

By: Senator(s) Canon, Hamilton

To: Judiciary

SENATE BILL NO. 2624

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

7 SECTION 1. Section 45-6-3, Mississippi Code of 1972, is
8 amended as follows:

9 45-6-3. For the purposes of this chapter, the following
10 words shall have the meanings ascribed herein, unless the context
11 shall otherwise require:

12 (a) "Commission" means the Criminal Justice Planning
13 Commission.

14 (b) "Board" means the Board on Law Enforcement Officer
15 Standards and Training.

16 (c) "Law enforcement officer" means any person
17 appointed or employed full time by the state or any political
18 subdivision thereof, who is duly sworn and vested with authority
19 to bear arms and make arrests, and whose primary responsibility is
20 the prevention and detection of crime, the apprehension of
21 criminals and the enforcement of the criminal and traffic laws of
22 this state and/or the ordinances of any political subdivision
23 thereof. The term "law enforcement officer" also includes
24 employees of the Department of Corrections who are designated as
25 law enforcement officers by the Commissioner of Corrections
26 pursuant to Section 47-5-54. However, the term "law enforcement
27 officer" shall not mean or include any elected official or any
28 person employed as an assistant to or investigator for a district

29 attorney in this state, compliance agents of the State Board of
30 Pharmacy, or any person or elected official who, subject to
31 approval by the board, provides some criminal justice related
32 services for a law enforcement agency. As used in this paragraph
33 "appointed or employed full time" means any person who is
34 receiving gross compensation for his duties as a law enforcement
35 officer of One Hundred Twenty-five Dollars (\$125.00) or more per
36 week or Five Hundred Dollars (\$500.00) or more per month.

37 * * *

38 SECTION 2. Section 45-6-11, Mississippi Code of 1972, is
39 amended as follows:

40 45-6-11. (1) Law enforcement officers already serving under
41 permanent appointment on July 1, 1981, and personnel of the
42 division of community services under Section 47-7-9, Mississippi
43 Code of 1972, serving on July 1, 1994, shall not be required to
44 meet any requirement of subsections (3) and (4) of this section as
45 a condition of continued employment; nor shall failure of any such
46 law enforcement officer to fulfill such requirements make that
47 person ineligible for any promotional examination for which that
48 person is otherwise eligible. Provided, however, if any law
49 enforcement officer certified under the provisions of this chapter
50 leaves his employment as such and does not become employed as a
51 law enforcement officer within two (2) years from the date of
52 termination of his prior employment, he shall be required to
53 comply with board policy as to rehiring standards in order to be
54 employed as a law enforcement officer; except, that, if any law
55 enforcement officer certified under this chapter leaves his
56 employment as such to serve as a sheriff, he may be employed as a
57 law enforcement officer after he has completed his service as a
58 sheriff without being required to comply with board policy as to
59 rehiring standards. * * *

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

66 (3) (a) No person shall be appointed or employed as a law
67 enforcement officer for a period to exceed one (1) year * * *
68 unless that person has been certified as being qualified under the
69 provisions of subsection (4) of this section.

70 * * * The prohibition against the appointment or employment
71 of a non-certified law enforcement officer for a period not to
72 exceed one (1) year may not be nullified by terminating the
73 appointment or employment of such a person before the expiration
74 of the time period and then rehiring the person for another
75 period. Any person, who, due to illness or other events beyond
76 his control, could not attend the required school or training as
77 scheduled, may serve with full pay and benefits in such a capacity
78 until he can attend the required school or training.

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

83 (4) In addition to the requirements of subsections (3), (7)
84 and (8) of this section, the board, by rules and regulations
85 consistent with other provisions of law, shall fix other
86 qualifications for the employment of law enforcement officers,
87 including minimum age, education, physical and mental standards,
88 citizenship, good moral character, experience and such other
89 matters as relate to the competence and reliability of persons to
90 assume and discharge the responsibilities of law enforcement
91 officers, and the board shall prescribe the means for presenting
92 evidence of fulfillment of these requirements. * * *

93 (5) Any elected sheriff, constable, deputy or chief of
94 police may apply for certification. Such certification shall be
95 granted at the request of the elected official after providing
96 evidence of satisfaction of the requirements of subsections (3)
97 and (4) of this section. Certification granted to such elected
98 officials shall be granted under the same standards and conditions

99 as established by law enforcement officers and shall be subject to
100 recall as in subsection (7) of this section.

101 (6) The board shall issue a certificate evidencing
102 satisfaction of the requirements of subsections (3) and (4) of
103 this section to any applicant who presents such evidence as may be
104 required by its rules and regulations of satisfactory completion
105 of a program or course of instruction in another jurisdiction
106 equivalent in content and quality to that required by the board
107 for approved law enforcement officer education and training
108 programs in this state, and has satisfactorily passed any and all
109 diagnostic testing and evaluation as required by the board to
110 ensure competency.

111 (7) Professional certificates remain the property of the
112 board, and the board reserves the right to either reprimand the
113 holder of a certificate, suspend a certificate upon conditions
114 imposed by the board, or cancel and recall any certificate when:

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

116 (b) The certificate was obtained through
117 misrepresentation or fraud;

118 (c) The holder has been convicted of any crime
119 involving moral turpitude;

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

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

122 (8) When the board believes there is a reasonable basis for
123 either the reprimand, suspension, cancellation of, or recalling
124 the certification of a law enforcement officer * * *, notice and
125 opportunity for a hearing shall be provided in accordance with law
126 prior to such reprimand, suspension or revocation.

127 (9) Any * * * law enforcement officer aggrieved by the
128 findings and order of the board may file an appeal with the
129 chancery court of the county in which such person is employed from
130 the final order of the board. Such appeals must be filed within
131 thirty (30) days of the final order of the board.

132 (10) Any * * * law enforcement officer whose certification
133 has been cancelled pursuant to this chapter may reapply for
134 certification, but not sooner than two (2) years after the date on
135 which the order of the board cancelling such certification becomes
136 final.

137 SECTION 3. Section 45-6-13, Mississippi Code of 1972, is
138 amended as follows:

139 45-6-13. (1) The board shall establish, provide or maintain
140 law enforcement training programs through such agencies and
141 institutions as the board may deem appropriate.

142 (2) The board shall authorize, but only from such funds
143 authorized and appropriated by the Legislature, the reimbursement
144 to each political subdivision and to state agencies of at least
145 fifty percent (50%) of the allowable salary and allowable tuition,
146 living and travel expense incurred by law enforcement officers in
147 attendance at approved training programs, provided said political
148 subdivisions and state agencies do in fact adhere to the selection
149 and training standards established by the board. * * *

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

153 (4) If any * * * law enforcement officer in this state who
154 is employed by a municipality, county or other governmental entity
155 shall, within three (3) years after the date of his employment,
156 resign from, or be terminated from, employment by such entity and
157 immediately become employed by another governmental entity in a
158 law enforcement capacity, then the governmental entity by which
159 the resigned or terminated officer is employed shall reimburse the
160 governmental entity from which the officer resigned or was
161 terminated a proportionate share of the officer's law enforcement
162 training expenses which were incurred by such entity, if any.

163 SECTION 4. Section 45-6-17, Mississippi Code of 1972, is
164 amended as follows:

165 45-6-17. (1) Any * * * law enforcement officer who does not
166 comply with the provisions of this chapter, or whose certificate
167 has been suspended or revoked under provisions of this chapter,
168 shall not be authorized to exercise the powers of law enforcement
169 officers generally, and particularly shall not be authorized to
170 exercise the power of arrest.

171 (2) Any state agency or political subdivision that employs a
172 person as a * * * law enforcement officer who does not meet the
173 requirements of this chapter, or who employs a person whose
174 certificate has been suspended or revoked under provisions of this
175 chapter, is prohibited from paying the salary of such person, or
176 providing any public monies for the equipment or support of the
177 law enforcement activities of such person and any person violating
178 this subsection shall be personally liable for making such
179 payment.

180 SECTION 5. Section 45-6-7, Mississippi Code of 1972, is
181 amended as follows:

182 45-6-7. In addition to the powers conferred upon the board
183 elsewhere in this chapter, the board shall have power to:

184 (a) Promulgate rules and regulations for the
185 administration of this chapter, including the authority to require
186 the submission of reports and information by law enforcement
187 agencies of the state and its political subdivisions.

188 (b) Establish minimum educational and training
189 standards for admission to employment or appointment as a law
190 enforcement officer * * * (i) in a permanent position, and (ii) in
191 a probationary status.

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

194 (d) Revoke certification for cause and in the manner
195 provided in this chapter.

196 (e) Establish minimum curriculum requirements for basic
197 and advanced courses and programs for schools operated by or for

198 the state or any political subdivision thereof for the specific
199 purpose of training police and other law enforcement
200 officers * * *.

201 (f) Consult and cooperate with counties,
202 municipalities, state agencies, other governmental agencies, and
203 with universities, colleges, junior colleges and other
204 institutions concerning the development of training schools,
205 programs or courses of instruction for personnel defined in this
206 chapter.

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

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

212 (i) Approve law enforcement officer training schools
213 for operation by or for the state or any political subdivision
214 thereof for the specific purpose of training personnel defined in
215 this chapter.

216 (j) Upon the request of agencies employing personnel
217 defined in this chapter, conduct surveys or aid municipalities and
218 counties to conduct surveys through qualified public or private
219 agencies and assist in the implementation of any recommendations
220 resulting from such surveys.

221 (k) Upon request of agencies within the purview of this
222 chapter, conduct general and specific management surveys and
223 studies of the operations of the requesting agencies at no cost to
224 those agencies. The role of the board under this subsection shall
225 be that of management consultant.

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

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

230 SECTION 6. This act shall take effect and be in force from

231 and after July 1, 1999.