

By: Representative Felsher

To: Marine Resources

## HOUSE BILL NO. 309

1 AN ACT TO AMEND SECTION 49-15-21, MISSISSIPPI CODE OF 1972,  
2 TO REMOVE THE REQUIREMENT THAT MEMBERS OF THE DEPARTMENT OF MARINE  
3 RESOURCES ENFORCEMENT OFFICERS' RESERVE UNIT SHALL SERVE WITHOUT  
4 PAY AND WITHOUT CERTAIN BENEFITS; TO AUTHORIZE ENFORCEMENT  
5 OFFICERS TO PROTECT CRITICAL INFRASTRUCTURES RELATED TO HOMELAND  
6 SECURITY THREATS; TO REMOVE THE PROHIBITION AGAINST A MEMBER OF  
7 THE RESERVE ALSO BEING A MEMBER OF ANY POLICE, AUXILIARY POLICE,  
8 CIVIL DEFENSE OR PRIVATE SECURITY AGENCY; TO PROVIDE THAT THE  
9 RESERVE SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR AND SHALL BE  
10 UNDER THE DIRECTION OF THE CHIEF OF MARINE PATROL OR HIS OR HER  
11 DESIGNEE; AND FOR RELATED PURPOSES.

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

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

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



~~Employees' Retirement System or the State Employees Life and Health Insurance Plan.~~

(2) All enforcement officers shall be experienced and qualified persons thoroughly familiar with the seafood business and shall be at least twenty-one (21) years of age and be a high school graduate or its equivalent. The enforcement officers shall diligently enforce all laws and regulations for the protection, propagation, preservation or conservation of all saltwater aquatic life of the State of Mississippi, and they are hereby constituted peace officers of the State of Mississippi, with full police power and jurisdiction to enforce all laws of the State of Mississippi and all regulations adopted and promulgated by the \* \* \*~~commission~~ department. Enforcement officers may exercise such powers in any county of the State of Mississippi and on any waters of the state, protect critical infrastructures related to homeland security threats, and they are hereby authorized to carry firearms or other weapons, concealed or otherwise, and they shall investigate all persons, corporations and otherwise who are alleged to have violated any laws, and make affidavits, arrests and serve papers of any court of competent jurisdiction, in like manner as is provided for sheriffs and deputy sheriffs, when the same shall be in connection with the enforcement of the seafood laws and regulations of the State of Mississippi \* \* \*~~and such other laws and regulations of this state as the commission may designate.~~

The enforcement officers may seize at any time aquatic life



48 caught, taken or transported in a manner contrary to the laws of  
49 this state, and may confiscate and dispose of the same. Any net  
50 or other paraphernalia used or employed in connection with a  
51 violation may be seized, and forfeiture proceedings may be  
52 instituted. Enforcement officers may draft the aid of captains,  
53 crews and boats or licensed vessels to enforce this chapter and  
54 may, without warrant, board and search vessels or vehicles. The  
55 application for any license or permit from the \* \* \*~~commission~~  
56 department to catch, fish, take, transport or handle or process  
57 any form of aquatic life, or the taking, catching, transporting or  
58 handling or processing of any \* \* \*~~and all~~ aquatic life in this  
59 state shall constitute acquiescence and agreement upon the part of  
60 the owners, captains and crews, employers and dealers to the  
61 provisions of this chapter and the agreement that enforcement  
62 officers may exercise the authority granted under the provisions  
63 hereof.

64 (3) \* \* \*~~Prior to~~ Before entering into performance of their  
65 duties or delegations or as soon after appointment as possible,  
66 each enforcement officer, at the expense of the \* \* \*~~commission~~  
67 department, shall attend and complete an appropriate curriculum in  
68 the field of law enforcement at the Mississippi Law Enforcement  
69 Officers' Training Academy or other law enforcement training  
70 program approved under Section 45-6-7. However, members of the  
71 Enforcement Officers' Reserve Unit created in subsection (4) of  
72 this section may attend the Mississippi Law Enforcement Officers'



73 Training Academy at the expense of the \* \* \* ~~commission~~ department  
74 if it deems the training necessary or desirable. No enforcement  
75 officer shall be entitled to payment of salary after the first  
76 twelve (12) months in office if he or she has either failed to  
77 attend the academy or has failed to comply with other  
78 qualifications or successfully complete any law enforcement  
79 qualification examinations as the director deems necessary. The  
80 enforcement officers shall, on a periodic basis, be required to  
81 attend additional advanced courses in law enforcement in order  
82 that they will be properly improved and trained in the modern,  
83 technical advances of law enforcement.

84 (4) (a) There is hereby created an Enforcement Officers'  
85 Reserve Unit, hereinafter termed "the reserve," to assist the  
86 enforcement officers in the performance of their duties under this  
87 chapter. The reserve shall consist of volunteers who are approved  
88 by the Executive Director of the Department of Marine Resources or  
89 his or her designee. The members of the reserve \* \* \* ~~shall~~ may  
90 serve without pay. \* \* \* ~~Reserve officers shall be in such numbers~~  
91 ~~as determined by the enforcement needs, with the maximum strength~~  
92 ~~of reserve officers limited to the same number as enforcement~~  
93 ~~officers.~~

94 (b) To be eligible for membership in the reserve, an  
95 applicant must be twenty-one (21) years of age, be a high school  
96 graduate or its equivalent, be in good physical condition, have a  
97 Mississippi driver's license, be in good standing with the



community, be available for training and duty, \* \* \* ~~not be a~~  
~~member of any police, auxiliary police, civil defense, or private~~  
~~security agency,~~ have never been convicted of a felony, and have  
one (1) of the following:

(i) An honorable discharge or honorable separation  
certificate from one (1) of the United States military services;

(ii) Three (3) years of responsible post-high  
school work experience that required the ability to deal  
effectively with individuals and groups of persons;

(iii) Successful completion of sixty (60) semester  
hours at an accredited college or university; or

(iv) The qualifications as are outlined in this  
section for enforcement officers.

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

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

(c) The reserve shall be under the leadership and  
direction of the executive director or his or her designee. The  
training of the reserve shall be conducted by an enforcement  
officer. The reserve shall meet at least once each month for the



123 purpose of training and transacting any business as may come  
124 before it. The ~~\*\*\* executive director~~ Chief of Marine Patrol  
125 shall be notified in writing of all meetings of the reserve and  
126 the time and place of the meetings shall be recorded with  
127 the ~~\*\*\* executive director~~ Chief of Marine Patrol. The ~~\*\*\*~~  
128 ~~executive director~~ Chief of Marine Patrol shall prepare a reserve  
129 officer's manual with the advice and consent of the executive  
130 director and the advisory commission. The manual shall include,  
131 but is not limited to, the following: activities and operations,  
132 training, administration and duties. During active service, the  
133 reserve shall be under the direction of the executive director or  
134 his or her designated representative. When a reserve officer is  
135 on active duty and assigned to a specific enforcement officer, he  
136 or she shall be under the direct supervision of that officer.  
137 Reserve officers serve at the discretion of the executive director  
138 and may be dismissed by him or her. Reserve officers shall  
139 furnish their own uniforms and other personal equipment if the  
140 executive director does not provide such items.

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

144 (e) The executive director may issue uniforms to such  
145 reserve officers and may authorize the issuance of any state  
146 equipment necessary for the reserve officers to adequately assist  
147 law enforcement officers. The executive director may develop a



148 reserve officer identification system to accomplish the issuance  
149 of such items in accordance with the State Auditor guidelines.

150 (f) If the executive director determines that a member  
151 of the Enforcement Officers' Reserve Unit may attend a training  
152 program as authorized under this section, it shall require that  
153 reserve officer to sign an agreement, \* \* \* ~~prior to~~ before  
154 attending a training program, which shall stipulate that if the  
155 reserve officer accepts employment from any other public or  
156 private law enforcement agency within three (3) years after  
157 completion of his or her training program, the reserve officer or  
158 the respective hiring law enforcement agency shall reimburse the  
159 department for the total cost of his or her training  
160 program. \* \* \* ~~By October 1 of each year, the department shall~~  
161 ~~provide the Conservation and Water Resources Committee of the~~  
162 ~~Mississippi House of Representatives and the Ports and Marine~~  
163 ~~Resources Committee of the Mississippi Senate a listing which~~  
164 ~~contains each name and the respective cost of training each~~  
165 ~~reserve officer received during the previous year.~~

166 **SECTION 2.** This act shall take effect and be in force from  
167 and after July 1, 2021.

