MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Karriem

To: County Affairs; Municipalities

HOUSE BILL NO. 862

AN ACT TO AMEND SECTION 21-21-3, MISSISSIPPI CODE OF 1972, TO REQUIRE THE GOVERNING AUTHORITIES OF MUNICIPALITIES TO PROVIDE POLICE OFFICERS, WHO ARE ON PATROL, WITH BODY-WORN CAMERAS; TO DEFINE THE TERM "BODY-WORN CAMERA"; TO AMEND SECTION 19-25-13, MISSISSIPPI CODE OF 1972, TO REQUIRE COUNTY BOARDS OF SUPERVISORS TO INCLUDE ALLOCATIONS FOR BODY-WORN CAMERAS IN THE ANNUAL BUDGETS FOR SHERIFFS' OFFICES; TO AMEND SECTION 19-25-21, MISSISSIPPI CODE OF 1972, TO REQUIRE DEPUTY SHERIFFS, WHO ARE ON PATROL, TO WEAR BODY-WORN CAMERAS; TO CREATE A NEW SECTION TO PROVIDE CERTAIN PENALTIES FOR POLICE OFFICERS AND SHERIFF DEPUTIES WHO FAIL TO WEAR BODY-WORN CAMERAS WHILE ON PATROL; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 21-21-3, Mississippi Code of 1972, is amended as follows:

21-21-3. (1) The governing authorities of municipalities shall have the power and authority to employ, regulate and support a sufficient police force or night marshals, to define the duties thereof, and to furnish and supply all suitable and necessary equipment *** * ***, which such suitable and necessary equipment shall include the equipment described in subsection (2) of this section.

(2) The governing authorities of municipalities shall provide all police officers, while on patrol, with body-worn

cameras that shall be worn on the uniforms of the officers. As used in this section, "body-worn cameras" means devices that are worn by police officers which electronically records audio and video of the activities of the officers.

(3) If any police officer fails to wear a body-worn camera while on patrol, then the officer shall be subject to the penalties prescribed under Section 4 of this act.

SECTION 2. Section 19-25-13, Mississippi Code of 1972, is amended as follows:

19-25-13. The sheriff shall, at the July meeting of the board of supervisors, submit a budget of estimated expenses of his office for the ensuing fiscal year beginning October 1 in such form as shall be prescribed by the Director of the State Department of Audit. The board shall examine this proposed budget and determine the amount to be expended by the sheriff in the performance of his duties for the fiscal year and may increase or reduce that amount as it deems necessary and proper.

The budget shall include amounts for compensating the deputies and other employees of the sheriff's office, for insurance providing protection for the sheriff and his deputies in case of disability, death and other similar coverage, for travel and transportation expenses of the sheriff and deputies, for feeding prisoners and inmates of the county jail, and for any other expenses that may be incurred in the performance of the duties of the office of sheriff. In addition, the budget shall

include amounts for the payment of premiums on bonds and insurance for the sheriff and his deputies which, in the opinion of the board of supervisors, are deemed necessary to protect the interests of the county or the sheriff and his deputies. The amounts may include official bonds and any bonds required of his deputies by the sheriff; liability insurance; insurance against false arrest charges; insurance against false imprisonment charges; theft, fire and other hazards insurance; and hospitalization insurance as provided for in Sections 25-15-101 and 25-15-103. The board may authorize the reimbursement of the sheriff and deputies for the use of privately owned automobiles or other motor vehicles in the performance of official duties at the rate provided by law for state officers and employees, or may authorize the purchase by the sheriff of such motor vehicles and such equipment as may be needed for operation of the sheriff's office, the vehicles and equipment to be owned by the county. In counties that have elected to purchase the motor vehicles and the equipment for the operation of the sheriff's office, if a sheriff or deputy shall be required in the performance of his official duties, in the event of an emergency, to use his privately owned automobile or other motor vehicle, the board of supervisors may, in its discretion, authorize the reimbursement for that use at the rate per mile provided by law for state officers and employees. This shall not be construed as giving an officer a choice of whether to use his own or the county's vehicle, but shall be

construed so as not to penalize an officer who must use his own vehicle because the county's vehicle was not available.

The board of supervisors, in its discretion, may include in its annual budget for the sheriff's office an amount not to exceed One Thousand Dollars ($1,000.00), which may be expended by the sheriff to provide food, water and beverages for the sheriff, the sheriff's deputies, state, national and local law enforcement officers, emergency personnel, county employees and members of the general public who the sheriff requests to assist him and his office while in the performance of search and rescue missions, disasters or other emergency operations.

The board of supervisors shall include in its annual budget for the sheriff's office an amount that shall be expended by the sheriff to provide each deputy, while on patrol, with a body-worn camera.

The board of supervisors may acquire one or more credit cards that may be used by the sheriff and his deputies to pay expenses incurred by them when traveling in or out of state in the performance of their official duties. The chancery clerk or county purchase clerk shall maintain complete records of all credit card numbers and all receipts and other documents relating to the use of those credit cards. The sheriff shall furnish receipts for the use of the credit cards each month to the chancery clerk or purchase clerk who shall submit a written report monthly to the board of supervisors, which report shall include an

itemized list of all expenditures and use of the credit cards for the month, and the expenditures may be allowed for payment by the county in the same manner as other items on the claims docket. The issuance of a credit card to a sheriff or his deputy under the provisions of this section shall not be construed to authorize the sheriff or deputy sheriff to use the credit card to make any expenditure that is not otherwise authorized by law.

The board of supervisors is hereby authorized and empowered, in its discretion, to appropriate and pay a sum not to exceed One Thousand Dollars ($1,000.00) annually as a clothing allowance to each plainclothes investigator employed by the sheriff's office of that county. The board of supervisors of any county bordering on the Gulf of Mexico and having a population of more than thirty-one thousand seven hundred (31,700) but less than thirty-one thousand eight hundred (31,800) according to the 1990 Federal Census may appropriate and pay a sum not to exceed One Thousand Dollars ($1,000.00) annually as a clothing allowance to the administrator of the county jail.

The board of supervisors shall, at its first meeting of each quarter beginning on October 1, January 1, April 1 and July 1, appropriate a lump sum for the sheriff for the expenses of his office during the current quarter. The quarterly appropriation shall be one-fourth (1/4) of the amount approved in the annual budget unless the sheriff requests a different amount. Except in case of emergency, as provided in the county budget law, the

appropriation for the quarter beginning in October of the last year of the sheriff's term shall not exceed one-fourth (1/4) of the annual budget.

The sheriff shall file a report of all expenses of his office incurred during the preceding month with the board of supervisors for approval at its regular monthly meeting in a form to be prescribed by the Director of the State Department of Audit, and upon filing thereof, and approval by the board, the clerk of the board shall issue warrants in payment thereof but not to exceed the budget appropriation for that quarter. Any appropriated funds that are unexpended at the end of the fiscal year shall remain in the county general fund.

The budget for the sheriff's office may be revised at any regular meeting by the board of supervisors. Upon recommendation of the sheriff, the board may at any regular meeting make supplemental appropriations to the sheriff's office.

Any fees previously required to be paid by a sheriff shall be paid by the board of supervisors by including the estimates therefor in the sheriff's budget. All fees and charges for services heretofore collected by sheriffs shall be collected by the sheriff and paid monthly into the general fund of the concerned county. However, any fees heretofore collected by those sheriffs from the county shall not be paid.

SECTION 3. Section 19-25-21, Mississippi Code of 1972, is amended as follows:

19-25-21. (1) The minimum number of deputies having law enforcement duties for each sheriff shall be based upon the total population of his county according to the latest federal decennial census in the following categories:

(a) in counties with a total population of more than fifty thousand (50,000), the sheriff shall regularly employ a minimum of five (5) deputies having law enforcement duties;

(b) in counties with a total population of more than thirty-five thousand (35,000), and not more than fifty thousand (50,000), the sheriff shall regularly employ a minimum of four (4) deputies having law enforcement duties;

(c) in counties with a total population of more than twenty-five thousand (25,000), and not more than thirty-five thousand (35,000), the sheriff shall regularly employ a minimum of three (3) deputies having law enforcement duties;

(d) in counties with a total population of more than fifteen thousand (15,000), and not more than twenty-five thousand (25,000), the sheriff shall regularly employ a minimum of two (2) deputies having law enforcement duties;

(e) in all other counties, the sheriff shall regularly employ a minimum of one (1) deputy sheriff having law enforcement duties.

(2) In those counties comprised of two (2) judicial districts having a total population of thirty-five thousand (35,000) or more, there shall be not less than two (2) deputies in

the judicial district in which the sheriff does not reside, one (1) of whom shall be the chief deputy in charge of the office, all of whom shall be subject to the direction of the sheriff. In those counties comprised of two (2) judicial districts having a total population of less than thirty-five thousand (35,000), there shall be at least one (1) deputy in the judicial district in which the sheriff does not reside who shall be subject to the direction of the sheriff.

(3) Each deputy sheriff who shall have law enforcement duties shall, at the expense of the county, attend and complete an appropriate curriculum in the field of law enforcement at the Mississippi Law Enforcement Officers' Academy within one (1) year from the date of his appointment, excluding those who have previously served as sheriff, or have had at least five (5) years' experience as a full-time law enforcement officer, or have previously successfully completed a course of training at the Mississippi Law Enforcement Officers' Academy or at the Jackson Police Academy. Any deputy sheriff exempted from attendance at the initial course as herein provided because of previous service as sheriff or having five (5) years' full-time law enforcement experience must have served as sheriff or obtained such experience within a period of ten (10) years prior to the date of his taking the oath of office. Any deputy sheriff exempted from attendance because of successful completion of a course of training at either of the aforementioned academies must have completed such course

within five (5) years prior to the date of his taking the oath of office. Each deputy sheriff shall thereafter, on a periodic and continuing basis, attend additional advanced courses in law enforcement at said Academy in order that each deputy sheriff will be properly informed and trained in the modern, technical advances in the field of law enforcement.

(4) Each deputy sheriff is required to wear a body-worn camera while on patrol. If any deputy fails to wear the body-worn camera, as required by this subsection, the deputy shall be subject to the penalties prescribed in Section 4 of this act. As used under this subsection, "body-worn camera" means the same as the term is defined under Section 21-21-3.

SECTION 4. Any municipal police officer or county deputy sheriff who fails to wear his or her body-worn camera while on patrol, as required under Sections 21-21-3 and 19-25-21, shall be guilty of a misdemeanor upon conviction and shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00) or imprisonment not to exceed six (6) months, or both.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.