

By: Representative Formby

To: Judiciary B

## HOUSE BILL NO. 19

1 AN ACT TO AMEND SECTION 19-19-5, MISSISSIPPI CODE OF 1972, TO  
2 SHORTEN THE PERIOD OF TIME THAT A CONSTABLE HAS AFTER TAKING  
3 OFFICE TO SATISFACTORILY COMPLETE AN APPROPRIATE LAW ENFORCEMENT  
4 CURRICULUM ESTABLISHED BY THE BOARD ON LAW ENFORCEMENT OFFICERS  
5 STANDARDS AND TRAINING; TO DELETE CERTAIN PROVISIONS THAT PERMIT A  
6 CONSTABLE TO MEET THE REQUIREMENTS FOR TRAINING BY ATTENDING AND  
7 PARTICIPATING IN THE TRAINING CURRICULUM ONLY TO THE EXTENT THAT  
8 HE IS PHYSICALLY ABLE; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 19-19-5, Mississippi Code of 1972, is  
11 amended as follows:

12 19-19-5. (1) It shall be the duty of every constable to  
13 keep and preserve the peace within his county, by faithfully  
14 aiding and assisting in executing the criminal laws of the state;  
15 to give information, without delay, to some justice court judge or  
16 other proper officer, of all riots, routs and unlawful assemblies,  
17 and of every violation of the penal laws which may come to his  
18 knowledge in any manner whatsoever; to execute and return all  
19 process, civil and criminal, lawfully directed to him, according  
20 to the command thereof; and to pay over all moneys, when collected  
21 by him to the person lawfully authorized to receive the same. No  
22 constable shall receive any fee provided by law for making an  
23 arrest, or attending any trial, wherein the defendant has been  
24 arrested, or is being tried for any violation of the motor vehicle  
25 laws committed on any designated United States highway located  
26 within the district or county of the constable.

27 (2) During a constable's term of office, each constable  
28 shall satisfactorily complete an appropriate curriculum \* \* \*  
29 established by the Board on Law Enforcement Officers Standards and

30 Training in the field of law enforcement at the Mississippi Law  
31 Enforcement Officers' Training Academy or such other police  
32 academies that are approved by the Board on Law Enforcement  
33 Officers Standards and Training pursuant to Section 45-6-9. The  
34 board of supervisors of the county shall be responsible for  
35 paying, only one (1) time, the tuition, living and travel expenses  
36 incurred by any constable of that county in attendance at such  
37 training program or curriculum. If such constable does not  
38 satisfactorily complete such program or curriculum, any further  
39 training which may be required by this section shall be completed  
40 at the expense of such constable. No constable shall be entitled  
41 to the receipt of any fees, costs or compensation authorized by  
42 law after the first twelve (12) months in office until he attends  
43 the academy and satisfactorily completes the program or  
44 curriculum. \* \* \* The provisions of this subsection shall apply  
45 to constables newly elected at the November 1999 general election  
46 and to those who are elected at subsequent elections. The  
47 provisions of this subsection shall not apply to a person who has  
48 received a certificate from the Board on Law Enforcement Officers  
49 Standards and Training evidencing satisfaction of subsections (2)  
50 and (3) of Section 45-6-11, or who is exempt from the requirements  
51 of subsections (2) and (3) of Section 45-6-11 by the provisions of  
52 subsection (1) of Section 45-6-11. A constable shall not be  
53 required to pass a test which measures physical fitness.

54 SECTION 2. The Attorney General of the State of Mississippi  
55 shall submit this act, immediately upon approval by the Governor,  
56 or upon approval by the Legislature subsequent to a veto, to the  
57 Attorney General of the United States or to the United States  
58 District Court for the District of Columbia in accordance with the  
59 provisions of the Voting Rights Act of 1965, as amended and  
60 extended.

61  
62 SECTION 3. This act shall take effect and be in force from  
63 and after the date it is effectuated under Section 5 of the Voting  
64 Rights Act of 1965, as amended and extended.