

By: Representative Cockerham

To: Judiciary B

HOUSE BILL NO. 559

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE AUTHORITY TO THE CHIEF LAW ENFORCEMENT OFFICERS OF
3 COUNTIES AND MUNICIPALITIES TO APPOINT AND DEPUTIZE RESERVE LAW
4 ENFORCEMENT OFFICERS WITHOUT DEADLINES AND TIME CONSTRAINTS, BY
5 REMOVING THE PROHIBITION LIMITING THE APPOINTMENT OR EMPLOYMENT OF
6 FULL-TIME TRAINEES FOR A PERIOD NOT TO EXCEED ONE YEAR OR RESERVE
7 OR AUXILIARY PERSONNEL FOR A PERIOD NOT TO EXCEED TWO YEARS; AND
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 45-6-11, Mississippi Code of 1972, is
11 amended as follows:

12 45-6-11. (1) Law enforcement officers already serving under
13 permanent appointment on July 1, 1981, and personnel of the
14 Division of Community Services under Section 47-7-9, Mississippi
15 Code of 1972, serving on July 1, 1994, shall not be required to
16 meet any requirement of subsections (3) and (4) of this section as
17 a condition of continued employment; nor shall failure of any such
18 law enforcement officer to fulfill such requirements make that
19 person ineligible for any promotional examination for which that
20 person is otherwise eligible. Provided, however, if any law
21 enforcement officer certified under the provisions of this chapter



22 leaves his employment as such and does not become employed as a
23 law enforcement officer within two (2) years from the date of
24 termination of his prior employment, he shall be required to
25 comply with board policy as to rehiring standards in order to be
26 employed as a law enforcement officer; except, that, if any law
27 enforcement officer certified under this chapter leaves his
28 employment as such to serve as a sheriff, he may be employed as a
29 law enforcement officer after he has completed his service as a
30 sheriff without being required to comply with board policy as to
31 rehiring standards. Part-time law enforcement officers serving on
32 or before July 1, 1998, shall have until July 1, 2001, to obtain
33 certification as a part-time officer.

34 (2) (a) Any person who has twenty (20) years of law
35 enforcement experience and who is eligible to be certified under
36 this section shall be eligible for recertification after leaving
37 law enforcement on the same basis as someone who has taken the
38 basic training course. Application to the board to qualify under
39 this paragraph shall be made no later than June 30, 1993.

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



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

51 (b) No person shall be appointed or employed as a law
52 enforcement trainee in a full-time capacity by any law enforcement
53 unit for a period to exceed one (1) year. No person shall be
54 appointed or employed as a law enforcement trainee in a part-time,
55 reserve or auxiliary capacity by any law enforcement unit for a
56 period to exceed two (2) years. * * * Any person, who, due to
57 illness or other events beyond his control, could not attend the
58 required school or training as scheduled, may serve with full pay
59 and benefits in such a capacity until he can attend the required
60 school or training.

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

65 (4) In addition to the requirements of subsections (3), (7)
66 and (8) of this section, the board, by rules and regulations
67 consistent with other provisions of law, shall fix other
68 qualifications for the employment of law enforcement officers,
69 including minimum age, education, physical and mental standards,
70 citizenship, good moral character, experience and such other
71 matters as relate to the competence and reliability of persons to



72 assume and discharge the responsibilities of law enforcement
73 officers, and the board shall prescribe the means for presenting
74 evidence of fulfillment of these requirements. Additionally, the
75 board shall fix qualifications for the appointment or employment
76 of part-time law enforcement officers to essentially the same
77 standards and requirements as law enforcement officers. The board
78 shall develop and implement a part-time law enforcement officer
79 training program that meets the same performance objectives and
80 has essentially the same or similar content as the programs
81 approved by the board for full-time law enforcement officers and
82 the board shall provide that such training shall be available
83 locally and held at times convenient to the persons required to
84 receive such training.

85 (5) Any elected sheriff, constable, deputy or chief of
86 police may apply for certification. Such certification shall be
87 granted at the request of the elected official after providing
88 evidence of satisfaction of the requirements of subsections (3)
89 and (4) of this section. Certification granted to such elected
90 officials shall be granted under the same standards and conditions
91 as established by law enforcement officers and shall be subject to
92 recall as in subsection (7) of this section.

93 (6) The board shall issue a certificate evidencing
94 satisfaction of the requirements of subsections (3) and (4) of
95 this section to any applicant who presents such evidence as may be
96 required by its rules and regulations of satisfactory completion



97 of a program or course of instruction in another jurisdiction or
98 military training equivalent in content and quality to that
99 required by the board for approved law enforcement officer
100 education and training programs in this state, and has
101 satisfactorily passed any and all diagnostic testing and
102 evaluation as required by the board to ensure competency.

103 (7) Professional certificates remain the property of the
104 board, and the board reserves the right to either reprimand the
105 holder of a certificate, suspend a certificate upon conditions
106 imposed by the board, or cancel and recall any certificate when:

- 107 (a) The certificate was issued by administrative error;
108 (b) The certificate was obtained through
109 misrepresentation or fraud;
110 (c) The holder has been convicted of any crime
111 involving moral turpitude;
112 (d) The holder has been convicted of a felony;
113 (e) The holder has committed an act of malfeasance or
114 has been dismissed from his employing law enforcement agency; or
115 (f) Other due cause as determined by the board.

116 (8) When the board believes there is a reasonable basis for
117 either the reprimand, suspension, cancellation of, or recalling
118 the certification of a law enforcement officer or a part-time law
119 enforcement officer, notice and opportunity for a hearing shall be
120 provided in accordance with law prior to such reprimand,
121 suspension or revocation.



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

127 (10) Any full- or part-time law enforcement officer whose
128 certification has been cancelled pursuant to this chapter may
129 reapply for certification, but not sooner than two (2) years after
130 the date on which the order of the board cancelling such
131 certification becomes final.

132 **SECTION 2.** This act shall take effect and be in force from
133 and after July 1, 2025.

