

By: Representative Warren

To: Judiciary A

HOUSE BILL NO. 564
(As Sent to Governor)

1 AN ACT TO REPEAL SECTION 41-29-537, MISSISSIPPI CODE OF 1972,
2 WHICH IS A SUNSET PROVISION FOR SECTIONS 41-29-505 THROUGH
3 41-29-536, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE
4 AUTHORITY TO SEEK A WIRETAP IN CERTAIN DRUG CASES; TO PROVIDE FOR
5 THE HIRING OF SPECIAL CONTRACT AGENTS BY THE BUREAU OF
6 INVESTIGATION OF THE DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 41-29-537, Mississippi Code of 1972,
10 which is a sunset provision for Sections 41-29-505 through
11 41-29-536, Mississippi Code of 1972, which constitute the
12 authority to seek a wiretap in certain drug cases, is repealed.

13 **SECTION 2.** (1) The Director of the Bureau of Investigation
14 is authorized to retain on a contractual basis such persons as he
15 shall deem necessary to detect and apprehend violators of the
16 criminal statutes of this state.

17 (2) Those persons contracting with the Director of the
18 Bureau of Investigation pursuant to subsection (1) shall be known
19 and hereinafter referred to as "special contract agents."

20 (3) The investigative services provided for in this section
21 shall be designed to support local law enforcement efforts.

22 (4) Special contract investigators shall have all powers
23 necessary and incidental to the fulfillment of their contractual
24 obligations, including the power of arrest when authorized by the
25 Director of the Bureau of Investigation.

26 (5) No person shall be a special contract investigator
27 unless he is at least twenty-one (21) years of age.

28 (6) The Director of the Bureau of Investigation shall
29 conduct a background investigation of all potential special

30 contract investigators. All contract agents must meet the minimum
31 standard requirements established by the Board on Law Enforcement
32 Officer Standards and Training.

33 (7) Any contract pursuant to subsection (1) shall be:

34 (a) Reduced to writing; and

35 (b) Terminable upon written notice by either party, and
36 shall in any event terminate one (1) year from the date of
37 signing; and

38 (c) Approved as to form by the Attorney General.

39 Such contracts shall not be public records and shall not be
40 available for inspection under the provisions of a law providing
41 for the inspection of public records as now or hereafter amended.

42 (8) Special contract investigators shall not be considered
43 employees of the Bureau of Investigation for any purpose.

44 (9) The Director of the Bureau of Investigation shall have
45 all powers necessary and incidental to the effective operation of
46 this section.

47 (10) Notwithstanding any other provisions contained in this
48 section, all contracts authorized under this section and related
49 matters shall be made available to the Legislative Budget Office
50 and the Department of Finance and Administration.

51 **SECTION 3.** This act shall take effect and be in force from
52 and after July 1, 2006.