

By: Representative Perkins

To: Judiciary B

HOUSE BILL NO. 1155
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
2 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:

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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 to
43 exceed two (2) years. The prohibition against the appointment or
44 employment of a law enforcement trainee for a period not to exceed
45 two (2) years may not be nullified by terminating the appointment
46 or employment of such a person before the expiration of the time
47 period and then rehiring the person for another period. Any
48 person, who, due to illness or other events beyond his control,
49 could not attend the required school or training as scheduled, may
50 serve with full pay and benefits in such a capacity until he can
51 attend the required school or training.

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

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

66 board shall fix qualifications for the appointment or employment
67 of part-time law enforcement officers to essentially the same
68 standards and requirements as law enforcement officers. The board
69 shall develop and implement a part-time law enforcement officer
70 training program that meets the same performance objectives and
71 has essentially the same or similar content as the programs
72 approved by the board for full-time law enforcement officers and
73 the board shall provide that such training shall be available
74 locally and held at times convenient to the persons required to
75 receive such training.

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. This act shall take effect and be in force from
122 and after July 1, 1999.