

By: Representatives Clark, Stamps

To: Municipalities;
Judiciary A

HOUSE BILL NO. 133

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 IN A COUNTY MAY ESTABLISH A JOINT POLICE
 4 DEPARTMENT IF THE GOVERNING AUTHORITIES OF SUCH MUNICIPALITIES
 5 DETERMINE IT IS IN THE BEST INTERESTS OF THE MUNICIPALITIES; TO
 6 PROVIDE THAT A JOINT POLICE DEPARTMENT SHALL BE GOVERNED BY A
 7 BOARD; TO PROVIDE THE MEMBERSHIP OF SUCH BOARD; TO PRESCRIBE THE
 8 ESTABLISHMENT PROCESS OF A JOINT POLICE DEPARTMENT; TO PROVIDE THE
 9 RIGHTS AND DUTIES AS WELL AS THE FUNDING MECHANISM FOR A JOINT
 10 POLICE 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 in a county may, by resolution, determine that it
25 is in the best interests of the municipalities to establish a
26 joint municipal police department. In determining whether or not
27 to 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 a municipality shall
40 adopt a resolution so finding (which need not prescribe in detail
41 the basis for the determination) and which shall set forth the
42 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.

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

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

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

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

65 (d) To be the governing authority for the joint
66 department;

67 (e) To adopt bylaws for the regulation of the affairs
68 and the conduct of its joint department, and to prescribe rules,
69 regulations and policies in connection with the performance of its
70 functions and duties;

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



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

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

77 (i) To receive, administer and comply with the
78 conditions and requirements respecting any gift, grant or donation
79 of any property or money;

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

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

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

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

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



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

110 (4) (a) The application prescribed under subsection (3) of
111 this section shall be subscribed and sworn to by such board
112 members before an officer or officers authorized by the laws of
113 the state to administer and certify oaths, and shall be
114 accompanied by a fee in the amount of Fifty Dollars (\$50.00)
115 payable to the Secretary of State as a filing fee.

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



121 shall receive and file it and shall record it in an appropriate
122 book of record in his or her office.

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

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

142 (6) Notice of the issuance of such certificate shall be
143 given to all of the proposed member municipalities by the
144 Secretary of State. If a board member of any such municipality
145 has not signed the application to the Secretary of State and such



146 municipality does not notify the Secretary of State of the
147 appointment of a board member within forty (40) days after receipt
148 of such notice, such municipality shall be deemed to have elected
149 not to be a member of the joint department. As soon as
150 practicable after the expiration of such period of forty (40)
151 days, the Secretary of State shall issue a new certificate of
152 incorporation, if necessary, setting forth the names of those
153 municipalities which have elected to become members of the joint
154 department. The failure of any proposed member to become a member
155 shall not affect the validity of the corporate existence of the
156 joint department as long as there are a minimum of two (2)
157 municipalities in the joint department.

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

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



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

174 **SECTION 7.** This act shall take effect and be in force from
175 and after July 1, 2023.

