

By: Representative Perkins

To: Judiciary B

HOUSE BILL NO. 1155

1 AN ACT TO REMOVE SECTION 45-6-11, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE CERTIFICATION AND TRAINING OF PART-TIME, RESERVE,
3 AUXILIARY OR VOLUNTEER LAW ENFORCEMENT OFFICERS; TO AMEND SECTIONS
4 45-6-13, 45-6-17 AND 45-6-7, MISSISSIPPI CODE OF 1972, IN
5 CONFORMITY; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
6 LEGISLATURE OF THE STATE OF MISSISSIPPI:
7

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

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

29 rehiring standards. Part-time law enforcement officers serving on
30 or before July 1, 1998, shall have until July 1, 2001, to obtain
31 certification as a part-time officer.

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 unless
40 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 not
44 to exceed two (2) years. The prohibition against the appointment
45 or 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 beyond
50 his control, could not attend the required school or training as
51 scheduled, may serve with full pay and benefits in such a capacity
52 until he can attend the required school or training.

53 (c) No person shall be appointed or employed as a
54 part-time law enforcement officer who has not met qualifications
55 and completed physical fitness training and testing set and
56 administered by the appointing or employing entity according to a
57 curriculum suggested by the board.

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

62 (4) In addition to the requirements of subsections (3), (7)
63 and (8) of this section, the board, by rules and regulations
64 consistent with other provisions of law, shall fix other
65 qualifications for the employment of law enforcement officers,

66 including minimum age, education, physical and mental standards,
67 citizenship, good moral character, experience and such other
68 matters as relate to the competence and reliability of persons to
69 assume and discharge the responsibilities of law enforcement
70 officers, and the board shall prescribe the means for presenting
71 evidence of fulfillment of these requirements. Additionally, the
72 board shall suggest qualifications for the appointment or
73 employment of part-time law enforcement officers and * * *
74 develop * * * a part-time law enforcement officer training program
75 that will be available to local jurisdictions.

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

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

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

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

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

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

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

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

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

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

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

121 SECTION 2. Section 45-6-13, Mississippi Code of 1972, is
122 amended as follows:

123 45-6-13. (1) The board shall establish, provide or maintain
124 law enforcement training programs through such agencies and
125 institutions as the board may deem appropriate.

126 (2) The board shall authorize, but only from such funds
127 authorized and appropriated by the Legislature, the reimbursement
128 to each political subdivision and to state agencies of at least
129 fifty percent (50%) of the allowable salary and allowable tuition,
130 living and travel expense incurred by law enforcement officers in
131 attendance at approved training programs, provided said political

132 subdivisions and state agencies do in fact adhere to the selection
133 and training standards established by the board. * * *

134 (3) The board is authorized to expend funds for the purpose
135 of providing a professional library and training aids that will be
136 available to state agencies and political subdivisions.

137 (4) If any * * * law enforcement officer in this state who
138 is employed by a municipality, county or other governmental entity
139 shall, within three (3) years after the date of his employment,
140 resign from, or be terminated from, employment by such entity and
141 immediately become employed by another governmental entity in a
142 law enforcement capacity, then the governmental entity by which
143 the resigned or terminated officer is employed shall reimburse the
144 governmental entity from which the officer resigned or was
145 terminated a proportionate share of the officer's law enforcement
146 training expenses which were incurred by such entity, if any.

147 SECTION 3. Section 45-6-17, Mississippi Code of 1972, is
148 amended as follows:

149 45-6-17. (1) Any * * * law enforcement officer who does not
150 comply with the provisions of this chapter, or whose certificate
151 has been suspended or revoked under provisions of this chapter,
152 shall not be authorized to exercise the powers of law enforcement
153 officers generally, and particularly shall not be authorized to
154 exercise the power of arrest.

155 (2) Any state agency or political subdivision that employs a
156 person as a * * * law enforcement officer who does not meet the
157 requirements of this chapter, or who employs a person whose
158 certificate has been suspended or revoked under provisions of this
159 chapter, is prohibited from paying the salary of such person, or
160 providing any public monies for the equipment or support of the
161 law enforcement activities of such person and any person violating
162 this subsection shall be personally liable for making such
163 payment.

164 SECTION 4. Section 45-6-7, Mississippi Code of 1972, is

165 amended as follows:

166 45-6-7. In addition to the powers conferred upon the board
167 elsewhere in this chapter, the board shall have power to:

168 (a) Promulgate rules and regulations for the
169 administration of this chapter, including the authority to require
170 the submission of reports and information by law enforcement
171 agencies of the state and its political subdivisions.

172 (b) Establish minimum educational and training
173 standards for admission to employment * * * as a law enforcement
174 officer * * * (i) in a permanent position, and (ii) in a
175 probationary status.

176 (c) Certify persons as being qualified under the
177 provisions of this chapter to be law enforcement officers * * *.

178 (d) Revoke certification for cause and in the manner
179 provided in this chapter.

180 (e) Establish minimum curriculum requirements for basic
181 and advanced courses and programs for schools operated by or for
182 the state or any political subdivision thereof for the specific
183 purpose of training police and other law enforcement
184 officers * * *.

185 (f) Consult and cooperate with counties,
186 municipalities, state agencies, other governmental agencies, and
187 with universities, colleges, junior colleges and other
188 institutions concerning the development of training schools,
189 programs or courses of instruction for personnel defined in this
190 chapter.

191 (g) Make recommendations concerning any matter within
192 its purview pursuant to this chapter.

193 (h) Make such inspection and evaluation as may be
194 necessary to determine if governmental units are complying with
195 the provisions of this chapter.

196 (i) Approve law enforcement officer training schools
197 for operation by or for the state or any political subdivision

198 thereof for the specific purpose of training personnel defined in
199 this chapter.

200 (j) Upon the request of agencies employing personnel
201 defined in this chapter, conduct surveys or aid municipalities and
202 counties to conduct surveys through qualified public or private
203 agencies and assist in the implementation of any recommendations
204 resulting from such surveys.

205 (k) Upon request of agencies within the purview of this
206 chapter, conduct general and specific management surveys and
207 studies of the operations of the requesting agencies at no cost to
208 those agencies. The role of the board under this subsection shall
209 be that of management consultant.

210 (l) Adopt and amend regulations consistent with law,
211 for its internal management and control of board programs.

212 (m) Enter into contracts or do such things as may be
213 necessary and incidental to the administration of this chapter.

214 SECTION 5. This act shall take effect and be in force from
215 and after July 1, 1999.