MISSISSIPPI LEGISLATURE                              REGULAR SESSION 2024

By: Representatives Shanks, Hulum, Clark, Summers

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 691

AN ACT TO AMEND SECTION 45-6-5, MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND TRAINING FROM THIRTEEN TO NINE; TO AMEND SECTION 45-6-7, MISSISSIPPI CODE OF 1972, TO REVISE THE BOARD'S POWERS AND DUTIES TO INCLUDE INVESTIGATIVE AUTHORITY; TO AMEND SECTION 45-6-19, MISSISSIPPI CODE OF 1972, TO REQUIRE CONTINUING EDUCATION TRAINING FOR ALL STATE AGENCY, COUNTY AND MUNICIPAL LAW ENFORCEMENT OFFICERS; TO AMEND SECTION 45-1-101, MISSISSIPPI CODE OF 1972, TO CLARIFY REFERENCE TO RETIRED LAW ENFORCEMENT OFFICERS; AND FOR RELATED PURPOSES.

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

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

45-6-5. (1) There is hereby created the Board on Law Enforcement Officer Standards and Training, which shall consist of nine (9) members.

(2) (a) The Governor shall appoint four (4) members of the board from the following specified categories:

(i) Two (2) members, each of whom is a chief of police of a municipality in this state, with one (1) of the appointees being appointed from a municipality having a population
of less than five thousand (5,000) according to the latest federal
decennial census * * *;

(ii) One (1) member who is a sheriff in this state * * *
and
(iii) One (1) member who is a district attorney in this state.

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(b) The initial appointments to the board shall be made
by the Governor no later than twenty (20) days after April 7, 1981, as follows: the chief of police and the representative of higher education each shall be appointed for a term of two (2) years; and the sheriff and the district attorney each shall be appointed for a term of three (3) years. Upon the expiration of the terms of the initial appointees to the board, each subsequent appointment shall be made for a term of three (3) years, beginning on the date of the expiration of the previous term. A vacancy in any appointed position on the board prior to the expiration of a term shall be filled by appointment of the Governor only for the balance of the unexpired term. Appointments shall be made within sixty (60) days of the occurrence of the vacancy.

(c) Any member appointed under this subsection who fails to attend three (3) consecutive meetings of the board shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when a member has failed to attend three (3) consecutive regular meetings.
(3) The remaining five (5) members of the board shall be the following:

(a) The Commissioner of the Department of Public Safety, or his designee;

(b) The Director of the Mississippi Law Enforcement Officers' Training Academy;

(c) The President of the Mississippi Constable Association, or his designee who is a member of the association;

(d) The President of the Mississippi Campus Law Enforcement Officers Association, or his designee who is a member of the association; and

(e) The President of the Mississippi Sheriffs' Association, or his designee who is a member of the association.

The Commissioner of the Department of Public Safety, the Director of the Mississippi Law Enforcement Officers' Training Academy and the respective presidents of the foregoing associations, or their designees, shall serve only for their respective terms of office.

(4) Members of the board shall serve without compensation, but shall be entitled to receive reimbursement for any actual and reasonable expenses incurred as a necessary incident to such service, including mileage, as provided in Section 25-3-41.
(5) There shall be a chairman and a vice chairman of the board, elected by and from the membership of the board. The board shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business, but the board shall meet at least every three (3) months.

* * *

(* * *) If a person appointed to the board no longer occupies the status qualifying that person's appointment, that position on the board shall be immediately vacated and filled ex officio or by appointment of the Governor as otherwise provided in this section.

(* * *) The board shall report annually to the Governor and the Legislature on its activities, and may make such other reports as it deems desirable.

(* * *) The training officers of all police academies in the state whose curricula are approved by the board shall be advisors to the board. They shall be entitled to all privileges of the board members, including travel expenses and subsistence, but shall not be eligible to vote at board meetings.

SECTION 2. Section 45-6-7, Mississippi Code of 1972, is amended as follows:

45-6-7. In addition to the powers conferred upon the board elsewhere in this chapter, the board shall have power to:

(a) Promulgate rules and regulations for the administration of this chapter, including the authority to require
the submission of reports and information by law enforcement agencies of the state and its political subdivisions.

(b) Establish minimum educational and training standards for admission to employment or appointment as a law enforcement officer or a part-time law enforcement officer: (i) in a permanent position; and (ii) in a probationary status. The minimum educational and training standards for any law enforcement officer assigned to field or investigative duties shall include at least two (2) hours of training related to handling complaints of human trafficking and commercial sexual exploitation of children as defined in Section 43-21-105, communicating with such victims, and requiring the officer to contact the Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected.

(c) Certify persons as being qualified under the provisions of this chapter to be law enforcement officers or part-time law enforcement officers.

(d) Revoke certification for cause and in the manner provided in this chapter. The board is authorized to conduct investigations and subpoena documents regarding revocations. The board shall maintain a current list of all persons certified under this chapter who have been placed on probation, suspended, subjected to revocation of certification, or any combination of these.
(e) Establish minimum curriculum requirements for basic and advanced courses and programs for schools operated by or for the state or any political subdivision thereof for the specific purpose of training police and other law enforcement officers, both full- and part-time, which shall include a minimum of two (2) hours of training in a course or courses related to the identification of and support for victims of human trafficking and commercial sexual exploitation.

(f) Consult and cooperate with counties, municipalities, state agencies, other governmental agencies, and with universities, colleges, community and junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for personnel defined in this chapter.

(g) Make recommendations concerning any matter within its purview pursuant to this chapter.

(h) Make such inspection and evaluation as may be necessary to determine if governmental units are complying with the provisions of this chapter.

(i) Approve law enforcement officer training schools for operation by or for the state or any political subdivision thereof for the specific purpose of training personnel defined in this chapter.

(j) Upon the request of agencies employing personnel defined in this chapter, conduct surveys or aid municipalities and
counties to conduct surveys through qualified public or private agencies and assist in the implementation of any recommendations resulting from such surveys.

(k) Upon request of agencies within the purview of this chapter, conduct general and specific management surveys and studies of the operations of the requesting agencies at no cost to those agencies. The role of the board under this subsection shall be that of management consultant.

(l) Adopt and amend regulations consistent with law, for its internal management and control of board programs.

(m) Enter into contracts or do such things as may be necessary and incidental to the administration of this chapter.

(n) Establish jointly with the State Board of Education the minimum level of basic law enforcement training required of persons employed by school districts as school security guards, or school resource officers or in other positions that have the powers of a peace officer.

SECTION 3. Section 45-6-19, Mississippi Code of 1972, is amended as follows:

45-6-19. (1) The chief of police of any municipality in the State of Mississippi is required to annually complete twenty (20) hours of executive level continuing education courses which are approved by the Mississippi Board on Law Enforcement Officers Standards and Training. Any new chief of police having never previously served in that capacity, is required to complete forty
(40) hours of executive level continuing education courses for his first year of service. Such education courses may be provided by an accredited law enforcement academy or by the Mississippi Association of Chiefs of Police.

(2) Any law enforcement officer of any state agency, county or municipality in the State of Mississippi is required to annually complete a specified number of hours, as stated in this subsection, of continuing education courses which are approved by the Mississippi Board on Law Enforcement Officers Standards and Training. The following number of hours of continuing education courses is required for law enforcement officers specified in this subsection based upon the number of years following July 1, 2004:

- 0-2 years after July 1, 2004 ..........8 hours of annual training
- 3-4 years after July 1, 2004 ..........16 hours of annual training
- 5 or more years after July 1, 2004..24 hours of annual training

Such education courses may be provided by an accredited law enforcement academy or by the Mississippi Association of Chiefs of Police.

(3) The Mississippi Board on Law Enforcement Officers Standards and Training shall reimburse each state agency, county or municipality for the expense incurred for chiefs of police and state agency, county or municipal law enforcement officers in attendance at approved training programs as required by this section.
(4) Any chief of police or state agency, county or municipal law enforcement officer who fails to comply with the provisions of this section shall be subject to having his certification as a chief of police or state agency, county or municipal law enforcement officer revoked by the Mississippi Board on Law Enforcement Officers Standards and Training, in accordance with Section 45-6-11.

(5) The Mississippi Board on Law Enforcement Officers Standards and Training is authorized to institute and promulgate all rules necessary for considering the revocation of any municipal chief of police or state agency, county or municipal law enforcement officer who does not comply with the provisions of this section, and may grant, for sufficient cause shown, an extension of time in which compliance with the provisions of this section may be made.

(6) Any chief of police or state agency, county or municipal law enforcement officer who is aggrieved by any order or ruling made under the provisions of this section has the same rights and procedure of appeal as from any other order or ruling of the Mississippi Board on Law Enforcement Officers Standards and Training.

SECTION 4. Section 45-1-101, Mississippi Code of 1972, is amended as follows:

45-1-101. (1) This section may be referred to as the "HR218 Qualification Law."
(2) Any retired law enforcement officer who resides in this state and for whom the law enforcement agency from which the officer retired does not participate in the necessary certification for the retired officer to be certified according to the Law Enforcement Officers Safety Act of 2004 or who does not reside in convenient proximity to the law enforcement agency from which the officer retired, may obtain the necessary certification from the Mississippi Association of Chiefs of Police.

SECTION 5. This act shall take effect and be in force from and after July 1, 2024.