

By: Representative Green

To: Wildlife, Fisheries and  
Parks; Judiciary B

## HOUSE BILL NO. 1498

1 AN ACT TO PROVIDE THAT THE MANAGEMENT OF CONSERVATION  
2 OFFICERS IN THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS SHALL  
3 BE UNDER THE MANAGEMENT OF THE DEPARTMENT OF PUBLIC SAFETY; TO  
4 AMEND SECTIONS 49-1-9, 49-1-12, 49-1-13, 49-1-15 AND 49-1-16,  
5 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
6 ACT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) The management of all conservation officers  
9 in the Department of Wildlife, Fisheries and Parks shall be under  
10 the management of the Department of Public Safety. The  
11 Commissioner of Public Safety shall exercise the duties formerly  
12 assigned to the Executive Director of the Department of Wildlife,  
13 Fisheries and Parks related to law enforcement. Conservation  
14 officers shall not be included in the Highway Patrol Retirement  
15 System.

16 **SECTION 2.** Section 49-1-9, Mississippi Code of 1972, is  
17 amended as follows:

18 49-1-9. The Commissioner of Public Safety shall appoint a  
19 chief law enforcement officer who shall be qualified and  
20 experienced in law enforcement work and who has served for not  
21 less than five (5) years as a duly sworn wildlife enforcement  
22 officer in the department and who has served in a supervisory  
23 position. The chief law enforcement officer shall be furnished a  
24 vehicle to perform his duties of overseeing all enforcement  
25 operations throughout the state in accordance with department  
26 policy. The officer shall enter into bond in the same amount as  
27 provided for the director, and conditioned upon the same terms.  
28 The primary duty of the chief law enforcement officer shall be  
29 directing the enforcement of all game and fish laws and

30 regulations, cooperating with the cattle theft bureau of the  
31 Mississippi Department of Public Safety, and instructing all  
32 conservation officers in the discharge of their respective duties.  
33 The salary of the chief law enforcement officer shall be fixed by  
34 the commission in its discretion.

35 **SECTION 3.** Section 49-1-13, Mississippi Code of 1972, is  
36 amended as follows:

37 49-1-13. The Commissioner of Public Safety is hereby  
38 authorized and directed to appoint as many conservation officers  
39 as may be required to efficiently enforce the laws for the  
40 protection of wild animals, birds and fish, and the laws relating  
41 to theft of cattle, trespass prohibitions and litter. These  
42 officers shall be located in different sections of the state where  
43 their services are most needed. Conservation officers shall  
44 police the state lands in their respective districts and prohibit  
45 the unlawful cutting of timber. The salary of the conservation  
46 officers shall be as determined by the State Personnel Board, or  
47 its successor.

48 Each conservation officer and supervisor shall be furnished  
49 an allowance for uniforms not to exceed the amount specified in  
50 the appropriation bill.

51 **SECTION 4.** Section 49-1-15, Mississippi Code of 1972, is  
52 amended as follows:

53 49-1-15. (1) All appointments of conservation officers  
54 shall be under rules adopted and promulgated by the Commissioner  
55 of Public Safety. No person shall be appointed from and after  
56 July 1, 2001, unless he meets the following requirements:

- 57 (a) Is at least twenty-one (21) years of age; and  
58 (b) Has successfully completed sixty-four (64) semester  
59 hours at an accredited community college or university or has an  
60 associate degree from an accredited community college or has  
61 passed the Law Enforcement Academy and has at least five (5) years  
62 experience in law enforcement.

63           (2) Each applicant, prior to entering into performance of  
64 his duties, at the expense of the department, shall attend and  
65 complete an appropriate curriculum in the field of law enforcement  
66 at the Mississippi Law Enforcement Officers' Training Academy or  
67 other training academy whose curriculum complies with requirements  
68 of the Board on Law Enforcement Officer Standards and Training.  
69 Conservation officers shall, on a periodic basis, be required to  
70 successfully complete additional advanced courses in law  
71 enforcement in order that they will be properly improved and  
72 trained in the modern, technical advances of law enforcement.

73           **SECTION 5.** Section 49-1-12, Mississippi Code of 1972, is  
74 amended as follows:

75           49-1-12. (1) The term "conservation officer" means a law  
76 enforcement officer of the department who shall be under the  
77 management of the Department of Public Safety.

78           (2) Wherever the terms "warden," "game warden," or "game and  
79 fish warden" appear, the same shall mean conservation officer.

80           **SECTION 6.** Section 49-1-16, Mississippi Code of 1972, is  
81 amended as follows:

82           49-1-16. (a) There is hereby created a Conservation  
83 Officers' Reserve Unit, hereinafter termed "the reserve," to  
84 assist the conservation officers in the performance of their  
85 duties. The reserve shall consist of volunteers who are approved  
86 by the Commissioner of Public Safety or his designated  
87 representative, and the members of the reserve shall serve without  
88 pay. Reserve officers shall be in such numbers as determined by  
89 the enforcement needs, with the maximum strength of reserve  
90 officers limited to the same number as conservation officers.

91           (b) In order to be eligible for membership in the reserve,  
92 an applicant must be twenty-one (21) years of age, be a high  
93 school graduate or its equivalent, be in good physical condition,  
94 have a Mississippi driver's license, be in good standing with the  
95 community, be available for training and duty, not be a member of

96 any police, auxiliary police, civil defense, or private security  
97 agency, have never been convicted of a felony, and have one (1) of  
98 the following:

99 (i) An honorable discharge or honorable separation  
100 certificate from one (1) of the United States military services;

101 (ii) Three (3) years of responsible post-high school  
102 work experience that required the ability to deal effectively with  
103 individuals and groups of persons;

104 (iii) Successful completion of sixty (60) semester  
105 hours at an accredited college or university; or

106 (iv) Such qualifications as are outlined in this  
107 section for enforcement officers.

108 Members of the immediate family of conservation officers  
109 shall not be eligible for the reserve unless a special waiver is  
110 granted by the commission.

111 Upon acceptance into the reserve, members shall receive a  
112 temporary appointment for one (1) year. During this year of  
113 temporary status, members must successfully complete the required  
114 training and must qualify on the same firearms course as  
115 conservation officers.

116 (c) The reserve shall be under the leadership and direction  
117 of the chief law enforcement officer, who may designate an officer  
118 to coordinate the actions of the reserve. The training of the  
119 reserve shall be conducted by a conservation officer. The reserve  
120 shall meet at least once each month for the purpose of training  
121 and transacting such business as may come before it. The  
122 chief law enforcement officer shall be notified in writing of all  
123 meetings of the reserve and the time and place of such meetings  
124 shall be recorded with the chief law enforcement officer. The  
125 chief law enforcement officer shall prepare a reserve officer's  
126 manual with the advice and consent of the commission. The manual  
127 shall include, but is not limited to, the following: activities  
128 and operations, training, administration and duties. During

129 active service, the reserve shall be under the direction of the  
130 chief law enforcement officer or his designated representative.  
131 When a reserve officer is on active duty and assigned to a  
132 specific conservation officer, he shall be under the direct  
133 supervision of that officer. Reserve officers serve at the  
134 discretion of the chief law enforcement officer and may be  
135 dismissed by him or the Commissioner of Public Safety. Reserve  
136 officers shall furnish their own uniforms and other personal  
137 equipment if the commissioner does not provide such items.

138 (d) The commission may, by regulation, require members of  
139 the Conservation Officers' Reserve Unit to attend officer reserve  
140 training programs conducted by county or municipal agencies or at  
141 the Mississippi Law Enforcement Officers Training Academy at the  
142 expense of the commission if the commission deems such training  
143 necessary or desirable.

144 (e) The commission may issue uniforms to such reserve  
145 officers and may authorize the issuance of any state equipment  
146 necessary for the reserve officers to adequately assist law  
147 enforcement officers. The commission is authorized to develop a  
148 reserve officer identification system to accomplish the issuance  
149 of such items in accordance with the State Auditor guidelines.

150 (f) In the event the commission shall determine that a  
151 member of the Conservation Officers' Reserve Unit may attend a  
152 training program as authorized under the provisions of this  
153 section, the commission shall require that any such reserve  
154 officer shall sign an agreement, prior to attending a training  
155 program, which shall stipulate that if the reserve officer accepts  
156 employment from any other public or private law enforcement agency  
157 within three (3) years after completion of his training program,  
158 the reserve officer or the respective hiring law enforcement  
159 agency shall reimburse the Department of Wildlife, Fisheries and  
160 Parks for the total cost of his training program. By October 1 of  
161 each year, the department shall provide the Game and Fish

162 Committee of the Mississippi House of Representatives and the  
163 Wildlife and Marine Resources Committee of the Mississippi Senate  
164 a listing which contains each name and the respective cost of  
165 training each reserve officer received during the previous year.

166         **SECTION 7.** This act shall take effect and be in force from  
167 and after July 1, 2004.