

By: Malone

To: Judiciary B

HOUSE BILL NO. 371

1 AN ACT TO AMEND SECTION 19-19-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE TRAINING AND TRAINING CERTIFICATION OF CONSTABLES; AND
3 FOR RELATED PURPOSES.

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

5 SECTION 1. Section 19-19-5, Mississippi Code of 1972, is
6 amended as follows:[BD1]

7 19-19-5. (1) It shall be the duty of every constable to
8 keep and preserve the peace within his county, by faithfully
9 aiding and assisting in executing the criminal laws of the state;
10 to give information, without delay, to some justice court judge or
11 other proper officer, of all riots, routs and unlawful assemblies,
12 and of every violation of the penal laws which may come to his
13 knowledge in any manner whatsoever; to execute and return all
14 process, civil and criminal, lawfully directed to him, according
15 to the command thereof; and to pay over all moneys, when collected
16 by him to the person lawfully authorized to receive the same. No
17 constable shall receive any fee provided by law for making an
18 arrest, or attending any trial, wherein the defendant has been
19 arrested, or is being tried for any violation of the motor vehicle
20 laws committed on any designated United States highway located
21 within the district or county of the constable.

22 (2) During a constable's term of office, each constable
23 shall attend and, to the extent to which he is physically able,
24 participate in a curriculum, with a duration equivalent to the
25 training received by sheriffs, which addresses the nature and
26 scope of specific duties and responsibilities of a constable and
27 which includes firearm use and safety training, to be established
28 by the Board on Law Enforcement Officers Standards and Training in
29 the field of law enforcement at the Mississippi Law Enforcement
30 Officers' Training Academy or such other police academies that are
31 approved by the Board on Law Enforcement Officers Standards and
32 Training pursuant to Section 45-6-9. Upon completion of the
33 training the board shall present the same certification provided
34 to a sheriff to a constable. The board of supervisors of the
35 county shall be responsible for paying, only one (1) time, the
36 tuition, living and travel expenses incurred by any constable of
37 that county in attendance at such training program or curriculum.

38 If such constable does not attend and, to the extent to which he
39 is physically able, participate in such program or curriculum, any
40 further training which may be required by this section shall be
41 completed at the expense of such constable. No constable shall be
42 entitled to the receipt of any fees, costs or compensation
43 authorized by law after the first twenty-four (24) months in
44 office if he fails to attend the academy and, to the extent to
45 which he is physically able, participate in the appropriate
46 program or curriculum. Any constable who does not complete the
47 required training before January 1, 1994, may execute and return
48 civil process but thereafter shall not be paid any fees, costs or
49 compensation for executing such process and shall not be allowed
50 to exercise any law enforcement functions or to carry a firearm in
51 the performance of his duties until he has completed such
52 training. The provisions of this subsection shall apply to

53 constables elected at the November 1991 general election and to
54 those who are elected at subsequent elections. The provisions of
55 this subsection shall not apply to a person who has received a
56 certificate from the Board on Law Enforcement Officers Standards
57 and Training evidencing satisfaction of subsections (2) and (3) of
58 Section 45-6-11, or who is exempt from the requirements of
59 subsections (2) and (3) of Section 45-6-11 by the provisions of
60 subsection (1) of Section 45-6-11.

61 SECTION 2. The Attorney General of the State of Mississippi
62 shall submit this act, immediately upon approval by the Governor,
63 or upon approval by the Legislature subsequent to a veto, to the
64 Attorney General of the United States or to the United States
65 District Court for the District of Columbia in accordance with the
66 provisions of the Voting Rights Act of 1965, as amended and
67 extended.

68 SECTION 3. This act shall take effect and be in force from
69 and after the date it is effectuated under Section 5 of the Voting
70 Rights Act of 1965, as amended and extended.