

By: Senator(s) Nunnelee

To: Public Health and
Welfare; Judiciary, Division
B

SENATE BILL NO. 2182

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO
2 REMOVE FROM THE DEFINITION OF "LAW ENFORCEMENT OFFICER" A
3 STATUTORY EXEMPTION FOR CERTAIN EMPLOYEES OF THE STATE BOARD OF
4 PHARMACY; TO AMEND SECTION 41-29-159, MISSISSIPPI CODE OF 1972, TO
5 REQUIRE THAT ONLY STATE BOARD OF PHARMACY EMPLOYEES WHO ARE
6 MINIMUM STANDARDS CERTIFIED LAW ENFORCEMENT OFFICERS CAN EXERCISE
7 THE POWERS OF LAW ENFORCEMENT OFFICERS; AND FOR RELATED PURPOSES.

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

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

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

14 (a) "Commission" means the Criminal Justice Planning
15 Commission.

16 (b) "Board" means the Board on Law Enforcement Officer
17 Standards and Training.

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

30 enforcement officer" shall not mean or include any elected
31 official or any person employed as an assistant to or investigator
32 for a district attorney in this state, * * * or any person or
33 elected official who, subject to approval by the board, provides
34 some criminal justice related services for a law enforcement
35 agency. As used in this paragraph "appointed or employed full
36 time" means any person who is receiving gross compensation for his
37 duties as a law enforcement officer of Two Hundred Fifty Dollars
38 (\$250.00) or more per week or One Thousand Seventy-five Dollars
39 (\$1,075.00) or more per month.

40 (d) "Part-time law enforcement officer" shall mean any
41 person appointed or employed in a part-time, reserve or auxiliary
42 capacity by the state or any political subdivision thereof who is
43 duly sworn and vested with authority to bear arms and make
44 arrests, and whose primary responsibility is the prevention and
45 detection of crime, the apprehension of criminals and the
46 enforcement of the criminal and traffic laws of this state or the
47 ordinances of any political subdivision thereof. However, the
48 term "part-time law enforcement officer" shall not mean or include
49 any person or elected official who, subject to approval by the
50 board, provides some criminal justice related services for a law
51 enforcement agency. As used in this paragraph, "appointed or
52 employed" means any person who is performing such duties at any
53 time whether or not they receive any compensation for duties as a
54 law enforcement officer provided that such compensation is less
55 than Two Hundred Fifty Dollars (\$250.00) per week or One Thousand
56 Seventy-five Dollars (\$1,075.00) per month.

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

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

67 **SECTION 2.** Section 41-29-159, Mississippi Code of 1972, is
68 amended as follows:

69 41-29-159. (a) Any officer or employee of the Mississippi
70 Bureau of Narcotics, investigative unit of the State Board of
71 Pharmacy who is a law enforcement officer within the meaning of
72 Section 45-6-3 and trained and certified within the meaning of
73 Section 45-6-1 et seq., investigative unit of the State Board of
74 Medical Licensure, investigative unit of the State Board of Dental
75 Examiners, investigative unit of the Mississippi Board of Nursing,
76 investigative unit of the State Board of Optometry, any duly sworn
77 peace officer of the State of Mississippi, any enforcement officer
78 of the Mississippi Department of Transportation, or any highway
79 patrolman, may, while engaged in the performance of his statutory
80 duties:

81 (1) Carry firearms;
82 (2) Execute and serve search warrants, arrest warrants,
83 subpoenas, and summonses issued under the authority of this state;
84 (3) Make arrests without warrant for any offense under
85 this article committed in his presence, or if he has probable
86 cause to believe that the person to be arrested has committed or
87 is committing a crime; and

88 (4) Make seizures of property pursuant to this article.

89 (b) As divided among the Mississippi Bureau of Narcotics,
90 the State Board of Pharmacy, the State Board of Medical Licensure,
91 the State Board of Dental Examiners, the Mississippi Board of
92 Nursing and the State Board of Optometry, the primary
93 responsibility of the illicit street traffic or other illicit
94 traffic of drugs is delegated to agents of the Mississippi Bureau
95 of Narcotics. The State Board of Pharmacy is delegated the

96 responsibility of regulating and checking the legitimate drug
97 traffic among pharmacists, pharmacies, hospitals, nursing homes,
98 drug manufacturers, and any other related professions and
99 facilities with the exception of the medical, dental, nursing,
100 optometric and veterinary professions. The State Board of Medical
101 Licensure is responsible for regulating and checking the
102 legitimate drug traffic among physicians, podiatrists and
103 veterinarians. The Mississippi Board of Dental Examiners is
104 responsible for regulating and checking the legitimate drug
105 traffic among dentists and dental hygienists. The Mississippi
106 Board of Nursing is responsible for regulating and checking the
107 legitimate drug traffic among nurses. The State Board of
108 Optometry is responsible for regulating and checking the
109 legitimate drug traffic among optometrists.

110 (c) The provisions of this section shall not be construed to
111 limit or preclude the detection or arrest of persons in violation
112 of Section 41-29-139 by any local law enforcement officer,
113 sheriff, deputy sheriff or peace officer.

114 (d) Agents of the bureau are authorized to investigate the
115 circumstances of deaths which are caused by drug overdose or which
116 are believed to be caused by drug overdose.

117 (e) Any person who shall impersonate in any way the director
118 or any agent, or who shall in any manner hold himself out as
119 being, or represent himself as being, an officer or agent of the
120 Mississippi Bureau of Narcotics shall be guilty of a misdemeanor,
121 and upon conviction thereof shall be punished by a fine of not
122 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
123 Dollars (\$500.00) or by imprisonment for not more than one (1)
124 year, or by both such fine and imprisonment.

125 **SECTION 3.** This act shall take effect and be in force from
126 and after July 1, 2007.