

By: Representative Dixon

To: Judiciary B

HOUSE BILL NO. 663

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND
3 TRAINING TO INCLUDE TRAINING ON DRUG REFERRAL PROGRAMS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 45-6-11, Mississippi Code of 1972, is
7 amended as follows:

8 45-6-11. (1) Law enforcement officers already serving under
9 permanent appointment on July 1, 1981, and personnel of the
10 Division of Community Services under Section 47-7-9, Mississippi
11 Code of 1972, serving on July 1, 1994, shall not be required to
12 meet any requirement of subsections (3) and (4) of this section as
13 a condition of continued employment; nor shall failure of any such
14 law enforcement officer to fulfill such requirements make that
15 person ineligible for any promotional examination for which that
16 person is otherwise eligible. Provided, however, if any law
17 enforcement officer certified under the provisions of this chapter
18 leaves his employment as such and does not become employed as a
19 law enforcement officer within two (2) years from the date of



20 termination of his prior employment, he shall be required to
21 comply with board policy as to rehiring standards in order to be
22 employed as a law enforcement officer; except, that, if any law
23 enforcement officer certified under this chapter leaves his
24 employment as such to serve as a sheriff, he may be employed as a
25 law enforcement officer after he has completed his service as a
26 sheriff without being required to comply with board policy as to
27 rehiring standards. Part-time law enforcement officers serving on
28 or before July 1, 1998, shall have until July 1, 2001, to obtain
29 certification as a part-time officer.

30 (2) (a) Any person who has twenty (20) years of law
31 enforcement experience and who is eligible to be certified under
32 this section shall be eligible for recertification after leaving
33 law enforcement on the same basis as someone who has taken the
34 basic training course. Application to the board to qualify under
35 this paragraph shall be made no later than June 30, 1993.

36 (b) Any person who has twenty-five (25) years of law
37 enforcement experience, whether as a part-time, full-time, reserve
38 or auxiliary officer, and who has received certification as a
39 part-time officer, may be certified as a law enforcement officer
40 as defined in Section 45-6-3(c) without having to meet further
41 requirements. Application to the board to qualify under this
42 paragraph shall be made no later than June 30, 2009.

43 (3) (a) No person shall be appointed or employed as a law
44 enforcement officer or a part-time law enforcement officer unless



45 that person has been certified as being qualified under the
46 provisions of subsection (4) of this section.

47 (b) No person shall be appointed or employed as a law
48 enforcement trainee in a full-time capacity by any law enforcement
49 unit for a period to exceed one (1) year. No person shall be
50 appointed or employed as a law enforcement trainee in a part-time,
51 reserve or auxiliary capacity by any law enforcement unit for a
52 period to exceed two (2) years. The prohibition against the
53 appointment or employment of a law enforcement trainee in a
54 full-time capacity for a period not to exceed one (1) year or a
55 part-time, reserve or auxiliary capacity for a period not to
56 exceed two (2) years may not be nullified by terminating the
57 appointment or employment of such a person before the expiration
58 of the time period and then rehiring the person for another
59 period. Any person, who, due to illness or other events beyond
60 his control, could not attend the required school or training as
61 scheduled, may serve with full pay and benefits in such a capacity
62 until he can attend the required school or training.

63 (c) No person shall serve as a law enforcement officer
64 in any full-time, part-time, reserve or auxiliary capacity during
65 a period when that person's certification has been suspended,
66 cancelled or recalled pursuant to the provisions of this chapter.

67 (4) In addition to the requirements of subsections (3), (7)
68 and (8) of this section, the board, by rules and regulations
69 consistent with other provisions of law, shall fix other



70 qualifications for the employment of law enforcement officers,
71 including minimum age, education, physical and mental standards,
72 citizenship, good moral character, experience and such other
73 matters as relate to the competence and reliability of persons to
74 assume and discharge the responsibilities of law enforcement
75 officers, and the board shall prescribe the means for presenting
76 evidence of fulfillment of these requirements. Additionally, the
77 board shall fix qualifications for the appointment or employment
78 of part-time law enforcement officers to essentially the same
79 standards and requirements as law enforcement officers. The board
80 shall develop and implement a part-time law enforcement officer
81 training program that meets the same performance objectives and
82 has essentially the same or similar content as the programs
83 approved by the board for full-time law enforcement officers and
84 the board shall provide that such training shall be available
85 locally and held at times convenient to the persons required to
86 receive such training. Any law enforcement training, whether
87 full-time or part-time, shall include training on drug referral
88 programs.

89 (5) Any elected sheriff, constable, deputy or chief of
90 police may apply for certification. Such certification shall be
91 granted at the request of the elected official after providing
92 evidence of satisfaction of the requirements of subsections (3)
93 and (4) of this section. Certification granted to such elected
94 officials shall be granted under the same standards and conditions



as established by law enforcement officers and shall be subject to recall as in subsection (7) of this section.

(6) The board shall issue a certificate evidencing satisfaction of the requirements of subsections (3) and (4) of this section to any applicant who presents such evidence as may be required by its rules and regulations of satisfactory completion of a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the board for approved law enforcement officer education and training programs in this state, and has satisfactorily passed any and all diagnostic testing and evaluation as required by the board to ensure competency.

(7) Professional certificates remain the property of the board, and the board reserves the right to either reprimand the holder of a certificate, suspend a certificate upon conditions imposed by the board, or cancel and recall any certificate when:

- (a) The certificate was issued by administrative error;
- (b) The certificate was obtained through misrepresentation or fraud;
- (c) The holder has been convicted of any crime involving moral turpitude;
- (d) The holder has been convicted of a felony;
- (e) The holder has committed an act of malfeasance or has been dismissed from his employing law enforcement agency; or
- (f) Other due cause as determined by the board.



120 (8) When the board believes there is a reasonable basis for
121 either the reprimand, suspension, cancellation of, or recalling
122 the certification of a law enforcement officer or a part-time law
123 enforcement officer, notice and opportunity for a hearing shall be
124 provided in accordance with law prior to such reprimand,
125 suspension or revocation.

126 (9) Any full- or part-time law enforcement officer aggrieved
127 by the findings and order of the board may file an appeal with the
128 chancery court of the county in which such person is employed from
129 the final order of the board. Such appeals must be filed within
130 thirty (30) days of the final order of the board.

131 (10) Any full- or part-time law enforcement officer whose
132 certification has been cancelled pursuant to this chapter may
133 reapply for certification, but not sooner than two (2) years after
134 the date on which the order of the board cancelling such
135 certification becomes final.

136 **SECTION 2.** This act shall take effect and be in force from
137 and after July 1, 2019.

