

By: Representative Bell (65th)

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 618

1 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
2 ESTABLISH A TRAINING COMPONENT RELATING TO AUTISM SPECTRUM
3 DISORDER; TO BRING FORWARD SECTIONS 45-6-11 AND 45-6-19,
4 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** The Department of Public Safety shall establish a
8 training component relating to autism spectrum disorder as defined
9 in Section 83-9-26. The training component shall include, but
10 need not be limited to, instruction on the recognition of the
11 symptoms and characteristics of an individual on the autism
12 disorder spectrum and appropriate responses to an individual
13 exhibiting such symptoms and characteristics. The Mississippi
14 Board on Law Enforcement Officers Standards and Training shall
15 consider completion of the training component toward hours of
16 instruction required for continued employment or appointment as a
17 law enforcement officer.

18 **SECTION 2.** Section 45-6-11, Mississippi Code of 1972, is
19 brought forward as follows:



20 45-6-11. (1) Law enforcement officers already serving under
21 permanent appointment on July 1, 1981, and personnel of the
22 Division of Community Services under Section 47-7-9, Mississippi
23 Code of 1972, serving on July 1, 1994, shall not be required to
24 meet any requirement of subsections (3) and (4) of this section as
25 a condition of continued employment; nor shall failure of any such
26 law enforcement officer to fulfill such requirements make that
27 person ineligible for any promotional examination for which that
28 person is otherwise eligible. Provided, however, if any law
29 enforcement officer certified under the provisions of this chapter
30 leaves his employment as such and does not become employed as a
31 law enforcement officer within two (2) years from the date of
32 termination of his prior employment, he shall be required to
33 comply with board policy as to rehiring standards in order to be
34 employed as a law enforcement officer; except, that, if any law
35 enforcement officer certified under this chapter leaves his
36 employment as such to serve as a sheriff, he may be employed as a
37 law enforcement officer after he has completed his service as a
38 sheriff without being required to comply with board policy as to
39 rehiring standards. Part-time law enforcement officers serving on
40 or before July 1, 1998, shall have until July 1, 2001, to obtain
41 certification as a part-time officer.

42 (2) (a) Any person who has twenty (20) years of law
43 enforcement experience and who is eligible to be certified under
44 this section shall be eligible for recertification after leaving



45 law enforcement on the same basis as someone who has taken the
46 basic training course. Application to the board to qualify under
47 this paragraph shall be made no later than June 30, 1993.

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

55 (3) (a) No person shall be appointed or employed as a law
56 enforcement officer or a part-time law enforcement officer unless
57 that person has been certified as being qualified under the
58 provisions of subsection (4) of this section.

59 (b) No person shall be appointed or employed as a law
60 enforcement trainee in a full-time capacity by any law enforcement
61 unit for a period to exceed one (1) year. No person shall be
62 appointed or employed as a law enforcement trainee in a part-time,
63 reserve or auxiliary capacity by any law enforcement unit for a
64 period to exceed two (2) years. The prohibition against the
65 appointment or employment of a law enforcement trainee in a
66 full-time capacity for a period not to exceed one (1) year or a
67 part-time, reserve or auxiliary capacity for a period not to
68 exceed two (2) years may not be nullified by terminating the
69 appointment or employment of such a person before the expiration



70 of the time period and then rehiring the person for another
71 period. Any person, who, due to illness or other events beyond
72 his control, could not attend the required school or training as
73 scheduled, may serve with full pay and benefits in such a capacity
74 until he can attend the required school or training.

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

79 (4) In addition to the requirements of subsections (3), (7)
80 and (8) of this section, the board, by rules and regulations
81 consistent with other provisions of law, shall fix other
82 qualifications for the employment of law enforcement officers,
83 including minimum age, education, physical and mental standards,
84 citizenship, good moral character, experience and such other
85 matters as relate to the competence and reliability of persons to
86 assume and discharge the responsibilities of law enforcement
87 officers, and the board shall prescribe the means for presenting
88 evidence of fulfillment of these requirements. Additionally, the
89 board shall fix qualifications for the appointment or employment
90 of part-time law enforcement officers to essentially the same
91 standards and requirements as law enforcement officers. The board
92 shall develop and implement a part-time law enforcement officer
93 training program that meets the same performance objectives and
94 has essentially the same or similar content as the programs



95 approved by the board for full-time law enforcement officers and
96 the board shall provide that such training shall be available
97 locally and held at times convenient to the persons required to
98 receive such training.

99 (5) Any elected sheriff, constable, deputy or chief of
100 police may apply for certification. Such certification shall be
101 granted at the request of the elected official after providing
102 evidence of satisfaction of the requirements of subsections (3)
103 and (4) of this section. Certification granted to such elected
104 officials shall be granted under the same standards and conditions
105 as established by law enforcement officers and shall be subject to
106 recall as in subsection (7) of this section.

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

117 (7) Professional certificates remain the property of the
118 board, and the board reserves the right to either reprimand the



119 holder of a certificate, suspend a certificate upon conditions
120 imposed by the board, or cancel and recall any certificate when:

121 (a) The certificate was issued by administrative error;

122 (b) The certificate was obtained through
123 misrepresentation or fraud;

124 (c) The holder has been convicted of any crime
125 involving moral turpitude;

126 (d) The holder has been convicted of a felony;

127 (e) The holder has committed an act of malfeasance or
128 has been dismissed from his employing law enforcement agency; or

129 (f) Other due cause as determined by the board.

130 (8) When the board believes there is a reasonable basis for
131 either the reprimand, suspension, cancellation of, or recalling
132 the certification of a law enforcement officer or a part-time law
133 enforcement officer, notice and opportunity for a hearing shall be
134 provided in accordance with law prior to such reprimand,
135 suspension or revocation.

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

141 (10) Any full- or part-time law enforcement officer whose
142 certification has been cancelled pursuant to this chapter may
143 reapply for certification, but not sooner than two (2) years after



144 the date on which the order of the board cancelling such
145 certification becomes final.

146 **SECTION 3.** Section 45-6-19, Mississippi Code of 1972, is
147 brought forward as follows:

148 45-6-19. (1) The chief of police of any municipality in the
149 State of Mississippi is required to annually complete twenty (20)
150 hours of executive level continuing education courses which are
151 approved by the Mississippi Board on Law Enforcement Officers
152 Standards and Training. Any new chief of police having never
153 previously served in that capacity, is required to complete forty
154 (40) hours of executive level continuing education courses for his
155 first year of service. Such education courses may be provided by
156 an accredited law enforcement academy or by the Mississippi
157 Association of Chiefs of Police.

158 (2) Any police officer of any municipality in the State of
159 Mississippi is required to annually complete a specified number of
160 hours, as stated in this subsection, of continuing education
161 courses which are approved by the Mississippi Board on Law
162 Enforcement Officers Standards and Training. The following number
163 of hours of continuing education courses is required for municipal
164 police officers based upon the number of years following July 1,
165 2004:

166 0-2 years after July 1, 20048 hours of annual training
167 3-4 years after July 1, 200416 hours of annual training
168 5 or more years after July 1, 2004..24 hours of annual training



169 Such education courses may be provided by an accredited law
170 enforcement academy or by the Mississippi Association of Chiefs of
171 Police.

172 (3) The Mississippi Board on Law Enforcement Officers
173 Standards and Training shall reimburse each municipality for the
174 expense incurred for chiefs of police and municipal police
175 officers in attendance at approved training programs as required
176 by this section.

177 (4) Any chief of police or municipal police officer who
178 fails to comply with the provisions of this section shall be
179 subject to having his certification as a chief of police or
180 municipal police officer revoked by the Mississippi Board on Law
181 Enforcement Officers Standards and Training, in accordance with
182 Section 45-6-11.

183 (5) The Mississippi Board on Law Enforcement Officers
184 Standards and Training is authorized to institute and promulgate
185 all rules necessary for considering the revocation of any
186 municipal chief of police or municipal police officer who does not
187 comply with the provisions of this section, and may grant, for
188 sufficient cause shown, an extension of time in which compliance
189 with the provisions of this section may be made.

190 (6) Any chief of police or municipal police officer who is
191 aggrieved by any order or ruling made under the provisions of this
192 section has the same rights and procedure of appeal as from any



193 other order or ruling of the Mississippi Board on Law Enforcement
194 Officers Standards and Training.

195 **SECTION 4.** This act shall take effect and be in force from
196 and after July 1, 2021.

