

By: Representatives Eure, Bennett

To: Marine Resources

HOUSE BILL NO. 188

1 AN ACT TO AMEND SECTION 49-15-21, MISSISSIPPI CODE OF 1972,
 2 TO EXTEND TO TWELVE MONTHS AFTER INITIAL EMPLOYMENT THE TIME FOR
 3 WHICH MARINE ENFORCEMENT OFFICERS SHALL ATTEND THE NECESSARY
 4 TRAINING OR COMPLY WITH OTHER QUALIFICATIONS OR SUCCESSFULLY
 5 COMPLETE ANY LAW ENFORCEMENT QUALIFICATION EXAMINATIONS AS
 6 REQUIRED BY THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' TRAINING
 7 ACADEMY IN ORDER TO CONTINUE RECEIVING A SALARY; AND FOR RELATED
 8 PURPOSES.

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

10 **SECTION 1.** Section 49-15-21, Mississippi Code of 1972, is
 11 amended as follows:

12 49-15-21. (1) The executive director shall appoint the
 13 necessary enforcement officers for the administration of this
 14 chapter. The salary of all enforcement officers employed shall be
 15 as determined by the State Personnel Board. However, the members
 16 of the Enforcement Officers' Reserve Unit created in subsection
 17 (4) shall serve without pay, and shall not be employees of the
 18 State of Mississippi for purposes of the State Personnel System,
 19 the Workers' Compensation Law, the Public Employees' Retirement
 20 System or the State Employees Life and Health Insurance Plan.



21 (2) All enforcement officers shall be experienced and
22 qualified persons thoroughly familiar with the seafood business
23 and shall be at least twenty-one (21) years of age and be a high
24 school graduate or its equivalent. The enforcement officers
25 shall diligently enforce all laws and regulations for the
26 protection, propagation, preservation or conservation of all
27 saltwater aquatic life of the State of Mississippi, and they are
28 hereby constituted peace officers of the State of Mississippi,
29 with full police power and jurisdiction to enforce all laws of
30 the State of Mississippi and all regulations adopted and
31 promulgated by the commission. Enforcement officers may
32 exercise such powers in any county of the State of Mississippi
33 and on any waters of the state, and they are hereby authorized
34 to carry firearms or other weapons, concealed or otherwise, and
35 they shall investigate all persons, corporations and otherwise
36 who are alleged to have violated any laws, and make affidavits,
37 arrests and serve papers of any court of competent jurisdiction,
38 in like manner as is provided for sheriffs and deputy sheriffs,
39 when the same shall be in connection with the enforcement of the
40 seafood laws of the State of Mississippi and such other laws and
41 regulations of this state as the commission may designate. The
42 enforcement officers may seize at any time aquatic life caught,
43 taken or transported in a manner contrary to the laws of this
44 state, and may confiscate and dispose of the same. Any net or
45 other paraphernalia used or employed in connection with a



46 violation may be seized, and forfeiture proceedings may be
47 instituted. Enforcement officers may draft the aid of captains,
48 crews and boats or licensed vessels to enforce this chapter and
49 may, without warrant, board and search vessels or vehicles. The
50 application for any license or permit from the commission to
51 catch, fish, take, transport or handle or process any form of
52 aquatic life, or the taking, catching, transporting or handling
53 or processing of any and all aquatic life in this state shall
54 constitute acquiescence and agreement upon the part of the
55 owners, captains and crews, employers and dealers to the
56 provisions of this chapter and the agreement that enforcement
57 officers may exercise the authority granted under the provisions
58 hereof.

59 (3) Prior to entering into performance of their duties or
60 delegations or as soon after appointment as possible, each
61 enforcement officer, at the expense of the commission, shall
62 attend and complete an appropriate curriculum in the field of law
63 enforcement at the Mississippi Law Enforcement Officers' Training
64 Academy or other law enforcement training program approved under
65 Section 45-6-7. However, members of the Enforcement Officers'
66 Reserve Unit created in subsection (4) of this section may attend
67 the Mississippi Law Enforcement Officers' Training Academy at the
68 expense of the commission if it deems the training necessary or
69 desirable. No enforcement officer shall be entitled to payment of
70 salary after the first * * * twelve (12) months in office if he



71 has either failed to attend the academy or has failed to comply
72 with other qualifications or successfully complete any law
73 enforcement qualification examinations as the director deems
74 necessary. The enforcement officers shall, on a periodic basis,
75 be required to attend additional advanced courses in law
76 enforcement in order that they will be properly improved and
77 trained in the modern, technical advances of law enforcement.

78 (4) (a) There is hereby created an Enforcement Officers'
79 Reserve Unit, hereinafter termed "the reserve," to assist the
80 enforcement officers in the performance of their duties under this
81 chapter. The reserve shall consist of volunteers who are approved
82 by the Executive Director of the Department of Marine Resources or
83 his designee. The members of the reserve shall serve without pay.
84 Reserve officers shall be in such numbers as determined by the
85 enforcement needs, with the maximum strength of reserve officers
86 limited to the same number as enforcement officers.

87 (b) To be eligible for membership in the reserve, an
88 applicant must be twenty-one (21) years of age, be a high school
89 graduate or its equivalent, be in good physical condition, have a
90 Mississippi driver's license, be in good standing with the
91 community, be available for training and duty, not be a member of
92 any police, auxiliary police, civil defense, or private security
93 agency, have never been convicted of a felony, and have one (1) of
94 the following:



- 95 (i) An honorable discharge or honorable separation
96 certificate from one (1) of the United States military services;
97 (ii) Three (3) years of responsible post-high
98 school work experience that required the ability to deal
99 effectively with individuals and groups of persons;
100 (iii) Successful completion of sixty (60) semester
101 hours at an accredited college or university; or
102 (iv) The qualifications as are outlined in this
103 section for enforcement officers.

104 Members of the immediate family of enforcement officers shall
105 not be eligible for the reserve unless a special waiver is
106 granted.

107 Upon acceptance into the reserve, members shall receive a
108 temporary appointment for one (1) year. During this year of
109 temporary status, members must successfully complete the required
110 training and must qualify on the same firearms course as
111 enforcement officers.

112 (c) The reserve shall be under the leadership and
113 direction of the executive director or his designee. The training
114 of the reserve shall be conducted by an enforcement officer. The
115 reserve shall meet at least once each month for the purpose of
116 training and transacting any business as may come before it. The
117 executive director shall be notified in writing of all meetings of
118 the reserve and the time and place of the meetings shall be
119 recorded with the executive director. The executive director



120 shall prepare a reserve officer's manual with the advice and
121 consent of the commission. The manual shall include, but is not
122 limited to, the following: activities and operations, training,
123 administration and duties. During active service, the reserve
124 shall be under the direction of the executive director or his
125 designated representative. When a reserve officer is on active
126 duty and assigned to a specific enforcement officer, he shall be
127 under the direct supervision of that officer. Reserve officers
128 serve at the discretion of the executive director and may be
129 dismissed by him. Reserve officers shall furnish their own
130 uniforms and other personal equipment if the executive director
131 does not provide such items.

132 (d) The executive director may require members of the
133 Enforcement Officers' Reserve Unit to attend officer reserve
134 training programs conducted by county or municipal agencies.

135 (e) The executive director may issue uniforms to such
136 reserve officers and may authorize the issuance of any state
137 equipment necessary for the reserve officers to adequately assist
138 law enforcement officers. The executive director may develop a
139 reserve officer identification system to accomplish the issuance
140 of such items in accordance with the State Auditor guidelines.

141 (f) If the executive director determines that a member
142 of the Enforcement Officers' Reserve Unit may attend a training
143 program as authorized under this section, it shall require that
144 reserve officer to sign an agreement, prior to attending a



145 training program, which shall stipulate that if the reserve
146 officer accepts employment from any other public or private law
147 enforcement agency within three (3) years after completion of his
148 training program, the reserve officer or the respective hiring law
149 enforcement agency shall reimburse the department for the total
150 cost of his training program. By October 1 of each year, the
151 department shall provide the Conservation and Water Resources
152 Committee of the Mississippi House of Representatives and the
153 Ports and Marine Resources Committee of the Mississippi Senate a
154 listing which contains each name and the respective cost of
155 training each reserve officer received during the previous year.

156 **SECTION 2.** This act shall take effect and be in force from
157 and after July 1, 2016.

