

By: Formby

To: Judiciary B; County  
Affairs

HOUSE BILL NO. 1322

1 AN ACT TO AMEND SECTIONS 19-19-5 AND 19-19-6, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE CONSTABLES TO ATTEND AND PASS A TRAINING  
3 PROGRAM PROVIDED OR APPROVED BY THE MISSISSIPPI LAW ENFORCEMENT  
4 OFFICERS TRAINING ACADEMY, TO PRESCRIBE THE COMPONENTS OF THE  
5 TRAINING PROGRAM AND TO PROVIDE CERTAIN EXEMPTIONS FROM THE  
6 PROGRAM; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 19-19-5, Mississippi Code of 1972, is  
9 amended as follows:

10 19-19-5. \* \* \* It shall be the duty of every constable to  
11 keep and preserve the peace within his county, by faithfully  
12 aiding and assisting in executing the criminal laws of the state;  
13 to give information, without delay, to some justice court judge or  
14 other proper officer, of all riots, routs and unlawful assemblies,  
15 and of every violation of the penal laws which may come to his  
16 knowledge in any manner whatsoever; to execute and return all  
17 process, civil and criminal, lawfully directed to him, according  
18 to the command thereof; and to pay over all moneys, when collected  
19 by him to the person lawfully authorized to receive the same. No  
20 constable shall receive any fee provided by law for making an  
21 arrest, or attending any trial, wherein the defendant has been  
22 arrested, or is being tried for any violation of the motor vehicle  
23 laws committed on any designated United States highway located  
24 within the district or county of the constable.

25 \* \* \*

26 SECTION 2. Section 19-19-6, Mississippi Code of 1972, is  
27 amended as follows:

28 19-19-6. (1) All constables shall attend and pass the

29 Mississippi Law Enforcement Officers Training Academy or any other  
30 similar law enforcement training program approved by the Board of  
31 Law Enforcement Officers Standards and Training for the training  
32 of constables. The constable training program shall be two (2)  
33 weeks in duration. No physical fitness test shall be required to  
34 be successfully completed in order to complete the training  
35 program. No constable shall be entitled to the receipt of any  
36 fees, costs or compensation authorized by law after the first  
37 eighteen (18) months in office if he or she fails to attend and  
38 pass the training program. Any constable who does not complete  
39 the required training within eighteen (18) months shall not be  
40 allowed to exercise any law enforcement functions or carry a  
41 firearm, but may be allowed to execute civil process without  
42 compensation. The board of supervisors shall be responsible for  
43 paying one (1) time, the tuition, living and travel expense  
44 incurred by any constable of that county in attendance at such  
45 training program.

46 (2) The Board of Law Enforcement Officers Standards and  
47 Training shall develop a program of training for constables to  
48 attend at least twelve (12) hours yearly. The program shall be  
49 divided equally between firearms training and safety and  
50 instruction in both substantive and procedural law. The training  
51 program shall be conducted by the Mississippi Constables  
52 Association, and appropriate parts of the program can be conducted  
53 by members who have been certified by the board to conduct the  
54 training program. The cost of travel and living expenses in  
55 attending such training shall be paid as provided under Section  
56 45-6-13.

57 (3) The provisions of this section shall not apply to a  
58 constable elected before to the November 1999 general election or  
59 who has received a certificate from the Board of Law Enforcement  
60 Officers Standards and Training evidencing satisfaction of  
61 subsections (2) and (3) of Section 45-6-11, or who is exempt from

62 the requirements of subsections (2) and (3) of Section 45-6-11 by  
63 the provisions of subsection (1) of Section 45-6-11.

64 SECTION 3. The Attorney General of the State of Mississippi  
65 is hereby directed to submit this act, immediately upon approval  
66 by the Governor, or upon approval by the Legislature subsequent to  
67 a veto, to the Attorney General of the United States or to the  
68 United States District Court for the District of Columbia in  
69 accordance with the provisions of the Voting Rights Act of 1965,  
70 as amended and extended.

71 SECTION 4. This act shall take effect and be in force from  
72 and after the date it is effectuated under Section 5 of the Voting  
73 Rights Act of 1965, as amended and extended, or on July 1, 2000,  
74 whichever is later.