

By: Representative Robinson (63rd)

To: Judiciary B

HOUSE BILL NO. 1647

1 AN ACT TO AMEND SECTION 19-19-5, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A CONSTABLE WHO IS UNAVAILABLE OR WHO IS UNABLE TO
3 PERFORM HIS DUTIES FOR AN EXTENDED PERIOD OF TIME BECAUSE OF
4 SICKNESS OR BECAUSE HE IS ON VACATION TO DESIGNATE ANOTHER
5 CONSTABLE OF THE COUNTY OR A CONSTABLE WHO PREVIOUSLY SERVED IN
6 THE COUNTY TO PERFORM HIS DUTIES IN HIS ABSENCE; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 19-19-5, Mississippi Code of 1972, is
10 amended as follows:

11 19-19-5. (1) It shall be the duty of every constable to
12 keep and preserve the peace within his county, by faithfully
13 aiding and assisting in executing the criminal laws of the state;
14 to give information, without delay, to some justice court judge or
15 other proper officer, of all riots, routs and unlawful assemblies,
16 and of every violation of the penal laws which may come to his
17 knowledge in any manner whatsoever; to execute and return all
18 process, civil and criminal, lawfully directed to him, according
19 to the command thereof; and to pay over all monies, when collected
20 by him to the person lawfully authorized to receive the same. No
21 constable shall receive any fee provided by law for making an
22 arrest, or attending any trial, wherein the defendant has been
23 arrested, or is being tried for any violation of the motor vehicle
24 laws committed on any designated United States highway located
25 within the district or county of the constable. If a constable is
26 unavailable or is unable to perform his duties for an extended
27 period of time because of sickness or because he is on vacation,
28 then he may designate, in writing, the person to perform his
29 duties in his absence. Such person may be another currently



30 serving constable in the county or a constable who previously
31 served in the county and who has met the requirements for
32 certification by the Board on Law Enforcement Standards and
33 Training.

34 (2) (a) During a constable's term of office, each constable
35 shall attend and, to the extent to which he is physically able,
36 participate in a curriculum having a duration of two (2) weeks
37 which addresses the nature and scope of specific duties and
38 responsibilities of a constable and which includes firearm use and
39 safety training, to be established by the Board on Law Enforcement
40 Officers Standards and Training in the field of law enforcement at
41 the Mississippi Law Enforcement Officers' Training Academy or such
42 other training programs that are approved by the Board on Law
43 Enforcement Officers Standards and Training pursuant to Section
44 45-6-9. No physical fitness test shall be required to be
45 successfully completed in order to complete the training program.
46 The board of supervisors of the county shall be responsible for
47 paying, only one (1) time, the tuition, living and travel expenses
48 incurred by any constable of that county in attendance at such
49 training program or curriculum. If such constable does not attend
50 and, to the extent to which he is physically able, participate in
51 the entirety of the required program or curriculum, any further
52 training which may be required by this section shall be completed
53 at the expense of such constable. No constable shall be entitled
54 to the receipt of any fees, costs or compensation authorized by
55 law after the first twenty-four (24) months in office if he fails
56 to attend the required training and, to the extent to which he is
57 physically able, participate in the entirety of the appropriate
58 program or curriculum. Any constable who does not complete the
59 required training when required may execute and return civil
60 process but thereafter shall not be paid any fees, costs or
61 compensation for executing such process and shall not be allowed
62 to exercise any law enforcement functions or to carry a firearm in



63 the performance of his duties until he has completed such
64 training.

65 (b) (i) The Board of Law Enforcement Officers
66 Standards and Training shall develop a program of continuing
67 education training for constables to attend consisting of eight
68 (8) hours annually. The program shall be divided equally between
69 firearms training and safety and instruction in both substantive
70 and procedural law. The training program shall be conducted by
71 the Mississippi Constables Association, and appropriate parts of
72 the program may be conducted by members who have been certified by
73 the board to conduct the training program. The cost of travel,
74 tuition and living expenses in attending the continuing training
75 shall be paid out of the Law Enforcement Officers Training Fund
76 created in Section 45-6-15.

77 (ii) No constable elected prior to January 1,
78 2000, shall be required to comply with the continuing education
79 requirements of this paragraph (b); however, any constable may
80 elect to attend the annual training and shall be reimbursed
81 therefor as provided in this paragraph (b).

82 (c) The provisions of this subsection shall not apply
83 to a constable who has received a certificate from the Board on
84 Law Enforcement Officers Standards and Training evidencing
85 satisfaction of subsections (2) and (3) of Section 45-6-11, or who
86 is exempt from the requirements of subsections (2) and (3) of
87 Section 45-6-11 by the provisions of subsection (1) of Section
88 45-6-11.

89 **SECTION 2.** This act shall take effect and be in force from and
90 after July 1, 2002.

