

By: Representative Rogers

To: Military Affairs

HOUSE BILL NO. 517
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 33-1-33, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE ADJUTANT GENERAL OF THE STATE MILITARY DEPARTMENT TO
3 DESIGNATE CERTAIN CIVILIAN GUARD EMPLOYEES TO PERFORM THE DUTIES
4 OF LAW ENFORCEMENT OFFICERS ON MILITARY FACILITIES AND
5 RESERVATIONS; TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972,
6 TO CONFORM THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 33-1-33, Mississippi Code of 1972, is
9 amended as follows:

10 33-1-33. (1) The civilian guards employed by the military
11 department, whether paid by state appropriations, federal funds,
12 or other authorized funds, or any combination thereof, and
13 assigned to duties of safeguarding personal and real property
14 belonging to the state or United States or government mixed
15 properties or personal properties belonging to officers and men of
16 the National Guard or of the employees of the military department
17 are hereby given peace officer powers of a constable on the
18 military facilities and reservations to which such civilian guards
19 are assigned.

20 (2) During periods of annual training, the Adjutant General
21 may designate personnel of military police units to have peace
22 officer powers of a constable on the military facilities or
23 reservations at Camp McCain, Grenada, Mississippi, Camp Shelby,
24 Hattiesburg, Mississippi, and the Air National Guard Training
25 Site, Gulfport, Mississippi, to supplement the civilian guards in
26 subsection (1) above.

27 (3) The Adjutant General may designate civilian guard
28 employee duties to be of such a nature as to require the employee
29 to meet the requirements established by the Board on Law



30 Enforcement Officer Standards and Training for law enforcement
31 officers. For purposes of enforcement, these civilian guard
32 employees shall have the powers of law enforcement officers on the
33 military facilities and reservations to which assigned. No monies
34 from the State General Fund shall be utilized for the training of
35 these officers at the Mississippi Law Enforcement Officers'
36 Training Academy unless specifically authorized by appropriation
37 of the Legislature for that purpose.

38 **SECTION 2.** Section 45-6-3, Mississippi Code of 1972, is
39 amended as follows:

40 45-6-3. For the purposes of this chapter, the following
41 words shall have the meanings ascribed herein, unless the context
42 shall otherwise require:

43 (a) "Commission" means the Criminal Justice Planning
44 Commission.

45 (b) "Board" means the Board on Law Enforcement Officer
46 Standards and Training.

47 (c) "Law enforcement officer" means any person
48 appointed or employed full time by the state or any political
49 subdivision thereof, or by the state military department as
50 provided in Section 33-1-33, who is duly sworn and vested with
51 authority to bear arms and make arrests, and whose primary
52 responsibility is the prevention and detection of crime, the
53 apprehension of criminals and the enforcement of the criminal and
54 traffic laws of this state and/or the ordinances of any political
55 subdivision thereof. The term "law enforcement officer" also
56 includes employees of the Department of Corrections who are
57 designated as law enforcement officers by the Commissioner of
58 Corrections pursuant to Section 47-5-54. However, the term "law
59 enforcement officer" shall not mean or include any elected
60 official or any person employed as an assistant to or investigator
61 for a district attorney in this state, compliance agents of the
62 State Board of Pharmacy, or any person or elected official who,



63 subject to approval by the board, provides some criminal justice
64 related services for a law enforcement agency. As used in this
65 paragraph "appointed or employed full time" means any person who
66 is receiving gross compensation for his duties as a law
67 enforcement officer of One Hundred Twenty-five Dollars (\$125.00)
68 or more per week or Five Hundred Dollars (\$500.00) or more per
69 month.

70 (d) "Part-time law enforcement officer" shall mean any
71 person appointed or employed in a part-time, reserve or auxiliary
72 capacity by the state or any political subdivision thereof who is
73 duly sworn and vested with authority to bear arms and make
74 arrests, and whose primary responsibility is the prevention and
75 detection of crime, the apprehension of criminals and the
76 enforcement of the criminal and traffic laws of this state or the
77 ordinances of any political subdivision thereof. However, the
78 term "part-time law enforcement officer" shall not mean or include
79 any person or elected official who, subject to approval by the
80 board, provides some criminal justice related services for a law
81 enforcement agency. As used in this paragraph "appointed or
82 employed" means any person who is performing such duties at any
83 time whether or not they receive any compensation for duties as a
84 law enforcement officer provided that such compensation is less
85 than One Hundred Twenty-five Dollars (\$125.00) per week or Five
86 Hundred Dollars (\$500.00) per month.

87 (e) "Law enforcement trainee" shall mean any person
88 appointed or employed in a full-time, part-time, reserve or
89 auxiliary capacity by the state or any political subdivision
90 thereof for the purposes of completing all the selection and
91 training requirements established by the board to become a law
92 enforcement officer or a part-time law enforcement officer. Such
93 individuals shall not have the authority to use force, bear arms,
94 make arrests or exercise any of the powers of a peace officer



95 unless under the direct control and supervision of a law
96 enforcement officer.

97 **SECTION 3.** This act shall take effect and be in force from
98 and after July 1, 2003.

