

By: Burton

To: Judiciary

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; AND FOR RELATED PURPOSES.

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

8 1 SECTION 1. Section 19-19-5, Mississippi Code of 1972, is  
9 amended as follows:[CRG1]

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:[CRG2]

28 19-19-6.

29 \* \* \*

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

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

58 (3) The provisions of this section shall not apply to a  
59 constable elected prior to the November 1991 general election or  
60 who has received a certificate from the Board of Law Enforcement  
61 Officers Standards and Training evidencing satisfaction of

62 subsections (2) and (3) of Section 45-6-11, or who is exempt from  
63 the requirements of subsections (2) and (3) of Section 45-6-11 by  
64 the provisions of subsection (1) of Section 45-6-11.

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

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