

By: Representative Perkins

To: Judiciary B

HOUSE BILL NO. 1155  
(As Passed the House)

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; AND FOR RELATED  
4 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF  
5 MISSISSIPPI:

6  
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, 1998, shall have until July 1, 2001, to obtain  
30 certification as a part-time officer.

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

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

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

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

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

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

66 citizenship, good moral character, experience and such other  
67 matters as relate to the competence and reliability of persons to  
68 assume and discharge the responsibilities of law enforcement  
69 officers, and the board shall prescribe the means for presenting  
70 evidence of fulfillment of these requirements. Additionally, the  
71 board shall fix qualifications for the appointment or employment  
72 of part-time law enforcement officers to essentially the same  
73 standards and requirements as law enforcement officers. The board  
74 shall develop and implement a part-time law enforcement officer  
75 training program that meets the same performance objectives and  
76 has essentially the same or similar content as the programs  
77 approved by the board for full-time law enforcement officers and  
78 the board shall provide that such training shall be available  
79 locally and held at times convenient to the persons required to  
80 receive such training.

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

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

99           (7) Professional certificates remain the property of the  
100 board, and the board reserves the right to either reprimand the  
101 holder of a certificate, suspend a certificate upon conditions  
102 imposed by the board, or cancel and recall any certificate when:

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

104                 (b) The certificate was obtained through  
105 misrepresentation or fraud;

106                 (c) The holder has been convicted of any crime  
107 involving moral turpitude;

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

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

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

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

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

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