

Legislative Update

June 24, 2024

Senator Brice Wiggins, District 52

Chairman Judiciary, Division A

Committee Membership:

- Judiciary, Division A
- Appropriations
- Education
- Executive Contingent Fund
- Judiciary, Division B
- Labor
- Ports and Marine Resources
- Public Health and Welfare
- Tourism

Roadmap:

Municipality Bills		2
Judiciary A Bills		9
Judiciary B Bills		27

Municipality Bills

SB 2453. Effective on passage. Signed 4/8/24.

SB 2453 authorizes the Public Service Commission to cancel a municipality's certificate to provide service greater than one mile outside its corporate boundaries upon a finding that the municipality did not provide reasonably adequate service in those areas. Further, this bill amends Section 77-3-22 to stipulate that if any municipally owned or operated electric utility providing service greater than one mile outside its municipal boundaries is unable or unwilling to adequately serve its customers, the commission or its designated representative may petition for an order attaching the assets of such municipally owned or operated electric utility and placing such system under the sole control and responsibility of the receiver.

SB 2492. Effective 7/1/24. Signed 4/25/24.

SB 2492 amends Section 27-67-35 to allow municipalities and counties to expend monies from use tax revenue for personal property or equipment to be used for the repair, maintenance and/or reconstruction of roads, streets and bridges, and further to allow municipalities to expend such monies for personal property or equipment to be used for the repair, maintenance and/or other improvements to water infrastructure and sewer infrastructure, including storm water and drainage improvements.

The bill also revises the types of expenditures that may be considered when calculating expenditures made by a municipality or county for road and bridge improvements and, in the case of municipalities, for water and sewer infrastructure improvements, during the previous fiscal year for the purpose of allocating use tax revenue to the municipality or county. Certain expenditures that are not permissible if made from use tax revenues may still be considered in the use tax revenue allocation formula, provided they are related to the specific purposes for which use tax revenue may be spent.

SB 2532. Effective upon passage. Signed 4/15/24.

SB 2532 clarifies that municipalities and counties may issue any bond as a serial bond payable annually or as a single-term bond payable annually. Single-term bonds paid annually shall not have a final maturity over 20 years.

SB 2707. Effective 7/1/24. Signed 4/17/24.

SB 2707 amends the Business Improvement District Act to allow modification of the process for plan amendments during the ten-year plan period and provides for disbursement of the collected district funds by the tax collector instead of the municipality.

- Once the ten-year period has commenced, the district shall hold an annual meeting for the purpose of reporting its plan activities to the district property owners.

- The district plan improvements may be amended during any of the annual meetings. Notice of intent to amend the plan shall be provided to the property owners as an addendum to a notice of the annual meeting which shall be provided not less than 20 days prior to the meeting.

- Approval of the plan will be validated by a vote of 50% of the annual meeting participating property owners. Ballots shall be provided by the district prior to the commencement of the meeting.

- All district property owners shall be notified of the voting results of a proposed amended plan.

- The tax collector works directly with the district, and the city's fiscal year is no longer required. The calendar year may be utilized. Cooperation is required of the city in providing information on tax payments.

- The proceeds of any assessment imposed pursuant to an approved district plan shall be disbursed by the tax collector to the designated district management group on an agreed to scheduled basis. A business improvement district may operate on the calendar year or on the same fiscal year as that of the municipality. None of the proceeds collected shall be used for any purposes other than those set forth in the initially approved or amended district plan. Improvements provided by a district using district funds may be undertaken only when the

service, events, project or activity undertaken is not for the sole benefit of any particular property owner or other private party. At such time of any disbursement, the tax collector shall provide a listing of the property owners and payment amounts, including the date paid. The tax collector shall provide information upon request by the district related to any unpaid or sold parcels.

SB 2740. Effective 7/1/24. Signed 4/15/24.

SB 2740 amend Sections 19-7-7, 21-37-45 and 37-7-303 to authorize counties, municipalities, school districts and political subdivisions to pool their risks and negotiate for the purchase of property insurance, or the establishment of a self-insurance fund or self-insurance reserves, or any combination thereof. The governmental entities are authorized under this act to expend funds from any available source for the purpose of obtaining and maintaining that property insurance. Further, the bill provides that the administration and service of any such self-insurance program shall be contracted to a third party and approved by the Commissioner of Insurance.

HB 155. Effective 7/1/24. Signed 4/17/24.

HB 155 amends Section 57 1 301 to revise the definition of the term "capital improvements" for purposes of the Local Governments Capital Improvements Revolving Loan Program to

include repair, renovation and improvement of municipal natural gas facilities.

HB 776. Effective 7/1/24. Signed 5/8/24.

HB 776 amends Section 67-1-7 to provide that municipalities that have voted in favor of coming out from under the dry law may enforce such proper rules and regulations for fixing zones and territories to promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county that has voted in favor of coming out from under the dry law may make such rules and regulations as to territory outside of municipalities as are provided in the bill for municipalities. It also provides that municipalities may enforce such proper location of package retailer stores within the municipality by application of a properly adopted zoning ordinance.

The bill also amends Section 67-1-37 to provide that the Alcoholic Beverage Control Division of the Department of Revenue cannot issue any permit which would conflict with any zoning ordinance legally adopted by the governing authorities of any municipality or rule or regulation of any board of supervisors of any county as provided for in the above referenced amendment to Section 67-1-7.

HB 1161. Effective 7/1/24. Signed 5/8/24.

HB 1161 amends Section 67-1-14 to provide that municipalities located, wholly or partially, in counties that have voted against coming out from under the dry law may authorize the sale of alcoholic beverages pursuant to an election.

HB 1644. Effective 7/1/24. Signed 4/17/24.

This bill provides that contracts between a county or municipality and a private provider of ambulance services for the contracting provider to be the exclusive provider of ambulance services in the county or municipality must contain a provision that requires the contracting provider to have a mutual aid agreement with other ambulance service providers to respond to 911 and natural disaster calls and provide service in the county or municipality during times and circumstances when the contracting provider is experiencing shortages of equipment or personnel that cause a delay in responding to calls for service.

HB 1697. Effective on passage. Signed 4/20/24.

This bill authorizes municipalities, counties, state agencies, boards or commissions, public universities and colleges to adopt policies under which they are authorized to pay, for up to 60 days, the full regular compensation of any law enforcement officer, firefighter or emergency medical technician

who protects the public interest of the municipality or county and who is killed in the line of duty.

HB 1577. Effective on passage. Signed 4/25/24.

This bill requires counties and municipalities to follow an identical process for selecting public depositories. Further, this bill prohibits the selection of a depository during the last year of a four-year term.

The bill also repeals Section 27-105-363, which allowed for counties and municipalities to follow an identical process for selecting public depositories.

Judiciary A Bills

SB 2130. Effective 7/1/24. Signed 5/13/24.

SB 2130 prohibits an insurer from canceling a policy, canceling a binder, or denying coverage solely because of the age of the roof of a residential structure where an insurer has issued to an insured a policy that provides coverage or a binder that binds coverage of a residential structure.

SB 2262. Effective on passage. Signed 4/15/24.

SB 2262 amends Section 43-19-34, which provides for stipulated agreements for modification of child support, to mirror current agency policy and federal law. The bill provides that a modification to an order of support for minor children shall not be retroactive except from the date that notice of such petition to modify has been given, either directly or through the appropriate agent, to the obligee or to the obligor where the obligee is the petitioner.

SB 2519. Effective 7/1/24. Signed 4/15/24.

SB 2519 enacts the Mississippi Foreign Land Ownership Act to limit the ability of nonresident aliens to maintain ownership of Mississippi agricultural and forestry land if they are from a country that is considered a foreign adversary by the United States Secretary of Commerce.

Under the bill, a nonresident alien means an individual who is domiciled in a country whose government is designated as a

foreign adversary by the United States Secretary of Commerce and is neither a citizen of the United States nor a resident of the United States. The term also includes a business entity that is (1) domiciled in a country whose government is designated as a foreign adversary by the United States Secretary of Commerce or (2) domiciled within the United States but wholly or in the majority part owned by any business entity domiciled in a country whose government is designated as a foreign adversary by the United States Secretary of Commerce.

The bill authorizes nonresident aliens to acquire a possessory interest in forest or agricultural land but requires the nonresident alien to dispose of the interest within two years for interests acquired in the collection of debts or lien enforcement and within one year for all other interests. If a nonresident alien fails to comply with this act, the Secretary of State shall issue a formal demand. If the nonresident alien does not comply with the demand, the Secretary of State shall request the Attorney General to enforce the act.

Upon notice to the Attorney General, the nonresident alien shall be issued the following fines:

- First Offense \$ 100,000 - \$ 250,000;
 - Second Offense \$ 250,000 - \$ 750,000;
- and
- Third and Subsequent Offense . . \$ 750,000 - \$ 5,000,000

Fines shall be payable within 30 days, and the Attorney General shall file to civilly take the property if the fines are not paid. The entry of civil forfeiture shall extinguish the lien of the fine on the property but shall not extinguish the fine as against the nonresident alien. Other mortgages, liens, and interests shall be unaffected by the civil taking.

Last, the bill provides that no attorney, title insurer, title insurance producer, title insurance agency producer, lender, mortgage loan servicer, notary public, real estate agent, real estate broker, seller or lessor shall have a duty to make any investigation as to whether a party to a transaction involving immovable property is a foreign adversary, nor shall any such person be liable for failing to identify that a party to a transaction involving immovable property is a foreign adversary.

SB 2753. Effective on passage. Signed 5/13/24.

SB 2753 creates a new code Section 1-3-83 to define the terms "female," "male" and "sex." It also creates new Sections 29-18-1 through 29-18-19 to enact the "Securing Areas for Females Effectively and Responsibly Act" or the "SAFER Act" to regulate governmental buildings.

Section 1-3-83 defines "female" as an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the

reproductive system that at some point produces eggs. It also defines "male" as an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces sperm. Further, it defines "sex," when used to classify a natural person, as the biological indication of male or female as observed or clinically verified at birth, without regard to a person's psychological, chosen, or subjective experience, feelings, actions, or sense of self. Last, Section 1-3-83 provides that:

- There are only two sexes, and every individual is either male or female.

- "Sex" is objective and fixed.

- Persons with "DSD conditions" (sometimes referred to as "differences in sex development", "disorders of sex development", or "intersex conditions") are not members of a third sex.

- The foregoing definition of "sex," for purposes of state law, neither requires nor precludes the accommodation of persons with a congenital and physically verifiable diagnosis of "DSD condition" (sometimes referred to as "differences in sex development", "disorders of sex development", or "intersex conditions"); however, such accommodation may be required by federal law.

Section 29-18-3 states certain legislative findings and provides that policies and laws that distinguish between the sexes are subject to intermediate constitutional scrutiny, which forbids unfair discrimination against similarly situated males and females but allows the law to distinguish between the sexes where such distinctions are substantially related to important governmental objectives.

Section 29-18-5 defines the terms "changing facility," "single-sex educational housing space," "public education building," "restroom," "single-sex or family use changing facility" and "single-sex or family-use restroom." Of note, "public education building" means any building, facility or space owned, operated, rented or leased by, or rented or leased to any public school, public university, public community or junior college and the institutions of higher learning.

Sections 29-18-7 and 29-18-9 require any public education building that maintains a restroom or changing facility to, at a minimum, have:

- A restroom or changing facility designated for exclusive use by females and a restroom or changing facility designated for exclusive use by males; or
- A single-sex or family-use restroom or changing facility.

Section 29-18-11 provides the right to any student required to reside in housing at an educational institution to be housed in a single-sex educational housing space with persons of the same sex. Section 29-18-13 also requires social fraternities and sororities at educational institutions that have and operate single-sex housing facilities located on public land to comply with the definitions contained within Section 1-3-83 for purposes of maintaining such facilities as single-sex only.

Section 29-18-15 prohibits a person from entering a restroom, changing facility, or single-sex educational housing space, designated for the opposite sex, except under the following circumstances:

- To assist or chaperone a child under the age of 12, a vulnerable person as defined in Section 43-47-5, or a person with a disability as defined in Section 43-6-203(b), with such child, vulnerable person, or person with a disability also allowed to enter, with a parent, guardian or caregiver, the restroom or changing room designated for the sex of their parent, guardian or caregiver;

- For law enforcement, fire protection or response, or other public safety purposes;

- For governmental purposes, including employees or contractors of governmental entities acting within the scope of their employment or contract;

- For the purpose of rendering emergency medical assistance or to intervene in any other emergency situation where the health or safety of another person is at risk;
- For custodial, maintenance, or inspection purposes, provided that the restroom or changing facility is not in use;
- If the appropriate designated restroom or changing facility is out of order or under repair and the restroom or changing facility designated for the opposite sex contains no person of the opposite sex; or
- In single-sex educational housing spaces as authorized by educational institutions for moving, visiting, administrative, health, or other authorized purposes.

Section 29-18-17 provides for private enforcement of the act, authorizing a person to assert a violation of this act as a claim or defense in a judicial or administrative proceeding. The section, though, provides that no private cause of action against a public school, state agency, public university, public community college or junior college, or the institutions of higher learning is authorized by this act. Finally, Section 29-18-19 requires the Attorney General to bring an action to enforce compliance with this act.

SB 2764. Effective on passage. Signed 5/8/24.

SB 2764 creates a new code Section 63-21-28 to require the Department of Revenue to issue a certificate of title pursuant

to a filed affidavit of ownership substantially similar to the affidavit provided in Section 63-21-30(22) for a manufactured home or a mobile home that is manufactured before July 1, 1999.

It also amends Section 63-21-29 to authorize the Department of Revenue to issue a distinctive certificate of title of the vehicle if the department is not satisfied that there are no undisclosed security interests created before July 1, 1999, in a previously registered manufactured home or mobile home.

Last, the bill amends Section 63-21-30 to allow the owner of a manufactured home or mobile home to file an affidavit of ownership attached to an affidavit of affixation in order to retire the certificate of title to the manufactured home or mobile home. It also provides a statutory form for the affidavit of ownership to be filed with the department of revenue.

SB 2776. Effective on passage. Signed 4/19/24.

SB 2776 amends Section 11-27-81 to authorize any public agency as defined by Section 57-75-37(7) (a) (ii) to exercise the right of immediate possession in connection with a data processing project as defined in Section 57-75-5(f) (xxxiii). The use of immediate possession may only be for the purpose of acquiring land, property or interests therein, including, but not limited to, easements or rights-of-way for public highways and roads, and for public water utilities, public wastewater and

wastewater treatment utilities, public drainage utilities and other public utility purposes in connection with the project.

SB 2792. Effective 7/1/24. Signed 5/13/24.

SB 2792 makes several amendments to the general laws of Mississippi pursuant to the report and recommendations of the Task Force on Foster Care and Adoption and Other Related Matters created by Senate Bill No. 2384, 2023 Regular Session. It also amends the liability of recreational landowners in relation to cycling.

First, SB 2792 amends Section 25-7-9 to waive the adoption filing fee in chancery court for cases involving the Department of Child Protection Services.

Second, the bill makes a number of amendments to Section 93-15-107. It requires summons to be issued and served on a child who is 12 years of age or older in an involuntary termination of parental rights proceeding and provides that the minor child shall be represented by counsel throughout the proceedings. The bill also requires the court to consider the child's preferences, if any, if the child is 14 years of age or older at the time of the hearing. Further, the amendments to the section provide that the style of the case shall not include the child's name, shall require a court to hold a hearing on the petition within 90 calendar days of the date the petition is filed, and authorizes the court to continue the hearing under

certain extraordinary circumstances. The bill also amends Section 43-21-613 to require the youth court to conduct a permanency hearing for children who have been adjudicated abused or neglected within 120 days of certain dates or every 60 days for children under three years of age.

Third, SB 2792 amends Section 93-15-111 to require a chancery court to accept a parent's written voluntary release terminating parental rights if certain requirements are met.

Fourth, the bill makes several changes to Section 43 21 201. It requires a youth court judge to appoint counsel for an indigent custodial parent or guardian who is a party in an abuse, neglect or termination of parental rights proceeding. It also authorizes a youth court judge to appoint counsel for an indigent noncustodial parent if the youth court judge determines that the parent has demonstrated a significant custodial relationship with the child. Further, the section now requires a financially able parent to pay for court-appointed representation or some portion thereof and provides for the monies collected to be deposited into a special fund to be known as the "Juvenile Court Representation Fund," which may be used by the court to cover the costs of counsel in indigent cases. Also of note, the section now provides that the Department of Child Protection Services shall have the right to hire agency counsel to represent the department and be represented by

counsel from the Attorney General's Office at all stages of the proceedings involving a child for whom the department has custody of or may be awarded custody of.

Fifth, the bill amends Section 43-21-105 to revise the definition of "neglected child" and "reasonable efforts." The bill further amends Section 97-5-39 to define "torture" for the purpose of felony child abuse. It also amends Section 43-21-151 to provide that jurisdiction of the youth court shall attach at the time of the offense, or at the time of the allegation of abuse, neglect or exploitation.

Sixth, SB 2792 creates a new code section to provide a noncomprehensive list of reasons that would constitute compelling and extraordinary reasons why termination of parental rights would not be in the child's best interests.

Seventh, the bill amends Section 43-21-651 to provide that appeals may be taken from final orders or decrees of the youth court to the Supreme Court of Mississippi pursuant to the Rules of Appellate Procedure. The section includes examples of a final order and provides that all factual findings, legal determinations, and adjudication of issues by the youth court prior to the time the final order is entered be preserved for appellate review. The bill specifically abrogates any common law to the contrary. It also provides that any matters adjudicated by the youth court through interim orders such as

adjudication/disposition orders, or permanency review orders, may be only appealed through the interlocutory appeal process provided by the Rules of Appellate Procedure.

Eighth, SB 2792 amends Sections 43-21-351 and 43-21-801 to require youth court intake officers to receive training on MYCIDS and youth court judges to receive at least one hour of annual continuing education concerning oversight of youth court intake officers and MYCIDS.

Lastly, the bill amends Sections 89-2-3 and 89-2-25 to add cycling to the activities exempt from liability for recreational landowners.

HB 325. Effective 7/1/24. Signed 4/20/24.

HB 325 extinguishes a right of first refusal in real property granted through a contractual agreement or any other written instrument of conveyance upon the death of the grantee right holder unless the contractual agreement or instrument of conveyance, or a memorandum of the contractual agreement or instrument of conveyance, is filed for recording in the land records of the county in which the real property lies and unambiguously states that upon the death of the grantee right holder, the right of first refusal shall be binding upon and inure to the benefit of the heirs and assigns of the grantee right holder.

HB 846. Effective 7/1/24. Signed 4/20/24.

HB 846 amends Section 25-7-21 to conform the fees charged by chancery clerks for filing and recording deeds to land sold for taxes and for recording redemption of lands sold for taxes to those fees set in Section 25-7-9(1)(b).

HB 1088. Effective 7/1/24. Signed 5/8/24.

HB 1088 authorizes the circuit court to retain jurisdiction and proceed with civil commitment procedures in the same manner as otherwise provided by law for chancery court civil commitments. The order of the circuit court finding that the person is incompetent to stand trial and is not restorable to competency in the foreseeable future shall be in lieu of the affidavit for commitment provided for in Section 41 21 65. Additionally, if the finding of the circuit court is based on the report and/or testimony of a physician or psychologist that has examined the person, the provisions of Section 41 21 67 for psychiatric examinations shall not apply.

HB 1102. Effective 7/1/24. Signed 4/20/24.

HB 1102 amends Section 43-19-48 to authorize the Department of Human Services to send notice of certain encumbrances initiated by the department by other approved types of communication as allowed by the financial institution in addition to notice by certified mail.

HB 1137. Effective on passage. Signed 5/8/24.

HB 1137 revises the Emergency Response and Overdose Prevention Act to allow community organizations and high risk opioid overdose touchpoints to store, distribute and administer opioid antagonists to persons at risk of experiencing an opioid related overdose. An opioid antagonist is any drug that binds to opioid receptors and blocks or inhibits the effects of opioids acting on those receptors and that is approved by the federal Food and Drug Administration for the treatment of an opioid related overdose.

More specifically, the bill does the following:

- Defines "community organization" as an organization aimed at making desired improvements to a community's social health, well being, and overall functioning, and may include organizations that participate in social work, and that are related to the organized development of community social welfare through coordination of public and private agencies.
- Defines "high risk opioid overdose touchpoint" as a health care entity, public health program, criminal justice system or hospitality industry that may interact with individuals that are considered high risk of experiencing or witnessing an opioid overdose, or deliver harm reduction services, or engage in treatment of substance use disorders.

- Authorizes a health care practitioner acting in good faith to directly, or by standing order, prescribe an opioid antagonist to a community organization.

- Authorizes a person acting in good faith and with reasonable care to administer an opioid antagonist that was distributed by a community organization or high risk opioid overdose touchpoint to another person whom he or she believes to be experiencing an opioid related overdose.

- Authorizes a community organization or high risk opioid overdose touchpoint to store and distribute an opioid antagonist.

- Authorizes a member of a community organization or high risk opioid overdose touchpoint to administer an opioid antagonist to another person.

- Authorizes the State Department of Health to distribute an opioid antagonist to any member of a community organization or high risk opioid overdose touchpoint upon a request made in writing by the community organization or high risk opioid overdose touchpoint.

- Authorizes a person to store an opioid antagonist that is distributed by a community organization or high risk opioid overdose touchpoint.

- Provides certain criminal and civil liability protection to a community organization or high risk opioid overdose touchpoint and members and personnel of such organization.

HB 1315. Effective on passage. Signed 5/8/24.

HB 1315 requires the Administrative Director Of Courts to audit the Mississippi Youth Court Information System (MYCIDS). It also revises the manner in which the circuit judges, chancellors and county court judges establish the office of court administrator. The Administrative Office of Courts is also required to determine if a prospective court administrator meets the minimum requirements before the person is hired.

The bill requires circuit judges and chancellors desiring to employ support staff to have candidates approved by the Administrative Office Of Courts before filling the position. A repealer for July 1, 2026, is added. It authorizes chancellors and circuit judges to obtain continuing legal education outside of the state contingent upon the approval from the Chief Justice of the Supreme Court. The support staff allotment for circuit and chancery judges was increased also.

HB 1343. Effective 7/1/24. Signed 4/17/24.

HB 1343 amends Section 89-5-8 to authorize attorneys who have retired from the practice of law to correct a scrivener's error made by the attorney while still practicing law if the retired lawyer was in good standing with The Mississippi Bar

when the document was recorded, was licensed to practice law in the State of Mississippi when the document was recorded, and is retired from the practice of law at the time of verification or affirmation.

HB 1542. Effective on passage. Signed 5/13/24.

HB 1542 enacts the Chris McDill law to create a process for intestate succession for an assisted reproduction birth. If the decedent dies before the start of a pregnancy by assisted reproduction resulting in the birth of an individual who lives at least 120 hours after birth, that individual is deemed to be living at the time of the decedent's death under certain conditions. It also creates a procedure for the descent and distribution of a portion of the decedent's personal property.

HB 1624. Effective 7/1/24. Signed 5/13/24.

HB 1624 establishes state standards and operating procedures for local Court Appointed Special Advocate (CASA) programs. It defines certain terms and authorizes a youth court judge to establish a local CASA program governed by a local board of directors and prescribes the board's powers. It requires the state CASA association to provide support services to local CASA programs and establishes minimum requirements for local CASA volunteers. Each clerk of court is required to perform certain duties in relation to CASA volunteers appointed

to a court case. The bill prescribes the duties of a CASA volunteer assigned to a case.

It also creates a state court appointed special advocate (CASA) association; prescribes the state association's duties and authorizes the board of directors of the association to employ a director and to establish qualifications for the director. The Administrative Office of Courts is authorized to provide secretarial and support services to the association. Local CASA programs are required to submit specified data to the association. The Administrative Office of Courts is required to administer the Mississippi Foster Care Fund and prescribe the purposes for which monies in the fund may be expended.

Judiciary B Bills

SB 2022. Effective 7/1/24. Signed 5/13/24.

SB 2022 amends Section 97-3-21 to create a sentencing procedure for juvenile offenders who are convicted of either first-degree murder or capital murder in compliance with the United States Supreme Court holding in the case of Miller v. Alabama.

For first-degree murder after July 1, 2024, a juvenile offender may be sentenced to life imprisonment in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at not less than 20 nor more than 40 years in the custody of the Department of Corrections.

For capital murder after July 1, 2024, a juvenile offender may be sentenced to life imprisonment in the custody of the Department of Corrections or life imprisonment without eligibility for parole in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment or life imprisonment without parole, the court shall fix the penalty at not less than 25 nor more than 50 years in the custody of the Department of Corrections.

For either first-degree murder or capital murder prior to July 1, 2024, the judge who presided over the trial, or a judge appointed by the senior circuit judge, if the presiding judge is unavailable, shall fix the penalty if the juvenile offender is entitled to a hearing under this subsection.

The bill also amends Section 99-19-101 to prohibit the imposition of the death penalty for a defendant who was under the age of 18 in compliance with the United States Supreme Court holding in the case of Roper v. Evans.

Last, the bill amends Section 25-31-21 to provide procedures for recusal by attorneys for purposes of impaneling a grand jury, including which judicial district shall bear the costs when an appointed attorney is required to travel beyond the limits of the judicial district in which he or she is normally employed.

SB 2174. Effective 7/1/24. Signed 5/8/24.

SB 2174 amends Section 97-17-42 to provide that the crime of motor vehicle theft shall be a felony.

For a first offense, the crime is punishable by a fine of not more than \$10,000, or imprisonment in the custody of the Department of Corrections for a term not to exceed 15 years, or both.

For a second offense, the crime is punishable by a fine of not more than \$20,000, or imprisonment in the custody of the

Department of Corrections for a term of not less than five years but not to exceed 20 years, or both.

The bill also provides that notwithstanding the penalties authorized in this section, the crime is punishable by a fine of not more than \$20,000 or imprisonment in the custody of the Department of Corrections for a term of not less than 10 years but not to exceed 30 years, or both where a person is convicted of an offense under this section where the motor vehicle was in the possession of a commercial entity in the business of buying, selling, leasing, renting, storing or transporting motor vehicles.

Last, the bill provides that a motor vehicle includes every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a highway and shall also include any and all other land-based, self-propelled devices which are not designed for use upon a highway, including, but not limited to, farm machinery, construction equipment, all-terrain vehicles and off-road vehicles.

SB 2179. Effective on passage. Signed 4/30/24.

SB 2179 amends Section 45-1-3 to authorize the Commissioner of Public Safety to enter into a lease or sublease agreement for space in the Department of Public Safety headquarters building with a third party for the purpose of providing services and assistance to the department and its employees upon the written

approval from the Executive Director of the Department of Finance and Administration. The proceeds received from the lease shall be paid to the State Treasurer for deposit into the General Fund.

The bill also amends Sections 45-3-51 and 45-9-131 to authorize all law enforcement officers of the Mississippi Department of Public Safety to retain his or her sidearm upon retirement. And the bill authorizes a beneficiary of a law enforcement officer of the Mississippi Department of Public Safety to retain the sidearm of an officer or agent who is killed in the line of duty. Previously, this procedure was only authorized for Highway Patrol Officers and agents of the Mississippi Bureau of Narcotics.

Last, the bill amends Section 41-61-55 and creates a new code section to repeal the State Medical Advisory Council and replace it with the State Medical Examiner Task Force. The Task Force is composed of nine members, including the State Health Officer, the Commissioner of Public Safety, and the Attorney General. It is required to meet at least once annually and submit a report to the Legislature on December 31. The report must include:

- Identification of needs and means to improve the investigation of deaths affecting the public interest while using best practices;

- Identification of State Medical Examiner resources; and
- Recommendations to enhance the efficiency of the Mississippi State Medical Examiner's Office.

HB 292. Effective 7/1/24. Law without Governor's signature 5/14/24.

HB 292, first, amends Sections 63-11-23 and 63-11-30 to provide a timeline for counting the 120 day suspension for DUI violations. Second, it amends Section 63-11-30 to provide an aggravated DUI penalty for persons who are under the legal age for purchasing alcoholic beverages. This amendment resolves an equal protection issue by applying the same evidentiary standard to any person who commits an aggravated DUI. Before the amendment, persons who were under the legal age for purchasing alcohol were convicted under a lesser evidentiary standard for an aggravated DUI.

HB 295. Effective 7/1/24. Signed 5/8/24.

HB 295 authorizes the use of electronic warrant applications, electronic signatures for the applications and electronic versions of written records of the warrants. Before an electronic felony warrant is issued, the applicant shall be required to meet with a judge. The meeting may be held through the use of video or teleconference devices.

HB 438. Effective 7/1/24. Signed 5/8/24.

HB 438 amends Section 97-23-93 to revise the penalties for shoplifting by enhancing the penalty for any person who is convicted of shoplifting merchandise, acting in concert with, aiding, abetting, or encouraging one or more persons to commit such crime, regardless of whether such others are prosecuted for such crime. The bill also deletes the requirement that a court find substantial and compelling reasons why an offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety before imposing a term of imprisonment.

HB 634. Effective on passage. Signed 4/25/24.

HB 634 amends Section 45-9-131 to authorize the governmental agency of certain law enforcement officers to determine the amount to be paid for a sidearm of retired law enforcement officers who retire under any state retirement system or leave such employment after being employed for 10 continuous years of service.

HB 691. Effective 7/1/24. Signed 5/8/24.

HB 691 revises the composition of the Board on Law Enforcement Officer Standards and Training. It also authorizes the board to establish a hearing panel for the purpose of providing a hearing to any law enforcement officer for whom the board believes there is a basis for reprimand, suspension,

cancellation of, or recalling the certification of a law enforcement officer. The hearing panel shall provide its written findings and recommendations to the board. It also requires continuing education for any law enforcement officer of any state agency, county, municipality, public two year or four year college or university and any extension thereof in the State of Mississippi, and the Pearl River Valley Water Supply District.

HB 873. Effective 7/1/24. Signed 4/20/24.

HB 873 establishes the purple alert for persons with a mental or cognitive disability that is not Alzheimer's disease or a dementia related disorder. It authorizes a local law enforcement agency to activate a purple alert, notwithstanding the existence of an active silver alert or amber alert, for missing persons who have a cognitive disability that is not dementia related.

HB 903. Effective 7/1/24. Signed 4/30/24.

HB 903 enacts the Jeremy Todd Malone Law to provide that any person who manufactures, possesses, or uses a machine gun conversion device and who is not otherwise authorized by federal law to manufacture, possess or use a machine gun conversion device shall be guilty of a felony. It also creates a definition for "machine gun conversion."

HB 1004. Effective 7/1/24. Signed 5/13/24.

HB 1004 amends Sections 45-33-23 and 45-33-25 to revise the definition for the provisions of law that regulates the sex offender registry. The term "permanent residence" is revised to include aggregate days in a six-month period.

The bill also authorizes a not-for-profit organization responsible for recovering organs from donors for transplantation in all or a portion of the state to establish an organ procurement organization PEER review committee. The functions of an organ procurement organization PEER review committee include, but are not limited to: evaluating and improving the quality of services rendered by the state organization; evaluating the competence or practice of employees and staff of the state organization; and determining if services rendered by the organization were professionally performed in compliance with the applicable standard of care. The records and proceedings of an organ procurement organization PEER review committee are confidential and not discoverable in a civil action. It also describes the functions of PEER review committees and excludes persons providing information to members of a PEER review committee from liability for actions taken by the committee. It prohibits a PEER review committee and its members from revealing the identity of organ donors and recipients.

Last, the bill amends Section 47-7-47 to increase the jurisdictional time period for a court's authority to revise a defendant's sentence.

HB 1015. Effective 7/1/24. Signed 4/20/24.

HB 1015 authorizes the Department of Public Safety inspectors to assist other officers and adds commercial motor carrier inspectors to the list of persons authorized to give DUI breath tests. It also authorizes all inspectors to have the authority to purchase and use speed detection equipment on commercial vehicles that they are authorized to inspect.

HB 1023. Effective 7/1/24. Signed 4/20/24.

HB 1023 excludes motor vehicles owned or leased by the Department of Human Services and/or the Office of Inspector General from the requirement of being marked with a state decal.

HB 1024. Effective 7/1/24. Signed 4/17/24.

HB 1024 authorizes the Department of Human Services, Office of Inspector General and the Fraud Investigative Unit to recover investigative costs from a defendant.

HB 1126. Effective 7/1/24. Signed 4/30/24.

HB 1126 establishes the "Walker Montgomery Protecting Children Online Act," which places requirements upon digital service providers that allow users to socially interact with other users on the digital service through the creation of profiles for the purpose of signing into the digital service

platform and creating or posting content to be viewed by other users, to safeguard minors by making commercially reasonable efforts to develop and implement strategies to prevent or mitigate the known minor's exposure to harmful material and other content that promotes or facilitates harm to minors.

To ensure the most sound safeguards to protect minors, digital service providers may not enter into an agreement with a person to create an account with a digital service unless the person has registered his or her age with the provider who, in turn, must make commercially reasonable efforts to verify the age of the person creating an account. The provider is prohibited from permitting a known minor to be an account holder unless the known minor has the express consent from a parent or guardian, which may be provided during the verification using a prescribed form to be signed and returned to the provider, toll-free telephone consent, coordinated video conferencing, information related to government-issued identification known to the parent or guardian, email confirmed consent and other reasonable method of obtaining consent.

The bill limits digital service provider's ability to collect a known minor's personal identifying information and the purposes for which such information may be used. Further, the provider may not use the service it provides to collect a minor's precise geolocation, to display targeted advertising or

harmful material, or share, disclose or sell the minor's personal identifying information for purposes that are not consistent with a legal litigation, governmental purpose, law enforcement investigation, for preventing criminal activity or blocking/filtering spam.

The bill also provides parents with grounds to commence a cause of action against any digital service provider who violates this act, seeking a declaratory judgment or an injunction.

The bill amends Section 75-24-5 to provide that violations of the Walker Montgomery Children Online Protection Act is deemed an unfair and deceptive trade practice enforceable by the Attorney General.

Lastly, the bill amends Section 97-5-31, to provide that altered or morphed images depicting minor children in an explicit nature shall constitute the crime of child exploitation. The section further defines the terms "morphed image" and "identifiable child."

HB 1196. Effective 7/1/24. Signed 4/25/24.

HB 1196 enacts Walker's Law to create the offense of sexual extortion and aggravated sexual extortion. It categorizes penalties based on whether the victim is a minor or vulnerable person, and the person convicted of sexual extortion is an adult. The youth court may order behavioral health counseling

as a condition of sentencing for any juvenile adjudicated under this act.

HB 1323. Effective 7/1/24. Signed 5/13/24.

HB 1323 amends Section 99-1-5 to remove the statute of limitations for prosecuting the crimes of felonious abuse of vulnerable persons, as described in Section 43-47-18, sexual battery as described in Section 97-3-95(1)(a) or (b) when the identity of the accused is later discovered due to results of DNA testing of biological evidence.