

By: Representatives Wallace, Thornton

To: Transportation

HOUSE BILL NO. 951

1 AN ACT TO AMEND SECTION 63-3-519, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE SHERIFF'S DEPARTMENT IN ANY COUNTY HAVING A
3 POPULATION IN EXCESS OF 200,000 TO OPERATE RADAR ON ANY STREET,
4 ROAD OR HIGHWAY WITHIN THE COUNTY AND TO REQUIRE ALL RADAR
5 OPERATORS TO POSSESS CERTIFICATION; TO AMEND SECTION 45-6-7,
6 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD ON LAW
7 ENFORCEMENT OFFICER STANDARDS AND TRAINING TO PROMULGATE RULES AND
8 REGULATIONS REGARDING CERTIFICATION OF RADAR OPERATORS AND RADAR
9 EQUIPMENT, CERTIFY OFFICERS TO BE OPERATORS AND CERTIFY
10 CALIBRATION OF INSTRUMENTS; TO AMEND SECTION 45-6-11, MISSISSIPPI
11 CODE OF 1972, TO PROHIBIT OPERATION OF RADAR BY OFFICERS NOT
12 POSSESSING PROPER CERTIFICATION THEREFOR; AND FOR RELATED
13 PURPOSES.

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

15 SECTION 1. Section 63-3-519, Mississippi Code of 1972, is
16 amended as follows:

17 63-3-519. (1) It is unlawful for any person or peace
18 officer or law enforcement agency, except the Mississippi Highway
19 Safety Patrol, to purchase or use or allow to be used any type of
20 radar speed detection equipment upon any public street, road or
21 highway of this state. However, such equipment may be used:

22 (a) By municipal law enforcement officers within a
23 municipality having a population of two thousand (2,000) or more
24 upon the public streets of the municipality;

25 (b) By any college or university campus police force
26 within the confines of any campus wherein more than two thousand
27 (2,000) students are enrolled;

28 (c) By municipal law enforcement officers in any
29 municipality having a population in excess of fifteen thousand
30 (15,000) according to the latest federal census on federally
31 designated highways lying within the corporate limits; and

32 (d) By any sheriff or deputy sheriff within a county
33 having a population in excess of two hundred thousand (200,000)
34 according to the latest federal census on streets, highways, or
35 federally designated highways lying within the county.

36 (2) The Mississippi Highway Safety Patrol shall not set up
37 radar on highways within municipalities with a population in
38 excess of fifteen thousand (15,000) but less than one hundred
39 fifty thousand (150,000) according to the latest federal census.

40 —(3) Equipment acquired by the Department of Public Safety,
41 by the governing authorities of by any municipality or the board
42 of supervisors of any county for use by law enforcement officers
43 within their respective jurisdiction as authorized by this section
44 may be used only by full-time, state-certified law enforcement
45 officers who possess a separate radar speed detection equipment
46 operator certificate issued by the Board on Law Enforcement
47 Officer Standards and Training.

48 SECTION 2. Section 45-6-7, Mississippi Code of 1972, is
49 amended as follows:

50 45-6-7. In addition to the powers conferred upon the board
51 elsewhere in this chapter, the board shall have power to:

52 (a) Promulgate rules and regulations for the
53 administration of this chapter, including the authority to require
54 the submission of reports and information by law enforcement
55 agencies of the state and its political subdivisions.

56 (b) Establish minimum educational and training
57 standards for admission to employment or appointment as a law
58 enforcement officer or a part-time law enforcement officer (i) in
59 a permanent position, and (ii) in a probationary status.

60 (c) Certify persons as being qualified under the
61 provisions of this chapter to be law enforcement officers or
62 part-time law enforcement officers.

63 (d) Certify persons as being qualified to operate radar
64 speed detection equipment under rules and regulations to be

65 promulgated by the board.

66 (e) Compile a list of speed detection equipment that
67 the board determines will accurately measure the speed of motor
68 vehicles, promulgate rules and regulations regarding the accurate
69 calibration of such equipment, and maintain records of equipment
70 calibration pursuant to such rules and regulations.

71 (f) Revoke certification for cause and in the manner
72 provided in this chapter.

73 (g) Establish minimum curriculum requirements for basic
74 and advanced courses and programs for schools operated by or for
75 the state or any political subdivision thereof for the specific
76 purpose of training police and other law enforcement officers,
77 both full- and part-time.

78 (h) Consult and cooperate with counties,
79 municipalities, state agencies, other governmental agencies, and
80 with universities, colleges, junior colleges and other
81 institutions concerning the development of training schools,
82 programs or courses of instruction for personnel defined in this
83 chapter.

84 (i) Make recommendations concerning any matter within
85 its purview pursuant to this chapter.

86 (j) Make such inspection and evaluation as may be
87 necessary to determine if governmental units are complying with
88 the provisions of this chapter.

89 (k) Approve law enforcement officer training schools
90 for operation by or for the state or any political subdivision
91 thereof for the specific purpose of training personnel defined in
92 this chapter.

93 (l) Upon the request of agencies employing personnel
94 defined in this chapter, conduct surveys or aid municipalities and
95 counties to conduct surveys through qualified public or private
96 agencies and assist in the implementation of any recommendations
97 resulting from such surveys.

98 (m) Upon request of agencies within the purview of this
99 chapter, conduct general and specific management surveys and
100 studies of the operations of the requesting agencies at no cost to
101 those agencies. The role of the board under this subsection shall
102 be that of management consultant.

103 (n) Adopt and amend regulations consistent with law,
104 for its internal management and control of board programs.

105 (o) Enter into contracts or do such things as may be
106 necessary and incidental to the administration of this chapter.

107 SECTION 3. Section 45-6-11, Mississippi Code of 1972, is
108 amended as follows:

109 45-6-11. (1) Law enforcement officers already serving under
110 permanent appointment on July 1, 1981 and personnel of the
111 division of community services under Section 47-7-9, Mississippi
112 Code of 1972, serving on July 1, 1994, shall not be required to
113 meet any requirement of subsections (3) and (4) of this section as
114 a condition of continued employment; nor shall failure of any such
115 law enforcement officer to fulfill such requirements make that
116 person ineligible for any promotional examination for which that
117 person is otherwise eligible. Provided, however, if any law
118 enforcement officer certified under the provisions of this chapter
119 leaves his employment as such and does not become employed as a
120 law enforcement officer within two (2) years from the date of
121 termination of his prior employment, he shall be required to
122 comply with board policy as to rehiring standards in order to be
123 employed as a law enforcement officer; except, that, if any law
124 enforcement officer certified under this chapter leaves his
125 employment as such to serve as a sheriff, he may be employed as a
126 law enforcement officer after he has completed his service as a
127 sheriff without being required to comply with board policy as to
128 rehiring standards. Part-time law enforcement officers serving on
129 or before July 1, 1998, shall have until July 1, 2001, to obtain
130 certification as a part-time officer.

131 (2) Any person who has twenty (20) years of law enforcement
132 experience and who is eligible to be certified under this section
133 shall be eligible for recertification after leaving law
134 enforcement on the same basis as someone who has taken the basic
135 training course. Application to the board to qualify under this
136 subsection shall be made no later than June 30, 1993.

137 (3) (a) No person shall be appointed or employed as a law
138 enforcement officer or a part-time law enforcement officer unless
139 that person has been certified as being qualified under the
140 provisions of subsection (4) of this section.

141 (b) No person shall be appointed or employed as a law
142 enforcement trainee by any law enforcement unit for a period to
143 exceed two (2) years. The prohibition against the appointment or
144 employment of a law enforcement trainee for a period not to exceed
145 two (2) years may not be nullified by terminating the appointment
146 or employment of such a person before the expiration of the time
147 period and then rehiring the person for another period. Any
148 person, who, due to illness or other events beyond his control,
149 could not attend the required school or training as scheduled, may
150 serve with full pay and benefits in such a capacity until he can
151 attend the required school or training.

152 (c) No person shall serve as a law enforcement officer
153 in any full-time, part-time, reserve or auxiliary capacity during
154 a period when that person's certification has been suspended,
155 cancelled or recalled pursuant to the provisions of this chapter.

156 (4) In addition to the requirements of subsections (3), (7)
157 and (8) of this section, the board, by rules and regulations
158 consistent with other provisions of law, shall fix other
159 qualifications for the employment of law enforcement officers,
160 including minimum age, education, physical and mental standards,
161 citizenship, good moral character, experience and such other
162 matters as relate to the competence and reliability of persons to
163 assume and discharge the responsibilities of law enforcement

164 officers, and the board shall prescribe the means for presenting
165 evidence of fulfillment of these requirements. Additionally, the
166 board shall fix qualifications for the appointment or employment
167 of part-time law enforcement officers to essentially the same
168 standards and requirements as law enforcement officers. The board
169 shall develop and implement a part-time law enforcement officer
170 training program that meets the same performance objectives and
171 has essentially the same or similar content as the programs
172 approved by the board for full-time law enforcement officers.

173 (5) Any elected sheriff, constable, deputy or chief of
174 police may apply for certification. Such certification shall be
175 granted at the request of the elected official after providing
176 evidence of satisfaction of the requirements of subsections (3)
177 and (4) of this section. Certification granted to such elected
178 officials shall be granted under the same standards and conditions
179 as established by law enforcement officers and shall be subject to
180 recall as in subsection (7) of this section.

181 (6) The board shall issue a certificate evidencing
182 satisfaction of the requirements of subsections (3) and (4) of
183 this section to any applicant who presents such evidence as may be
184 required by its rules and regulations of satisfactory completion
185 of a program or course of instruction in another jurisdiction
186 equivalent in content and quality to that required by the board
187 for approved law enforcement officer education and training
188 programs in this state, and has satisfactorily passed any and all
189 diagnostic testing and evaluation as required by the board to
190 ensure competency.

191 (7) Professional certificates remain the property of the
192 board, and the board reserves the right to either reprimand the
193 holder of a certificate, suspend a certificate upon conditions
194 imposed by the board, or cancel and recall any certificate when:

- 195 (a) The certificate was issued by administrative error;
- 196 (b) The certificate was obtained through

197 misrepresentation or fraud;

198 (c) The holder has been convicted of any crime
199 involving moral turpitude;

200 (d) The holder has been convicted of a felony; or

201 (e) Other due cause as determined by the board.

202 (8) When the board believes there is a reasonable basis for
203 either the reprimand, suspension, cancellation of, or recalling
204 the certification of a law enforcement officer or a part-time law
205 enforcement officer, notice and opportunity for a hearing shall be
206 provided in accordance with law prior to such reprimand,
207 suspension or revocation.

208 (9) Any full- or part-time law enforcement officer aggrieved
209 by the findings and order of the board may file an appeal with the
210 chancery court of the county in which such person is employed from
211 the final order of the board. Such appeals must be filed within
212 thirty (30) days of the final order of the board.

213 (10) Any full- or part-time law enforcement officer whose
214 certification has been cancelled pursuant to this chapter may
215 reapply for certification, but not sooner than two (2) years after
216 the date on which the order of the board cancelling such
217 certification becomes final.

218 (11) No person shall operate radar speed detection equipment
219 who is not a full-time state-certified law enforcement officer who
220 also possesses a separate radar speed detection equipment operator
221 certificate issued by the board.

222 SECTION 4. This act shall take effect and be in force from
223 and after January 1, 2000.