

By: Robinson (63rd)

To: Judiciary B

HOUSE BILL NO. 865

1 AN ACT TO AMEND SECTION 19-19-5, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A CONSTABLE WHO IS UNAVAILABLE AND WHO IS UNABLE TO
3 PERFORM HIS DUTIES FOR AN EXTENDED PERIOD OF TIME BECAUSE OF
4 SICKNESS OR BECAUSE HE IS ON VACATION TO DESIGNATE ANOTHER
5 CONSTABLE OF THE COUNTY OR A CONSTABLE WHO PREVIOUSLY SERVED IN
6 THE COUNTY TO PERFORM HIS DUTIES IN HIS ABSENCE; AND FOR RELATED
7 PURPOSES.

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

9 SECTION 1. Section 19-19-5, Mississippi Code of 1972, is
10 amended as follows:[JWB1]

11 19-19-5. (1) It shall be the duty of every constable to
12 keep and preserve the peace within his county, by faithfully
13 aiding and assisting in executing the criminal laws of the state;
14 to give information, without delay, to some justice court judge or
15 other proper officer, of all riots, routs and unlawful assemblies,
16 and of every violation of the penal laws which may come to his
17 knowledge in any manner whatsoever; to execute and return all
18 process, civil and criminal, lawfully directed to him, according
19 to the command thereof; and to pay over all moneys, when collected
20 by him to the person lawfully authorized to receive the same. No
21 constable shall receive any fee provided by law for making an
22 arrest, or attending any trial, wherein the defendant has been
23 arrested, or is being tried for any violation of the motor vehicle

24 laws committed on any designated United States highway located
25 within the district or county of the constable. If a constable is
26 unavailable or is unable to perform his duties for an extended
27 period of time because of sickness or because he is on vacation,
28 then he may designate, in writing, the person to perform his
29 duties in his absence. Such person may be another currently
30 serving constable in the county or a constable who previously
31 served in the county and who has met the requirements for
32 certification by the Board on Law Enforcement Standards and
33 Training.

34 (2) During a constable's term of office, each constable
35 shall attend and, to the extent to which he is physically able,
36 participate in a curriculum, with a duration of two (2) weeks,
37 which addresses the nature and scope of specific duties and
38 responsibilities of a constable and which includes firearm use and
39 safety training, to be established by the Board on Law Enforcement
40 Officers Standards and Training in the field of law enforcement at
41 the Mississippi Law Enforcement Officers' Training Academy or such
42 other police academies that are approved by the Board on Law
43 Enforcement Officers Standards and Training pursuant to Section
44 45-6-9. The board of supervisors of the county shall be
45 responsible for paying, only one (1) time, the tuition, living and
46 travel expenses incurred by any constable of that county in
47 attendance at such training program or curriculum. If such
48 constable does not attend and, to the extent to which he is
49 physically able, participate in such program or curriculum, any
50 further training which may be required by this section shall be
51 completed at the expense of such constable. No constable shall be
52 entitled to the receipt of any fees, costs or compensation
53 authorized by law after the first twenty-four (24) months in
54 office if he fails to attend the academy and, to the extent to

55 which he is physically able, participate in the appropriate
56 program or curriculum. Any constable who does not complete the
57 required training before January 1, 1994, may execute and return
58 civil process but thereafter shall not be paid any fees, costs or
59 compensation for executing such process and shall not be allowed
60 to exercise any law enforcement functions or to carry a firearm in
61 the performance of his duties until he has completed such
62 training. The provisions of this subsection shall apply to
63 constables elected at the November 1991 general election and to
64 those who are elected at subsequent elections. The provisions of
65 this subsection shall not apply to a person who has received a
66 certificate from the Board on Law Enforcement Officers Standards
67 and Training evidencing satisfaction of subsections (2) and (3) of
68 Section 45-6-11, or who is exempt from the requirements of
69 subsections (2) and (3) of Section 45-6-11 by the provisions of
70 subsection (1) of Section 45-6-11.

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