

By: Representative McBride

To: Judiciary B

HOUSE BILL NO. 828

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF "LAW ENFORCEMENT OFFICER"; AND FOR
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 45-6-3, Mississippi Code of 1972, is
6 amended as follows:

7 45-6-3. For the purposes of this chapter, the following
8 words shall have the meanings ascribed herein, unless the context
9 shall otherwise require:

10 (a) "Commission" means the Criminal Justice Planning
11 Commission.

12 (b) "Board" means the Board on Law Enforcement Officer
13 Standards and Training.

14 (c) "Law enforcement officer" means any person
15 appointed or employed full time by the state or any political
16 subdivision thereof, or by the state military department as
17 provided in Section 33-1-33, who is duly sworn and vested with
18 authority to bear arms and make arrests, and whose primary
19 responsibility is the prevention and detection of crime, the
20 apprehension of criminals and the enforcement of the criminal and
21 traffic laws of this state and/or the ordinances of any political
22 subdivision thereof. The term "law enforcement officer" also
23 includes employees of the Department of Corrections who are
24 designated as law enforcement officers by the Commissioner of
25 Corrections pursuant to Section 47-5-54 and includes those
26 District Attorney criminal investigators who are designated as law
27 enforcement officers. However, the term "law enforcement officer"

28 shall not mean or include any elected official or any person
29 employed as a legal assistant to * * * a district attorney in this
30 state, compliance agents of the State Board of Pharmacy, or any
31 person or elected official who, subject to approval by the board,
32 provides some criminal justice related services for a law
33 enforcement agency. As used in this paragraph "appointed or
34 employed full time" means any person who is receiving gross
35 compensation for his duties as a law enforcement officer of Two
36 Hundred Fifty Dollars (\$250.00) or more per week or One Thousand
37 Seventy-five Dollars (\$1,075.00) or more per month.

38 (d) "Part-time law enforcement officer" shall mean any
39 person appointed or employed in a part-time, reserve or auxiliary
40 capacity by the state or any political subdivision thereof who is
41 duly sworn and vested with authority to bear arms and make
42 arrests, and whose primary responsibility is the prevention and
43 detection of crime, the apprehension of criminals and the
44 enforcement of the criminal and traffic laws of this state or the
45 ordinances of any political subdivision thereof. However, the
46 term "part-time law enforcement officer" shall not mean or include
47 any person or elected official who, subject to approval by the
48 board, provides some criminal justice related services for a law
49 enforcement agency. As used in this paragraph, "appointed or
50 employed" means any person who is performing such duties at any
51 time whether or not they receive any compensation for duties as a
52 law enforcement officer provided that such compensation is less
53 than Two Hundred Fifty Dollars (\$250.00) per week or One Thousand
54 Seventy-five Dollars (\$1,075.00) per month.

55 (e) "Law enforcement trainee" shall mean any person
56 appointed or employed in a full-time, part-time, reserve or
57 auxiliary capacity by the state or any political subdivision
58 thereof for the purposes of completing all the selection and
59 training requirements established by the board to become a law
60 enforcement officer or a part-time law enforcement officer. Such

61 individuals shall not have the authority to use force, bear arms,
62 make arrests or exercise any of the powers of a peace officer
63 unless under the direct control and supervision of a law
64 enforcement officer.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2005.