

By: Browning

To: Judiciary

SENATE BILL NO. 2014

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO  
2 EXEMPT FROM TRAINING REQUIREMENTS PART-TIME OFFICERS HAVING A  
3 CERTAIN LEVEL OF EXPERIENCE; 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:[CSQ1]

7 45-6-11. (1) Law enforcement officers already serving under  
8 permanent appointment on July 1, 1981, part-time law enforcement  
9 officers serving continuously from and after January 1, 1994, and  
10 personnel of the division of community services under Section  
11 47-7-9, Mississippi Code of 1972, serving on July 1, 1994, shall  
12 not be required to meet any requirement of subsections (3) and (4)  
13 of this section as a condition of continued employment; nor shall  
14 failure of any such law enforcement officer to fulfill such  
15 requirements make that person ineligible for any promotional  
16 examination for which that person is otherwise eligible.

17 Provided, however, if any law enforcement officer certified under  
18 the provisions of this chapter leaves his employment as such and  
19 does not become employed as a law enforcement officer within two  
20 (2) years from the date of termination of his prior employment, he  
21 shall be required to comply with board policy as to rehiring

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

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

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

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

52 (c) No person shall serve as a law enforcement officer

53 in any full-time, part-time, reserve or auxiliary capacity during  
54 a period when that person's certification has been suspended,  
55 cancelled or recalled pursuant to the provisions of this chapter.

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

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 or a part-time law  
108 enforcement officer, notice and opportunity for a hearing shall be

109 provided in accordance with law prior to such reprimand,  
110 suspension or revocation.

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

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

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