To: Judiciary

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) Canon, Bryan, Hewes, Walls, Dearing

SENATE BILL NO. 2753

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

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

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

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

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

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

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

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

(b) As divided among the Mississippi Bureau of Narcotics, the State Board of Pharmacy, the State Board of Medical Licensure and the State Board of Dental Examiners, the primary
responsibility of the illicit street traffic or other illicit traffic of drugs is delegated to agents of the Mississippi Bureau of Narcotics. The State Board of Pharmacy is delegated the responsibility of regulating and checking the legitimate drug traffic among pharmacists, pharmacies, hospitals, nursing homes, drug manufacturers, and any other related professions and facilities with the exception of the medical, dental and veterinary professions. The State Board of Medical Licensure is responsible for the legitimate drug traffic among nurses, physicians, podiatrists and veterinarians. The Mississippi Board of Dental Examiners is responsible for the legitimate drug traffic among dentists and dental hygienists.

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

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

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

(f) No employee or contract personnel of the Mississippi Bureau of Narcotics shall be authorized to carry a firearm within the course and scope of bureau employment unless such employee or contract personnel is a sworn officer of the Bureau, a sworn officer of the Mississippi Highway Safety Patrol assigned to the
Bureau, or a contract agent or investigator as defined in Section 41-29-112.

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