

By: Representative Myers

To: Judiciary A

HOUSE BILL NO. 1219

1 AN ACT TO AMEND SECTIONS 41-29-107 AND 45-1-2, MISSISSIPPI
2 CODE OF 1972, TO CLARIFY THAT THE BUREAU OF NARCOTICS IS CREATED
3 WITHIN AND UNDER THE SUPERVISION OF THE DEPARTMENT OF PUBLIC
4 SAFETY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-29-107, Mississippi Code of 1972, is
7 amended as follows:

8 41-29-107. There is hereby created the Bureau of Narcotics
9 within, and under the direct supervision of, the Mississippi
10 Department of Public Safety. The said bureau shall have as chief
11 administrative officer a director, who shall be appointed by the
12 Governor with the advice and consent of the Senate, and who shall
13 serve under the Commissioner of Public Safety. The director is
14 empowered to employ or appoint necessary agents. The said
15 director may also employ such secretarial, clerical and
16 administrative personnel, including a duly licensed attorney, as
17 necessary for the operation of the bureau, and shall have such
18 quarters, equipment and facilities as needed. The salary and
19 qualifications of the attorney authorized by this section shall be
20 fixed by the director, but the salary shall not exceed the salary
21 authorized for an assistant attorney general who performs similar
22 duties.

23 The director and agents so appointed shall be citizens of the
24 United States and of the State of Mississippi, and of good moral
25 character. The agents shall be not less than twenty-one (21) nor
26 shall have attained the age of thirty-six (36) years of age at the
27 time of such appointment. In addition thereto, those appointed
28 shall have satisfactorily completed at least two (2) years of



29 college studies. However, two (2) years of satisfactory service
30 as a law enforcement officer and the completion of the prescribed
31 course of study at a school operated by the Bureau of Narcotics
32 and Dangerous Drugs, United States Justice Department, shall
33 satisfy one (1) year of such college studies, and four (4) years
34 of satisfactory service as a law enforcement officer and the
35 completion of the prescribed course of study at such federal
36 bureau school as stated heretofore shall fully satisfy the two (2)
37 years of college requirement. The director shall also be required
38 to complete a prescribed course of study at a school operated by
39 the Bureau of Narcotics and Dangerous Drugs, United States Justice
40 Department.

41 During the period of the first twelve (12) months after
42 appointment, any employee of the bureau shall be subject to
43 dismissal at the will of the director. After twelve (12) months'
44 service, no employee of the bureau shall be subject to dismissal
45 unless charges have been filed with the director, showing cause
46 for dismissal of said employee of the bureau. A date shall be set
47 for hearing before the director and the employee notified in
48 writing of the date of such hearing and of the charges filed. Said
49 hearing shall be held not less than ten (10) days after
50 notification to the employee. After said hearing, at which the
51 employee shall be entitled to legal counsel, a written order of
52 the director shall be necessary for dismissal and the decision
53 shall be final. Any such order of the director shall be a public
54 record and subject to inspection as such.

55 The Commissioner of Public Safety may assign members of the
56 Mississippi Highway Safety Patrol, regardless of age, to the
57 bureau at the request of the director of the bureau; however, when
58 any highway patrolman or other employee, agent or official of the
59 Mississippi Department of Public Safety is assigned to duty with,
60 or is employed by, the bureau, he shall not be subject to
61 assignment or transfer to any other bureau or department within



62 the Mississippi Department of Public Safety except by the
63 director. Any highway patrolman assigned to duty with the bureau
64 shall retain his status as a highway patrolman, but shall be under
65 the supervision of the director. For purposes of seniority within
66 the Highway Safety Patrol and for purposes of retirement under the
67 Mississippi Highway Safety Patrol Retirement System, highway
68 patrolmen assigned to the bureau will be credited as if performing
69 duty with the Highway Safety Patrol.

70 The director may enter into contracts or agreements with the
71 State Board of Health for purposes of recruitment and screening of
72 applicants through the merit system.

73 The director may enter into agreements with bureaus or
74 departments of other states or of the United States for the
75 exchange or temporary assignment of agents for special undercover
76 assignments and for performance of specific duties.

77 The director is hereby authorized to assign agents of the
78 bureau to such duty and to request and accept agents from such
79 other bureaus or departments for such duty.

80 **SECTION 2.** Section 45-1-2, Mississippi Code of 1972, is
81 amended as follows:

82 45-1-2. (1) The Executive Director of the Department of
83 Public Safety shall be the Commissioner of Public Safety.

84 (2) The Commissioner of Public Safety shall establish the
85 organizational structure of the Department of Public Safety which
86 shall include the creation of any units necessary to implement the
87 duties assigned to the department and consistent with specific
88 requirements of law, including, but not limited to:

- 89 (a) Office of Public Safety Planning;
- 90 (b) Office of Medical Examiner;
- 91 (c) Office of Mississippi Highway Safety Patrol;
- 92 (d) Office of Crime Laboratories;
- 93 (e) Office of Law Enforcement Officers' Training

94 Academy; and



95 (f) Office of Support Services.

96 In addition, the commissioner may establish the
97 organizational structure of The * * * Bureau of Narcotics created
98 under Section 41-29-107 * * *.

99 (3) The department shall be headed by a commissioner who
100 shall be appointed by and serve at the pleasure of the Governor.
101 The appointment of the commissioner shall be made with the advice
102 and consent of the Senate. The commissioner may assign to the
103 appropriate offices such powers and duties as deemed appropriate
104 to carry out the department's lawful functions.

105 (4) The commissioner of the department shall appoint heads
106 of offices, who shall serve at the pleasure of the commissioner.
107 The commissioner shall have the authority to organize the offices
108 established by subsection (2) of this section as deemed
109 appropriate to carry out the responsibilities of the department.
110 The organization charts of the department shall be presented
111 annually with the budget request of the Governor for review by the
112 Legislature.

113 (5) The commissioner of the department shall appoint, from
114 within the Department of Public Safety, a statewide safety
115 training officer who shall serve at the pleasure of the
116 commissioner and whose duty it shall be to perform public training
117 for both law enforcement and private persons throughout the state
118 concerning proper emergency response to the mentally ill,
119 terroristic threats or acts, domestic conflict, other conflict
120 resolution, and such other matters as the commissioner may direct.

121 **SECTION 3.** This act shall take effect and be in force from
122 and after its passage.

