

By: Representatives Myers, Gibbs, Smith
(27th), Smith (35th), Smith (59th), Thomas,
Wallace, Straughter

To: Judiciary A

HOUSE BILL NO. 1049

1 AN ACT TO AMEND SECTION 41-29-107, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE AGE REQUIREMENT FOR AGENTS OF THE BUREAU OF
3 NARCOTICS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 41-29-107, Mississippi Code of 1972, is
6 amended as follows:

7 41-29-107. There is hereby created the Bureau of Narcotics
8 within, and under the supervision of, the Mississippi Department
9 of Public Safety. The said bureau shall have as chief
10 administrative officer a director who shall be appointed by the
11 Governor with the advice and consent of the Senate. The director
12 is empowered to employ or appoint necessary agents. The said
13 director may also employ such secretarial, clerical and
14 administrative personnel, including a duly licensed attorney, as
15 necessary for the operation of the bureau, and shall have such
16 quarters, equipment and facilities as needed. The salary and
17 qualifications of the attorney authorized by this section shall be
18 fixed by the director, but the salary shall not exceed the salary
19 authorized for an Assistant Attorney General who performs similar
20 duties.

21 The director and agents so appointed shall be citizens of the
22 United States and of the State of Mississippi, and of good moral
23 character. The agents shall be not less than twenty-one (21)

24 * * * years of age at the time of such appointment. In addition
25 thereto, those appointed shall have satisfactorily completed at
26 least two (2) years of college studies. However, two (2) years of

27 satisfactory service as a law enforcement officer and the
28 completion of the prescribed course of study at a school operated
29 by the Bureau of Narcotics and Dangerous Drugs, U.S. Justice
30 Department, shall satisfy one (1) year of such college studies,
31 and four (4) years of satisfactory service as a law enforcement
32 officer and the completion of the prescribed course of study at
33 such federal bureau school as stated heretofore shall fully
34 satisfy the two (2) years of college requirement. The director
35 shall also be required to complete a prescribed course of study at
36 a school operated by the Bureau of Narcotics and Dangerous Drugs,
37 U.S. Justice Department.

38 During the period of the first twelve (12) months after
39 appointment, any employee of the bureau shall be subject to
40 dismissal at the will of the director. After twelve (12) months'
41 service, no employee of the bureau shall be subject to dismissal
42 unless charges have been filed with the director, showing cause
43 for dismissal of said employee of the bureau. A date shall be set
44 for hearing before the director and the employee notified in
45 writing of the date of such hearing and of the charges filed. Said
46 hearing shall be held not less than ten (10) days after
47 notification to the employee. After said hearing, at which the
48 employee shall be entitled to legal counsel, a written order of
49 the director shall be necessary for dismissal and the decision
50 shall be final. Any such order of the director shall be a public
51 record and subject to inspection as such.

52 The Commissioner of Public Safety may assign members of the
53 Mississippi Highway Safety Patrol, regardless of age, to the
54 bureau at the request of the director of the bureau; however, when
55 any highway patrolman or other employee, agent or official of the
56 Mississippi Department of Public Safety is assigned to duty with,
57 or is employed by, the bureau, he shall not be subject to
58 assignment or transfer to any other bureau or department within
59 the Mississippi Department of Public Safety except by the
60 director. Any highway patrolman assigned to duty with the bureau
61 shall retain his status as a highway patrolman, but shall be under
62 the supervision of the director. For purposes of seniority within
63 the highway safety patrol and for purposes of retirement under the

64 Mississippi Highway Safety Patrol Retirement System, highway
65 patrolmen assigned to the bureau will be credited as if performing
66 duty with the highway safety patrol.

67 The director may enter into contracts or agreements with the
68 State Board of Health for purposes of recruitment and screening of
69 applicants through the merit system.

70 The director may enter into agreements with bureaus or
71 departments of other states or of the United States for the
72 exchange or temporary assignment of agents for special undercover
73 assignments and for performance of specific duties.

74 The director is hereby authorized to assign agents of the
75 bureau to such duty and to request and accept agents from such
76 other bureaus or departments for such duty.

77 SECTION 2. This act shall take effect and be in force from
78 and after July 1, 1999.