

By: Representatives Clark, Sykes, Karriem,  
Faulkner

To: Municipalities;  
Judiciary A

HOUSE BILL NO. 260  
(As Passed the House)

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

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

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

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

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

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

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



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

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

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

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



48 written notice of such determination to the chief of police of  
49 each municipality and its intent to establish a board for the  
50 joint department.

51 **SECTION 4.** (1) The joint department shall be governed by a  
52 board that shall meet at least once a quarter and that shall be  
53 composed of the mayor from each municipality and the sheriff of  
54 the county wherein each municipality lies. If municipalities form  
55 a joint department and the municipalities are in separate  
56 counties, then the sheriff or the designee of the counties  
57 involved shall serve on the board.

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

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

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

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

68 (d) To be the governing authority for the joint  
69 department;

70 (e) To adopt bylaws for the regulation of the affairs  
71 and the conduct of its joint department, and to prescribe rules,



72 regulations and policies in connection with the performance of its  
73 functions and duties;

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

176           **SECTION 7.** This act shall take effect and be in force from  
177 and after July 1, 2019.

