

By: Representative Blackmon

To: Judiciary B

HOUSE BILL NO. 1108

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
2 DELAY UNTIL JULY 1, 2002, THE DATE BY WHICH PART-TIME LAW
3 ENFORCEMENT OFFICERS MUST OBTAIN CERTIFICATION FROM THE BOARD ON
4 LAW ENFORCEMENT STANDARDS AND TRAINING OR MEET ANY QUALIFICATIONS
5 FOR EMPLOYMENT ESTABLISHED BY THE BOARD; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 45-6-11, Mississippi Code of 1972, is
8 amended as follows:

9 45-6-11. (1) Law enforcement officers already serving under
10 permanent appointment on July 1, 1981 and personnel of the
11 division of community services under Section 47-7-9, Mississippi
12 Code of 1972, serving on July 1, 1994, shall not be required to
13 meet any requirement of subsections (3) and (4) of this section as
14 a condition of continued employment; nor shall failure of any such
15 law enforcement officer to fulfill such requirements make that
16 person ineligible for any promotional examination for which that
17 person is otherwise eligible. Provided, however, if any law
18 enforcement officer certified under the provisions of this chapter
19 leaves his employment as such and does not become employed as a
20 law enforcement officer within two (2) years from the date of
21 termination of his prior employment, he shall be required to
22 comply with board policy as to rehiring standards in order to be
23 employed as a law enforcement officer; except, that, if any law
24 enforcement officer certified under this chapter leaves his
25 employment as such to serve as a sheriff, he may be employed as a
26 law enforcement officer after he has completed his service as a
27 sheriff without being required to comply with board policy as to

28 rehiring standards. Part-time law enforcement officers serving on
29 or before July 1, 1999, shall have until July 1, 2002, to obtain
30 certification as a part-time officer and to meet any
31 qualifications for employment established by the board.

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

38 (3) (a) No person shall be appointed or employed as a law
39 enforcement officer or a part-time law enforcement officer * * *
40 unless that person has been certified as being qualified under the
41 provisions of subsection (4) of this section.

42 (b) No person shall be appointed or employed as a law
43 enforcement trainee by any law enforcement unit for a period to
44 exceed two (2) years. The prohibition against the appointment or
45 employment of a * * * law enforcement trainee for a period not to
46 exceed two (2) years may not be nullified by terminating the
47 appointment or employment of such a person before the expiration
48 of the time period and then rehiring the person for another
49 period * * *. Any person, who, due to illness or other events
50 beyond his * * * control, could not attend the required school or
51 training as scheduled, may serve with full pay and benefits in
52 such a capacity until he * * * can attend the required school or
53 training.

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

58 (4) In addition to the requirements of subsections (3), (7)
59 and (8) of this section, the board, by rules and regulations
60 consistent with other provisions of law, shall fix other
61 qualifications for the employment of law enforcement officers,
62 including minimum age, education, physical and mental standards,
63 citizenship, good moral character, experience and such other
64 matters as relate to the competence and reliability of persons to

65 assume and discharge the responsibilities of law enforcement
66 officers, and the board shall prescribe the means for presenting
67 evidence of fulfillment of these requirements. Additionally, the
68 board shall fix qualifications for the appointment or employment
69 of part-time law enforcement officers to essentially the same
70 standards and requirements as law enforcement officers. The board
71 shall develop and implement a part-time law enforcement officer
72 training program that meets the same performance objectives and
73 has essentially the same or similar content as the programs
74 approved by the board for full-time law enforcement officers.

75 (5) Any elected sheriff, constable, deputy or chief of
76 police may apply for certification. Such certification shall be
77 granted at the request of the elected official after providing
78 evidence of satisfaction of the requirements of subsections (3)
79 and (4) of this section. Certification granted to such elected
80 officials shall be granted under the same standards and conditions
81 as established by law enforcement officers and shall be subject to
82 recall as in subsection (7) of this section.

83 (6) The board shall issue a certificate evidencing
84 satisfaction of the requirements of subsections (3) and (4) of
85 this section to any applicant who presents such evidence as may be
86 required by its rules and regulations of satisfactory completion
87 of a program or course of instruction in another jurisdiction
88 equivalent in content and quality to that required by the board
89 for approved law enforcement officer education and training
90 programs in this state, and has satisfactorily passed any and all
91 diagnostic testing and evaluation as required by the board to
92 ensure competency.

93 (7) Professional certificates remain the property of the
94 board, and the board reserves the right to either reprimand the
95 holder of a certificate, suspend a certificate upon conditions
96 imposed by the board, or cancel and recall any certificate when:

97 (a) The certificate was issued by administrative error;

98 (b) The certificate was obtained through
99 misrepresentation or fraud;

100 (c) The holder has been convicted of any crime
101 involving moral turpitude;

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

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

104 (8) When the board believes there is a reasonable basis for
105 either the reprimand, suspension, cancellation of, or recalling
106 the certification of a law enforcement officer or a part-time law
107 enforcement officer, notice and opportunity for a hearing shall be
108 provided in accordance with law prior to such reprimand,
109 suspension or revocation.

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

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

120 SECTION 2. This act shall take effect and be in force from
121 and after July 1, 1999.