

By: Dedeaux, Ishee, Roberson

To: Judiciary B

HOUSE BILL NO. 554

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
2 REVISE PHYSICAL TRAINING REQUIREMENTS FOR LAW ENFORCEMENT
3 OFFICERS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

7 45-6-11. (1) Law enforcement officers already serving under
8 permanent appointment on July 1, 1981, and personnel of the
9 division of community services under Section 47-7-9, Mississippi
10 Code of 1972, serving on July 1, 1994, shall not be required to
11 meet any requirement of subsections (3) and (4) of this section as
12 a condition of continued employment; nor shall failure of any such
13 law enforcement officer to fulfill such requirements make that
14 person ineligible for any promotional examination for which that
15 person is otherwise eligible. Provided, however, if any law
16 enforcement officer certified under the provisions of this chapter
17 leaves his employment as such and does not become employed as a
18 law enforcement officer within two (2) years from the date of
19 termination of his prior employment, he shall be required to
20 comply with board policy as to rehiring standards in order to be
21 employed as a law enforcement officer; except, that, if any law

22 enforcement officer certified under this chapter leaves his
23 employment as such to serve as a sheriff, he may be employed as a
24 law enforcement officer after he has completed his service as a
25 sheriff without being required to comply with board policy as to
26 rehiring standards. Part-time law enforcement officers serving on
27 or before July 1, 1998, shall have until July 1, 2001, to obtain
28 certification as a part-time officer.

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

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

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

50 (c) No person shall serve as a law enforcement officer
51 in any full-time, part-time, reserve or auxiliary capacity during
52 a period when that person's certification has been suspended,

53 cancelled or recalled pursuant to the provisions of this chapter.

54 (4) In addition to the requirements of subsections (3), (7)
55 and (8) of this section, the board, by rules and regulations
56 consistent with other provisions of law, shall fix other
57 qualifications for the employment of law enforcement officers,
58 including minimum age, education, physical and mental standards,
59 citizenship, good moral character, experience and such other
60 matters as relate to the competence and reliability of persons to
61 assume and discharge the responsibilities of law enforcement
62 officers, and the board shall prescribe the means for presenting
63 evidence of fulfillment of these requirements. Additionally, the
64 board shall fix qualifications for the appointment or employment
65 of part-time law enforcement officers to essentially the same
66 standards and requirements as law enforcement officers. The board
67 shall develop and implement a part-time law enforcement officer
68 training program that meets the same performance objectives and
69 has essentially the same or similar content as the programs
70 approved by the board for full-time law enforcement officers and
71 the board shall provide that such training shall be available
72 locally and held at times convenient to the persons required to
73 receive such training.

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

81 recall as in subsection (7) of this section.

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

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

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

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

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

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

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

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

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

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

119 (11) A person who does not complete the physical training
120 required may, in lieu of such physical training requirements,
121 participate in a board approved physical training program not less
122 than once a week for a minimum of six (6) months. This shall
123 satisfy the physical training requirement for certification.

124 SECTION 2. This act shall take effect and be in force from
125 and after July 1, 2000.