autopsy or study. To be eligible to be designated under this section, a pathologist must be an M.D. or D.O. who is certified in * * * anatomic pathology by the American Board of Pathology unless a certified * * * anatomic pathologist is not available to perform a postmortem examination or autopsy within a reasonable time. The State Medical Examiner or designated pathologist may retain any tissues as needed for further postmortem studies or documentation. When the medical examiner has received notification under Section 41-39-15(6) that the deceased is medically suitable to be an organ and/or tissue donor, the State Medical Examiner or designated pathologist may retain any biopsy or medically approved sample of



the organ and/or tissue in accordance with the provisions of
Section 41-39-15(6). A complete autopsy report of findings and
interpretations, prepared on forms designated for this purpose,
shall be submitted promptly to the State Medical Examiner. Copies
of the report shall be furnished to the authorizing medical
examiner, district attorney and court clerk. A copy of the report
shall be furnished to one (1) adult member of the immediate family
of the deceased or the legal representative or legal guardian of
members of the immediate family of the deceased upon request. In
determining the need for an autopsy, the medical examiner may
consider the request from the district attorney or county
prosecuting attorney, law enforcement or other public officials or
private persons. However, if the death occurred in the manner
specified in subsection (2)(j) of Section 41-61-59, an autopsy
shall be performed by the State Medical Examiner or a designated
pathologist who is qualified as required by this subsection, and
the report of findings shall be forwarded promptly to the State
Medical Examiner, investigating medical examiner, the State
Department of Health, the infant's attending physician and the
local sudden infant death syndrome coordinator. In addition to
the authority granted under this section, medical examiner
investigators, under the supervision of the State Medical
Examiner, may assist with the performance or completion of
autopsies or other duties of the Office of the State Medical
Examiner.



(2) Any medical examiner or duly licensed physician performing authorized investigations and/or autopsies as provided in Sections 41-61-51 through 41-61-79 who, in good faith, complies with the provisions of Sections 41-61-51 through 41-61-79 in the determination of the cause and/or manner of death for the purpose of certification of that death, shall not be liable for damages on account thereof, and shall be immune from any civil liability that might otherwise be incurred or imposed.

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

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

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

(a) A medical examiner or his deputy shall receive One Hundred Seventy-five Dollars (\$175.00) for each completed report



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

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

(2) Any medical examiner, physician or pathologist who is subpoenaed for appearance and testimony before a grand jury, courtroom trial or deposition shall be entitled to an expert witness hourly fee to be set by the court and mileage expenses to and from the site of the testimony, and such amount shall be paid by the jurisdiction or party issuing the subpoena.



983 * * *

984 **SECTION 12.** Section 41-61-77, Mississippi Code of 1972, is
985 amended as follows:

986 41-61-77. (1) The Department of Public Safety shall
987 establish and maintain a central office for the Mississippi
988 Forensics Laboratory and the State Medical Examiner with
989 appropriate facilities and personnel for postmortem medicolegal
990 examinations. District offices, with appropriate facilities and
991 personnel, may also be established and maintained if considered
992 necessary by the department for the proper management of
993 postmortem examinations.

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

997 (2) In order to provide proper facilities for investigating
998 deaths as authorized in Sections 41-61-51 through 41-61-79, the
999 State Medical Examiner may arrange for the use of existing public
1000 or private laboratory facilities. The State Medical Examiner may
1001 contract with qualified persons to perform or to provide support
1002 services for autopsies, studies and investigations not
1003 inconsistent with other applicable laws. Such laboratory
1004 facilities may be located at the University of Mississippi Medical
1005 Center or any other suitable location. The State Medical Examiner
1006 may be an affiliate or regular faculty member of the Department of
1007 Pathology at the University of Mississippi Medical Center and may



serve as a member of the faculty of other institutions of higher learning. He shall be authorized to employ, with the approval of the Commissioner of Public Safety, such additional scientific, technical, administrative and clerical assistants as are necessary for performance of his duties. Such employees in the Office of the State Medical Examiner shall be subject to the rules, regulations and policies of the Mississippi State Personnel Board in their employment.

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

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

45-3-9. (1) The chief of patrol, directors, inspectors, assistant inspectors, patrol officers and investigators of the



1033 department shall be selected after an examination as to physical
1034 and mental fitness, knowledge of traffic laws, rules and
1035 regulations of this state, the laws of the state pertaining to
1036 arrest, and the rules and regulations of the Mississippi
1037 Department of Public Safety and Public Service Commission, such
1038 examination to be prescribed by the commissioner. At the time of
1039 appointment they shall be citizens of the United States and the
1040 State of Mississippi, of good moral character, and shall be not
1041 less than twenty-one (21) years of age and shall have * * * a high
1042 school diploma or High School Equivalency Diploma * * *.

1043 (2) Sworn agents of the Mississippi Bureau of Narcotics who
1044 are employed as enforcement troopers shall retain all
1045 compensatory, personal and sick leave accrued pursuant to Sections
1046 25-3-92, 25-3-93 and 25-3-95.

1047 **SECTION 14.** Section 45-3-45, Mississippi Code of 1972, is
1048 amended as follows:

1049 45-3-45. The commissioner is hereby authorized to set up a
1050 training school for patrolmen. He shall prescribe the rules and
1051 regulations for the operation of same and the period of training
1052 to be required of appointees to the Mississippi Highway Safety
1053 Patrol. * * * The period of training for recruits shall not be
1054 less than eighty (80) days; however, prior sworn law enforcement
1055 officers who have at least two (2) years of law enforcement
1056 experience may have a period of additional training



that is less than eighty (80) days. The expense of such training shall be paid in the same manner as other expenses of the patrol.

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

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

(a) "Correctional facility" means any:

(i) Confinement facility operated or contracted by the Mississippi Department of Corrections;

(ii) Confinement facility operated or contracted by the Federal Department of Prisons;

(iii) Municipality or county jail;

(iv) Confinement facility operated or contracted by the Federal Department of Prisons; or

(v) Public or private youth detention facility.

(b) "Critical infrastructure" means any of the following, whether public or private:

(i) Petroleum refinery or petroleum tank farm;

(ii) Electrical power generation facility which supports the Mississippi power grid system;

(iii) Natural gas processing and terminal facility;



1081 (iv) Military installation owned by the federal or
1082 state government; or

1083 (v) Entity contracted by the Department of Defense
1084 or State Military Department to produce defense products.

1085 (c) "Unmanned aircraft" means an aircraft that is
1086 constructed or operated without the possibility of direct human
1087 intervention from within or on the aircraft, including every
1088 object that is on board or otherwise attached to the aircraft, or
1089 carried or operated during flight, regardless of weight. For
1090 purposes of this act, this term is synonymous with the term
1091 "drone."

1092 (d) "Unmanned aircraft system" means an unmanned
1093 aircraft and all associated elements, including, but not limited
1094 to, communication links, sensing devices, and components that
1095 control the unmanned aircraft.

1096 **SECTION 17.** A person commits the offense of unlawful use of
1097 an unmanned aircraft system if he or she knowingly:

1098 (a) Uses an unmanned aircraft system to conduct
1099 surveillance of, collect information or data, or photographically
1100 or electronically record a critical infrastructure or correctional
1101 facility without the prior written consent of the owner, or the
1102 owner's designee, of the critical infrastructure or correctional
1103 facility; or

1104 (b) Delivers or attempts to deliver contraband using an
1105 unmanned aircraft system on a correctional facility property or



1106 adjacent property for the purpose of introducing contraband into a
1107 correctional facility.

1108 **SECTION 18.** (1) Nothing in Sections 15 through 19 of this
1109 act shall be deemed to prohibit the operation of an unmanned
1110 aircraft system by a law enforcement agency for any lawful purpose
1111 in this state.

1112 (2) A public agency or a public contractor, other than a law
1113 enforcement agency or contractor, may operate an unmanned aircraft
1114 system only if the public agency or contracted entity operates the
1115 unmanned aircraft system:

1116 (a) With the written consent of the owner, or the
1117 owner's designee, of the critical infrastructure or correctional
1118 facility; and

1119 (b) In accordance with the rules and regulations
1120 adopted by the Federal Aviation Administration.

1121 (3) This act shall not pertain to unmanned aircraft
1122 operating under Federal Aviation Administration Certificates of
1123 Waiver Authorization.

1124 **SECTION 19.** (1) Any person who is convicted under Section
1125 17(a) of this act shall be guilty of a misdemeanor, punishable up
1126 to one (1) year in prison or a fine not to exceed One Thousand
1127 Dollars (\$1,000.00) for the first offense or both.

1128 (2) Any person convicted under Section 17(b) of this act
1129 shall be guilty of a felony, punishable by a term of no less than
1130 three (3) years and no more than fifteen (15) years in the State



1131 Penitentiary or a fine not to exceed Twenty-five Thousand Dollars
1132 (\$25,000.00), or both.

1133 **SECTION 20.** Section 25-1-87, Mississippi Code of 1972, is
1134 amended as follows:

1135 25-1-87. All motor vehicles owned or leased by the State of
1136 Mississippi or any agency, department or political subdivision
1137 thereof, which shall include counties and municipalities, when
1138 such agency or department or political subdivision, which shall
1139 include counties and municipalities, is supported wholly or in
1140 part by public taxes or by appropriations from public funds, shall
1141 have painted on both sides in letters at least three (3) inches in
1142 height, and on the rear in letters not less than one and one-half
1143 (1-1/2) inches in height, the name of the state agency or
1144 department, or political subdivision, which shall include counties
1145 and municipalities, in a color which is in contrast with the color
1146 of the vehicle; provided, however, that a permanent decal may be
1147 used in lieu of paint, and provided further, that any municipality
1148 may affix a permanent decal or design at least twelve (12) inches
1149 in height and twelve (12) inches in width on both sides of the
1150 vehicle with the name of the municipality within or across the
1151 permanent decal or design, and the permanent design or decal shall
1152 be in a color or colors which are in contrast with the color of
1153 the vehicle. No privilege license tag shall be issued for such
1154 vehicle until the name has been painted thereon or a permanent
1155 design or decal affixed thereto as required by this section. A



1156 permanent decal may be used in lieu of paint. The provisions of
1157 this paragraph shall not apply to vehicles used by the Chief
1158 Executive of the State of Mississippi, to vehicles owned or leased
1159 by the Department of Economic and Community Development, to
1160 vehicles owned or leased by the Office of the Attorney General, to
1161 not more than one (1) vehicle owned or leased by the Department
1162 of * * * Public Safety for use by the Capitol Police, to vehicles
1163 owned or leased by the Mississippi State Board of Medical
1164 Licensure and used only by the Investigative Division of the
1165 board, to one (1) vehicle owned or leased by the Executive
1166 Director of the Department of Mental Health, to not more than one
1167 (1) vehicle owned or leased by the Mississippi Division of
1168 Medicaid, to one (1) vehicle owned or leased by the State
1169 Department of Rehabilitation Services, to one (1) vehicle owned or
1170 leased by the Mississippi Department of Transportation, to one (1)
1171 vehicle owned or leased by the Commissioner of the Mississippi
1172 Department of Corrections, to not more than three (3) vehicles
1173 owned or leased by the Department of Corrections and used only by
1174 Community Services Division officers, to not more than one (1)
1175 vehicle owned or leased by the Mississippi Department of
1176 Transportation and used only by an investigator employed by the
1177 Mississippi Department of Transportation, to not more than two (2)
1178 vehicles owned or leased by the Mississippi Department of Marine
1179 Resources, or to not more than one (1) vehicle owned or leased by
1180 the * * * Department of Revenue; and upon receipt of a written



1181 request from the State Adjutant General, the Commissioner of
1182 Public Safety, the Director of the Alcoholic Beverage Control
1183 Division of the * * * Department of Revenue, the Executive
1184 Director of the Mississippi Department of Wildlife, Fisheries and
1185 Parks, the Director of the Bureau of Narcotics, the Executive
1186 Officer of the Board of Pharmacy, the Executive Director of the
1187 Mississippi Gaming Commission, the State Auditor or a president or
1188 chancellor of a state institution of higher learning, the Governor
1189 may authorize the use of specified unmarked vehicles only in
1190 instances where such identifying marks will hinder official
1191 investigations, and the governing authorities of any municipality
1192 may authorize the use of specified, unmarked police vehicles when
1193 identifying marks would hinder official criminal investigations by
1194 the police. The written request or the order or resolution
1195 authorizing such shall contain the manufacturer's serial number,
1196 the state inventory number, where applicable, and shall set forth
1197 why the vehicle should be exempt from the provisions of this
1198 paragraph. In the event the request is granted, the Governor
1199 shall furnish the State Department of Audit with a copy of his
1200 written authority for the use of the unmarked vehicles, or the
1201 governing authority, as the case may be, shall enter its order or
1202 resolution on the minutes and shall furnish the State Department
1203 of Audit with a certified copy of its order or resolution for the
1204 use of the unmarked police vehicle. The state property auditors
1205 of the State Department of Audit shall personally examine vehicles



1206 owned or leased by the State of Mississippi or any agency,
1207 department or commission thereof and report violations of the
1208 provisions of this paragraph to the State Auditor and the Chairman
1209 of the Joint Legislative Committee on Performance Evaluation and
1210 Expenditure Review. Any vehicle found to be in violation of this
1211 paragraph shall be reported immediately to the department head
1212 charged with such vehicle, and five (5) days shall be given for
1213 compliance; and if not complied with, such vehicles shall be
1214 impounded by the State Auditor until properly marked or exempted.

1215 Upon notification to the * * * Department of Revenue by the
1216 State Auditor that any municipality or political subdivision is
1217 not in compliance with this section, the * * * Department of
1218 Revenue shall withhold any sales tax due for distribution to any
1219 such municipality and any excise tax on gasoline, diesel fuel,
1220 kerosene and oil due any such county and for any months
1221 thereafter, and shall continue to withhold such funds until
1222 compliance with this section is certified to the * * * Department
1223 of Revenue by the State Department of Audit.

1224 County-owned motor vehicles operated by the sheriff's
1225 department shall not be subject to the provisions of this section,
1226 but shall be subject to the provisions of Section 19-25-15.
1227 County-owned motor vehicles operated by a family court established
1228 pursuant to Section 43-23-1 et seq., shall not be subject to the
1229 provisions of this section.



1230 State-owned or leased motor vehicles operated by the
1231 Department of Mental Health or by facilities operated by the
1232 Department of Mental Health and used for transporting patients
1233 living in group homes or alternative living arrangements shall not
1234 be subject to the provisions of this section.

1235 Up to four (4) passenger automobiles owned or leased by
1236 economic development districts or economic development authorities
1237 shall not be subject to the provisions of this section.

1238 State-owned or leased motor vehicles operated by the
1239 Agricultural and Livestock Theft Bureau of the Department of
1240 Agriculture and Commerce and used to investigate livestock theft
1241 shall not be subject to the provisions of this section.

1242 Up to three (3) motor vehicles owned or leased by the
1243 Pascagoula Municipal Separate School District for use by district
1244 security officers shall not be subject to the provisions of this
1245 section.

1246 Up to three (3) motor vehicles owned or leased by the
1247 Department of Human Services for use only by the Program Integrity
1248 Division and the executive director shall not be subject to the
1249 provisions of this section.

1250 Up to three (3) motor vehicles owned or leased by the
1251 Department of Insurance for use by the State Fire Marshal's Office
1252 shall not be subject to the provisions of this section.

1253 The motor vehicles of a public airport shall not be subject
1254 to the provisions of this section upon a finding by the governing



1255 authority of such airport that marking a motor vehicle as required
1256 in this section will compromise security at such airport.

1257 **SECTION 21.** Section 29-5-69, Mississippi Code of 1972, is
1258 amended as follows:

1259 29-5-69. During the period each year when the Legislature is
1260 in session, all parking spaces adjacent to the Capitol grounds on
1261 the west side of President Street and on both sides of High Street
1262 shall be reserved for the use of Capitol employees. The Office of
1263 General Services is instructed to place signs to that effect on
1264 said streets during legislative sessions.

1265 All employees in the Capitol who own automobiles shall be
1266 provided with distinctive stickers. Each such employee shall
1267 place the sticker in a prominent place on the rear of the
1268 automobile owned and regularly used by such employee.

1269 Any person without a sticker on his automobile who parks in
1270 any space reserved in the first paragraph of this section shall be
1271 guilty of a misdemeanor and shall, upon conviction, be fined not
1272 to exceed Twenty-five Dollars (\$25.00).

1273 Any person who is not a Capitol employee who has on his
1274 automobile a Capitol parking sticker or any Capitol employee who
1275 gives his parking sticker to a non-Capitol employee to use on such
1276 person's car, shall be guilty of a misdemeanor and shall, upon
1277 conviction, be fined One Hundred Dollars (\$100.00).



1278 The Office of Capitol Police * * * within the Department of
1279 Public Safety shall have the authority and are directed to enforce
1280 the provisions of this section.

1281 **SECTION 22.** Section 2 of this act shall be codified in
1282 Chapter 1, Title 45, Mississippi Code of 1972.

1283 **SECTION 23.** Section 29-5-77, Mississippi Code of 1972, which
1284 provides jurisdiction to the Department of Finance and
1285 Administration to enforce the laws of Mississippi within the
1286 Capitol Complex, is repealed.

1287 **SECTION 24.** This act shall take effect and be in force from
1288 and after July 1, 2021.

