

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2848

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; 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 \* \* \* employed as a law  
39 enforcement officer \* \* \* unless that person has been certified as  
40 being qualified under the provisions of subsection (4) of this  
41 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 exceed  
46 two (2) years may not be nullified by terminating the appointment  
47 or employment of such a person before the expiration of the time  
48 period and then rehiring the person for another period. Any  
49 person, who, due to illness or other events beyond his control,  
50 could not attend the required school or training as scheduled, may  
51 serve with full pay and benefits in such a capacity until he can  
52 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 \* \* \*, notice and  
108 opportunity for a hearing shall be provided in accordance with law  
109 prior to such reprimand, suspension or revocation.

110           (9) Any \* \* \* law enforcement officer aggrieved by the  
111 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 \* \* \* law enforcement officer whose certification  
116 has been cancelled pursuant to this chapter may reapply for  
117 certification, but not sooner than two (2) years after the date on  
118 which the order of the board cancelling such certification becomes  
119 final.

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

122           45-6-13. (1) The board shall establish, provide or maintain  
123 law enforcement training programs through such agencies and  
124 institutions as the board may deem appropriate.

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

132 and training standards established by the board. \* \* \*

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

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

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

148 45-6-17. (1) Any \* \* \* law enforcement officer who does not  
149 comply with the provisions of this chapter, or whose certificate  
150 has been suspended or revoked under provisions of this chapter,  
151 shall not be authorized to exercise the powers of law enforcement  
152 officers generally, and particularly shall not be authorized to  
153 exercise the power of arrest.

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

163 SECTION 4. Section 45-6-7, Mississippi Code of 1972, is  
164 amended as follows:

165           45-6-7. In addition to the powers conferred upon the board  
166 elsewhere in this chapter, the board shall have power to:

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

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

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

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

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

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

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

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

195           (i) Approve law enforcement officer training schools  
196 for operation by or for the state or any political subdivision  
197 thereof for the specific purpose of training personnel defined in

198 this chapter.

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

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

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

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

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