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To: Judiciary A

HOUSE BILL NO. 1210

1 AN ACT TO AMEND SECTIONS 51-9-171, 51-9-175, 51-9-177,
2 51-9-179, 51-9-181 AND 51-9-183, MISSISSIPPI CODE OF 1972, TO
3 REDESIGNATE PEARL RIVER VALLEY WATER SUPPLY DISTRICT SECURITY
4 OFFICERS AS PEARL RIVER VALLEY WATER SUPPLY DISTRICT RESERVOIR
5 PATROL OFFICERS; TO AMEND SECTIONS 63-11-5 AND 63-11-19,
6 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
7 ACT; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 51-9-171, Mississippi Code of 1972, is
10 amended as follows:[BD1]

11 51-9-171. Sections 51-9-171 through 51-9-185 shall be cited
12 as "The Pearl River Valley Water Supply District Reservoir Patrol
13 Officer Law * * *."

14 SECTION 2. Section 51-9-175, Mississippi Code of 1972, is
15 amended as follows:[BD2]

16 51-9-175. (1) The board of directors of the district may
17 appoint and commission qualified persons as reservoir patrol
18 officers of the district. Any such reservoir patrol officer so
19 appointed shall be a full-time employee of the district and shall
20 not be employed by any privately owned guard or security service,
21 and shall at all times be answerable and responsible to the board
22 of directors of the district.

23 (2) A reservoir patrol officer appointed and commissioned as
24 provided in subsection (1) of this section shall, before entering
25 upon his duties as such officer, take the oath of office
26 prescribed by Section 268, Mississippi Constitution of 1890, which
27 shall be endorsed upon his commission. The commission, with the
28 oath endorsed upon it, shall be entered in the official minute

29 book of the district.

30 (3) A reservoir patrol officer appointed and commissioned
31 pursuant to the provisions of Sections 51-9-171 through 51-9-185,
32 shall, while engaged in the performance of his duties, carry on
33 his person a badge identifying him as a reservoir patrol officer
34 of the district and an identification card issued by the district.

35 When in uniform, each such reservoir patrol officer shall wear
36 his badge in plain view.

37 (4) A reservoir patrol officer may exercise the same powers
38 of arrest and the right to bear firearms that may be exercised by
39 any state, municipal or other police officer in this state, but
40 only with respect to violations of law or violations of
41 regulations adopted pursuant to Section 51-9-127, which are
42 committed on the property owned by the district. This includes
43 property which is owned by the district but has been leased or
44 rented to other parties. Any right granted under this subsection
45 in no way relieves the requirements of appropriate affidavit and
46 warrant for arrest from the appropriate jurisdiction and authority
47 pursuant to the laws of this state.

48 (5) On behalf of each person who is trained as a reservoir
49 patrol officer at the Mississippi Law Enforcement Officers'
50 Training Academy, the district shall be required to pay to the
51 academy at least an amount equal to the per student cost of
52 operation of said academy as tuition.

53 SECTION 3. Section 51-9-177, Mississippi Code of 1972, is
54 amended as follows:[BD3]

55 51-9-177. A person arrested by a reservoir patrol officer
56 shall be handled or processed in the jurisdiction in which the
57 offense was committed, in the same manner as if the arrest had
58 been made by a sheriff or constable. If the reservoir patrol
59 officer detains any person arrested by him, he shall forthwith
60 deliver the arrested person to the sheriff of the county in which
61 the offense was committed, and the reservoir patrol officer shall
62 have no further authority as to the custody of such arrested
63 person.

64 SECTION 4. Section 51-9-179, Mississippi Code of 1972, is
65 amended as follows:[BD4]

66 51-9-179. The district, by the act of the appointment of any
67 such reservoir patrol officer, shall be liable and responsible for
68 all acts of such reservoir patrol officer while he is acting or
69 purporting to act under the provisions of Sections 51-9-171
70 through 51-9-185, whether such action be authorized by Sections
71 51-9-171 through 51-9-185 or not; further, the district shall
72 indemnify the State of Mississippi and any sheriff for any loss,
73 costs or expenses incurred by virtue of any act, deed or omission
74 committed by such reservoir patrol officer while he is acting or
75 purporting to act under the provisions of Sections 51-9-171
76 through 51-9-185, whether such act, deed or omission is authorized
77 by Sections 51-9-171 through 51-9-185 or not.

78 SECTION 5. Section 51-9-181, Mississippi Code of 1972, is
79 amended as follows:[BD5]

80 51-9-181. Each reservoir patrol officer commissioned under
81 this article shall file a bond in the sum of Ten Thousand Dollars
82 (\$10,000.00) with the district for the lawful and faithful
83 performance of his duties. The cost of the bond shall be borne by
84 the district. The filing of such bond shall not relieve the
85 district from any civil liability it may otherwise incur in
86 accordance with the provisions of Section 51-9-179. The district
87 shall indemnify and hold the State of Mississippi, the
88 Commissioner of Public Safety, and any sheriff harmless from any
89 and all liability which any or all of them might otherwise incur
90 for the negligent or unlawful acts of said reservoir patrol
91 officer.

92 SECTION 6. Section 51-9-183, Mississippi Code of 1972, is
93 amended as follows:[BD6]

94 51-9-183. The powers and authority of any reservoir patrol
95 officer, whether appointed or commissioned pursuant to the
96 provisions of Sections 51-9-171 through 51-9-185 or any former law
97 of this state, may be terminated at any time by the board of
98 directors of the district.

99 SECTION 7. Section 63-11-5, Mississippi Code of 1972, is
100 amended as follows:

101 63-11-5. (1) Any person who operates a motor vehicle upon
102 the public highways, public roads and streets of this state shall
103 be deemed to have given his consent, subject to the provisions of
104 this chapter, to a chemical test or tests of his breath for the
105 purpose of determining alcohol concentration. A person shall give
106 his consent to a chemical test or tests of his breath, blood or
107 urine for the purpose of determining the presence in his body of
108 any other substance which would impair a person's ability to
109 operate a motor vehicle. The test or tests shall be administered
110 at the direction of any highway patrol officer, any sheriff or his
111 duly commissioned deputies, any police officer in any incorporated
112 municipality, any national park ranger, any officer of a
113 state-supported institution of higher learning campus police force
114 if such officer is exercising this authority in regard to a
115 violation that occurred on campus property, or any reservoir
116 patrol officer appointed and commissioned pursuant to the Pearl
117 River Valley Water Supply District Reservoir Patrol Officer Law
118 * * * if such officer is exercising this authority in regard to a
119 violation that occurred within the limits of the Pearl River
120 Valley Water Supply District, when such officer has reasonable
121 grounds and probable cause to believe that the person was driving
122 or had under his actual physical control a motor vehicle upon the
123 public streets or highways of this state while under the influence
124 of intoxicating liquor or any other substance which had impaired
125 such person's ability to operate a motor vehicle. No such test
126 shall be administered by any person who has not met all the
127 educational and training requirements of the appropriate course of
128 study prescribed by the Board on Law Enforcement Officers
129 Standards and Training; provided, however, that sheriffs and
130 elected chiefs of police shall be exempt from such educational and
131 training requirement. No such tests shall be given by any officer

132 or any agency to any person within fifteen (15) minutes of
133 consumption of any substance by mouth.

134 (2) If the officer has reasonable grounds and probable cause
135 to believe such person to have been driving a motor vehicle upon
136 the public highways, public roads, and streets of this state while
137 under the influence of intoxicating liquor, such officer shall
138 inform such person that his failure to submit to such chemical
139 test or tests of his breath shall result in the suspension of his
140 privilege to operate a motor vehicle upon the public streets and
141 highways of this state for a period of ninety (90) days in the
142 event such person has not previously been convicted of a violation
143 of Section 63-11-30, or, for a period of one (1) year in the event
144 of any previous conviction of such person under Section 63-11-30.

145 (3) The traffic ticket, citation or affidavit issued to a
146 person arrested for a violation of this chapter shall conform to
147 the requirements of Section 63-9-21(3)(b).

148 (4) Any person arrested under the provisions of this chapter
149 shall be informed that he has the right to telephone for the
150 purpose of requesting legal or medical assistance immediately
151 after being booked for a violation under this chapter.

152 (5) The Commissioner of Public Safety and the State Crime
153 Laboratory created pursuant to Section 45-1-17 are hereby
154 authorized from and after the passage of this section to adopt
155 procedures, rules and regulations, applicable to the Implied
156 Consent Law.

157 SECTION 8. Section 63-11-19, Mississippi Code of 1972, is
158 amended as follows:

159 63-11-19. A chemical analysis of the person's breath, blood
160 or urine, to be considered valid under the provisions of this
161 section, shall have been performed according to methods approved
162 by the State Crime Laboratory created pursuant to Section 45-1-17
163 and the Commissioner of Public Safety and performed by an
164 individual possessing a valid permit issued by the State Crime

165 Laboratory for making such analysis. The State Crime Laboratory
166 and the Commissioner of Public Safety are authorized to approve
167 satisfactory techniques or methods, to ascertain the
168 qualifications and competence of individuals to conduct such
169 analyses, and to issue permits which shall be subject to
170 termination or revocation at the discretion of the State Crime
171 Laboratory. The State Crime Laboratory shall not approve the
172 permit required herein for any law enforcement officer other than
173 a member of the State Highway Patrol, a sheriff or his deputies, a
174 city policeman, an officer of a state-supported institution of
175 higher learning campus police force, a reservoir patrol officer
176 appointed and commissioned pursuant to the Pearl River Valley
177 Water Supply District Reservoir Patrol Officer Law * * *, a
178 national park ranger, a national park ranger technician, a
179 military policeman stationed at a United States military base
180 located within this state other than a military policeman of the
181 Army or Air National Guard or of Reserve Units of the Army, Air
182 Force, Navy or Marine Corps, a marine law enforcement officer
183 employed by the Department of Marine Resources, or a conservation
184 officer employed by the Mississippi Department of Wildlife,
185 Fisheries and Parks. The permit given a conservation officer or a
186 marine law enforcement officer shall authorize such officer to
187 administer tests only for violations of Sections 59-23-1 through
188 59-23-7.

189 The State Crime Laboratory shall make periodic, but not less
190 frequently than quarterly, tests of the methods, machines or
191 devices used in making chemical analysis of a person's breath as
192 shall be necessary to ensure the accuracy thereof, and shall issue
193 its certificate to verify the accuracy of the same.

194 SECTION 9. This act shall take effect and be in force from
195 and after July 1, 2000.