

By: Senator(s) Huggins

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2385

1 AN ACT TO AMEND SECTION 19-19-5, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE CONSTABLES TO SERVE PROCESS ISSUED BY THE COUNTY,
3 CHANCERY OR CIRCUIT COURTS; AND 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:

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 monies, when collected
16 by him to the person lawfully authorized to receive the same. In
17 addition, the constable is authorized to serve process issued by
18 any county, chancery or circuit court, and shall receive the same
19 fee as he would receive for service of process in justice court.

20 No constable shall receive any fee provided by law for making an
21 arrest, or attending any trial, wherein the defendant has been
22 arrested, or is being tried for any violation of the motor vehicle
23 laws committed on any designated United States highway located
24 within the district or county of the constable.

25 (2) (a) During a constable's term of office, each constable
26 shall attend and, to the extent to which he is physically able,
27 participate in a curriculum having a duration of two (2) weeks



28 which addresses the nature and scope of specific duties and
29 responsibilities of a constable and which includes firearm use and
30 safety training, to be established by the Board on Law Enforcement
31 Officers Standards and Training in the field of law enforcement at
32 the Mississippi Law Enforcement Officers' Training Academy or such
33 other training programs that are approved by the Board on Law
34 Enforcement Officers Standards and Training pursuant to Section
35 45-6-9. No physical fitness test shall be required to be
36 successfully completed in order to complete the training program.

37 The board of supervisors of the county shall be responsible
38 for paying, only one (1) time, the tuition, living and travel
39 expenses incurred by any constable of that county in attendance at
40 such training program or curriculum. If such constable does not
41 attend and, to the extent to which he is physically able,
42 participate in the entirety of the required program or curriculum,
43 any further training which may be required by this section shall
44 be completed at the expense of such constable. No constable shall
45 be entitled to the receipt of any fees, costs or compensation
46 authorized by law after the first twenty-four (24) months in
47 office if he fails to attend the required training and, to the
48 extent to which he is physically able, participate in the entirety
49 of the appropriate program or curriculum. Any constable who does
50 not complete the required training when required may execute and
51 return civil process but thereafter shall not be paid any fees,
52 costs or compensation for executing such process and shall not be
53 allowed to exercise any law enforcement functions or to carry a
54 firearm in the performance of his duties until he has completed
55 such training.

56 (b) (i) The Board of Law Enforcement Officers
57 Standards and Training shall develop a program of continuing
58 education training for constables to attend consisting of eight
59 (8) hours annually. The program shall be divided equally between
60 firearms training and safety and instruction in both substantive



61 and procedural law. The training program shall be conducted by
62 the Mississippi Constables Association, and appropriate parts of
63 the program may be conducted by members who have been certified by
64 the board to conduct the training program. The cost of travel,
65 tuition and living expenses in attending the continuing training
66 shall be paid out of the Law Enforcement Officers Training Fund
67 created in Section 45-6-15.

68 (ii) No constable elected prior to January 1,
69 2000, shall be required to comply with the continuing education
70 requirements of this paragraph (b); however, any constable may
71 elect to attend the annual training and shall be reimbursed
72 therefor as provided in this paragraph (b).

73 (c) The provisions of this subsection shall not apply
74 to a constable who has received a certificate from the Board on
75 Law Enforcement Officers Standards and Training evidencing
76 satisfaction of subsections (2) and (3) of Section 45-6-11, or who
77 is exempt from the requirements of subsections (2) and (3) of
78 Section 45-6-11 by the provisions of subsection (1) of Section
79 45-6-11.

80 **SECTION 2.** This act shall take effect and be in force from
81 and after July 1, 2003.

