

By: Representative Fleming

To: Judiciary B;
Appropriations

HOUSE BILL NO. 378

1 AN ACT TO CREATE THE STATE POLICE IN THE DEPARTMENT OF PUBLIC
2 SAFETY; TO PROVIDE FOR THE CHIEF OF THE STATE POLICE; TO PROVIDE
3 THE JURISDICTION AND AUTHORITY OF THE STATE POLICE; TO PROVIDE FOR
4 THE APPOINTMENT, TRAINING AND SALARY OF OFFICERS OF THE STATE
5 POLICE; TO AMEND SECTIONS 7-7-211, 27-3-13, 29-5-77, 37-101-15,
6 41-29-107, 49-1-12, 49-1-16, 49-1-44, 65-1-131, 69-29-1, 75-76-17
7 AND 77-1-21, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
8 PROVISIONS OF THIS ACT; TO REPEAL SECTIONS 49-1-9, 49-1-13 AND
9 49-1-15, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CONSERVATION
10 OFFICERS OF THE DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS; AND
11 FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) There is hereby created a law enforcement
14 unit of the Department of Public Safety to be known as the State
15 Police. The Commissioner of Public Safety shall appoint a Chief
16 of the State Police who shall be qualified and experienced in law
17 enforcement and who has served for not less than five (5) years as
18 a law enforcement officer in a supervisory position. The chief
19 shall be furnished a vehicle to perform his duties of overseeing
20 the State Police throughout the state. The chief shall enter into
21 bond in an amount determined by the commissioner. The primary
22 duty of the chief shall be directing the enforcement of the laws
23 of the state and the laws and regulations of the Mississippi
24 Department of Transportation, the Public Service Commission, the
25 State Tax Commission, the Department of Wildlife, Fisheries and
26 Parks, the Capitol Police, the Gaming Commission, the Mississippi
27 Agricultural and Livestock Theft Bureau, the Board of Trustees of
28 State Institutions of Higher Learning, the Department of Audit and
29 the Bureau of Narcotics. The salary of the chief shall be fixed
30 by the commissioner.



31 (2) The chief is hereby authorized and directed to appoint
32 as many officers as may be required to efficiently enforce the
33 laws under the jurisdiction of the State Police as provided in
34 subsection (1) of this section. These officers shall be located
35 in different sections of the state where there services are most
36 needed. The salary of the officers of the State Police shall be
37 as determined by the State Personnel Board, or its successor.

38 (3) The chief and the officers of the State Police shall be
39 designated law enforcement officers, as defined in Section 45-6-3,
40 and shall be subject to all training and certification
41 requirements of the Board on Law Enforcement Officer Standards and
42 Training.

43 (4) Any officer of an existing law enforcement agency who
44 was exempt from training and certification requirements by such
45 agency shall be exempt from such requirements under this act.

46 **SECTION 2.** Section 7-7-211, Mississippi Code of 1972, is
47 amended as follows:

48 7-7-211. The department shall have the power and it shall be
49 its duty:

50 (a) To identify and define for all public offices of
51 the state and its subdivisions generally accepted accounting
52 principles as promulgated by nationally recognized professional
53 organizations and to consult with the State Fiscal Officer in the
54 prescription and implementation of accounting rules and
55 regulations;

56 (b) To prescribe, for all public offices of regional
57 and local subdivisions of the state, systems of accounting,
58 budgeting and reporting financial facts relating to said offices
59 in conformity with legal requirements and with generally accepted
60 accounting principles as promulgated by nationally recognized
61 professional organizations; to assist such subdivisions in need of
62 assistance in the installation of such systems; to revise such
63 systems when deemed necessary, and to report to the Legislature at



64 periodic times the extent to which each office is maintaining such
65 systems, along with such recommendations to the Legislature for
66 improvement as seem desirable;

67 (c) To study and analyze existing managerial policies,
68 methods, procedures, duties and services of the various state
69 departments and institutions upon written request of the Governor,
70 the Legislature or any committee or other body empowered by the
71 Legislature to make such request to determine whether and where
72 operations can be eliminated, combined, simplified and improved;

73 (d) To postaudit each year and, when deemed necessary,
74 preaudit and investigate the financial affairs of the departments,
75 institutions, boards, commissions or other agencies of state
76 government, as part of the publication of a comprehensive annual
77 financial report for the State of Mississippi. In complying with
78 the requirements of this subsection, the department shall have the
79 authority to conduct all necessary audit procedures on an interim
80 and year-end basis;

81 (e) To postaudit and, when deemed necessary, preaudit
82 and investigate separately the financial affairs of (i) the
83 offices, boards and commissions of county governments and any
84 departments and institutions thereof and therein; (ii) public
85 school districts, departments of education and junior college
86 districts; and (iii) any other local offices or agencies which
87 share revenues derived from taxes or fees imposed by the state
88 Legislature or receive grants from revenues collected by
89 governmental divisions of the state; the cost of such audits,
90 investigations or other services to be paid as follows: Such part
91 shall be paid by the state from appropriations made by the
92 Legislature for the operation of the State Department of Audit as
93 may exceed the sum of One Hundred Dollars (\$100.00) per day for
94 the services of each staff person engaged in performing the audit
95 or other service, which sum shall be paid by the county, district,
96 department, institution or other agency audited out of its general



97 fund or any other available funds from which such payment is not
98 prohibited by law;

99 (f) To postaudit and, when deemed necessary, preaudit
100 and investigate the financial affairs of the levee boards;
101 agencies created by the Legislature or by executive order of the
102 Governor; profit or nonprofit business entities administering
103 programs financed by funds flowing through the State Treasury or
104 through any of the agencies of the state, or its subdivisions; and
105 all other public bodies supported by funds derived in part or
106 wholly from public funds, except municipalities which annually
107 submit an audit prepared by a qualified certified public
108 accountant using methods and procedures prescribed by the
109 department;

110 (g) To make written demand, when necessary, for the
111 recovery of any amounts representing public funds improperly
112 withheld, misappropriated and/or otherwise illegally expended by
113 an officer, employee or administrative body of any state, county
114 or other public office, and/or for the recovery of the value of
115 any public property disposed of in an unlawful manner by a public
116 officer, employee or administrative body, such demands to be made
117 (i) upon the person or persons liable for such amounts and upon
118 the surety on official bond thereof, and/or (ii) upon any
119 individual, partnership, corporation or association to whom the
120 illegal expenditure was made or with whom the unlawful disposition
121 of public property was made, if such individual, partnership,
122 corporation or association knew or had reason to know through the
123 exercising of reasonable diligence that the expenditure was
124 illegal or the disposition unlawful. Such demand shall be
125 premised on competent evidence, which shall include at least one
126 (1) of the following: (i) sworn statements, (ii) written
127 documentation, (iii) physical evidence, or (iv) reports and
128 findings of government or other law enforcement agencies. Other
129 provisions notwithstanding, a demand letter issued pursuant to



130 this subsection shall remain confidential by the State Auditor
131 until the individual against whom the demand letter is being filed
132 has been served with a copy of such demand letter. If, however,
133 such individual cannot be notified within fifteen (15) days using
134 reasonable means and due diligence, such notification shall be
135 made to the individual's bonding company, if he or she is bonded.
136 Each such demand shall be paid into the proper treasury of the
137 state, county or other public body through the office of the
138 department in the amount demanded within thirty (30) days from the
139 date thereof, together with interest thereon in the sum of one
140 percent (1%) per month from the date such amount or amounts were
141 improperly withheld, misappropriated and/or otherwise illegally
142 expended. In the event, however, such person or persons shall
143 refuse, neglect or otherwise fail to pay the amount demanded and
144 the interest due thereon within the allotted thirty (30) days, the
145 State Auditor shall have the authority and it shall be his duty to
146 institute suit, and the Attorney General shall prosecute the same
147 in any court of the state to the end that there shall be recovered
148 the total of such amounts from the person or persons and surety on
149 official bond named therein; and the amounts so recovered shall be
150 paid into the proper treasury of the state, county or other public
151 body through the State Auditor;

152 (h) To investigate any alleged or suspected violation
153 of the laws of the state by any officer or employee of the state,
154 county or other public office in the purchase, sale or the use of
155 any supplies, services, equipment or other property belonging
156 thereto; and in such investigation to do any and all things
157 necessary to procure evidence sufficient either to prove or
158 disprove the existence of such alleged or suspected violations.
159 The State Police may investigate, for the purpose of prosecution,
160 any suspected criminal violation of the provisions of this
161 chapter. For the purpose of administration and enforcement of
162 this chapter, the enforcement employees of the Department of



163 Investigation of the State Department of Audit shall be employees
164 of the State Police from and after July 1, 2005, and shall have
165 the powers of a peace officer of this state only over those
166 persons under indictment or at the direction of another duly
167 authorized law enforcement agency having jurisdiction over the
168 case. All enforcement employees of the Department of
169 Investigation of the State Department of Audit hired on or after
170 July 1, 1993, shall be required to complete the Law Enforcement
171 Officers Training Program and shall meet the standards of the
172 program;

173 (i) To issue subpoenas, with the approval of, and
174 returnable to, a judge of a chancery or circuit court, in termtime
175 or in vacation, to examine the records, documents or other
176 evidence of persons, firms, corporations or any other entities
177 insofar as such records, documents or other evidence relate to
178 dealings with any state, county or other public entity. The
179 circuit or chancery judge must serve the county in which the
180 records, documents or other evidence is located; or where all or
181 part of the transaction or transactions occurred which are the
182 subject of the subpoena;

183 (j) In any instances in which the State Auditor is or
184 shall be authorized or required to examine or audit, whether
185 preaudit or postaudit, any books, ledgers, accounts or other
186 records of the affairs of any public hospital owned or owned and
187 operated by one or more political subdivisions or parts thereof or
188 any combination thereof, or any school district, including
189 activity funds thereof, it shall be sufficient compliance
190 therewith, in the discretion of the State Auditor, that such
191 examination or audit be made from the report of any audit or other
192 examination certified by a certified public accountant and
193 prepared by or under the supervision of such certified public
194 accountant. Such audits shall be made in accordance with
195 generally accepted standards of auditing, with the use of an audit



196 program prepared by the State Auditor, and final reports of such
197 audits shall conform to the format prescribed by the State
198 Auditor. All files, working papers, notes, correspondence and all
199 other data compiled during the course of the audit shall be
200 available, without cost, to the State Auditor for examination and
201 abstracting during the normal business hours of any business day.
202 The expense of such certified reports shall be borne by the
203 respective hospital, or any available school district funds other
204 than minimum program funds, subject to examination or audit. The
205 State Auditor shall not be bound by such certified reports and
206 may, in his or their discretion, conduct such examination or audit
207 from the books, ledgers, accounts or other records involved as may
208 be appropriate and authorized by law;

209 (k) The State Auditor shall have the authority to
210 contract with qualified public accounting firms to perform
211 selected audits required in subsections (d), (e) and (f) of this
212 section, if funds are made available for such contracts by the
213 Legislature, or if funds are available from the governmental
214 entity covered by subsections (d), (e) and (f). Such audits shall
215 be made in accordance with generally accepted standards of
216 auditing, with the use of an audit program prepared by the State
217 Auditor, and final reports of such audits shall conform to the
218 format prescribed by the State Auditor. All files, working
219 papers, notes, correspondence and all other data compiled during
220 the course of the audit shall be available, without cost, to the
221 State Auditor for examination and abstracting during the normal
222 business hours of any business day;

223 (l) The State Auditor shall have the authority to
224 establish training courses and programs for the personnel of the
225 various state and local governmental entities under the
226 jurisdiction of the Office of the State Auditor. The training
227 courses and programs shall include, but not be limited to, topics
228 on internal control of funds, property and equipment control and



229 inventory, governmental accounting and financial reporting, and
230 internal auditing. The State Auditor is authorized to charge a
231 fee from the participants of these courses and programs, which fee
232 shall be deposited into the Department of Audit Special Fund.
233 State and local governmental entities are authorized to pay such
234 fee and any travel expenses out of their general funds or any
235 other available funds from which such payment is not prohibited by
236 law;

237 (m) Upon written request by the Governor or any member
238 of the State Legislature, the State Auditor may audit any state
239 funds and/or state and federal funds received by any nonprofit
240 corporation incorporated under the laws of this state;

241 (n) To conduct performance audits of personal or
242 professional service contracts by state agencies on a random
243 sampling basis, or upon request of the State Personal Service
244 Contract Review Board under Section 25-9-120(3).

245 **SECTION 3.** Section 27-3-13, Mississippi Code of 1972, is
246 amended as follows:

247 27-3-13. The chairman of the commission is hereby empowered
248 to employ a secretary to the commission, and such accountants,
249 appraisers, inspectors, timber estimators, engineers, valuation
250 experts, clerical help, stenographers, and such other assistants
251 and/or attorneys as he may deem necessary to the proper discharge
252 of the duties of the State Tax Commission, to prescribe their
253 duties and to fix the compensation of each employee. Such
254 employees may be used interchangeably in the administration of the
255 various duties imposed by law upon the commission in its several
256 departments. The State Police shall enforce any laws administered
257 by the commission. Temporary employees of the classes enumerated
258 above may be employed as hereinabove, when in the opinion of the
259 chairman a seasonal press of business requires, except that such
260 temporary employees shall be retained no longer than is necessary
261 to the discharge of the duties imposed by law upon the commission.



262 **SECTION 4.** Section 29-5-77, Mississippi Code of 1972, is
263 amended as follows:

264 29-5-77. The State Police shall have jurisdiction relative
265 to the enforcement of all laws of the State of Mississippi on the
266 properties set forth in Section 29-5-2 and the Court of Appeals
267 Building. The State Police is authorized and directed through any
268 person or persons appointed by the Office of General Services or
269 through the Department of Public Safety when requested by the
270 Office of General Services, to make arrests for any violation of
271 any law of the State of Mississippi on such grounds of or within
272 such properties. The State Police is hereby empowered and
273 directed to enforce the provisions of Sections 29-5-57 through
274 29-5-67, 29-5-71 through 29-5-77, and 29-5-81 through 29-5-95, and
275 to prescribe such rules and regulations as are necessary therefor.

276 * * *

277 **SECTION 5.** Section 37-101-15, Mississippi Code of 1972, is
278 amended as follows:

279 37-101-15. (a) The Board of Trustees of State Institutions
280 of Higher Learning shall succeed to and continue to exercise
281 control of all records, books, papers, equipment, and supplies,
282 and all lands, buildings, and other real and personal property
283 belonging to or assigned to the use and benefit of the board of
284 trustees formerly supervising and controlling the institutions of
285 higher learning named in Section 37-101-1. The board shall have
286 and exercise control of the use, distribution and disbursement of
287 all funds, appropriations and taxes, now and hereafter in
288 possession, levied and collected, received, or appropriated for
289 the use, benefit, support, and maintenance or capital outlay
290 expenditures of the institutions of higher learning, including the
291 authorization of employees to sign vouchers for the disbursement
292 of funds for the various institutions, except where otherwise
293 specifically provided by law.



294 (b) The board shall have general supervision of the affairs
295 of all the institutions of higher learning, including the
296 departments and the schools thereof. The board shall have the
297 power in its discretion to determine who shall be privileged to
298 enter, to remain in, or to graduate therefrom. The board shall
299 have general supervision of the conduct of libraries and
300 laboratories, the care of dormitories, buildings, and grounds; the
301 business methods and arrangement of accounts and records; the
302 organization of the administrative plan of each institution; and
303 all other matters incident to the proper functioning of the
304 institutions. The board shall have the authority to establish
305 minimum standards of achievement as a prerequisite for entrance
306 into any of the institutions under its jurisdiction, which
307 standards need not be uniform between the various institutions and
308 which may be based upon such criteria as the board may establish.

309 (c) The board shall exercise all the powers and prerogatives
310 conferred upon it under the laws establishing and providing for
311 the operation of the several institutions herein specified. The
312 board shall adopt such bylaws and regulations from time to time as
313 it deems expedient for the proper supervision and control of the
314 several institutions of higher learning, insofar as such bylaws
315 and regulations are not repugnant to the Constitution and laws,
316 and not inconsistent with the object for which these institutions
317 were established. The board shall have power and authority to
318 prescribe rules and regulations for policing the campuses and all
319 buildings of the respective institutions, to authorize the arrest
320 of all persons violating on any campus any criminal law of the
321 state, and to have such law violators turned over to the civil
322 authorities. The law enforcement officers employed on any campus
323 shall be officers of the State Police.

324 (d) For all institutions specified herein, the board shall
325 provide a uniform system of recording and of accounting approved
326 by the State Department of Audit. The board shall annually



327 prepare, or cause to be prepared, a budget for each institution of
328 higher learning for the succeeding year which must be prepared and
329 in readiness for at least thirty (30) days before the convening of
330 the regular session of the Legislature. All relationships and
331 negotiations between the state Legislature and its various
332 committees and the institutions named herein shall be carried on
333 through the board of trustees. No official, employee or agent
334 representing any of the separate institutions shall appear before
335 the Legislature or any committee thereof except upon the written
336 order of the board or upon the request of the Legislature or a
337 committee thereof.

338 (e) For all institutions specified herein, the board shall
339 prepare an annual report to the Legislature setting forth the
340 disbursements of all monies appropriated to the respective
341 institutions. Each report to the Legislature shall show how the
342 money appropriated to the several institutions has been expended,
343 beginning and ending with the fiscal years of the institutions,
344 showing the name of each teacher, officer, and employee, and the
345 salary paid each, and an itemized statement of each and every item
346 of receipts and expenditures. Each report must be balanced, and
347 must begin with the former balance. If any property belonging to
348 the state or the institution is used for profit, the reports shall
349 show the expense incurred in managing the property and the amount
350 received therefrom. The reports shall also show a summary of the
351 gross receipts and gross disbursements for each year and shall
352 show the money on hand at the beginning of the fiscal period of
353 the institution next preceding each session of the Legislature and
354 the necessary amount of expense to be incurred from said date to
355 January 1 following. The board shall keep the annual expenditures
356 of each institution herein mentioned within the income derived
357 from legislative appropriations and other sources, but in case of
358 emergency arising from acts of providence, epidemics, fire or
359 storm with the written approval of the Governor and by written



360 consent of a majority of the Senators and of the Representatives
361 it may exceed the income. The board shall require a surety bond
362 in a surety company authorized to do business in this state, of
363 every employee who is the custodian of funds belonging to one or
364 more of the institutions mentioned herein, which bond shall be in
365 a sum to be fixed by the board in an amount that will properly
366 safeguard the said funds, the premium for which shall be paid out
367 of the funds appropriated for said institutions.

368 (f) The board shall have the power and authority to elect
369 the heads of the various institutions of higher learning and to
370 contract with all deans, professors, and other members of the
371 teaching staff, and all administrative employees of said
372 institutions for a term of not exceeding four (4) years. The
373 board shall have the power and authority to terminate any such
374 contract at any time for malfeasance, inefficiency, or
375 contumacious conduct, but never for political reasons. It shall
376 be the policy of the board to permit the executive head of each
377 institution to nominate for election by the board all subordinate
378 employees of the institution over which he presides. It shall be
379 the policy of the board to elect all officials for a definite
380 tenure of service and to reelect during the period of satisfactory
381 service. The board shall have the power to make any adjustments
382 it thinks necessary between the various departments and schools of
383 any institution or between the different institutions.

384 (g) The board shall keep complete minutes and records of all
385 proceedings which shall be open for inspection by any citizen of
386 the state.

387 (h) The board shall have the power to contract, on a
388 shared-savings, lease or lease-purchase basis, for energy
389 efficiency services and/or equipment as prescribed in Section
390 31-7-14, not to exceed ten (10) years.

391 (i) The Board of Trustees of State Institutions of Higher
392 Learning, for and on behalf of Jackson State University, is hereby



393 authorized to convey by donation or otherwise easements across
394 portions of certain real estate located in the City of Jackson,
395 Hinds County, Mississippi, for right-of-way required for the Metro
396 Parkway Project.

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

399 41-29-107. The State Police shall enforce the provisions of
400 this chapter. The State Police shall have as chief administrative
401 officer to supervise the enforcement of this chapter a director
402 who shall be appointed by the Chief of the State Police. The
403 director is empowered to employ or appoint necessary agents. The
404 said director may also employ such secretarial, clerical and
405 administrative personnel, including a duly licensed attorney, as
406 necessary for the operation of the bureau, and shall have such
407 quarters, equipment and facilities as needed. The salary and
408 qualifications of the attorney authorized by this section shall be
409 fixed by the director, but the salary shall not exceed the salary
410 authorized for an assistant attorney general who performs similar
411 duties.

412 The director and agents so appointed shall be citizens of the
413 United States and of the State of Mississippi, and of good moral
414 character. The agents shall be not less than twenty-one (21) nor
415 shall have attained the age of thirty-six (36) years of age at the
416 time of such appointment. In addition thereto, those appointed
417 shall have satisfactorily completed at least two (2) years of
418 college studies. However, two (2) years of satisfactory service
419 as a law enforcement officer and the completion of the prescribed
420 course of study at a school operated by the Bureau of Narcotics
421 and Dangerous Drugs, United States Justice Department, shall
422 satisfy one (1) year of such college studies, and four (4) years
423 of satisfactory service as a law enforcement officer and the
424 completion of the prescribed course of study at such federal
425 bureau school as stated heretofore shall fully satisfy the two (2)



426 years of college requirement. The director shall also be required
427 to complete a prescribed course of study at a school operated by
428 the Bureau of Narcotics and Dangerous Drugs, United States Justice
429 Department.

430 During the period of the first twelve (12) months after
431 appointment, any employee of the State Police enforcing this
432 chapter shall be subject to dismissal at the will of the director.
433 After twelve (12) months' service, no such employee * * * shall be
434 subject to dismissal unless charges have been filed with the
435 director, showing cause for dismissal of such employee of the
436 State Police. A date shall be set for hearing before the director
437 and the employee notified in writing of the date of such hearing
438 and of the charges filed. Said hearing shall be held not less than
439 ten (10) days after notification to the employee. After said
440 hearing, at which the employee shall be entitled to legal counsel,
441 a written order of the director shall be necessary for dismissal
442 and the decision shall be final. Any such order of the director
443 shall be a public record and subject to inspection as such.

444 The Commissioner of Public Safety may assign members of the
445 Mississippi Highway Safety Patrol, regardless of age, to assist in
446 the enforcement of this chapter at the request of the
447 director * * *; however, when any highway patrolman or other
448 employee, agent or official of the Mississippi Department of
449 Public Safety is assigned to duty for, or is employed for the
450 enforcement of this chapter, he shall not be subject to assignment
451 or transfer to any other bureau or department within the
452 Mississippi Department of Public Safety except by the director.
453 Any highway patrolman assigned to duty regarding enforcement of
454 this chapter shall retain his status as a highway patrolman, but
455 shall be under the supervision of the director. For purposes of
456 seniority within the Highway Safety Patrol and for purposes of
457 retirement under the Mississippi Highway Safety Patrol Retirement
458 System, highway patrolmen assigned to enforcement of this chapter



459 will be credited as if performing duty with the Highway Safety
460 Patrol.

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

464 The director may enter into agreements with bureaus or
465 departments of other states or of the United States for the
466 exchange or temporary assignment of agents for special undercover
467 assignments and for performance of specific duties.

468 The director is hereby authorized to assign agents charged
469 with enforcing this chapter to such duty and to request and accept
470 agents from such other bureaus or departments for such duty.

471 **SECTION 7.** Section 49-1-12, Mississippi Code of 1972, is
472 amended as follows:

473 49-1-12. (1) The term "conservation officer" means a law
474 enforcement officer of the State Police.

475 (2) Wherever the terms "warden," "game warden," or "game and
476 fish warden" appear, the same shall mean an officer of the State
477 Police.

478 **SECTION 8.** Section 49-1-16, Mississippi Code of 1972, is
479 amended as follows:

480 49-1-16. (a) There is hereby created a Conservation
481 Officers' Reserve Unit, hereinafter termed "the reserve," to
482 assist the conservation officers in the performance of their
483 duties. The reserve shall consist of volunteers who are approved
484 by the Chief of the State Police or his designated representative,
485 and the members of the reserve shall serve without pay. Reserve
486 officers shall be in such numbers as determined by the enforcement
487 needs, with the maximum strength of reserve officers limited to
488 the same number as conservation officers.

489 (b) In order to be eligible for membership in the reserve,
490 an applicant must be twenty-one (21) years of age, be a high
491 school graduate or its equivalent, be in good physical condition,



492 have a Mississippi driver's license, be in good standing with the
493 community, be available for training and duty, not be a member of
494 any police, auxiliary police, civil defense, or private security
495 agency, have never been convicted of a felony, and have one (1) of
496 the following:

- 497 (i) An honorable discharge or honorable separation
498 certificate from one (1) of the United States military services;
- 499 (ii) Three (3) years of responsible post-high school
500 work experience that required the ability to deal effectively with
501 individuals and groups of persons;
- 502 (iii) Successful completion of sixty (60) semester
503 hours at an accredited college or university; or
- 504 (iv) Such qualifications as are outlined in this
505 section for enforcement officers.

506 Members of the immediate family of conservation officers
507 shall not be eligible for the reserve unless a special waiver is
508 granted by the commission.

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

514 (c) The reserve shall be under the leadership and direction
515 of the Chief of the State Police, who may designate an officer to
516 coordinate the actions of the reserve. The training of the
517 reserve shall be conducted by a State Police officer. The reserve
518 shall meet at least once each month for the purpose of training
519 and transacting such business as may come before it. The
520 chief * * * shall be notified in writing of all meetings of the
521 reserve and the time and place of such meetings shall be recorded
522 with the chief * * *. The chief * * * shall prepare a reserve
523 officer's manual with the advice and consent of the commission.
524 The manual shall include, but is not limited to, the following:



525 activities and operations, training, administration and duties.
526 During active service, the reserve shall be under the direction of
527 the chief * * * or his designated representative. When a reserve
528 officer is on active duty and assigned to a specific conservation
529 officer, he shall be under the direct supervision of that officer.
530 Reserve officers serve at the discretion of the chief * * * and
531 may be dismissed by him * * *. Reserve officers shall furnish
532 their own uniforms and other personal equipment if the State
533 Police does not provide such items.

534 (d) The chief may, by regulation, require members of the
535 Conservation Officers' Reserve Unit to attend officer reserve
536 training programs conducted by county or municipal agencies or at
537 the Mississippi Law Enforcement Officers Training Academy at the
538 expense of the State Police if the chief deems such training
539 necessary or desirable.

540 (e) The State Police may issue uniforms to such reserve
541 officers and may authorize the issuance of any state equipment
542 necessary for the reserve officers to adequately assist law
543 enforcement officers. The chief is authorized to develop a
544 reserve officer identification system to accomplish the issuance
545 of such items in accordance with the State Auditor guidelines.

546 (f) In the event the chief shall determine that a member of
547 the Conservation Officers' Reserve Unit may attend a training
548 program as authorized under the provisions of this section, the
549 chief shall require that any such reserve officer shall sign an
550 agreement, prior to attending a training program, which shall
551 stipulate that if the reserve officer accepts employment from any
552 other public or private law enforcement agency within three (3)
553 years after completion of his training program, the reserve
554 officer or the respective hiring law enforcement agency shall
555 reimburse the State Police for the total cost of his training
556 program. By October 1 of each year, the chief shall provide the
557 Game and Fish Committee of the Mississippi House of



558 Representatives and the Wildlife and Marine Resources Committee of
559 the Mississippi Senate a listing which contains each name and the
560 respective cost of training each reserve officer received during
561 the previous year.

562 **SECTION 9.** Section 49-1-44, Mississippi Code of 1972, is
563 amended as follows:

564 49-1-44. In addition to the regulations of the commission
565 and the statutes relating to protection and preservation of
566 wildlife and the environment, conservation officers of the State
567 Police are hereby authorized to assist in the detection and
568 apprehension of violators of the laws of this state which pertain
569 to theft of cattle, to enforce and apprehend violators of the laws
570 of this state which pertain to unauthorized dumping of garbage,
571 obstructing streams and littering, as set forth specifically in
572 Sections 97-15-13, 97-15-21, 97-15-23, 97-15-25, 97-15-27,
573 97-15-29, 97-15-31, 97-15-39, 97-15-41, 97-15-43, 97-15-45,
574 97-17-53, 97-17-79, 97-17-81 and 97-17-83, but not limited
575 thereto, and in addition to any other powers and duties otherwise
576 delegated or assigned to conservation officers of the State
577 Police.

578 **SECTION 10.** Section 65-1-131, Mississippi Code of 1972, is
579 amended as follows:

580 65-1-131. (1) The Chief of the State Police may appoint and
581 commission qualified persons as security officers of the
582 Mississippi Department of Transportation. Any such security
583 officer so appointed shall be a full-time employee of the State
584 Police and shall not be employed by any privately owned guard or
585 security service, and shall at all times be answerable and
586 responsible to the Chief of the State Police.

587 (2) A security officer appointed and commissioned as
588 provided in subsection (1) of this section shall, before entering
589 upon his duties as such officer, take the oath of office
590 prescribed by Section 268, Mississippi Constitution of 1890, which



591 shall be endorsed upon his commission. The commission, with the
592 oath endorsed upon it, shall be entered in the official minute
593 book of the Transportation Commission.

594 (3) A security officer appointed and commissioned pursuant
595 to the provisions of subsection (1) of this section, shall, while
596 engaged in the performance of his duties, carry on his person a
597 badge identifying him as a security officer of the Mississippi
598 Department of Transportation and an identification card issued by
599 the Transportation Commission. When in uniform, each such
600 security officer shall wear his badge in plain view.

601 (4) A security officer appointed and commissioned under
602 subsection (1) of this section may exercise the same powers of
603 arrest and the right to bear firearms that may be exercised by any
604 state, municipal or other police officer in this state, * * *
605 with emphasis to violations of law which are committed on or
606 within buildings, property or facilities owned by or under the
607 jurisdiction of the Transportation Commission or the
608 Transportation Department. Any right granted under this
609 subsection in no way relieves the requirements of appropriate
610 affidavit and warrant for arrest from the appropriate jurisdiction
611 and authority pursuant to the laws of this state.

612 (5) On behalf of each person who is employed as a security
613 officer under subsection (1) of this section and who is trained as
614 a security officer at the Mississippi Law Enforcement Officers'
615 Training Academy, the State Police shall be required to pay to the
616 academy at least an amount equal to the per student cost of
617 operation of said academy as tuition.

618 **SECTION 11.** Section 69-29-1, Mississippi Code of 1972, is
619 amended as follows:

620 69-29-1. (1) (a) There is established the Mississippi
621 Agricultural and Livestock Theft Bureau.

622 (b) The Chief of the State Police shall appoint a
623 director of the Mississippi Agricultural and Livestock Theft



624 Bureau. Such director shall have at least five (5) years of law
625 enforcement experience. Such director shall be responsible solely
626 to the supervision of the Chief of the State Police and to no
627 other person or entity. Such director may be discharged only for
628 just cause shown.

629 (c) The State Police shall provide nine (9)
630 agricultural and livestock theft investigators, one (1) from each
631 highway patrol district, and each investigator is required to
632 reside within the highway patrol district from which he or she is
633 selected. Each investigator shall be certified as a law
634 enforcement officer, successfully completing at least a nine-week
635 training course, in accordance with Section 45-6-11. The
636 curriculum for the training of constables shall not be sufficient
637 for meeting the certification requirements of this paragraph. In
638 the selection of investigators under this section, preference
639 shall be given to persons who have previous law enforcement
640 experience.

641 (d) The director appointed under this section, under
642 the direction, control and supervision of the commissioner, and
643 the investigators provided under this section shall perform only
644 the duties described in subsection (2) of this section and shall
645 not be assigned any other duties.

646 (2) The director appointed under this section and the
647 investigators provided by the State Police under this section
648 shall have the following powers, duties and authority:

649 (a) To enforce all of the provisions of Sections
650 69-29-9 and 69-29-11, and particularly those portions requiring
651 persons transporting livestock to have a bill of sale in their
652 possession; to make investigations of violations of such sections
653 and to arrest persons violating same;

654 (b) To enforce all of the laws of this state enacted
655 for the purpose of preventing the theft of livestock, poultry and
656 agricultural and aquacultural products and implements; to make



657 investigations of violations thereof and to arrest persons
658 violating same;

659 (c) To cooperate with all regularly constituted law
660 enforcement officers relative to the matters herein set forth;

661 (d) To serve warrants and other process emanating from
662 any court of lawful jurisdiction, including search warrants, in
663 all matters herein set forth;

664 (e) To carry proper credentials evidencing their
665 authority, which shall be exhibited to any person making demand
666 therefor;

667 (f) To make arrests without warrant in all matters
668 herein set forth in cases where same is authorized under the
669 constitutional and general laws of this state;

670 (g) To handle the registration of brands of cattle and
671 livestock;

672 (h) To investigate, prevent, apprehend and arrest those
673 persons anywhere in the state who are violating any of the laws
674 administered by the Department of Agriculture and Commerce
675 including, but not limited to, all agriculture-related crimes.

676 (3) The State Police shall furnish such investigators with
677 such vehicles, equipment and supplies as may be necessary. All
678 expenses of same, and all other expenses incurred in the
679 administration of this section, shall be paid from such
680 appropriation as may be made by the Legislature.

681 (4) The State Tax Commission and its agents and employees
682 shall cooperate with such investigators by furnishing to them
683 information as to any possible or suspected violations of any of
684 the laws mentioned herein, including specifically Section
685 69-29-27, and in any other lawful manner.

686 (5) The conservation officers of the Commission on Wildlife,
687 Fisheries and Parks are authorized to cooperate with and assist
688 the agricultural and livestock theft investigators in the



689 enforcement and apprehension of violators of laws regarding
690 agricultural and livestock theft.

691 **SECTION 12.** Section 75-76-17, Mississippi Code of 1972, is
692 amended as follows:

693 75-76-17. (1) From and after July 1, 2005, there are hereby
694 created, for supervision by the Chief of the State Police, two (2)
695 divisions which are entitled the Enforcement Division and the
696 Investigation Division of the State Police which shall be
697 responsible for enforcing the provisions of this chapter excluding
698 an audit division.

699 (2) The Chief of the State Police shall employ division
700 directors that possess training and experience in the fields of
701 investigation, law enforcement, law or gaming.

702 **SECTION 13.** Section 77-1-21, Mississippi Code of 1972, is
703 amended as follows:

704 77-1-21. For the purpose of enforcing the provisions of the
705 Mississippi Motor Carrier Regulatory Law of 1938, the Chief of the
706 State Police is hereby authorized to employ, in addition to
707 personnel already employed by the commission, one (1) chief
708 enforcement officer and twenty-one (21) inspectors, the salaries
709 of whom shall be fixed by the Chief of the State Police. The
710 chief enforcement officer and the inspectors shall devote their
711 full time to the performance of their duties and shall take an
712 oath faithfully to perform the duties of their position. The
713 chief shall require bonds to be carried on such employees as the
714 chief may deem necessary, the cost thereof to be paid by the State
715 Police. The chief enforcement officer and inspectors shall be
716 qualified by experience and training in law enforcement or
717 investigative work, and shall attend and satisfactorily complete
718 an appropriate course of instruction established by the
719 Commissioner of Public Safety at the law enforcement officers
720 training academy. The chief enforcement officer and the
721 inspectors herein referred to shall be selected after an



722 examination as to physical and mental fitness. Such employees
723 shall be citizens of the United States and the State of
724 Mississippi, and of good moral character. All such members of
725 staff shall be appointed by the chief and shall be subject to
726 removal at any time by the chief.

727 **SECTION 14.** Sections 49-1-9, 49-1-13 and 49-1-15,
728 Mississippi Code of 1972, which provide for conservation officers
729 of the Department of Wildlife, Fisheries and Parks, is repealed.

730 **SECTION 15.** This act shall take effect and be in force from
731 and after July 1, 2005.

