

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2855

1 AN ACT TO AMEND SECTION 45-6-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF LAW ENFORCEMENT OFFICER TRAINEE; 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. However, the term "law
26 enforcement officer" shall not mean or include any elected
27 official or any person employed as an assistant to or investigator

28 for a district attorney in this state, compliance agents of the
29 State Board of Pharmacy, or any person or elected official who,
30 subject to approval by the board, provides some criminal justice
31 related services for a law enforcement agency. As used in this
32 paragraph "appointed or employed full time" means any person who
33 is receiving gross compensation for his duties as a law
34 enforcement officer of Two Hundred Fifty Dollars (\$250.00) or more
35 per week or One Thousand Seventy-five Dollars (\$1,075.00) or more
36 per month.

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

54 (e) "Law enforcement trainee" shall mean any person
55 appointed or employed in a full-time, part-time, reserve or
56 auxiliary capacity by the state or any political subdivision
57 thereof for the purposes of completing all the selection and
58 training requirements established by the board to become a law
59 enforcement officer or a part-time law enforcement officer. Such
60 individuals shall not have the authority to use force, bear arms,

61 make arrests or exercise any of the powers of a peace officer
62 unless:

63 (i) The trainee is under the direct control and
64 supervision of a law enforcement officer;

65 (ii) The trainee was previously certified under
66 this chapter;

67 (iii) The trainee is a certified law enforcement
68 officer in a reciprocating state; or

69 (iv) The trainee is assigned to an undercover
70 investigation.

71 **SECTION 2.** This act shall take effect and be in force from
72 and after July 1, 2007.