

By: Taylor, McBride

To: Judiciary B

HOUSE BILL NO. 1318

1 AN ACT TO AMEND SECTION 45-6-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND
3 TRAINING SHALL BE AN INDEPENDENT AGENCY; TO AMEND SECTION 45-6-3,
4 MISSISSIPPI CODE OF 1972 IN CONFORMITY; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 45-6-9, Mississippi Code of 1972, is
7 amended as follows:[BD1]

8 45-6-9. The Board shall exercise its prescribed statutory
9 powers, duties and functions including rule making, licensing,
10 approving training programs, insuring compliance and the adoption
11 of rules and regulations for internal management and control of
12 board programs. The executive director of the board shall be
13 selected in accordance with policies and procedures established by
14 the State Personnel Board with the advice and consent of the
15 board. The Board shall prepare and submit budgets. Board
16 expenditures of appropriated funds shall be in accordance with
17 policies and procedures established by the Department of Finance
18 and Administration and the Office of the Treasury. The board
19 shall be an independent agency and shall not be under the control
20 of any other state agency.

21 SECTION 2. Section 45-6-3, Mississippi Code of 1972, is
22 amended as follows:[BD2]

23 45-6-3. For the purposes of this chapter, the following
24 words shall have the meanings ascribed herein, unless the context
25 shall otherwise require:

26 * * *

27 (a) "Board" means the Board on Law Enforcement Officer

28 Standards and Training.

29 **(b)** "Law enforcement officer" means any person
30 appointed or employed full time by the state or any political
31 subdivision thereof, who is duly sworn and vested with authority
32 to bear arms and make arrests, and whose primary responsibility is
33 the prevention and detection of crime, the apprehension of
34 criminals and the enforcement of the criminal and traffic laws of
35 this state and/or the ordinances of any political subdivision
36 thereof. The term "law enforcement officer" also includes
37 employees of the Department of Corrections who are designated as
38 law enforcement officers by the Commissioner of Corrections
39 pursuant to Section 47-5-54. However, the term "law enforcement
40 officer" shall not mean or include any elected official or any
41 person employed as an assistant to or investigator for a district
42 attorney in this state, compliance agents of the State Board of
43 Pharmacy, or any person or elected official who, subject to
44 approval by the board, provides some criminal justice related
45 services for a law enforcement agency. As used in this paragraph
46 "appointed or employed full time" means any person who is
47 receiving gross compensation for his duties as a law enforcement
48 officer of One Hundred Twenty-five Dollars (\$125.00) or more per
49 week or Five Hundred Dollars (\$500.00) or more per month.

50 **(c)** "Part-time law enforcement officer" shall mean any
51 person appointed or employed in a part-time, reserve or auxiliary
52 capacity by the state or any political subdivision thereof who is
53 duly sworn and vested with authority to bear arms and make
54 arrests, and whose primary responsibility is the prevention and
55 detection of crime, the apprehension of criminals and the
56 enforcement of the criminal and traffic laws of this state or the
57 ordinances of any political subdivision thereof. However, the
58 term "part-time law enforcement officer" shall not mean or include
59 any person or elected official who, subject to approval by the
60 board, provides some criminal justice related services for a law

61 enforcement agency. As used in this paragraph "appointed or
62 employed" means any person who is performing such duties at any
63 time whether or not they receive any compensation for duties as a
64 law enforcement officer provided that such compensation is less
65 than One Hundred Twenty-five Dollars (\$125.00) per week or Five
66 Hundred Dollars (\$500.00) per month.

67 (d) "Law enforcement trainee" shall mean any person
68 appointed or employed in a full-time, part-time, reserve or
69 auxiliary capacity by the state or any political subdivision
70 thereof for the purposes of completing all the selection and
71 training requirements established by the board to become a law
72 enforcement officer or a part-time law enforcement officer. Such
73 individuals shall not have the authority to use force, bear arms,
74 make arrests or exercise any of the powers of a peace officer
75 unless under the direct control and supervision of a law
76 enforcement officer.

77 SECTION 3. This act shall take effect and be in force from
78 and after July 1, 2000.