

By: Representative Ellington

To: Conservation and Water Resources

HOUSE BILL NO. 1181

1 AN ACT TO AMEND SECTION 49-15-21, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE ENFORCEMENT OFFICERS' RESERVE UNIT SHALL BE  
3 SUPERVISED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF MARINE  
4 RESOURCES RATHER THAN AN ASSISTANT CHIEF INSPECTOR; TO PROVIDE  
5 THAT THE DEPARTMENT OF MARINE RESOURCES SHALL PROVIDE THE  
6 CONSERVATION AND WATER RESOURCES COMMITTEE WITH A LISTING OF THE  
7 NAME AND TRAINING COST OF EACH RESERVE OFFICER FOR THE PREVIOUS  
8 YEAR; AND FOR RELATED 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 pursuant to Sections 49-7-251 through 49-7-257.  
48 Enforcement officers may draft the aid of captains, crews and  
49 boats or licensed vessels to enforce this chapter and may,  
50 without warrant, board and search vessels or vehicles. The  
51 application for any license or permit from the commission to  
52 catch, fish, take, transport or handle or process any form of  
53 aquatic life, or the taking, catching, transporting or handling  
54 or processing of any and all aquatic life in this state shall  
55 constitute acquiescence and agreement upon the part of the  
56 owners, captains and crews, employers and dealers to the  
57 provisions of this chapter and the agreement that enforcement  
58 officers may exercise the authority granted under the provisions  
59 hereof.

60 (3) Prior to entering into performance of their duties or  
61 delegations or as soon after appointment as possible, each  
62 enforcement officer, at the expense of the commission, shall  
63 attend and complete an appropriate curriculum in the field of law



64 enforcement at the Mississippi Law Enforcement Officers' Training  
65 Academy or other law enforcement training program approved under  
66 Section 45-6-7. However, members of the Enforcement Officers'  
67 Reserve Unit created in subsection (4) of this section may attend  
68 the Mississippi Law Enforcement Officers' Training Academy at the  
69 expense of the commission if it deems the training necessary or  
70 desirable. No enforcement officer shall be entitled to payment of  
71 salary after the first six (6) months in office if he has either  
72 failed to attend the academy or has failed to comply with other  
73 qualifications or successfully complete any law enforcement  
74 qualification examinations as the director deems necessary. The  
75 enforcement officers shall, on a periodic basis, be required to  
76 attend additional advanced courses in law enforcement in order  
77 that they will be properly improved and trained in the modern,  
78 technical advances of law enforcement.

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

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



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

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

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

113 (c) The reserve shall be under the leadership and  
114 direction of the Executive Director of the Department of Marine  
115 Resources, who may designate an enforcement officer to coordinate  
116 the actions of the reserve. The training of the reserve shall be  
117 conducted by an enforcement officer. The reserve shall meet at  
118 least once each month for the purpose of training and transacting  
119 any business as may come before it. The executive director or his  
120 designee shall be notified in writing of all meetings of the  
121 reserve and the time and place of the meetings shall be recorded  
122 with the executive director or his designee. The executive  
123 director or his designee shall prepare a reserve officer's manual  
124 with the advice and consent of the commission. The manual shall  
125 include, but is not limited to, the following: activities and  
126 operations, training, administration and duties. During active  
127 service, the reserve shall be under the direction of the chief  
128 inspector or his designated representative. When a reserve



129 officer is on active duty and assigned to a specific enforcement  
130 officer, he shall be under the direct supervision of that officer.  
131 Reserve officers serve at the discretion of the executive director  
132 and may be dismissed by him \* \* \*. Reserve officers shall furnish  
133 their own uniforms and other personal equipment if the executive  
134 director does not provide such items.

135 (d) The executive director may \* \* \* require members of  
136 the Enforcement Officers' Reserve Unit to attend officer reserve  
137 training programs conducted by county or municipal agencies.

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

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

159 **SECTION 2.** This act shall take effect and be in force from  
160 and after July 1, 2002.

