

By: Representatives Barnett, Eure, McKnight,  
Sanford, Shanks, Tullos, Scoggin

To: Judiciary B;  
Appropriations

## HOUSE BILL NO. 1394

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE DEFINITIONS OF "LAW ENFORCEMENT OFFICER" AND "PART-TIME  
3 LAW ENFORCEMENT OFFICER" TO ALLOW PAY TO BE INCREASED ABOVE THE  
4 MAXIMUM AMOUNT ALLOWED FOR PART-TIME LAW ENFORCEMENT OFFICERS WHEN  
5 THE LOCAL GOVERNING AUTHORITY DETERMINES ON ITS MINUTES THAT  
6 NECESSARY CIRCUMSTANCES EXIST TO INCREASE THE PAY TO MAINTAIN AND  
7 PROTECT PUBLIC SAFETY DURING THE TIME PERIOD OF SUCH NECESSARY  
8 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

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

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

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

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

19 (c) "Law enforcement officer" means any person  
20 appointed or employed full time by the state or any political  
21 subdivision thereof, or by the state military department as



provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state and/or the ordinances of any political subdivision thereof. The term "law enforcement officer" also includes employees of the Department of Corrections who are designated as law enforcement officers by the Commissioner of Corrections pursuant to Section 47-5-54, and includes those district attorney criminal investigators who are designated as law enforcement officers. However, the term "law enforcement officer" shall not mean or include any elected official or any person employed as a legal assistant to a district attorney in this state, compliance agents of the State Board of Pharmacy, or any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed full time" means any person who is receiving gross compensation for his duties as a law enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more per week or One Thousand Seventy-five Dollars (\$1,075.00) or more per month, unless such person is a part-time law enforcement officer paid in accordance with a local governing authority's determination on its minutes that necessary circumstances exist to increase the pay of a part-time law enforcement officer or officers to maintain and



protect public safety during the time period of such necessary  
circumstances.

(d) "Part-time law enforcement officer" shall mean any person appointed or employed in a part-time, reserve or auxiliary capacity by the state or any political subdivision thereof who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal and traffic laws of this state or the ordinances of any political subdivision thereof. However, the term "part-time law enforcement officer" shall not mean or include any person or elected official who, subject to approval by the board, provides some criminal justice related services for a law enforcement agency. As used in this paragraph, "appointed or employed" means any person who is performing such duties at any time whether or not they receive any compensation for duties as a law enforcement officer provided that such compensation is less than Two Hundred Fifty Dollars (\$250.00) per week or One Thousand Seventy-five Dollars (\$1,075.00) per month, unless such person is a part-time law enforcement officer paid in accordance with a local governing authority's determination on its minutes that necessary circumstances exist to increase the pay of a part-time law enforcement officer or officers to maintain and protect public safety during the time period of such necessary circumstances.



71           (e) "Law enforcement trainee" shall mean any person  
72 appointed or employed in a full-time, part-time, reserve or  
73 auxiliary capacity by the state or any political subdivision  
74 thereof for the purposes of completing all the selection and  
75 training requirements established by the board to become a law  
76 enforcement officer or a part-time law enforcement officer. Such  
77 individuals shall not have the authority to use force, bear arms,  
78 make arrests or exercise any of the powers of a peace officer  
79 unless:

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

82                   (ii) The trainee was previously certified under  
83 this chapter; or

84                   (iii) The trainee is a certified law enforcement  
85 officer in a reciprocating state.

86       **SECTION 2.** This act shall take effect and be in force from  
87 and after July 1, 2020.

