

By: Representative Moody

To: Public Health and
Welfare; Judiciary B

HOUSE BILL NO. 970

1 AN ACT TO AMEND SECTION 41-4-23, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF MENTAL HEALTH TO EMPLOY SECURITY
3 GUARDS AND PROMOTE THEM TO "CONSTABLE" AFTER COMPLETING
4 APPROPRIATE TRAINING AT THE LAW ENFORCEMENT TRAINING ACADEMY; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-4-23, Mississippi Code of 1972, is
8 amended as follows:

9 41-4-23. (1) It is the duty of the director of any mental
10 health or mental retardation facility under the direction or
11 control of the State Department of Mental Health to designate
12 certain employees as security guards and constables. The names,
13 qualifications, and training of those security guards and
14 constables shall be reported to the Executive Director of the
15 State Department of Mental Health and spread upon the official
16 minutes of the State Board of Mental Health.

17 All constables, after employment but before performing duties
18 as a constable, shall attend and satisfactorily complete the
19 training course required for constables at the Law Enforcement
20 Officer's Training Academy, the training to be at the expense of
21 the Department of Mental Health and in accordance with educational
22 leave regulations promulgated by the State Board of Mental Health.
23 Failure to meet repayment obligations may result in revocation of
24 law enforcement certification in the same manner provided in
25 Section 37-101-291. A complete record of all law enforcement
26 training of each employee shall be maintained in each employee's
27 record of employment. A master file of all those employees'



28 training shall be kept in the central office of the State
29 Department of Mental Health.

30 (2) All constables of the Department of Mental Health are
31 duly constituted peace officers with powers and duties of an
32 elected constable, but that authority may be exercised only on the
33 premises of institutions under the control of the * * * Department
34 of Mental Health. Each person designated as a security guard or
35 constable shall enter into bond, with two (2) or more sufficient
36 sureties, in the penalty amount of not less than Ten Thousand
37 Dollars (\$10,000.00), the premium for which shall be paid by the
38 facility employing the security guard or constable.

39 (3) All security guards and constables shall exercise their
40 authority while in performance of their duty on any of the
41 facilities under the direction or control of the State Department
42 of Mental Health; shall dress in uniforms prescribed by the State
43 Board of Mental Health; and may carry weapons.

44 **SECTION 2.** This act shall take effect and be in force from
45 and after July 1, 2002.

