

By: Representative Malone

To: Judiciary B

HOUSE BILL NO. 776

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AMOUNT OF SALARIES FOR CLASSIFICATION AS A FULL-TIME OR
3 PART-TIME LAW ENFORCEMENT OFFICER; AND FOR 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 Department of Public Safety.

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

13 (c) "Law enforcement officer" means any person
14 appointed or employed full time by the state or any political
15 subdivision thereof, or by the state military department as
16 provided in Section 33-1-33, who is duly sworn and vested with
17 authority to bear arms and make arrests, and whose primary
18 responsibility is the prevention and detection of crime, the
19 apprehension of criminals and the enforcement of the criminal and
20 traffic laws of this state and/or the ordinances of any political
21 subdivision thereof. The term "law enforcement officer" also
22 includes employees of the Department of Corrections who are
23 designated as law enforcement officers by the Commissioner of
24 Corrections pursuant to Section 47-5-54. However, the term "law
25 enforcement officer" shall not mean or include any elected
26 official or any person employed as an assistant to or investigator
27 for a district attorney in this state, compliance agents of the

28 State Board of Pharmacy, or any person or elected official who,
29 subject to approval by the board, provides some criminal justice
30 related services for a law enforcement agency. As used in this
31 paragraph "appointed or employed full time" means any person who
32 is receiving gross compensation for his duties as a law
33 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more
34 per week or One Thousand Dollars (\$1000.00) or more per month.

35 (d) "Part-time law enforcement officer" shall mean any
36 person appointed or employed in a part-time, reserve or auxiliary
37 capacity by the state or any political subdivision thereof who is
38 duly sworn and vested with authority to bear arms and make
39 arrests, and whose primary responsibility is the prevention and
40 detection of crime, the apprehension of criminals and the
41 enforcement of the criminal and traffic laws of this state or the
42 ordinances of any political subdivision thereof. However, the
43 term "part-time law enforcement officer" shall not mean or include
44 any person or elected official who, subject to approval by the
45 board, provides some criminal justice related services for a law
46 enforcement agency. As used in this paragraph "appointed or
47 employed" means any person who is performing such duties at any
48 time whether or not they receive any compensation for duties as a
49 law enforcement officer provided that such compensation is less
50 than Two Hundred Fifty Dollars (\$250.00) per week or One Thousand
51 Dollars (\$1000.00) per month.

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

60 unless under the direct control and supervision of a law
61 enforcement officer.

62 **SECTION 2.** The Attorney General of the State of Mississippi
63 shall submit this act, immediately upon approval by the Governor,
64 or upon approval by the Legislature subsequent to a veto, to the
65 Attorney General of the United States or to the United States
66 District Court for the District of Columbia in accordance with the
67 provisions of the Voting Rights Act of 1965, as amended and
68 extended.

69 **SECTION 3.** This act shall take effect and be in force from
70 and after the date it is effectuated under Section 5 of the Voting
71 Rights Act of 1965, as amended and extended.