

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) * * * may serve without pay * * *.

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 shall
25 diligently enforce all laws and regulations for the protection,
26 propagation, preservation or conservation of all saltwater aquatic
27 life of the State of Mississippi, and they are hereby constituted
28 peace officers of the State of Mississippi, with full police power
29 and jurisdiction to enforce all laws of the State of Mississippi
30 and all regulations adopted and promulgated by the * * *
31 department. Enforcement officers may exercise such powers in any
32 county of the State of Mississippi and on any waters of the state,
33 protect critical infrastructures related to homeland security
34 threats, and they are hereby authorized to carry firearms or other
35 weapons, concealed or otherwise, and they shall investigate all
36 persons, corporations and otherwise who are alleged to have
37 violated any laws, and make affidavits, arrests and serve papers
38 of any court of competent jurisdiction, in like manner as is
39 provided for sheriffs and deputy sheriffs, when the same shall be
40 in connection with the enforcement of the seafood laws and
41 regulations of the State of Mississippi * * *. The enforcement
42 officers may seize at any time aquatic life caught, taken or
43 transported in a manner contrary to the laws of this state, and
44 may confiscate and dispose of the same. Any net or other
45 paraphernalia used or employed in connection with a violation may
46 be seized, and forfeiture proceedings may be instituted.
47 Enforcement officers may draft the aid of captains, crews and



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

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



73 necessary. The enforcement officers shall, on a periodic basis,
74 be required to attend additional advanced courses in law
75 enforcement in order that they will be properly improved and
76 trained in the modern, technical advances of law enforcement.

77 (4) (a) There is hereby created an Enforcement Officers'
78 Reserve Unit, hereinafter termed "the reserve," to assist the
79 enforcement officers in the performance of their duties under this
80 chapter. The reserve shall consist of volunteers who are approved
81 by the Executive Director of the Department of Marine Resources or
82 his or her designee. The members of the reserve * * * may serve
83 without pay. * * *

84 (b) To be eligible for membership in the reserve, an
85 applicant must be twenty-one (21) years of age, be a high school
86 graduate or its equivalent, be in good physical condition, have a
87 Mississippi driver's license, be in good standing with the
88 community, be available for training and duty, * * * have never
89 been convicted of a felony, and have one (1) of the following:

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

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

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



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

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

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

107 (c) The reserve shall be under the leadership and
108 direction of the executive director or his or her designee. The
109 training of the reserve shall be conducted by an enforcement
110 officer. The reserve shall meet at least once each month for the
111 purpose of training and transacting any business as may come
112 before it. The * * * Chief of Marine Patrol shall be notified in
113 writing of all meetings of the reserve and the time and place of
114 the meetings shall be recorded with the * * * Chief of Marine
115 Patrol. The * * * Chief of Marine Patrol shall prepare a reserve
116 officer's manual with the advice and consent of the executive
117 director and the advisory commission. The manual shall include,
118 but is not limited to, the following: activities and operations,
119 training, administration and duties. During active service, the
120 reserve shall be under the direction of the executive director or
121 his or her designated representative. When a reserve officer is



122 on active duty and assigned to a specific enforcement officer, he
123 or she shall be under the direct supervision of that officer.
124 Reserve officers serve at the discretion of the executive director
125 and may be dismissed by him or her. Reserve officers shall
126 furnish their own uniforms and other personal equipment if the
127 executive director does not provide such items.

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

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

137 (f) If the executive director determines that a member
138 of the Enforcement Officers' Reserve Unit may attend a training
139 program as authorized under this section, it shall require that
140 reserve officer to sign an agreement, * * * before attending a
141 training program, which shall stipulate that if the reserve
142 officer accepts employment from any other public or private law
143 enforcement agency within three (3) years after completion of his
144 or her training program, the reserve officer or the respective
145 hiring law enforcement agency shall reimburse the department for
146 the total cost of his or her training program. * * *



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

