

By: Representative Fleming

To: Judiciary B

HOUSE BILL NO. 161

1 AN ACT TO PROHIBIT RACIAL PROFILING BY LAW ENFORCEMENT  
2 OFFICERS; TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION  
3 45-6-11, MISSISSIPPI CODE OF 1972, TO REQUIRE TRAINING IN THE  
4 PREVENTION OF RACIAL PROFILING; AND FOR RELATED PURPOSES.

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

6 SECTION 1. It shall be unlawful for any law enforcement  
7 officer to detain or stop a person in traffic based solely on the  
8 race of the person being detained or stopped. All law enforcement  
9 agencies shall keep accurate records of all traffic stops and  
10 detentions identifying the reasons for the stops and the race of  
11 the person being stopped or detained. Any law enforcement officer  
12 who violates this section shall, upon conviction, be fined not  
13 more than One Thousand Dollars (\$1,000.00) or imprisoned for up to  
14 one (1) year or both. In addition to such fine and/or  
15 imprisonment the law enforcement officer shall not return to the  
16 profession of law enforcement until such officer has been trained  
17 in the prevention of racial profiling as provided in Section  
18 45-6-11.

19 SECTION 2. Section 45-6-11, Mississippi Code of 1972, is  
20 amended as follows:

21 45-6-11. (1) Law enforcement officers already serving under  
22 permanent appointment on July 1, 1981, and personnel of the  
23 division of community services under Section 47-7-9, Mississippi  
24 Code of 1972, serving on July 1, 1994, shall not be required to  
25 meet any requirement of subsections (3) and (4) of this section as  
26 a condition of continued employment; nor shall failure of any such  
27 law enforcement officer to fulfill such requirements make that  
28 person ineligible for any promotional examination for which that



29 person is otherwise eligible. Provided, however, if any law  
30 enforcement officer certified under the provisions of this chapter  
31 leaves his employment as such and does not become employed as a  
32 law enforcement officer within two (2) years from the date of  
33 termination of his prior employment, he shall be required to  
34 comply with board policy as to rehiring standards in order to be  
35 employed as a law enforcement officer; except, that, if any law  
36 enforcement officer certified under this chapter leaves his  
37 employment as such to serve as a sheriff, he may be employed as a  
38 law enforcement officer after he has completed his service as a  
39 sheriff without being required to comply with board policy as to  
40 rehiring standards. Part-time law enforcement officers serving on  
41 or before July 1, 1998, shall have until July 1, 2001, to obtain  
42 certification as a part-time officer.

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

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

53 (b) No person shall be appointed or employed as a law  
54 enforcement trainee by any law enforcement unit for a period to  
55 exceed two (2) years. The prohibition against the appointment or  
56 employment of a law enforcement trainee for a period not to exceed  
57 two (2) years may not be nullified by terminating the appointment  
58 or employment of such a person before the expiration of the time  
59 period and then rehiring the person for another period. Any  
60 person, who, due to illness or other events beyond his control,  
61 could not attend the required school or training as scheduled, may



62 serve with full pay and benefits in such a capacity until he can  
63 attend the required school or training.

64 (c) No person shall serve as a law enforcement officer  
65 in any full-time, part-time, reserve or auxiliary capacity during  
66 a period when that person's certification has been suspended,  
67 cancelled or recalled pursuant to the provisions of this chapter.

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

88 (5) Any elected sheriff, constable, deputy or chief of  
89 police may apply for certification. Such certification shall be  
90 granted at the request of the elected official after providing  
91 evidence of satisfaction of the requirements of subsections (3)  
92 and (4) of this section. Certification granted to such elected  
93 officials shall be granted under the same standards and conditions



94 as established by law enforcement officers and shall be subject to  
95 recall as in subsection (7) of this section.

96 (6) The board shall issue a certificate evidencing  
97 satisfaction of the requirements of subsections (3) and (4) of  
98 this section to any applicant who presents such evidence as may be  
99 required by its rules and regulations of satisfactory completion  
100 of a program or course of instruction in another jurisdiction  
101 equivalent in content and quality to that required by the board  
102 for approved law enforcement officer education and training  
103 programs in this state, and has satisfactorily passed any and all  
104 diagnostic testing and evaluation as required by the board to  
105 ensure competency.

106 (7) Professional certificates remain the property of the  
107 board, and the board reserves the right to either reprimand the  
108 holder of a certificate, suspend a certificate upon conditions  
109 imposed by the board, or cancel and recall any certificate when:

110 (a) The certificate was issued by administrative error;

111 (b) The certificate was obtained through  
112 misrepresentation or fraud;

113 (c) The holder has been convicted of any crime  
114 involving moral turpitude;

115 (d) The holder has been convicted of a felony; or

116 (e) Other due cause as determined by the board.

117 (8) When the board believes there is a reasonable basis for  
118 either the reprimand, suspension, cancellation of, or recalling  
119 the certification of a law enforcement officer or a part-time law  
120 enforcement officer, notice and opportunity for a hearing shall be  
121 provided in accordance with law prior to such reprimand,  
122 suspension or revocation.

123 (9) Any full- or part-time law enforcement officer aggrieved  
124 by the findings and order of the board may file an appeal with the  
125 chancery court of the county in which such person is employed from



126 the final order of the board. Such appeals must be filed within  
127 thirty (30) days of the final order of the board.

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

133 (11) The board shall develop and train all persons seeking  
134 certification as a law enforcement officer in the prevention of  
135 racial profiling. The provisions of this subsection shall apply  
136 to all recruits who begin training on or after July 1, 2001, and  
137 all law enforcement officers in the state shall complete such  
138 training by July 1, 2002.

139 SECTION 3. This act shall take effect and be in force from  
140 and after July 1, 2001.

