

By: Representatives Frierson, Clarke, Horne,
Stevens

To: Judiciary A

HOUSE BILL NO. 1064

1 AN ACT TO AMEND SECTION 41-29-159, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE MISSISSIPPI BUREAU OF NARCOTICS FROM ISSUING
3 FIREARMS TO ANY EMPLOYEE WHO IS NOT A SWORN OFFICER OR A CONTRACT
4 AGENT; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 41-29-159, Mississippi Code of 1972, is
7 amended as follows:

8 41-29-159. (a) Any officer or employee of the bureau,
9 investigative unit of the State Board of Pharmacy, investigative
10 unit of the State Board of Medical Licensure, investigative unit
11 of the State Board of Dental Examiners, any duly sworn peace
12 officer of the State of Mississippi, any enforcement officer of
13 the Mississippi Department of Transportation, or any highway
14 patrolman, may, while engaged in the performance of his statutory
15 duties:

16 (1) Carry firearms, except as limited by paragraph (f)
17 of this section;

18 (2) Execute and serve search warrants, arrest warrants,
19 subpoenas, and summonses issued under the authority of this state;

20 (3) Make arrests without warrant for any offense under
21 this article committed in his presence, or if he has probable
22 cause to believe that the person to be arrested has committed or
23 is committing a crime; and

24 (4) Make seizures of property pursuant to this article.

25 (b) As divided among the Mississippi Bureau of Narcotics,
26 the State Board of Pharmacy, the State Board of Medical Licensure
27 and the State Board of Dental Examiners, the primary

28 responsibility of the illicit street traffic or other illicit
29 traffic of drugs is delegated to agents of the Mississippi Bureau
30 of Narcotics. The State Board of Pharmacy is delegated the
31 responsibility of regulating and checking the legitimate drug
32 traffic among pharmacists, pharmacies, hospitals, nursing homes,
33 drug manufacturers, and any other related professions and
34 facilities with the exception of the medical, dental and
35 veterinary professions. The State Board of Medical Licensure is
36 responsible for the legitimate drug traffic among nurses,
37 physicians, podiatrists and veterinarians. The Mississippi Board
38 of Dental Examiners is responsible for the legitimate drug traffic
39 among dentists and dental hygienists.

40 (c) The provisions of this section shall not be construed to
41 limit or preclude the detection or arrest of persons in violation
42 of Section 41-29-139 by any local law enforcement officer,
43 sheriff, deputy sheriff or peace officer.

44 (d) Agents of the bureau are hereby authorized to
45 investigate the circumstances of deaths which are caused by drug
46 overdose or which are believed to be caused by drug overdose.

47 (e) Any person who shall impersonate in any way the director
48 or any agent, or who shall in any manner hold himself out as
49 being, or represent himself as being, an officer or agent of the
50 Mississippi Bureau of Narcotics shall be guilty of a misdemeanor,
51 and upon conviction thereof shall be punished by a fine of not
52 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
53 Dollars (\$500.00) or by imprisonment for not more than one (1)
54 year, or by both such fine and imprisonment.

55 (f) No employee or contract personnel of the
56 Mississippi Bureau of Narcotics shall be authorized to carry a
57 firearm within the course and scope of bureau employment unless
58 such employee or contract personnel is a sworn officer of the
59 bureau, a sworn officer of the Mississippi Highway Safety Patrol

60 assigned to the bureau, or a contract agent or investigator as
61 defined in Section 41-29-112.

62 SECTION 2. This act shall take effect and be in force from
63 and after July 1, 2001.