

By: Senator(s) Albritton

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2251

1 AN ACT TO AMEND SECTION 41-29-107, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE AGE RESTRICTION TO ALLOW HIRING OF CERTIFIED AGENTS
3 FROM OTHER LAW ENFORCEMENT AGENCIES; AND FOR RELATED PURPOSES.

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

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

7 41-29-107. (1) There is created within the Mississippi
8 Department of Public Safety an office to be known as the
9 Mississippi Bureau of Narcotics. The office shall have a director
10 who shall be appointed by the Commissioner of Public Safety. The
11 commissioner may assign to the appropriate offices of the
12 department such powers and duties deemed appropriate to carry out
13 the lawful functions of the Mississippi Bureau of Narcotics.

14 (2) The Commissioner of Public Safety is empowered to employ
15 or appoint necessary agents. The commissioner may also employ
16 such secretarial, clerical and administrative personnel, including
17 a duly licensed attorney, as necessary for the operation of the
18 bureau, and shall have such quarters, equipment and facilities as
19 needed. The salary and qualifications of the attorney authorized
20 by this section shall be fixed by the director, but the salary
21 shall not exceed the salary authorized for an assistant attorney
22 general who performs similar duties.

23 (3) The director and agents so appointed shall be citizens
24 of the United States and of the State of Mississippi, and of good
25 moral character. The agents shall be not less than twenty-one
26 (21) * * * years of age at the time of such appointment. In
27 addition thereto, those appointed shall have satisfactorily

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

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

52 (4) The Commissioner of Public Safety may assign members of
53 the Mississippi Highway Safety Patrol, regardless of age, to the
54 bureau; however, when any highway patrolman or other employee,
55 agent or official of the Mississippi Department of Public Safety
56 is assigned to duty with, or is employed by, the bureau, he shall
57 not be subject to assignment or transfer to any other office or
58 department within the Mississippi Department of Public Safety
59 except by the commissioner. Any highway patrolman assigned to
60 duty with the bureau shall retain his status as a highway

61 patrolman, but shall be under the supervision of the director.
62 For purposes of seniority within the Highway Safety Patrol and for
63 purposes of retirement under the Mississippi Highway Safety Patrol
64 Retirement System, highway patrolmen assigned to the bureau will
65 be credited as if performing duty with the Highway Safety Patrol.
66 The commissioner may assign employees of the Highway Safety Patrol
67 to the Mississippi Bureau of Narcotics and may assign agents of
68 the bureau to the Highway Safety Patrol; however, any employees so
69 assigned must meet all established requirements for the duties to
70 which they are assigned.

71 * * *

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

77 (6) The Commissioner of Public Safety may assign agents of
78 the bureau to such duty and to request and accept agents from such
79 other bureaus or departments for such duty.

80 (7) (a) All funds, property and/or PINs belonging to the
81 Mississippi Bureau of Narcotics are transferred to the Department
82 of Public Safety on July 1, 2004. Any funds, property or PINs
83 that are appropriated to or otherwise received by the bureau, or
84 appropriated to, transferred to or otherwise received by the
85 Department of Public Safety for the use of the bureau, shall be
86 budgeted and maintained by the department as funds of the
87 department. Personnel occupying PINs transferred from the bureau
88 to the department shall serve on a probationary basis during the
89 twelve (12) months after July 1, 2004.

90 (b) In transferring the responsibilities of the
91 Mississippi Bureau of Narcotics to the Department of Public
92 Safety, the commissioner and the director of the bureau shall
93 develop and implement written security precautions that shall be

94 observed by all affected employees. The commissioner and the
95 director shall review, modify and approve the plan before the
96 effective date of the merger of responsibilities of the bureau and
97 the department.

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