AN ACT TO AMEND SECTION 33-1-33, MISSISSIPPI CODE OF 1972, TO
AUTHORIZE THE ADJUTANT GENERAL OF THE STATE MILITARY DEPARTMENT TO
DESIGNATE CERTAIN CIVILIAN GUARD EMPLOYEES TO PERFORM THE DUTIES
OF LAW ENFORCEMENT OFFICERS ON MILITARY FACILITIES AND
RESERVATIONS; TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972,
TO CONFORM THERETO; AND FOR RELATED PURPOSES.

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

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

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

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

(3) The Adjutant General may designate civilian guard
employee duties to be of such a nature as to require the employee
to meet the requirements established by the Board on Law
Enforcement Officer Standards and Training for law enforcement officers. For purposes of enforcement, these civilian guard employees shall have the powers of law enforcement officers on the military facilities and reservations to which assigned. No monies from the State General Fund shall be utilized for the training of these officers at the Mississippi Law Enforcement Officers' Training Academy unless specifically authorized by appropriation of the Legislature for that purpose.

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:

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

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

(c) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1-33, 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.

(d) "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" 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.

(e) "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, 2003.