SENATE BILL NO. 2760

1    AN ACT TO REQUIRE MUNICIPALITIES TO PROVIDE A
2  PRE-DISCIPLINARY HEARING PRIOR TO THE SUSPENSION OR TERMINATION OF
3  ANY LAW ENFORCEMENT OFFICER; ESTABLISH A MINIMUM LEVEL OF WRITTEN
4  DUE PROCESS PROCEDURES; TO SPECIFY WHAT NOTICE SHALL BE PROVIDED
5  TO THE OFFICER; TO PROVIDE THAT THE OFFICER MAY ATTEND THE
6  HEARING, MAY BE REPRESENTED BY COUNSEL, MAY PRESENT EVIDENCE ON
7  HIS OWN BEHALF, QUESTION WITNESSES AGAINST HIM, AND MAY REQUEST
8  THAT THE EVIDENTIARY PHASE OF THE HEARING BE HELD IN EXECUTIVE
9  SESSION; TO PROVIDE THAT FINAL ADJUDICATION SHALL BE HELD IN OPEN
10  MEETING; TO PROVIDE THAT A MUNICIPALITY MAY ENACT PROCEDURES THAT
11  PROVIDE GREATER PROTECTIONS TO LAW ENFORCEMENT OFFICERS THAN THE
12  MINIMUM REQUIRED BY THE ACT; AND FOR RELATED PURPOSES.

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

14    **SECTION 1.**  This act shall be known and cited as the "Law

15  Enforcement Employment Procedures Act."

16    It is the intent of the Legislature to provide a fair and

17  impartial hearing to law enforcement officers employed by

18  municipalities prior to the disciplinary suspension or termination

19  of those officers.

20    **SECTION 2.**  (1)  A municipality shall provide by ordinance or

21  policy a pre-disciplinary hearing prior to the suspension or

22  termination of a law enforcement officer employed by the

23  municipality.

24    (2)  Nothing in this act shall be construed to prohibit a

25  municipality from placing a law enforcement officer on leave with

26  pay until the entity charged with the responsibility of conducting

27  the hearing has rendered a decision in the matter.

28    **SECTION 3.**  A municipality shall establish written due

29  process procedures applicable to the pre-disciplinary hearing.  At

30  a minimum, this due process shall consist of:

31    (a)  Written notice to the officer of the reason or

32  reasons for the termination or suspension.  This notice shall be

33 issued by the person or persons with authority to suspend or

34 terminate the law enforcement officer.  The notice shall also

35 inform the officer that the officer, within five (5) days, may

36 request a hearing in writing and where such written request should

37 be filed.  If the officer fails to request a hearing within five

38 (5) days after receiving written notice of the suspension or

39 termination, the right to such hearing shall be deemed waived.

40    (b)  The accused officer shall have the right to appear

41 at the hearing and to be represented at the officer's own expense.

42 The officer or representative shall have the right to address any

43 charges against the officer.  If the officer has a representative,

44 the officer may also be present at the hearing.

45    (c)  The officer or the officer's representative shall

46 have the right to present evidence and question witnesses who

47 testify in the proceeding.

48   **SECTION 4.**  A municipality may also hold a separate

49 post-disciplinary hearing on the suspension or termination of the

50 law enforcement officer.  If the municipality holds a separate

51 post-disciplinary hearing, the officer or officer's representative

52 may present evidence and question witnesses.

53   **SECTION 5.**  The hearing shall be conducted by an impartial

54 hearing officer or body.  If the hearing is before the municipal

55 governing body, the hearing may be conducted in an executive

56 session at the officer's election, provided that final

57 adjudication shall occur in an open session.

58   **SECTION 6.**  Nothing contained in this act shall prohibit a

59 municipality from enacting an ordinance or adopting procedures

60 which exceed the requirements of this act.

61   **SECTION 7.**  The rules of evidence and rules of discovery

62 shall not apply to hearings held pursuant to this act.

63   **SECTION 8.**  This act shall take effect and be in force from

64 and after July 1, 2007.

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07/SS26/R815        ST:  Law enforcement officers; provide minimum
PAGE 2              due process rights for municipal.