

By: Representatives Clark, Sykes, Karriem,
Faulkner

To: Municipalities;
Judiciary A

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 260

1 AN ACT TO CREATE THE "MISSISSIPPI JOINT MUNICIPAL LAW
2 ENFORCEMENT ACT"; TO DEFINE CERTAIN TERMS; TO PROVIDE THAT TWO OR
3 MORE MUNICIPALITIES IN A COUNTY MAY ESTABLISH A JOINT POLICE
4 DEPARTMENT, IF THE GOVERNING AUTHORITIES OF SUCH MUNICIPALITIES
5 DETERMINE IT IS IN THE BEST INTEREST OF THE MUNICIPALITIES; TO
6 PROVIDE THAT A JOINT POLICE DEPARTMENT SHALL BE GOVERNED BY A
7 BOARD; TO PROVIDE THE MEMBERSHIP OF SUCH BOARD; TO PRESCRIBE THE
8 ESTABLISHMENT PROCESS OF A JOINT DEPARTMENT; TO PROVIDE THE RIGHTS
9 AND DUTIES OF A JOINT POLICE DEPARTMENT; TO PROVIDE THE FUNDING
10 MECHANISM FOR A JOINT DEPARTMENT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** This act shall be known and may be cited as the
13 "Mississippi Joint Municipal Law Enforcement Act."

14 **SECTION 2.** As used under this act:

15 (a) "Board" means the governing board of a joint
16 municipal police department.

17 (b) "Board member" means the mayor from each
18 participating municipality and the sheriff of the county, all of
19 whom shall compose the governing board of a joint municipal police
20 department.

21 (c) "Joint department" means any joint municipal police
22 department formed under this act.



23 SECTION 3. (1) The governing authorities of two (2) or more
24 municipalities in a county may, by resolution, determine that it
25 is in the best interests of the municipalities to establish a
26 joint municipal police department. In determining whether or not
27 to establish a joint municipal police department to best serve the
28 needs of the citizens of the municipalities, the governing
29 authorities of a municipality shall take into consideration, but
30 shall not be limited to, the following:

31 (a) Whether or not a joint municipal police department
32 may be able to better serve and protect their citizens in a more
33 efficient and economical manner; and

34 (b) Whether or not savings and other advantages may be
35 realized by establishing a joint department.

36 (2) If a municipality determines that it is in the best
37 interests of the municipality to create a joint department to
38 provide police protection and law enforcement for the
39 municipalities, the governing authorities of municipality shall
40 adopt a resolution so finding (which need not prescribe in detail
41 the basis for the determination) and which shall set forth the
42 names of the municipalities which are proposed to be initial
43 members of the joint municipal police department. The resolution
44 shall be certified to the governing authorities of each
45 municipality who shall thereupon disapprove or ratify the
46 determination of establishing such joint police department. Upon
47 ratifying the resolution, the governing authorities shall provide



48 written notice of such determination to the chief of police of
49 each municipality and its intent to establish a board for the
50 joint department.

51 **SECTION 4.** (1) The joint department shall be governed by a
52 board that shall meet at least once a quarter and that shall be
53 composed of the mayor from each municipality and the sheriff of
54 the county wherein each municipality lies.

55 (2) The board shall have all of the rights and powers
56 necessary or convenient to carry out and effectuate the purposes
57 and provisions of this act, including, but without limiting the
58 following:

59 (a) To hire the police commissioner of the joint
60 department and set his or her salary;

61 (b) To set the budget of the joint department;

62 (c) To purchase and oversee weapons, uniforms,
63 equipment and other property that the joint department may need
64 for police protection and law enforcement as well loan property;

65 (d) To be the governing authority for the joint
66 department;

67 (e) To adopt bylaws for the regulation of the affairs
68 and the conduct of its joint department, and to prescribe rules,
69 regulations and policies in connection with the performance of its
70 functions and duties;

71 (f) To adopt an official seal and alter the same at
72 pleasure for the joint department;



73 (g) To maintain an office at such place or places as it
74 may determine;

75 (h) To sue and be sued in its own name, and to plead
76 and be impleaded;

77 (i) To receive, administer and comply with the
78 conditions and requirements respecting any gift, grant or donation
79 of any property or money;

80 (j) To acquire by purchase, lease, gift or otherwise,
81 or to obtain options for the acquisition of, any property, real or
82 personal, improved or unimproved, including an interest in land
83 less than the fee thereof;

84 (k) To sell, lease, exchange, transfer or otherwise
85 dispose of, or to grant options for any such purposes with respect
86 to, any real or personal property or interest therein;

87 (l) To pledge or assign any money, rents, charges or
88 other revenues and any proceeds derived by the joint department
89 from the sales of property, insurance or condemnation awards;

90 (m) To make and execute contracts and other instruments
91 necessary or convenient in the exercise of the powers and
92 functions of the joint department under this act, including
93 contracts with persons, firms, corporations and others; and

94 (n) To do all acts and things necessary, convenient or
95 desirable to carry out the purposes and to exercise the powers
96 granted to the joint department as prescribed under this act.



97 (3) Any two (2) or more board members shall file with the
98 Secretary of State an application signed by them setting forth (a)
99 the names of all proposed member municipalities; (b) the name and
100 official residence of each of the board members so far as known to
101 them; (c) a certified copy of the appointment evidencing their
102 right to office; (d) a statement that each governing authority of
103 each respective municipality appointing a board member has made
104 the aforesaid determination; (e) a statement that each governing
105 authority of each respective municipality has ratified the
106 resolution concerning the establishment of the joint department;
107 and (g) the name which is proposed for the joint department which
108 shall be "The Cities of _____ Joint Police Department."

109 (4) (a) The application prescribed under this subsection
110 (2) of this section shall be subscribed and sworn to by such board
111 members before an officer or officers authorized by the laws of
112 the state to administer and certify oaths, and shall be
113 accompanied by a fee in the amount of Fifty Dollars (\$50.00)
114 payable to the Secretary of State as a filing fee.

115 (b) The Secretary of State shall examine the
116 application and, if he or she finds that the name proposed for the
117 joint department is not identical to that of any other corporation
118 of this state or of any agency or instrumentality thereof, or so
119 nearly similar as to lead to confusion and uncertainty, he or she
120 shall receive and file it and shall record it in an appropriate
121 book of record in his or her office.



122 (c) When the application has been made, filed and
123 recorded as provided under this act, the joint department shall
124 constitute a public body and a body corporate and politic under
125 the name proposed in the application. The Secretary of State
126 shall make and issue to the board members executing the
127 application a certificate of incorporation pursuant to this act
128 under the seal of the state, and shall record the same with the
129 application. The certificate shall set forth the names of the
130 member municipalities.

131 (5) In any suit, action or proceeding involving the validity
132 or enforcement of, or relating to, any contract of the joint
133 department, in the absence of establishing fraud in the premises,
134 shall be conclusively deemed to have been established in
135 accordance with the provisions of this act upon proof of the
136 issuance of the aforesaid certificate by the Secretary of State.
137 A copy of such certificate, duly certified by the Secretary of
138 State, shall be admissible in evidence in any such suit, action or
139 proceeding, and shall be conclusive proof of the filing and
140 contents thereof.

141 (6) Notice of the issuance of such certificate shall be
142 given to all of the proposed member municipalities by the
143 Secretary of State. If a board member of any such municipality
144 has not signed the application to the Secretary of State and such
145 municipality does not notify the Secretary of State of the
146 appointment of a board member within forty (40) days after receipt



147 of such notice, such municipality shall be deemed to have elected
148 not to be a member of the joint department. As soon as
149 practicable after the expiration of such period of forty (40)
150 days, the Secretary of State shall issue a new certificate of
151 incorporation, if necessary, setting forth the names of those
152 municipalities which have elected to become members of the joint
153 department. The failure of any proposed member to become a member
154 shall not affect the validity of the corporate existence of the
155 joint department as long as there are a minimum of two
156 municipalities in the joint department.

157 **SECTION 5.** Once a joint department is formed, as authorized
158 under this act, each participating municipality and county may
159 loan vehicles, weapons and other property to the joint department,
160 and the joint department shall have jurisdiction in all
161 participating municipalities of the joint department to execute
162 police protection and law enforcement.

163 **SECTION 6.** (1) Each participating municipality of a joint
164 department shall pay a proportionate amount of monies to fund the
165 costs of operating the joint department. The amount to be paid by
166 each municipality shall be determined by the population of each
167 municipality, with the greater share paid by the larger
168 municipality.

169 (2) In addition to the required funding prescribed under
170 subsection (1) of this section, the board of supervisors of the



171 county where each municipality lies is authorized to provide
172 funding to the joint department.

173 **SECTION 7.** This act shall take effect and be in force from
174 and after July 1, 2019.

