

By: Senator(s) Huggins, Albritton

To: Judiciary, Division B

SENATE BILL NO. 2417

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF PART-TIME LAW ENFORCEMENT OFFICER; AND
3 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 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, or by the state military department as
17 provided in Section 33-1-33, who is duly sworn and vested with
18 authority to bear arms and make arrests, and whose primary
19 responsibility is the prevention and detection of crime, the
20 apprehension of criminals and the enforcement of the criminal and
21 traffic laws of this state and/or the ordinances of any political
22 subdivision thereof. The term "law enforcement officer" also
23 includes employees of the Department of Corrections who are
24 designated as law enforcement officers by the Commissioner of
25 Corrections pursuant to Section 47-5-54. However, the term "law
26 enforcement officer" shall not mean or include any elected
27 official or any person employed as an assistant to or investigator

28 for a district attorney in this state, compliance agents of the
29 State Board of Pharmacy, or any person or elected official who,
30 subject to approval by the board, provides some criminal justice
31 related services for a law enforcement agency. As used in this
32 paragraph "appointed or employed full time" means any person who
33 is receiving gross compensation for his duties as a law
34 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more
35 per week or One Thousand Dollars (\$1,000.00) or more per month.

36 (d) "Part-time law enforcement officer" shall mean any
37 person appointed or employed in a part-time, reserve or auxiliary
38 capacity by the state or any political subdivision thereof who is
39 duly sworn and vested with authority to bear arms and make
40 arrests, and whose primary responsibility is the prevention and
41 detection of crime, the apprehension of criminals and the
42 enforcement of the criminal and traffic laws of this state or the
43 ordinances of any political subdivision thereof. However, the
44 term "part-time law enforcement officer" shall not mean or include
45 any person or elected official who, subject to approval by the
46 board, provides some criminal justice related services for a law
47 enforcement agency. As used in this paragraph, "appointed or
48 employed" means any person who is performing such duties at any
49 time whether or not they receive any compensation for duties as a
50 law enforcement officer provided that such compensation is less
51 than Two Hundred Fifty Dollars (\$250.00) per week or One Thousand
52 Dollars (\$1,000.00) per month.

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

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

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