

By: Senator(s) Browning, Hamilton

To: Judiciary

SENATE BILL NO. 2330

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT FROM TRAINING PART-TIME OFFICERS HAVING 10 OR MORE YEARS OF
3 EXPERIENCE; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE
4 LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

8 45-6-11. (1) Law enforcement officers already serving under
9 permanent appointment on July 1, 1981, part-time law enforcement
10 officers serving continuously from and after January 1, 1994, and
11 personnel of the division of community services under Section
12 47-7-9, Mississippi Code of 1972, serving on July 1, 1994, shall
13 not be required to meet any requirement of subsections (3) and (4)
14 of this section as a condition of continued employment; nor shall
15 failure of any such law enforcement officer to fulfill such
16 requirements make that person ineligible for any promotional
17 examination for which that person is otherwise eligible.

18 Provided, however, if any law enforcement officer certified under
19 the provisions of this chapter leaves his employment as such and
20 does not become employed as a law enforcement officer within two
21 (2) years from the date of termination of his prior employment, he
22 shall be required to comply with board policy as to rehiring
23 standards in order to be employed as a law enforcement officer;
24 except, that, if any law enforcement officer certified under this
25 chapter leaves his employment as such to serve as a sheriff, he
26 may be employed as a law enforcement officer after he has
27 completed his service as a sheriff without being required to

28 comply with board policy as to rehiring standards. Part-time law
29 enforcement officers serving on or before July 1, 1998, and not
30 otherwise exempt, shall have until July 1, 2001, to obtain
31 certification as a part-time officer.

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

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

42 (b) No person shall be appointed or employed as a law
43 enforcement trainee by any law enforcement unit for a period to
44 exceed two (2) years. The prohibition against the appointment or
45 employment of a law enforcement trainee for a period not to exceed
46 two (2) years may not be nullified by terminating the appointment
47 or employment of such a person before the expiration of the time
48 period and then rehiring the person for another period. Any
49 person, who, due to illness or other events beyond his control,
50 could not attend the required school or training as scheduled, may
51 serve with full pay and benefits in such a capacity until he can
52 attend the required school or training.

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

57 (4) In addition to the requirements of subsections (3), (7)
58 and (8) of this section, the board, by rules and regulations
59 consistent with other provisions of law, shall fix other
60 qualifications for the employment of law enforcement officers,
61 including minimum age, education, physical and mental standards,
62 citizenship, good moral character, experience and such other
63 matters as relate to the competence and reliability of persons to
64 assume and discharge the responsibilities of law enforcement

officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements. Additionally, the board shall fix qualifications for the appointment or employment of part-time law enforcement officers to essentially the same standards and requirements as law enforcement officers. The board shall develop and implement a part-time law enforcement officer training program that meets the same performance objectives and has essentially the same or similar content as the programs approved by the board for full-time law enforcement officers.

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

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

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

- (a) The certificate was issued by administrative error;
- (b) The certificate was obtained through

misrepresentation or fraud;

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

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

(e) Other due cause as determined by the board.

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

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

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

SECTION 2. This act shall take effect and be in force from and after July 1, 1999.