

By: Burton

To: Judiciary

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 3095

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; TO AMEND SECTION 25-4-105, MISSISSIPPI CODE OF 1972, TO  
7 ALLOW A COUNTY EMPLOYEE TO SERVE AS A CONSTABLE OF THE COUNTY  
8 EMPLOYING HIM; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 19-19-5, Mississippi Code of 1972, is  
11 amended as follows:[CRG1]

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

27 \* \* \*

28 SECTION 2. Section 19-19-6, Mississippi Code of 1972, is  
29 amended as follows:[CRG2]

30 19-19-6.

31 \* \* \*

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

49 (2) (a) The Board of Law Enforcement Officers Standards and  
50 Training shall develop a program of training for constables to  
51 attend at least twelve (12) hours yearly. The program shall be  
52 divided equally between firearms training and safety and  
53 instruction in both substantive and procedural law. The training  
54 program shall be conducted by the Mississippi Constables  
55 Association, and appropriate parts of the program can be conducted  
56 by members who have been certified by the board to conduct the  
57 training program. The cost of travel and living expenses in  
58 attending such training shall be paid out of the Law Enforcement  
59 Officers Training Fund created in Section 45-6-15.

60 (b) No constable serving on January 1, 2000, shall be  
61 required to comply with this subsection (2); however, any  
62 constable may elect to attend the training and shall be reimbursed

63 therefor pursuant to this subsection (2). Additionally, the  
64 provisions of this subsection (2) shall not apply to a constable  
65 who has received a certificate from the Board of Law Enforcement  
66 Officers Standards and Training evidencing satisfaction of  
67 subsections (2) and (3) of Section 45-6-11, or who is exempt from  
68 the requirements of subsections (2) and (3) of Section 45-6-11 by  
69 the provisions of subsection (1) of Section 45-6-11.

70 SECTION 3. Section 25-4-105, Mississippi Code of 1972, is  
71 amended as follows:[CSQ3]

72 25-4-105. (1) No public servant shall use his official  
73 position to obtain pecuniary benefit for himself other than that  
74 compensation provided for by law, or to obtain pecuniary benefit  
75 for any relative or any business with which he is associated.

76 (2) No public servant shall be interested, directly or  
77 indirectly, during the term for which he shall have been chosen,  
78 or within one (1) year after the expiration of such term, in any  
79 contract with the state, or any district, county, city or town  
80 thereof, authorized by any law passed or order made by any board  
81 of which he may be or may have been a member.

82 (3) No public servant shall:

83 (a) Be a contractor, subcontractor or vendor with the  
84 governmental entity of which he is a member, officer, employee or  
85 agent, other than in his contract of employment, or have a  
86 material financial interest in any business which is a contractor,  
87 subcontractor or vendor with the governmental entity of which he  
88 is a member, officer, employee or agent.

89 (b) Be a purchaser, direct or indirect, at any sale  
90 made by him in his official capacity or by the governmental entity  
91 of which he is an officer or employee, except in respect of the  
92 sale of goods or services when provided as public utilities or  
93 offered to the general public on a uniform price schedule.

94 (c) Be a purchaser, direct or indirect, of any claim,  
95 certificate, warrant or other security issued by or to be paid out

96 of the treasury of the governmental entity of which he is an  
97 officer or employee.

98 (d) Perform any service for any compensation during his  
99 term of office or employment by which he attempts to influence a  
100 decision of the authority of the governmental entity of which he  
101 is a member.

102 (e) Perform any service for any compensation for any  
103 person or business after termination of his office or employment  
104 in relation to any case, decision, proceeding or application with  
105 respect to which he was directly concerned or in which he  
106 personally participated during the period of his service or  
107 employment.

108 (4) Notwithstanding the provisions of subsection (3) of this  
109 section, a public servant or his relative:

110 (a) May be an officer or stockholder of banks or  
111 savings and loan associations or other such financial institutions  
112 bidding for bonds, notes or other evidences of debt or for the  
113 privilege of keeping as depositories the public funds of a  
114 governmental entity thereof or the editor or employee of any  
115 newspaper in which legal notices are required to be published in  
116 respect to the publication of said legal notices.

117 (b) May be a contractor or vendor with any authority of  
118 the governmental entity other than the authority of the  
119 governmental entity of which he is a member, officer, employee or  
120 agent or have a material financial interest in a business which is  
121 a contractor or vendor with any authority of the governmental  
122 entity other than the authority of the governmental entity of  
123 which he is a member, officer, employee or agent where such  
124 contract is let to the lowest and best bidder after competitive  
125 bidding and three (3) or more legitimate bids are received or  
126 where the goods, services or property involved are reasonably  
127 available from two (2) or fewer commercial sources, provided such  
128 transactions comply with the public purchases laws.

129           (c) May be a subcontractor with any authority of the  
130 governmental entity other than the authority of the governmental  
131 entity of which he is a member, officer, employee or agent or have  
132 a material financial interest in a business which is a  
133 subcontractor with any authority of the governmental entity other  
134 than the authority of the governmental entity of which he is a  
135 member, officer, employee or agent where the primary contract is  
136 let to the lowest and best bidder after competitive bidding or  
137 where such goods or services involved are reasonably available  
138 from two (2) or fewer commercial sources, provided such  
139 transactions comply with the public purchases laws.

140           (d) May be a contractor, subcontractor or vendor with  
141 any authority of the governmental entity of which he is a member,  
142 officer, employee or agent or have a material financial interest  
143 in a business which is a contractor, subcontractor or vendor with  
144 any authority of the governmental entity of which he is a member,  
145 officer, employee or agent: (i) where such goods or services  
146 involved are reasonably available from two (2) or fewer commercial  
147 sources, provided such transactions comply with the public  
148 purchases laws; or (ii) where the contractual relationship  
149 involves the further research, development, testing, promotion or  
150 merchandising of an intellectual property created by the public  
151 servant.

152           (e) May purchase securities issued by the governmental  
153 entity of which he is an officer or employee if such securities  
154 are offered to the general public and are purchased at the same  
155 price as such securities are offered to the general public.

156           (f) May have an interest less than a material financial  
157 interest in a business which is a contractor, subcontractor or  
158 vendor with any governmental entity.

159           (g) May contract with the Mississippi Veteran's Home  
160 Purchase Board, Mississippi Housing Finance Corporation, or any  
161 other state loan program, for the purpose of securing a loan;

162 however, public servants shall not receive favored treatment.

163 (h) May be employed by or receive compensation from an  
164 authority of the governmental entity other than the authority of  
165 the governmental entity of which the public servant is an officer  
166 or employee.

167 (i) If a member of the Legislature or other public  
168 servant employed on less than a full-time basis, may represent a  
169 person or organization for compensation before an authority of the  
170 governmental entity other than an authority of the governmental  
171 entity of which he is an officer or employee.

172 (j) If a constable, may be employed and receive  
173 compensation as a deputy sheriff or other employee of the county  
174 for which he serves as constable.

175 (5) No person may intentionally use or disclose information  
176 gained in the course of or by reason of his official position or  
177 employment as a public servant in any way that could result in  
178 pecuniary benefit for himself, any relative, or any other person,  
179 if the information has not been communicated to the public or is  
180 not public information.

181 (6) Any contract made in violation of this section may be  
182 declared void by the governing body of the contracting or selling  
183 authority of the governmental subdivision or a court of competent  
184 jurisdiction and the contractor or subcontractor shall retain or  
185 receive only the reasonable value, with no increment for profit or  
186 commission, of the property or the services furnished prior to the  
187 date of receiving notice that the contract has been voided.

188 (7) Any person violating the provisions of this section  
189 shall be punished as provided for in Sections 25-4-109 and  
190 25-4-111.

191 SECTION 4. The Attorney General of the State of Mississippi  
192 shall submit this act, immediately upon approval by the Governor,  
193 or upon approval by the Legislature subsequent to a veto, to the  
194 Attorney General of the United States or to the United States

195 District Court for the District of Columbia in accordance with the  
196 provisions of the Voting Rights Act of 1965, as amended and  
197 extended.

198 SECTION 5. This act shall take effect and be in force from  
199 and after the date it is effectuated under Section 5 of the Voting  
200 Rights Act of 1965, as amended and extended, or on July 1, 2000,  
201 whichever occurs later.