

By: Representatives Read, Howell, Hudson

To: Judiciary B

HOUSE BILL NO. 844

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO  
2 INCLUDE ENFORCEMENT AGENTS OF THE STATE BOARD OF PHARMACY IN THE  
3 DEFINITION OF LAW ENFORCEMENT OFFICER UNDER THE BOARD ON LAW  
4 ENFORCEMENT OFFICER STANDARDS AND TRAINING; AND FOR RELATED  
5 PURPOSES.

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

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

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

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

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

16 (c) "Law enforcement officer" means any person  
17 appointed or employed full time by the state or any political  
18 subdivision thereof, or by the state military department as  
19 provided in Section 33-1-33, who is duly sworn and vested with  
20 authority to bear arms and make arrests, and whose primary  
21 responsibility is the prevention and detection of crime, the  
22 apprehension of criminals and the enforcement of the criminal and  
23 traffic laws of this state and/or the ordinances of any political  
24 subdivision thereof. The term "law enforcement officer" also  
25 includes employees of the Department of Corrections who are  
26 designated as law enforcement officers by the Commissioner of  
27 Corrections under Section 47-5-54 and enforcement agents of the  
28 State Board of Pharmacy. However, the term "law enforcement

29 officer" shall not mean or include any elected official or any  
30 person employed as an assistant to or investigator for a district  
31 attorney in this state, compliance agents of the State Board of  
32 Pharmacy, or any person or elected official who, subject to  
33 approval by the board, provides some criminal justice related  
34 services for a law enforcement agency. As used in this paragraph  
35 "appointed or employed full time" means any person who is  
36 receiving gross compensation for his duties as a law enforcement  
37 officer of One Hundred Twenty-five Dollars (\$125.00) or more per  
38 week or Five Hundred Dollars (\$500.00) or more per month.

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

56 (e) "Law enforcement trainee" shall mean any person  
57 appointed or employed in a full-time, part-time, reserve or  
58 auxiliary capacity by the state or any political subdivision  
59 thereof for the purposes of completing all the selection and  
60 training requirements established by the board to become a law  
61 enforcement officer or a part-time law enforcement officer. The

62 individuals shall not have the authority to use force, bear arms,  
63 make arrests or exercise any of the powers of a peace officer  
64 unless under the direct control and supervision of a law  
65 enforcement officer.

66       **SECTION 2.** This act shall take effect and be in force from  
67 and after July 1, 2004.