

By: Representative Bounds

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 941

1 AN ACT TO AMEND SECTION 19-25-19, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY COUNTY SHERIFF MAY APPOINT A DEPUTY WHO IS
3 EMPLOYED AS A TRIBAL LAW ENFORCEMENT OFFICER BY A CERTAIN
4 FEDERALLY RECOGNIZED INDIAN TRIBE, IF THERE IS A WRITTEN
5 INSTRUMENT AUTHORIZING THE INDIVIDUAL TO ENFORCE THE LAWS OF THIS
6 STATE AND REQUIRING THE INDIVIDUAL TO MEET THE MINIMUM STANDARDS
7 AND TRAINING REQUIREMENTS; TO AMEND SECTION 45-6-11, MISSISSIPPI
8 CODE OF 1972, TO PROVIDE THAT SUCH AN INDIVIDUAL WHO IS EMPLOYED
9 AS A TRIBAL ENFORCEMENT OFFICER SHALL BE CONSIDERED TO BE
10 QUALIFIED TO BE DEPUTIZED BY THE COUNTY SHERIFF TO EXERCISE THE
11 LAWS OF THAT JURISDICTION WHERE HE OR SHE IS QUALIFIED FOR SUCH
12 DEPUTIZATION; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 19-25-19, Mississippi Code of 1972, is
15 amended as follows:

16 19-25-19. Every sheriff shall have power to appoint one or
17 more deputies to assist him in carrying out the duties of his
18 office, every such appointment to be in writing, to remove them at
19 pleasure, and to fix their compensation, subject to the budget for
20 the sheriff's office approved by the county board of supervisors.
21 Such deputies shall have authority to do all the acts and duties
22 enjoined upon their principals. Every deputy sheriff, except such
23 as may be appointed to do a particular act only, before he enters



24 on the duties of office, shall take and subscribe an oath
25 faithfully to execute the office of deputy sheriff, according to
26 the best of his skill and judgment. The appointment, with the
27 certificate of the oath, shall be filed and preserved in the
28 office of the clerk of the board of supervisors. All sheriffs
29 shall be liable for the acts of their deputies, and for money
30 collected by them. The circuit court, after a notice and a
31 hearing, shall have power to remove such deputies and also
32 bailiffs, upon a showing that the public interest will be served
33 thereby. Each deputy sheriff shall be at least twenty-one (21)
34 years of age, a qualified elector of the State of Mississippi, and
35 shall not have been convicted of a felony. Prior to appointing
36 any person a deputy sheriff, the sheriff shall determine that the
37 proposed appointee is of good moral character and is capable of
38 fairly and impartially enforcing the law of the State of
39 Mississippi.

40 Every sheriff shall also have the power to appoint a deputy
41 who is employed as a tribal law enforcement officer by a federally
42 recognized Indian tribe that has trust lands located within this
43 state, subject to a written instrument authorizing the individual
44 to enforce the laws of this state and requiring the individual to
45 meet the minimum standards set by the Mississippi Officers
46 Standards and Training requirements.

47 **SECTION 2.** Section 45-6-11, Mississippi Code of 1972, is
48 amended as follows:



49 45-6-11. (1) Law enforcement officers already serving under
50 permanent appointment on July 1, 1981, and personnel of the
51 Division of Community Services under Section 47-7-9, Mississippi
52 Code of 1972, serving on July 1, 1994, shall not be required to
53 meet any requirement of subsections (3) and (4) of this section as
54 a condition of continued employment; nor shall failure of any such
55 law enforcement officer to fulfill such requirements make that
56 person ineligible for any promotional examination for which that
57 person is otherwise eligible. Provided, however, if any law
58 enforcement officer certified under the provisions of this chapter
59 leaves his employment as such and does not become employed as a
60 law enforcement officer within two (2) years from the date of
61 termination of his prior employment, he shall be required to
62 comply with board policy as to rehiring standards in order to be
63 employed as a law enforcement officer; except, that, if any law
64 enforcement officer certified under this chapter leaves his
65 employment as such to serve as a sheriff, he may be employed as a
66 law enforcement officer after he has completed his service as a
67 sheriff without being required to comply with board policy as to
68 rehiring standards. Part-time law enforcement officers serving on
69 or before July 1, 1998, shall have until July 1, 2001, to obtain
70 certification as a part-time officer.

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



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

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

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

88 (b) No person shall be appointed or employed as a law
89 enforcement trainee in a full-time capacity by any law enforcement
90 unit for a period to exceed one (1) year. No person shall be
91 appointed or employed as a law enforcement trainee in a part-time,
92 reserve or auxiliary capacity by any law enforcement unit for a
93 period to exceed two (2) years. The prohibition against the
94 appointment or employment of a law enforcement trainee in a
95 full-time capacity for a period not to exceed one (1) year or a
96 part-time, reserve or auxiliary capacity for a period not to
97 exceed two (2) years may not be nullified by terminating the
98 appointment or employment of such a person before the expiration



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

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

108 (4) In addition to the requirements of subsections (3),
109 (* * *8) and (* * *9) of this section, the board, by rules and
110 regulations consistent with other provisions of law, shall fix
111 other qualifications for the employment of law enforcement
112 officers, including minimum age, education, physical and mental
113 standards, citizenship, good moral character, experience and such
114 other matters as relate to the competence and reliability of
115 persons to assume and discharge the responsibilities of law
116 enforcement officers, and the board shall prescribe the means for
117 presenting evidence of fulfillment of these requirements.
118 Additionally, the board shall fix qualifications for the
119 appointment or employment of part-time law enforcement officers to
120 essentially the same standards and requirements as law enforcement
121 officers. The board shall develop and implement a part-time law
122 enforcement officer training program that meets the same
123 performance objectives and has essentially the same or similar



124 content as the programs approved by the board for full-time law
125 enforcement officers and the board shall provide that such
126 training shall be available locally and held at times convenient
127 to the persons required to receive such training.

128 (5) Any elected sheriff, constable, deputy or chief of
129 police may apply for certification. Such certification shall be
130 granted at the request of the elected official after providing
131 evidence of satisfaction of the requirements of subsections (3)
132 and (4) of this section. Certification granted to such elected
133 officials shall be granted under the same standards and conditions
134 as established by law enforcement officers and shall be subject to
135 recall as in subsection (* * *8) of this section.

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

146 (7) An individual employed as a tribal law enforcement
147 officer by a federally recognized Indian tribe that has trust
148 lands located within this state, subject to a written instrument



149 authorizing the individual to enforce the laws of this state and
150 requiring the individual to meet the minimum standards set by the
151 Mississippi Officers Standards and Training requirements, is
152 considered to be qualified to be deputized to exercise the laws of
153 that jurisdiction as necessary.

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

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

159 (b) The certificate was obtained through
160 misrepresentation or fraud;

161 (c) The holder has been convicted of any crime
162 involving moral turpitude;

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

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

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

167 (* * *9) When the board believes there is a reasonable
168 basis for either the reprimand, suspension, cancellation of, or
169 recalling the certification of a law enforcement officer or a
170 part-time law enforcement officer, notice and opportunity for a
171 hearing shall be provided in accordance with law prior to such
172 reprimand, suspension or revocation.



173 (* * *10) Any full- or part-time law enforcement officer
174 aggrieved by the findings and order of the board may file an
175 appeal with the chancery court of the county in which such person
176 is employed from the final order of the board. Such appeals must
177 be filed within thirty (30) days of the final order of the board.

178 (* * *11) Any full- or part-time law enforcement officer
179 whose certification has been cancelled pursuant to this chapter
180 may reapply for certification, but not sooner than two (2) years
181 after the date on which the order of the board cancelling such
182 certification becomes final.

183 **SECTION 3.** This act shall take effect and be in force from
184 and after July 1, 2022.

