AN ACT TO AMEND SECTION 19-19-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CONSTABLES TO SERVE PROCESS ISSUED BY THE COUNTY, CHANCERY OR CIRCUIT COURTS; AND FOR RELATED PURPOSES.

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

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

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

(2) (a) During a constable's term of office, each constable shall attend and, to the extent to which he is physically able, participate in a curriculum having a duration of two (2) weeks
which addresses the nature and scope of specific duties and responsibilities of a constable and which includes firearm use and safety training, to be established by the Board on Law Enforcement Officers Standards and Training in the field of law enforcement at the Mississippi Law Enforcement Officers' Training Academy or such other training programs that are approved by the Board on Law Enforcement Officers Standards and Training pursuant to Section 45-6-9. No physical fitness test shall be required to be successfully completed in order to complete the training program.

The board of supervisors of the county shall be responsible for paying, only one (1) time, the tuition, living and travel expenses incurred by any constable of that county in attendance at such training program or curriculum. If such constable does not attend and, to the extent to which he is physically able, participate in the entirety of the required program or curriculum, any further training which may be required by this section shall be completed at the expense of such constable. No constable shall be entitled to the receipt of any fees, costs or compensation authorized by law after the first twenty-four (24) months in office if he fails to attend the required training and, to the extent to which he is physically able, participate in the entirety of the appropriate program or curriculum. Any constable who does not complete the required training when required may execute and return civil process but thereafter shall not be paid any fees, costs or compensation for executing such process and shall not be allowed to exercise any law enforcement functions or to carry a firearm in the performance of his duties until he has completed such training.

(b) (i) The Board of Law Enforcement Officers Standards and Training shall develop a program of continuing education training for constables to attend consisting of eight (8) hours annually. The program shall be divided equally between firearms training and safety and instruction in both substantive
and procedural law. The training program shall be conducted by
the Mississippi Constables Association, and appropriate parts of
the program may be conducted by members who have been certified by
the board to conduct the training program. The cost of travel,
tuition and living expenses in attending the continuing training
shall be paid out of the Law Enforcement Officers Training Fund
created in Section 45-6-15.

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

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

SECTION 2. This act shall take effect and be in force from
and after July 1, 2003.