

By: Representative Rogers

To: Military Affairs

HOUSE BILL NO. 517

1 AN ACT TO AMEND SECTION 33-1-33, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE ADJUTANT GENERAL OF THE STATE MILITARY DEPARTMENT TO
3 DESIGNATE CERTAIN CIVILIAN GUARD EMPLOYEES TO PERFORM THE DUTIES
4 OF LAW ENFORCEMENT OFFICERS ON MILITARY FACILITIES AND
5 RESERVATIONS; TO PROVIDE THAT CERTAIN OF THESE CIVILIAN GUARD
6 EMPLOYEES SHALL BE PLACED IN THE LAW ENFORCEMENT OFFICER'S
7 TRAINING PROGRAM; TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF
8 1972, TO CONFORM THERETO; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 33-1-33, Mississippi Code of 1972, is
11 amended as follows:

12 33-1-33. (1) The civilian guards employed by the military
13 department, whether paid by state appropriations, federal funds,
14 or other authorized funds, or any combination thereof, and
15 assigned to duties of safeguarding personal and real property
16 belonging to the state or United States or government mixed
17 properties or personal properties belonging to officers and men of
18 the National Guard or of the employees of the military department
19 are hereby given peace officer powers of a constable on the
20 military facilities and reservations to which such civilian guards
21 are assigned.

22 (2) During periods of annual training, the Adjutant General
23 may designate personnel of military police units to have peace
24 officer powers of a constable on the military facilities or
25 reservations at Camp McCain, Grenada, Mississippi, Camp Shelby,
26 Hattiesburg, Mississippi, and the Air National Guard Training
27 Site, Gulfport, Mississippi, to supplement the civilian guards in
28 subsection (1) above.

29 (3) The adjutant general may designate civilian guard
30 employee duties to be of such a nature as to require the employee



31 to meet the requirements established by the Board on Law
32 Enforcement Officer Standards and Training for law enforcement
33 officers. For purposes of enforcement, these civilian guard
34 employees shall have the powers of law enforcement officers on the
35 military facilities and reservations to which assigned. These
36 powers include, but are not limited to, the investigation of
37 accidents, the investigation, for the purposes of prosecution, of
38 any suspected criminal violation of state laws or military
39 regulations, the use of radar detection and the use of
40 intoxilizers. All such civilian guard law enforcement officers
41 hired after July 1, 1994, shall be placed in the training program
42 at the Mississippi Law Enforcement Officers' Training Academy and
43 these law enforcement officers must complete the curricula
44 designated by this program. All emergency telecommunications
45 personnel are required to complete the emergency
46 telecommunications course.

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

49 45-6-3. For the purposes of this chapter, the following
50 words shall have the meanings ascribed herein, unless the context
51 shall otherwise require:

52 (a) "Commission" means the Criminal Justice Planning
53 Commission.

54 (b) "Board" means the Board on Law Enforcement Officer
55 Standards and Training.

56 (c) "Law enforcement officer" means any person
57 appointed or employed full time by the state or any political
58 subdivision thereof, or by the state military department as
59 provided in Section 33-1-33, who is duly sworn and vested with
60 authority to bear arms and make arrests, and whose primary
61 responsibility is the prevention and detection of crime, the
62 apprehension of criminals and the enforcement of the criminal and
63 traffic laws of this state and/or the ordinances of any political



64 subdivision thereof. The term "law enforcement officer" also
65 includes employees of the Department of Corrections who are
66 designated as law enforcement officers by the Commissioner of
67 Corrections pursuant to Section 47-5-54. However, the term "law
68 enforcement officer" shall not mean or include any elected
69 official or any person employed as an assistant to or investigator
70 for a district attorney in this state, compliance agents of the
71 State Board of Pharmacy, or any person or elected official who,
72 subject to approval by the board, provides some criminal justice
73 related services for a law enforcement agency. As used in this
74 paragraph "appointed or employed full time" means any person who
75 is receiving gross compensation for his duties as a law
76 enforcement officer of One Hundred Twenty-five Dollars (\$125.00)
77 or more per week or Five Hundred Dollars (\$500.00) or more per
78 month.

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



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

106 **SECTION 3.** This act shall take effect and be in force from
107 and after July 1, 2003.

