

By: Senator(s) Albritton, Walls

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2489

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITIONS OF "LAW ENFORCEMENT OFFICER" AND "LAW  
3 ENFORCEMENT OFFICER TRAINEE"; AND 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, and includes those  
26 district attorney criminal investigators who are designated as law  
27 enforcement officers. However, the term "law enforcement officer"

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

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

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

61 individuals shall not have the authority to use force, bear arms,  
62 make arrests or exercise any of the powers of a peace officer  
63 unless:

64                   (i) The trainee is under the direct control and  
65 supervision of a law enforcement officer;

66                   (ii) The trainee was previously certified under  
67 this chapter;

68                   (iii) The trainee is a certified law enforcement  
69 officer in a reciprocating state; or

70                   (iv) The trainee is assigned to an undercover  
71 investigation.

72           **SECTION 2.** This act shall take effect and be in force from  
73 and after July 1, 2007.