

By: Little

To: Judiciary

SENATE BILL NO. 2927

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE EXCEPTIONS UNDER WHICH A LAW ENFORCEMENT OFFICER MAY BE  
3 CERTIFIED; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 45-6-11, Mississippi Code of 1972, is  
6 amended as follows:[CSQ1]

7 45-6-11. (1) Law enforcement officers already serving under  
8 permanent appointment on July 1, 1981, and personnel of the  
9 division of community services under Section 47-7-9, Mississippi  
10 Code of 1972, serving on July 1, 1994, shall not be required to  
11 meet any requirement of subsections (3) and (4) of this section as  
12 a condition of continued employment; nor shall failure of any such  
13 law enforcement officer to fulfill such requirements make that  
14 person ineligible for any promotional examination for which that  
15 person is otherwise eligible. Provided, however, if any law  
16 enforcement officer certified under the provisions of this chapter  
17 leaves his employment as such and does not become employed as a  
18 law enforcement officer within two (2) years from the date of  
19 termination of his prior employment, he shall be required to  
20 comply with board policy as to rehiring standards in order to be  
21 employed as a law enforcement officer; except, that, if any law  
22 enforcement officer certified under this chapter leaves his  
23 employment as such to serve as a sheriff, he may be employed as a  
24 law enforcement officer after he has completed his service as a  
25 sheriff without being required to comply with board policy as to  
26 rehiring standards. Part-time law enforcement officers serving on

27 or before July 1, 1998, shall have until July 1, 2001, to obtain  
28 certification as a part-time officer.

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

35 (b) Any person who has ten (10) years of law  
36 enforcement experience and has successfully completed all  
37 requirements and is certified as a part-time law enforcement  
38 officer shall be eligible for certification as someone who has  
39 taken the basic training course.

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

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

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

59 (4) In addition to the requirements of subsections (3), (7)  
60 and (8) of this section, the board, by rules and regulations  
61 consistent with other provisions of law, shall fix other  
62 qualifications for the employment of law enforcement officers,  
63 including minimum age, education, physical and mental standards,

64 citizenship, good moral character, experience and such other  
65 matters as relate to the competence and reliability of persons to  
66 assume and discharge the responsibilities of law enforcement  
67 officers, and the board shall prescribe the means for presenting  
68 evidence of fulfillment of these requirements. Additionally, the  
69 board shall fix qualifications for the appointment or employment  
70 of part-time law enforcement officers to essentially the same  
71 standards and requirements as law enforcement officers. The board  
72 shall develop and implement a part-time law enforcement officer  
73 training program that meets the same performance objectives and  
74 has essentially the same or similar content as the programs  
75 approved by the board for full-time law enforcement officers and  
76 the board shall provide that such training shall be available  
77 locally and held at times convenient to the persons required to  
78 receive such training.

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

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

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

101                 (a) The certificate was issued by administrative error;

102                 (b) The certificate was obtained through  
103 misrepresentation or fraud;

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

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

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

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

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

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

124           SECTION 2. This act shall take effect and be in force from  
125 and after July 1, 2000.