

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1155

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

8 45-6-11. (1) Law enforcement officers already serving under
9 permanent appointment on July 1, 1981, and personnel of the
10 division of community services under Section 47-7-9, Mississippi
11 Code of 1972, serving on July 1, 1994, shall not be required to
12 meet any requirement of subsections (3) and (4) of this section as
13 a condition of continued employment; nor shall failure of any such
14 law enforcement officer to fulfill such requirements make that
15 person ineligible for any promotional examination for which that
16 person is otherwise eligible. Provided, however, if any law
17 enforcement officer certified under the provisions of this chapter
18 leaves his employment as such and does not become employed as a
19 law enforcement officer within two (2) years from the date of
20 termination of his prior employment, he shall be required to
21 comply with board policy as to rehiring standards in order to be
22 employed as a law enforcement officer; except, that, if any law
23 enforcement officer certified under this chapter leaves his
24 employment as such to serve as a sheriff, he may be employed as a
25 law enforcement officer after he has completed his service as a
26 sheriff without being required to comply with board policy as to

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

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

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

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

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

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

99\SS01\HB1155A.J *SS01\HB1155AJ*

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

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

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

99\SS01\HB1155A.J *SS01\HB1155AJ*

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

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

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

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

99\SS01\HB1155A.J *SS01\HB1155AJ*

4 PURPOSES.

99\SS01\HB1155A.J *SS01/HB1155AJ*

PAGE 5