

By: Representatives Bounds, Ford (73rd)

To: Judiciary B

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; TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
 7 PROVIDE THAT SUCH AN INDIVIDUAL WHO IS EMPLOYED AS A TRIBAL
 8 ENFORCEMENT OFFICER SHALL BE CONSIDERED TO BE QUALIFIED TO BE
 9 DEPUTIZED BY THE COUNTY SHERIFF TO EXERCISE THE LAWS OF THAT
 10 JURISDICTION WHERE HE OR SHE IS QUALIFIED FOR SUCH DEPUTIZATION;
 11 AND FOR RELATED PURPOSES.

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

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

15 19-25-19. Every sheriff shall have power to appoint one or
 16 more deputies to assist him in carrying out the duties of his
 17 office, every such appointment to be in writing, to remove them at
 18 pleasure, and to fix their compensation, subject to the budget for
 19 the sheriff's office approved by the county board of supervisors.
 20 Such deputies shall have authority to do all the acts and duties
 21 enjoined upon their principals. Every deputy sheriff, except such
 22 as may be appointed to do a particular act only, before he enters



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

39 Every sheriff shall also have the power to appoint a deputy
40 who is employed as a tribal law enforcement officer by a federally
41 recognized Indian tribe that has trust lands located within this
42 state, subject to a written instrument authorizing the individual
43 to enforce the laws of this state.

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

46 45-6-11. (1) Law enforcement officers already serving under
47 permanent appointment on July 1, 1981, and personnel of the



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

68 (2) (a) Any person who has twenty (20) years of law
69 enforcement experience and who is eligible to be certified under
70 this section shall be eligible for recertification after leaving
71 law enforcement on the same basis as someone who has taken the



72 basic training course. Application to the board to qualify under
73 this paragraph shall be made no later than June 30, 1993.

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

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

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



97 period. Any person, who, due to illness or other events beyond
98 his control, could not attend the required school or training as
99 scheduled, may serve with full pay and benefits in such a capacity
100 until he can attend the required school or training.

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

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



122 enforcement officers and the board shall provide that such
123 training shall be available locally and held at times convenient
124 to the persons required to receive such training.

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

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

143 (7) An individual employed as a tribal law enforcement
144 officer by a federally recognized Indian tribe that has trust
145 lands located within this state, subject to a written instrument
146 authorizing the individual to enforce the laws of this state, is



147 considered to be qualified to be deputized to exercise the laws of
148 that jurisdiction as necessary.

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

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

154 (b) The certificate was obtained through
155 misrepresentation or fraud;

156 (c) The holder has been convicted of any crime
157 involving moral turpitude;

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

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

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

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

168 (* * *10) Any full- or part-time law enforcement officer
169 aggrieved by the findings and order of the board may file an
170 appeal with the chancery court of the county in which such person



171 is employed from the final order of the board. Such appeals must
172 be filed within thirty (30) days of the final order of the board.

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

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

