

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 3095

By Representative(s) Committee

10 **Amend by striking all after the enacting clause and inserting**
11 **in lieu thereof the following:**

12
13 SECTION 1. Section 19-19-5, Mississippi Code of 1972, is
14 amended as follows:

15 19-19-5. (1) It shall be the duty of every constable to
16 keep and preserve the peace within his county, by faithfully
17 aiding and assisting in executing the criminal laws of the state;
18 to give information, without delay, to some justice court judge or
19 other proper officer, of all riots, routs and unlawful assemblies,
20 and of every violation of the penal laws which may come to his
21 knowledge in any manner whatsoever; to execute and return all
22 process, civil and criminal, lawfully directed to him, according
23 to the command thereof; and to pay over all monies, when collected
24 by him to the person lawfully authorized to receive the same. No
25 constable shall receive any fee provided by law for making an
26 arrest, or attending any trial, wherein the defendant has been
27 arrested, or is being tried for any violation of the motor vehicle
28 laws committed on any designated United States highway located
29 within the district or county of the constable.

30 (2) (a) During a constable's term of office, each constable
31 shall attend and, to the extent to which he is physically able,
32 participate in a curriculum having a duration of two (2)

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

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

68 tuition and living expenses in attending the continuing training
69 shall be paid out of the Law Enforcement Officers Training Fund
70 created in Section 45-6-15.

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

76 (c) The provisions of this subsection shall not apply
77 to a constable who has received a certificate from the Board on
78 Law Enforcement Officers Standards and Training evidencing
79 satisfaction of subsections (2) and (3) of Section 45-6-11, or who
80 is exempt from the requirements of subsections (2) and (3) of
81 Section 45-6-11 by the provisions of subsection (1) of Section
82 45-6-11.

83 SECTION 2. Section 25-4-105, Mississippi Code of 1972, is
84 amended as follows:

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

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

95 (3) No public servant shall:

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

102 (b) Be a purchaser, direct or indirect, at any sale

103 made by him in his official capacity or by the governmental entity
104 of which he is an officer or employee, except in respect of the
105 sale of goods or services when provided as public utilities or
106 offered to the general public on a uniform price schedule.

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

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

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

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

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

130 (b) May be a contractor or vendor with any authority of
131 the governmental entity other than the authority of the
132 governmental entity of which he is a member, officer, employee or
133 agent or have a material financial interest in a business which is
134 a contractor or vendor with any authority of the governmental
135 entity other than the authority of the governmental entity of
136 which he is a member, officer, employee or agent where such
137 contract is let to the lowest and best bidder after competitive

138 bidding and three (3) or more legitimate bids are received or
139 where the goods, services or property involved are reasonably
140 available from two (2) or fewer commercial sources, provided such
141 transactions comply with the public purchases laws.

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

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

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

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

172 (g) May contract with the Mississippi Veteran's Home

173 Purchase Board, Mississippi Housing Finance Corporation, or any
174 other state loan program, for the purpose of securing a loan;
175 however, public servants shall not receive favored treatment.

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

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

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

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

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

201 (7) Any person violating the provisions of this section
202 shall be punished as provided for in Sections 25-4-109 and
203 25-4-111.

204 SECTION 3. The Attorney General of the State of Mississippi
205 shall submit this act, immediately upon approval by the Governor,
206 or upon approval by the Legislature subsequent to a veto, to the
207 Attorney General of the United States or to the United States

208 District Court for the District of Columbia in accordance with the
209 provisions of the Voting Rights Act of 1965, as amended and
210 extended.

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