

By: Representative Clark

To: Judiciary A;
Appropriations A

HOUSE BILL NO. 402

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.



SECTION 3.

(1) The governing authorities of two (2) or more municipalities in a county may, by resolution, determine that it is in the best interests of the municipalities to establish a joint municipal police department. In determining whether or not to establish a joint municipal police department to best serve the needs of the citizens of the municipalities, the governing authorities of a municipality shall take into consideration, but shall not be limited to, the following:

(a) Whether or not a joint municipal police department may be able to better serve and protect their citizens in a more efficient and economical manner; and

(b) Whether or not savings and other advantages may be realized by establishing a joint department.

(2) If a municipality determines that it is in the best interests of the municipality to create a joint department to provide police protection and law enforcement for the municipalities, the governing authorities of a municipality shall adopt a resolution so finding (which need not prescribe in detail the basis for the determination) and which shall set forth the names of the municipalities which are proposed to be initial members of the joint municipal police department. The resolution shall be certified to the governing authorities of each municipality who shall thereupon disapprove or ratify the determination of establishing such joint police department. Upon 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



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

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

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

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



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

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

SECTION 6. (1) Each participating municipality of a joint department shall pay a proportionate amount of monies to fund the costs of operating the joint department. The amount to be paid by each municipality shall be determined by the population of each municipality, with the greater share paid by the larger 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, 2025.

