

By: Representative Clark

To: Municipalities;  
Judiciary A

HOUSE BILL NO. 742

1 AN ACT TO CREATE THE "MISSISSIPPI JOINT MUNICIPAL LAW  
 2 ENFORCEMENT ACT"; TO DEFINE CERTAIN TERMS; TO PROVIDE THAT TWO OR  
 3 MORE CONTIGUOUS MUNICIPALITIES IN A COUNTY MAY ESTABLISH A JOINT  
 4 POLICE DEPARTMENT, IF THE GOVERNING AUTHORITIES OF SUCH  
 5 MUNICIPALITIES DETERMINE IT IS IN THE BEST INTEREST OF THE  
 6 MUNICIPALITIES; TO PROVIDE THAT A JOINT POLICE DEPARTMENT SHALL BE  
 7 GOVERNED BY A BOARD; TO PROVIDE THE MEMBERSHIP OF SUCH BOARD; TO  
 8 PRESCRIBE THE ESTABLISHMENT PROCESS OF A JOINT DEPARTMENT; TO  
 9 PROVIDE THE RIGHTS AND DUTIES OF A JOINT POLICE DEPARTMENT; TO  
 10 PROVIDE THE FUNDING MECHANISM FOR A JOINT DEPARTMENT; AND FOR  
 11 RELATED PURPOSES.

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

13 **SECTION 1.** This act shall be known and may be cited as the  
 14 "Mississippi Joint Municipal Law Enforcement Act."

15 **SECTION 2.** As used under this act:

16 (a) "Board" means the governing board of a joint  
 17 municipal police department.

18 (b) "Board member" means the mayor from each  
 19 participating municipality and the sheriff of the county, all of  
 20 whom shall compose the governing board of a joint municipal police  
 21 department.



22 (c) "Joint department" means any joint municipal police  
23 department formed under this act.

24 **SECTION 3.** (1) The governing authorities of two (2) or more  
25 contiguous municipalities in a county may, by resolution,  
26 determine that it is in the best interests of the municipalities  
27 to establish a joint municipal police department. In determining  
28 whether or not to establish a joint municipal police department to  
29 best serve the needs of the citizens of the municipalities, the  
30 governing authorities of a municipality shall take into  
31 consideration, but shall not be limited to, the following:

32 (a) Whether or not a joint municipal police department  
33 may be able to better serve and protect their citizens in a more  
34 efficient and economical manner; and

35 (b) Whether or not savings and other advantages may be  
36 realized by establishing a joint department.

37 (2) If a municipality determines that it is in the best  
38 interests of the municipality to create a joint department to  
39 provide police protection and law enforcement for the  
40 municipalities, the governing authorities of municipality shall  
41 adopt a resolution so finding (which need not prescribe in detail  
42 the basis for the determination) and which shall set forth the  
43 names of the municipalities which are proposed to be initial  
44 members of the joint municipal police department. The resolution  
45 shall be certified to the governing authorities of each  
46 municipality who shall thereupon disapprove or ratify the



47 determination of establishing such joint police department. Upon  
48 ratifying the resolution, the governing authorities shall provide  
49 written notice of such determination to the chief of police of  
50 each municipality and its intent to establish a board for the  
51 joint department.

52 **SECTION 4.** (1) The joint department shall be governed by a  
53 board that shall meet at least once a quarter and that shall be  
54 composed of the mayor from each municipality and the sheriff of  
55 the county wherein each municipality lies.

56 (2) The board shall have all of the rights and powers  
57 necessary or convenient to carry out and effectuate the purposes  
58 and provisions of this act, including, but without limiting the  
59 following:

60 (a) To hire the police commissioner of the joint  
61 department and set his or her salary;

62 (b) To set the budget of the joint department;

63 (c) To purchase and oversee weapons, uniforms,  
64 equipment and other property that the joint department may need  
65 for police protection and law enforcement as well loan property;

66 (d) To be the governing authority for the joint  
67 department;

68 (e) To adopt bylaws for the regulation of the affairs  
69 and the conduct of its joint department, and to prescribe rules,  
70 regulations and policies in connection with the performance of its  
71 functions and duties;



72           (f) To adopt an official seal and alter the same at  
73 pleasure for the joint department;

74           (g) To maintain an office at such place or places as it  
75 may determine;

76           (h) To sue and be sued in its own name, and to plead  
77 and be impleaded;

78           (i) To receive, administer and comply with the  
79 conditions and requirements respecting any gift, grant or donation  
80 of any property or money;

81           (j) To acquire by purchase, lease, gift or otherwise,  
82 or to obtain options for the acquisition of, any property, real or  
83 personal, improved or unimproved, including an interest in land  
84 less than the fee thereof;

85           (k) To sell, lease, exchange, transfer or otherwise  
86 dispose of, or to grant options for any such purposes with respect  
87 to, any real or personal property or interest therein;

88           (l) To pledge or assign any money, rents, charges or  
89 other revenues and any proceeds derived by the joint department  
90 from the sales of property, insurance or condemnation awards;

91           (m) To make and execute contracts and other instruments  
92 necessary or convenient in the exercise of the powers and  
93 functions of the joint department under this act, including  
94 contracts with persons, firms, corporations and others; and



95 (n) To do all acts and things necessary, convenient or  
96 desirable to carry out the purposes and to exercise the powers  
97 granted to the joint department as prescribed under this act.

98 (3) Any two (2) or more board members shall file with the  
99 Secretary of State an application signed by them setting forth (a)  
100 the names of all proposed member municipalities; (b) the name and  
101 official residence of each of the board members so far as known to  
102 them; (c) a certified copy of the appointment evidencing their  
103 right to office; (d) a statement that each governing authority of  
104 each respective municipality appointing a board member has made  
105 the aforesaid determination; (e) a statement that each governing  
106 authority of each respective municipality has ratified the  
107 resolution concerning the establishment of the joint department;  
108 and (g) the name which is proposed for the joint department which  
109 shall be "The Cities of \_\_\_\_\_ Joint Police Department."

110 (4) (a) The application prescribed under this subsection  
111 (2) of this section shall be subscribed and sworn to by such board  
112 members before an officer or officers authorized by the laws of  
113 the state to administer and certify oaths, and shall be  
114 accompanied by a fee in the amount of Fifty Dollars (\$50.00)  
115 payable to the Secretary of State as a filing fee.

116 (b) The Secretary of State shall examine the  
117 application and, if he or she finds that the name proposed for the  
118 joint department is not identical to that of any other corporation  
119 of this state or of any agency or instrumentality thereof, or so



120 nearly similar as to lead to confusion and uncertainty, he or she  
121 shall receive and file it and shall record it in an appropriate  
122 book of record in his or her office.

123 (c) When the application has been made, filed and  
124 recorded as provided under this act, the joint department shall  
125 constitute a public body and a body corporate and politic under  
126 the name proposed in the application. The Secretary of State  
127 shall make and issue to the board members executing the  
128 application a certificate of incorporation pursuant to this act  
129 under the seal of the state, and shall record the same with the  
130 application. The certificate shall set forth the names of the  
131 member municipalities.

132 (5) In any suit, action or proceeding involving the validity  
133 or enforcement of, or relating to, any contract of the joint  
134 department, in the absence of establishing fraud in the premises,  
135 shall be conclusively deemed to have been established in  
136 accordance with the provisions of this act upon proof of the  
137 issuance of the aforesaid certificate by the Secretary of State.  
138 A copy of such certificate, duly certified by the Secretary of  
139 State, shall be admissible in evidence in any such suit, action or  
140 proceeding, and shall be conclusive proof of the filing and  
141 contents thereof.

142 (6) Notice of the issuance of such certificate shall be  
143 given to all of the proposed member municipalities by the  
144 Secretary of State. If a board member of any such municipality



145 has not signed the application to the Secretary of State and such  
146 municipality does not notify the Secretary of State of the  
147 appointment of a board member within forty (40) days after receipt  
148 of such notice, such municipality shall be deemed to have elected  
149 not to be a member of the joint department. As soon as  
150 practicable after the expiration of such period of forty (40)  
151 days, the Secretary of State shall issue a new certificate of  
152 incorporation, if necessary, setting forth the names of those  
153 municipalities which have elected to become members of the joint  
154 department. The failure of any proposed member to become a member  
155 shall not affect the validity of the corporate existence of the  
156 joint department as long as there are a minimum of two  
157 municipalities in the joint department.

158 **SECTION 5.** Once a joint department is formed, as authorized  
159 under this act, each participating municipality and county may  
160 loan vehicles, weapons and other property to the joint department,  
161 and the joint department shall have jurisdiction in all  
162 participating municipalities of the joint department to execute  
163 police protection and law enforcement.

164 **SECTION 6.** (1) Each participating municipality of a joint  
165 department shall pay a proportionate amount of monies to fund the  
166 costs of operating the joint department. The amount to be paid by  
167 each municipality shall be determined by the population of each  
168 municipality, with the greater share paid by the larger  
169 municipality.



170           (2) In addition to the required funding prescribed under  
171 subsection (1) of this section, the board of supervisors of the  
172 county where each municipality lies is authorized to provide  
173 funding to the joint department.

174           **SECTION 7.** This act shall take effect and be in force from  
175 and after July 1, 2018.

