

By: Burton

To: Judiciary

SENATE BILL NO. 3095  
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 19-19-5, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE CONSTABLES TO ATTEND AND PASS A TRAINING PROGRAM PROVIDED  
3 OR APPROVED BY THE MISSISSIPPI LAW ENFORCEMENT OFFICERS TRAINING  
4 ACADEMY, TO PRESCRIBE THE COMPONENTS OF THE TRAINING PROGRAM AND  
5 TO PROVIDE CERTAIN EXEMPTIONS FROM THE PROGRAM; TO AMEND SECTION  
6 25-4-105, MISSISSIPPI CODE OF 1972, TO ALLOW A COUNTY EMPLOYEE TO  
7 SERVE AS A CONSTABLE OF THE COUNTY EMPLOYING HIM; AND FOR RELATED  
8 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:[CSQ1]

12 19-19-5. (1) 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 (2) (a) During a constable's term of office, each constable  
28 shall attend \* \* \* in its entirety a curriculum having a duration  
29 of two (2) weeks \* \* \* which addresses the nature and scope of

30 specific duties and responsibilities of a constable and which  
31 includes firearm use and safety training, to be established by the  
32 Board on Law Enforcement Officers Standards and Training in the  
33 field of law enforcement at the Mississippi Law Enforcement  
34 Officers' Training Academy or such other training programs that  
35 are approved by the Board on Law Enforcement Officers Standards  
36 and Training pursuant to Section 45-6-9. No physical fitness test  
37 shall be required to be successfully completed in order to  
38 complete the training program. The board of supervisors of the  
39 county shall be responsible for paying, only one (1) time, the  
40 tuition, living and travel expenses incurred by any constable of  
41 that county in attendance at such training program or curriculum.  
42 If such constable does not attend and, to the extent to which he  
43 is physically able, participate in the entirety of the required  
44 program or curriculum, any further training which may be required  
45 by this section shall be completed at the expense of such  
46 constable. No constable shall be entitled to the receipt of any  
47 fees, costs or compensation authorized by law after the first  
48 twenty-four (24) months in office if he fails to attend the  
49 required training and, to the extent to which he is physically  
50 able, participate in the entirety of the appropriate program or  
51 curriculum. Any constable who does not complete the required  
52 training when required may execute and return civil process but  
53 thereafter shall not be paid any fees, costs or compensation for  
54 executing such process and shall not be allowed to exercise any  
55 law enforcement functions or to carry a firearm in the performance  
56 of his duties until he has completed such training. \* \* \*

57 (b) (i) The Board of Law Enforcement Officers  
58 Standards and Training shall develop a program of continuing  
59 education training for constables to attend consisting of eight  
60 (8) hours annually. The program shall be divided equally between  
61 firearms training and safety and instruction in both substantive  
62 and procedural law. The training program shall be conducted by  
63 the Mississippi Constables Association, and appropriate parts of  
64 the program may be conducted by members who have been certified by  
65 the board to conduct the training program. The cost of travel and  
66 living expenses in attending the continuing training shall be paid

67 out of the Law Enforcement Officers Training Fund created in  
68 Section 45-6-15.

69 (ii) No constable serving on January 1, 2000,  
70 shall be required to comply with the continuing education  
71 requirements of this paragraph (b); however, any constable may  
72 elect to attend the annual training and shall be reimbursed  
73 therefor as provided in this paragraph (b).

74 (c) The provisions of this subsection shall not apply  
75 to a constable who has received a certificate from the Board on  
76 Law Enforcement Officers Standards and Training evidencing  
77 satisfaction of subsections (2) and (3) of Section 45-6-11, or who  
78 is exempt from the requirements of subsections (2) and (3) of  
79 Section 45-6-11 by the provisions of subsection (1) of Section  
80 45-6-11.

81 SECTION 2. Section 25-4-105, Mississippi Code of 1972, is  
82 amended as follows:[CSQ2]

83 25-4-105. (1) No public servant shall use his official  
84 position to obtain pecuniary benefit for himself other than that  
85 compensation provided for by law, or to obtain pecuniary benefit  
86 for any relative or any business with which he is associated.

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

93 (3) No public servant shall:

94 (a) Be a contractor, subcontractor or vendor with the  
95 governmental entity of which he is a member, officer, employee or  
96 agent, other than in his contract of employment, or have a  
97 material financial interest in any business which is a contractor,  
98 subcontractor or vendor with the governmental entity of which he  
99 is a member, officer, employee or agent.

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

105           (c) Be a purchaser, direct or indirect, of any claim,  
106 certificate, warrant or other security issued by or to be paid out  
107 of the treasury of the governmental entity of which he is an  
108 officer or employee.

109           (d) Perform any service for any compensation during his  
110 term of office or employment by which he attempts to influence a  
111 decision of the authority of the governmental entity of which he  
112 is a member.

113           (e) Perform any service for any compensation for any  
114 person or business after termination of his office or employment  
115 in relation to any case, decision, proceeding or application with  
116 respect to which he was directly concerned or in which he  
117 personally participated during the period of his service or  
118 employment.

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

121           (a) May be an officer or stockholder of banks or  
122 savings and loan associations or other such financial institutions  
123 bidding for bonds, notes or other evidences of debt or for the  
124 privilege of keeping as depositories the public funds of a  
125 governmental entity thereof or the editor or employee of any  
126 newspaper in which legal notices are required to be published in  
127 respect to the publication of said legal notices.

128           (b) May be a contractor or vendor with any authority of  
129 the governmental entity other than the authority of the  
130 governmental entity of which he is a member, officer, employee or  
131 agent or have a material financial interest in a business which is  
132 a contractor or vendor with any authority of the governmental

133 entity other than the authority of the governmental entity of  
134 which he is a member, officer, employee or agent where such  
135 contract is let to the lowest and best bidder after competitive  
136 bidding and three (3) or more legitimate bids are received or  
137 where the goods, services or property involved are reasonably  
138 available from two (2) or fewer commercial sources, provided such  
139 transactions comply with the public purchases laws.

140 (c) May be a subcontractor with any authority of the  
141 governmental entity other than the authority of the governmental  
142 entity of which he is a member, officer, employee or agent or have  
143 a material financial interest in a business which is a  
144 subcontractor with any authority of the governmental entity other  
145 than the authority of the governmental entity of which he is a  
146 member, officer, employee or agent where the primary contract is  
147 let to the lowest and best bidder after competitive bidding or  
148 where such goods or services involved are reasonably available  
149 from two (2) or fewer commercial sources, provided such  
150 transactions comply with the public purchases laws.

151 (d) May be a contractor, subcontractor or vendor with  
152 any authority of the governmental entity of which he is a member,  
153 officer, employee or agent or have a material financial interest  
154 in a business which is a contractor, subcontractor or vendor with  
155 any authority of the governmental entity of which he is a member,  
156 officer, employee or agent: (i) where such goods or services  
157 involved are reasonably available from two (2) or fewer commercial  
158 sources, provided such transactions comply with the public  
159 purchases laws; or (ii) where the contractual relationship  
160 involves the further research, development, testing, promotion or  
161 merchandising of an intellectual property created by the public  
162 servant.

163 (e) May purchase securities issued by the governmental  
164 entity of which he is an officer or employee if such securities  
165 are offered to the general public and are purchased at the same

166 price as such securities are offered to the general public.

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

170 (g) May contract with the Mississippi Veteran's Home  
171 Purchase Board, Mississippi Housing Finance Corporation, or any  
172 other state loan program, for the purpose of securing a loan;  
173 however, public servants shall not receive favored treatment.

174 (h) May be employed by or receive compensation from an  
175 authority of the governmental entity other than the authority of  
176 the governmental entity of which the public servant is an officer  
177 or employee.

178 (i) If a member of the Legislature or other public  
179 servant employed on less than a full-time basis, may represent a  
180 person or organization for compensation before an authority of the  
181 governmental entity other than an authority of the governmental  
182 entity of which he is an officer or employee.

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

186 (5) No person may intentionally use or disclose information  
187 gained in the course of or by reason of his official position or  
188 employment as a public servant in any way that could result in  
189 pecuniary benefit for himself, any relative, or any other person,  
190 if the information has not been communicated to the public or is  
191 not public information.

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

199           (7) Any person violating the provisions of this section  
200 shall be punished as provided for in Sections 25-4-109 and  
201 25-4-111.

202           SECTION 3. The Attorney General of the State of Mississippi  
203 shall submit this act, immediately upon approval by the Governor,  
204 or upon approval by the Legislature subsequent to a veto, to the  
205 Attorney General of the United States or to the United States  
206 District Court for the District of Columbia in accordance with the  
207 provisions of the Voting Rights Act of 1965, as amended and  
208 extended.

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