

By: Representatives Eure, Bennett

To: Marine Resources

HOUSE BILL NO. 188

1 AN ACT TO AMEND SECTION 49-15-21, MISSISSIPPI CODE OF 1972,  
 2 TO EXTEND TO TWELVE MONTHS AFTER INITIAL EMPLOYMENT THE TIME FOR  
 3 WHICH MARINE ENFORCEMENT OFFICERS SHALL ATTEND THE NECESSARY  
 4 TRAINING OR COMPLY WITH OTHER QUALIFICATIONS OR SUCCESSFULLY  
 5 COMPLETE ANY LAW ENFORCEMENT QUALIFICATION EXAMINATIONS AS  
 6 REQUIRED BY THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' TRAINING  
 7 ACADEMY IN ORDER TO CONTINUE RECEIVING A SALARY; AND FOR RELATED  
 8 PURPOSES.

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

10 **SECTION 1.** Section 49-15-21, Mississippi Code of 1972, is  
 11 amended as follows:

12 49-15-21. (1) The executive director shall appoint the  
 13 necessary enforcement officers for the administration of this  
 14 chapter. The salary of all enforcement officers employed shall be  
 15 as determined by the State Personnel Board. However, the members  
 16 of the Enforcement Officers' Reserve Unit created in subsection  
 17 (4) shall serve without pay, and shall not be employees of the  
 18 State of Mississippi for purposes of the State Personnel System,  
 19 the Workers' Compensation Law, the Public Employees' Retirement  
 20 System or the State Employees Life and Health Insurance Plan.



21 (2) All enforcement officers shall be experienced and  
22 qualified persons thoroughly familiar with the seafood business  
23 and shall be at least twenty-one (21) years of age and be a high  
24 school graduate or its equivalent. The enforcement officers  
25 shall diligently enforce all laws and regulations for the  
26 protection, propagation, preservation or conservation of all  
27 saltwater aquatic life of the State of Mississippi, and they are  
28 hereby constituted peace officers of the State of Mississippi,  
29 with full police power and jurisdiction to enforce all laws of  
30 the State of Mississippi and all regulations adopted and  
31 promulgated by the commission. Enforcement officers may  
32 exercise such powers in any county of the State of Mississippi  
33 and on any waters of the state, and they are hereby authorized  
34 to carry firearms or other weapons, concealed or otherwise, and  
35 they shall investigate all persons, corporations and otherwise  
36 who are alleged to have violated any laws, and make affidavits,  
37 arrests and serve papers of any court of competent jurisdiction,  
38 in like manner as is provided for sheriffs and deputy sheriffs,  
39 when the same shall be in connection with the enforcement of the  
40 seafood laws of the State of Mississippi and such other laws and  
41 regulations of this state as the commission may designate. The  
42 enforcement officers may seize at any time aquatic life caught,  
43 taken or transported in a manner contrary to the laws of this  
44 state, and may confiscate and dispose of the same. Any net or  
45 other paraphernalia used or employed in connection with a



46 violation may be seized, and forfeiture proceedings may be  
47 instituted. Enforcement officers may draft the aid of captains,  
48 crews and boats or licensed vessels to enforce this chapter and  
49 may, without warrant, board and search vessels or vehicles. The  
50 application for any license or permit from the commission to  
51 catch, fish, take, transport or handle or process any form of  
52 aquatic life, or the taking, catching, transporting or handling  
53 or processing of any and all aquatic life in this state shall  
54 constitute acquiescence and agreement upon the part of the  
55 owners, captains and crews, employers and dealers to the  
56 provisions of this chapter and the agreement that enforcement  
57 officers may exercise the authority granted under the provisions  
58 hereof.

59 (3) Prior to entering into performance of their duties or  
60 delegations or as soon after appointment as possible, each  
61 enforcement officer, at the expense of the commission, shall  
62 attend and complete an appropriate curriculum in the field of law  
63 enforcement at the Mississippi Law Enforcement Officers' Training  
64 Academy or other law enforcement training program approved under  
65 Section 45-6-7. However, members of the Enforcement Officers'  
66 Reserve Unit created in subsection (4) of this section may attend  
67 the Mississippi Law Enforcement Officers' Training Academy at the  
68 expense of the commission if it deems the training necessary or  
69 desirable. No enforcement officer shall be entitled to payment of  
70 salary after the first \* \* \* twelve (12) months in office if he



71 has either failed to attend the academy or has failed to comply  
72 with other qualifications or successfully complete any law  
73 enforcement qualification examinations as the director deems  
74 necessary. The enforcement officers shall, on a periodic basis,  
75 be required to attend additional advanced courses in law  
76 enforcement in order that they will be properly improved and  
77 trained in the modern, technical advances of law enforcement.

78 (4) (a) There is hereby created an Enforcement Officers'  
79 Reserve Unit, hereinafter termed "the reserve," to assist the  
80 enforcement officers in the performance of their duties under this  
81 chapter. The reserve shall consist of volunteers who are approved  
82 by the Executive Director of the Department of Marine Resources or  
83 his designee. The members of the reserve shall serve without pay.  
84 Reserve officers shall be in such numbers as determined by the  
85 enforcement needs, with the maximum strength of reserve officers  
86 limited to the same number as enforcement officers.

87 (b) To be eligible for membership in the reserve, an  
88 applicant must be twenty-one (21) years of age, be a high school  
89 graduate or its equivalent, be in good physical condition, have a  
90 Mississippi driver's license, be in good standing with the  
91 community, be available for training and duty, not be a member of  
92 any police, auxiliary police, civil defense, or private security  
93 agency, have never been convicted of a felony, and have one (1) of  
94 the following:



- 95                   (i) An honorable discharge or honorable separation  
96 certificate from one (1) of the United States military services;  
97                   (ii) Three (3) years of responsible post-high  
98 school work experience that required the ability to deal  
99 effectively with individuals and groups of persons;  
100                   (iii) Successful completion of sixty (60) semester  
101 hours at an accredited college or university; or  
102                   (iv) The qualifications as are outlined in this  
103 section for enforcement officers.

104           Members of the immediate family of enforcement officers shall  
105 not be eligible for the reserve unless a special waiver is  
106 granted.

107           Upon acceptance into the reserve, members shall receive a  
108 temporary appointment for one (1) year. During this year of  
109 temporary status, members must successfully complete the required  
110 training and must qualify on the same firearms course as  
111 enforcement officers.

112           (c) The reserve shall be under the leadership and  
113 direction of the executive director or his designee. The training  
114 of the reserve shall be conducted by an enforcement officer. The  
115 reserve shall meet at least once each month for the purpose of  
116 training and transacting any business as may come before it. The  
117 executive director shall be notified in writing of all meetings of  
118 the reserve and the time and place of the meetings shall be  
119 recorded with the executive director. The executive director



120 shall prepare a reserve officer's manual with the advice and  
121 consent of the commission. The manual shall include, but is not  
122 limited to, the following: activities and operations, training,  
123 administration and duties. During active service, the reserve  
124 shall be under the direction of the executive director or his  
125 designated representative. When a reserve officer is on active  
126 duty and assigned to a specific enforcement officer, he shall be  
127 under the direct supervision of that officer. Reserve officers  
128 serve at the discretion of the executive director and may be  
129 dismissed by him. Reserve officers shall furnish their own  
130 uniforms and other personal equipment if the executive director  
131 does not provide such items.

132 (d) The executive director may require members of the  
133 Enforcement Officers' Reserve Unit to attend officer reserve  
134 training programs conducted by county or municipal agencies.

135 (e) The executive director may issue uniforms to such  
136 reserve officers and may authorize the issuance of any state  
137 equipment necessary for the reserve officers to adequately assist  
138 law enforcement officers. The executive director may develop a  
139 reserve officer identification system to accomplish the issuance  
140 of such items in accordance with the State Auditor guidelines.

141 (f) If the executive director determines that a member  
142 of the Enforcement Officers' Reserve Unit may attend a training  
143 program as authorized under this section, it shall require that  
144 reserve officer to sign an agreement, prior to attending a



145 training program, which shall stipulate that if the reserve  
146 officer accepts employment from any other public or private law  
147 enforcement agency within three (3) years after completion of his  
148 training program, the reserve officer or the respective hiring law  
149 enforcement agency shall reimburse the department for the total  
150 cost of his training program. By October 1 of each year, the  
151 department shall provide the Conservation and Water Resources  
152 Committee of the Mississippi House of Representatives and the  
153 Ports and Marine Resources Committee of the Mississippi Senate a  
154 listing which contains each name and the respective cost of  
155 training each reserve officer received during the previous year.

156         **SECTION 2.** This act shall take effect and be in force from  
157 and after July 1, 2016.

