

By: Senator(s) Walls

To: Judiciary

SENATE BILL NO. 2148

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF "LAW ENFORCEMENT OFFICER"; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-6-3, Mississippi Code of 1972, is
6 amended as follows:

7 45-6-3. For the purposes of this chapter, the following
8 words shall have the meanings ascribed herein, unless the context
9 shall otherwise require:

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

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

14 (c) "Law enforcement officer" means any person
15 appointed or employed full time by the state or any political
16 subdivision thereof, who is duly sworn and vested with authority
17 to bear arms and make arrests, and whose primary responsibility is
18 the prevention and detection of crime, the apprehension of
19 criminals and the enforcement of the criminal and traffic laws of
20 this state and/or the ordinances of any political subdivision
21 thereof. The term "law enforcement officer" also includes
22 employees of the Department of Corrections who are designated as
23 law enforcement officers by the Commissioner of Corrections
24 pursuant to Section 47-5-54 and include those District Attorney
25 criminals investigators who are designated as law enforcement
26 officers. However, the term "law enforcement officer" shall not
27 mean or include any elected official or any person employed as a



28 legal assistant to * * * a district attorney in this state,
29 compliance agents of the State Board of Pharmacy, or any person or
30 elected official who, subject to approval by the board, provides
31 some criminal justice related services for a law enforcement
32 agency. As used in this paragraph, "appointed or employed full
33 time" means any person who is receiving gross compensation for his
34 duties as a law enforcement officer of One Hundred Twenty-five
35 Dollars (\$125.00) or more per week or Five Hundred Dollars
36 (\$500.00) or more per month.

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

54 (e) "Law enforcement trainee" shall mean any person
55 appointed or employed in a full-time, part-time, reserve or
56 auxiliary capacity by the state or any political subdivision
57 thereof for the purposes of completing all the selection and
58 training requirements established by the board to become a law
59 enforcement officer or a part-time law enforcement officer. Such
60 individuals shall not have the authority to use force, bear arms,



61 make arrests or exercise any of the powers of a peace officer
62 unless under the direct control and supervision of a law
63 enforcement officer.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2003.

