

By: Senator(s) Hewes

To: Ports and Marine Resources

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2966

1 AN ACT TO AMEND SECTION 49-15-21 TO REMOVE REFERENCE TO
2 NONEXISTENT POSITION AND AUTHORIZE THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF MARINE RESOURCES TO SUPERVISE THE RESERVE OFFICER
4 UNIT; TO CREATE SECTION 49-15-22, MISSISSIPPI CODE OF 1972, TO
5 ALLOW MARINE PATROL OFFICERS OF THE DEPARTMENT OF MARINE RESOURCES
6 TO KEEP SIDE ARM UPON RETIREMENT; AND FOR RELATED PURPOSES.

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

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

10 49-15-21. (1) The executive director shall appoint the
11 necessary enforcement officers for the administration of this
12 chapter. The salary of all enforcement officers employed shall be
13 as determined by the State Personnel Board. However, the members
14 of the Enforcement Officers' Reserve Unit created in subsection
15 (4) shall serve without pay, and shall not be employees of the
16 State of Mississippi for purposes of the State Personnel System,
17 the Workers' Compensation Law, the Public Employees' Retirement
18 System or the State Employees' Life and Health Insurance Plan.

19 (2) All enforcement officers shall be experienced and
20 qualified persons thoroughly familiar with the seafood business
21 and shall be at least twenty-one (21) years of age and be a high
22 school graduate or its equivalent. The enforcement officers
23 shall diligently enforce all laws and regulations for the
24 protection, propagation, preservation or conservation of all
25 saltwater aquatic life of the State of Mississippi, and they are
26 hereby constituted peace officers of the State of Mississippi,
27 with full police power and jurisdiction to enforce all laws of
28 the State of Mississippi and all regulations adopted and
29 promulgated by the commission. Enforcement officers may



30 exercise such powers in any county of the State of Mississippi
31 and on any waters of the state, and they are hereby authorized
32 to carry firearms or other weapons, concealed or otherwise, and
33 they shall investigate all persons, corporations and otherwise
34 who are alleged to have violated any laws, and make affidavits,
35 arrests and serve papers of any court of competent jurisdiction,
36 in like manner as is provided for sheriffs and deputy sheriffs,
37 when the same shall be in connection with the enforcement of the
38 seafood laws of the State of Mississippi and such other laws and
39 regulations of this state as the commission may designate. The
40 enforcement officers may seize at any time aquatic life caught,
41 taken or transported in a manner contrary to the laws of this
42 state, and may confiscate and dispose of the same. Any net or
43 other paraphernalia used or employed in connection with a
44 violation may be seized, and forfeiture proceedings may be
45 instituted * * *. Enforcement officers may draft the aid of
46 captains, crews and boats or licensed vessels to enforce this
47 chapter and may, without warrant, board and search vessels or
48 vehicles. The application for any license or permit from the
49 commission to catch, fish, take, transport or handle or process
50 any form of aquatic life, or the taking, catching, transporting
51 or handling or processing of any and all aquatic life in this
52 state shall constitute acquiescence and agreement upon the part
53 of the owners, captains and crews, employers and dealers to the
54 provisions of this chapter and the agreement that enforcement
55 officers may exercise the authority granted under the provisions
56 hereof.

57 (3) Prior to entering into performance of their duties or
58 delegations or as soon after appointment as possible, each
59 enforcement officer, at the expense of the commission, shall
60 attend and complete an appropriate curriculum in the field of law
61 enforcement at the Mississippi Law Enforcement Officers' Training
62 Academy or other law enforcement training program approved under



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

76 (4) (a) There is hereby created an Enforcement Officers'
77 Reserve Unit, hereinafter termed "the reserve," to assist the
78 enforcement officers in the performance of their duties under this
79 chapter. The reserve shall consist of volunteers who are approved
80 by the Executive Director of the Department of Marine Resources,
81 or his designee. * * * The members of the reserve shall serve
82 without pay. Reserve officers shall be in such numbers as
83 determined by the enforcement needs, with the maximum strength of
84 reserve officers limited to the same number as enforcement
85 officers.

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

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



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

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

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

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

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

111 (c) The reserve shall be under the leadership and
112 direction of the executive director, or his designee. The
113 training of the reserve shall be conducted by an enforcement
114 officer. The reserve shall meet at least once each month for the
115 purpose of training and transacting any business as may come
116 before it. The executive director shall be notified in writing of
117 all meetings of the reserve and the time and place of the meetings
118 shall be recorded with the executive director. The executive
119 director shall prepare a reserve officer's manual with the advice
120 and consent of the commission. The manual shall include, but is
121 not limited to, the following: activities and operations,
122 training, administration and duties. During active service, the
123 reserve shall be under the direction of the executive director, or
124 his designated representative. When a reserve officer is on
125 active duty and assigned to a specific enforcement officer, he
126 shall be under the direct supervision of that officer. Reserve
127 officers serve at the discretion of the executive director and may
128 be dismissed by him * * *. Reserve officers shall furnish their



129 own uniforms and other personal equipment if the executive
130 director does not provide such items.

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

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

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

155 **SECTION 2.** The following shall be codified as Section
156 49-15-22, Mississippi Code of 1972:

157 49-15-22. Each person employed as a marine patrol officer by
158 the Mississippi Department of Marine Resources who retires for
159 superannuation or for reason of disability under the Public
160 Employees' Retirement System may, upon his request, be allowed to
161 retain, as his personal property, one (1) side arm which was



162 issued to him during his service, if funds are available for this
163 purpose.

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

