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

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

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

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

SECTION 2. Section 45-6-3, Mississippi Code of 1972, is amended as follows:

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

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

(c) "Part-time law enforcement officer" shall mean any person appointed or employed in a part-time, reserve or auxiliary capacity by the state or any political subdivision thereof who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state or the ordinances of any political subdivision thereof. However, the term "part-time law enforcement officer" shall not mean or include any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed full time" means any person who is receiving gross compensation for his duties as a law enforcement officer of One Hundred Twenty-five Dollars ($125.00) or more per week or Five Hundred Dollars ($500.00) or more per month.
employed" means any person who is performing such duties at any
time whether or not they receive any compensation for duties as a
law enforcement officer provided that such compensation is less
than One Hundred Twenty-five Dollars ($125.00) per week or Five
Hundred Dollars ($500.00) per month.

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

SECTION 3. This act shall take effect and be in force from
and after July 1, 2001.