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3:11 P.M.

Chapter No. 363
16/HR26/R1354
CST/AM

HOUSE BILL NO. 188

Originated in House



Clerk

HOUSE BILL NO. 188

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

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

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

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

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

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

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

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

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

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

(i) An honorable discharge or honorable separation certificate from one (1) of the United States military services;

(ii) Three (3) years of responsible post-high school work experience that required the ability to deal effectively with individuals and groups of persons;

(iii) Successful completion of sixty (60) semester hours at an accredited college or university; or

(iv) The qualifications as are outlined in this section for enforcement officers.

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

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

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

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

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

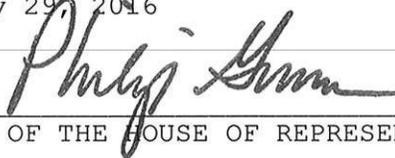
(e) The executive director may issue uniforms to such reserve officers and may authorize the issuance of any state equipment necessary for the reserve officers to adequately assist law enforcement officers. The executive director may develop a reserve officer identification system to accomplish the issuance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

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

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

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

PASSED BY THE HOUSE OF REPRESENTATIVES
February 29, 2016



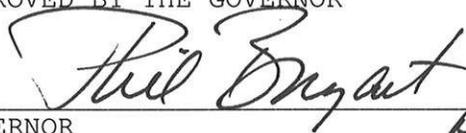
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 29, 2016



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

April 6, 2016
3:11pm