

By: Senator(s) Huggins

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2694

1 AN ACT TO AMEND SECTION 41-4-23, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH TO EMPLOY
3 SECURITY GUARDS AND PROMOTE THEM TO "CONSTABLE" AFTER COMPLETING
4 APPROPRIATE TRAINING AT THE LAW ENFORCEMENT TRAINING ACADEMY; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-4-23, Mississippi Code of 1972, is
8 amended as follows:

9 41-4-23. (a) It will be the duty of the director of any
10 mental health or mental retardation facility under the direction
11 or control of the State Department of Mental Health to designate
12 certain employees as security guards and constables. The names,
13 qualifications, and training of such security guards and
14 constables will be reported to the Executive Director of the State
15 Department of Mental Health and spread upon the official minutes
16 of the State Board of Mental Health.

17 All constables, subsequent to employment but prior to
18 performing duties as a constable, will attend and satisfactorily
19 complete the training course required for constables at the Law
20 Enforcement Officer's Training Academy, such training to be at the
21 expense of the Department of Mental Health and in accordance with
22 educational leave regulations promulgated by the State Board of
23 Mental Health. Failure to meet repayment obligations may result
24 in revocation of law enforcement certification in the same manner
25 provided in Section 37-101-291, Mississippi Code of 1972. A
26 complete record of all law enforcement training of each employee
27 will be maintained in each employee's record of employment. A



28 master file of all such employees' training will be kept in the
29 central office of the State Department of Mental Health.

30 (b) All constables will be duly constituted peace officers
31 with powers and duties of an elected constable but such authority
32 may be exercised only on the premises of institutions under the
33 control of the State Department of Mental Health. Each person
34 designated as a security guard or constable will enter into bond,
35 with two (2) or more sufficient sureties, in the penalty amount of
36 not less than Ten Thousand Dollars (\$10,000.00), the premium for
37 which shall be paid by the facility employing such security guard
38 or constable.

39 (c) All security guards and constables will exercise their
40 authority while in performance of their duty on any of the
41 facilities under the direction or control of the State Department
42 of Mental Health; will be required to dress in uniforms prescribed
43 by the State Board of Mental Health; and will be authorized to
44 carry weapons.

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

