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To: Judiciary B

HOUSE BILL NO. 565

1 AN ACT TO AMEND SECTION 45-6-11, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT WHEN A LAW ENFORCEMENT OFFICER RESIGNS, THE LAW
 3 ENFORCEMENT AGENCY FROM WHICH THE OFFICER HAS RESIGNED MUST
 4 PROVIDE THE BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND
 5 TRAINING NOTIFICATION OF THE OFFICER'S ACTION WITHIN A SPECIFIED
 6 TIME FRAME; TO PROVIDE THAT WHEN AN OFFICER IS TERMINATED OR
 7 RESIGNS, DUE TO DISCIPLINARY ACTION, THE AGENCY SHALL PROVIDE
 8 NOTIFICATION OF THE RESIGNATION OR TERMINATION TO THE BOARD AND
 9 MUST PROVIDE AN EXPLANATION CONCERNING THE RESIGNATION OR
 10 TERMINATION DUE TO SUCH DISCIPLINARY ACTION; TO PRESCRIBE CERTAIN
 11 PENALTIES FOR THE FAILURE OF AN AGENCY TO REPORT SUCH ACTION OF AN
 12 OFFICER; TO PROVIDE THAT SUCH AGENCY MAY APPEAL THE DECISION OF
 13 THE BOARD; TO AMEND SECTION 45-6-19, MISSISSIPPI CODE OF 1972, TO
 14 CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD SECTION
 15 45-6-17, MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO NONCOMPLYING
 16 OFFICERS AND OFFICERS WITH CERTIFICATES REVOKED OR SUSPENDED, FOR
 17 PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 45-6-11, Mississippi Code of 1972, is
 20 amended as follows:

21 45-6-11. (1) Law enforcement officers already serving under
 22 permanent appointment on July 1, 1981, and personnel of the
 23 Division of Community Services under Section 47-7-9 * * * serving
 24 on July 1, 1994, shall not be required to meet any requirement of
 25 subsections (3) and (4) of this section as a condition of



26 continued employment; nor shall failure of any such law
27 enforcement officer to fulfill such requirements make that person
28 ineligible for any promotional examination for which that person
29 is otherwise eligible. Provided, however, if any law enforcement
30 officer certified under the provisions of this chapter leaves his
31 or her employment as such and does not become employed as a law
32 enforcement officer within two (2) years from the date of
33 termination of his or her prior employment, he or she shall be
34 required to comply with board policy as to rehiring standards in
35 order to be employed as a law enforcement officer; except, that,
36 if any law enforcement officer certified under this chapter leaves
37 his or her employment as such to serve as a sheriff, he or she may
38 be employed as a law enforcement officer after he or she has
39 completed his or her service as a sheriff without being required
40 to comply with board policy as to rehiring standards. Part-time
41 law enforcement officers serving on or before July 1, 1998, shall
42 have until July 1, 2001, to obtain certification as a part-time
43 officer.

44 (2) (a) Any person who has twenty (20) years of law
45 enforcement experience and who is eligible to be certified under
46 this section shall be eligible for recertification after leaving
47 law enforcement on the same basis as someone who has taken the
48 basic training course. Application to the board to qualify under
49 this paragraph shall be made no later than June 30, 1993.



50 (b) Any person who has twenty-five (25) years of law
51 enforcement experience, whether as a part-time, full-time, reserve
52 or auxiliary officer, and who has received certification as a
53 part-time officer, may be certified as a law enforcement officer
54 as defined in Section 45-6-3(c) without having to meet further
55 requirements. Application to the board to qualify under this
56 paragraph shall be made no later than June 30, 2009.

57 (3) (a) No person shall be appointed or employed as a law
58 enforcement officer or a part-time law enforcement officer unless
59 that person has been certified as being qualified under the
60 provisions of subsection (4) of this section.

61 (b) No person shall be appointed or employed as a law
62 enforcement trainee in a full-time capacity by any law enforcement
63 unit for a period to exceed one (1) year. No person shall be
64 appointed or employed as a law enforcement trainee in a part-time,
65 reserve or auxiliary capacity by any law enforcement unit for a
66 period to exceed two (2) years. The prohibition against the
67 appointment or employment of a law enforcement trainee in a
68 full-time capacity for a period not to exceed one (1) year or a
69 part-time, reserve or auxiliary capacity for a period not to
70 exceed two (2) years may not be nullified by terminating the
71 appointment or employment of such a person before the expiration
72 of the time period and then rehiring the person for another
73 period. Any person, who, due to illness or other events beyond
74 his control, could not attend the required school or training as



75 scheduled, may serve with full pay and benefits in such a capacity
76 until he can attend the required school or training.

77 (c) No person shall serve as a law enforcement officer
78 in any full-time, part-time, reserve or auxiliary capacity during
79 a period when that person's certification has been suspended,
80 cancelled or recalled pursuant to the provisions of this chapter.

81 (4) In addition to the requirements of subsections (3), (7)
82 and (8) of this section, the board, by rules and regulations
83 consistent with other provisions of law, shall fix other
84 qualifications for the employment of law enforcement officers,
85 including minimum age, education, physical and mental standards,
86 citizenship, good moral character, experience and such other
87 matters as relate to the competence and reliability of persons to
88 assume and discharge the responsibilities of law enforcement
89 officers, and the board shall prescribe the means for presenting
90 evidence of fulfillment of these requirements. Additionally, the
91 board shall fix qualifications for the appointment or employment
92 of part-time law enforcement officers to essentially the same
93 standards and requirements as law enforcement officers. The board
94 shall develop and implement a part-time law enforcement officer
95 training program that meets the same performance objectives and
96 has essentially the same or similar content as the programs
97 approved by the board for full-time law enforcement officers and
98 the board shall provide that such training shall be available



99 locally and held at times convenient to the persons required to
100 receive such training.

101 (5) Any elected sheriff, constable, deputy or chief of
102 police may apply for certification. Such certification shall be
103 granted at the request of the elected official after providing
104 evidence of satisfaction of the requirements of subsections (3)
105 and (4) of this section. Certification granted to such elected
106 officials shall be granted under the same standards and conditions
107 as established by law enforcement officers and shall be subject to
108 recall as in subsection (7) of this section.

109 (6) The board shall issue a certificate evidencing
110 satisfaction of the requirements of subsections (3) and (4) of
111 this section to any applicant who presents such evidence as may be
112 required by its rules and regulations of satisfactory completion
113 of a program or course of instruction in another jurisdiction or
114 military training equivalent in content and quality to that
115 required by the board for approved law enforcement officer
116 education and training programs in this state, and has
117 satisfactorily passed any and all diagnostic testing and
118 evaluation as required by the board to ensure competency.

119 (7) Professional certificates remain the property of the
120 board, and the board reserves the right to either reprimand the
121 holder of a certificate, suspend a certificate upon conditions
122 imposed by the board, or cancel and recall any certificate when:

123 (a) The certificate was issued by administrative error;



124 (b) The certificate was obtained through
125 misrepresentation or fraud;

126 (c) The holder has been convicted of any crime
127 involving moral turpitude;

128 (d) The holder has been convicted of a felony;

129 (e) The holder has committed an act of malfeasance or
130 has been dismissed from his employing law enforcement agency; or

131 (f) Other due cause as determined by the board.

132 (8) When the board believes there is a reasonable basis for
133 either the reprimand, suspension, cancellation of, or recalling
134 the certification of a law enforcement officer or a part-time law
135 enforcement officer, notice and opportunity for a hearing shall be
136 provided in accordance with law prior to such reprimand,
137 suspension or revocation.

138 (9) Any full- or part-time law enforcement officer aggrieved
139 by the findings and order of the board may file an appeal with the
140 chancery court of the county in which such person is employed from
141 the final order of the board. Such appeals must be filed within
142 thirty (30) days of the final order of the board.

143 (10) Any full- or part-time law enforcement officer whose
144 certification has been cancelled pursuant to this chapter may
145 reapply for certification, but not sooner than two (2) years after
146 the date on which the order of the board cancelling such
147 certification becomes final.



148 (11) (a) Any full- or part-time law enforcement officer,
149 who is certified as required by the provisions under this chapter,
150 and such officer resigns from his or her law enforcement agency,
151 then the agency that the officer has resigned from shall notify
152 the board in writing and by email within seventy-two (72) hours of
153 the officer's resignation.

154 (b) If any full- or part-time law enforcement officer
155 is terminated or resigns due to disciplinary action, the law
156 enforcement agency shall notify the board within seventy-two (72)
157 hours of the termination or resignation, as the case may be, and
158 the agency shall provide in writing and by email to the board, the
159 explanation for the termination or resignation of the officer.
160 The required explanation of such termination or resignation shall
161 be submitted, along with the required notification, within the
162 same seventy-two (72) hour time frame as required under this
163 subsection.

164 (c) If a law enforcement agency fails to adhere to the
165 reporting requirements of this subsection, as determined by the
166 board, then such agency:

167 (i) Shall not be eligible for state grants or
168 other subsidiary funding provided by the state; and

169 (ii) Shall not receive reimbursement for
170 continuing education requirements as provided under Section
171 45-6-19.



172 (d) When the board determines that a law enforcement
173 agency failed to adhere to the reporting requirements of this
174 subsection, notice and opportunity for a hearing shall be provided
175 by the board in accordance with law prior to the failure of the
176 reporting.

177 (e) Any law enforcement agency that is aggrieved by any
178 order or ruling made under the provisions of this subsection has
179 the same rights and procedure of appeal as from any other order or
180 ruling of the board.

181 (f) The board is authorized to institute and promulgate
182 all rules necessary for implementing the requirements set out
183 under this subsection (11).

184 **SECTION 2.** Section 45-6-19, Mississippi Code of 1972, is
185 amended as follows:

186 45-6-19. (1) The chief of police of any state agency,
187 county, municipality, public two-year or four-year college or
188 university and any extension thereof in the State of Mississippi,
189 and the Pearl River Valley Water Supply District, is required to
190 annually complete twenty (20) hours of executive level continuing
191 education courses which are approved by the Mississippi Board on
192 Law Enforcement Officer Standards and Training. Any new chief of
193 police having never previously served in that capacity, is
194 required to complete forty (40) hours of executive level
195 continuing education courses for his first year of service. Such



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

198 (2) Any law enforcement officer of any state agency, county,
199 municipality, public two-year or four-year college or university
200 and any extension thereof in the State of Mississippi, and the
201 Pearl River Valley Water Supply District, is required to annually
202 complete a specified number of hours, as stated in this
203 subsection, of continuing education courses which are approved by
204 the Mississippi Board on Law Enforcement Officer Standards and
205 Training. The following number of hours of continuing education
206 courses is required for law enforcement officers specified in this
207 subsection based upon the number of years following July 1, 2004:

- 208 0-2 years after July 1, 20048 hours of annual training
- 209 3-4 years after July 1, 200416 hours of annual training
- 210 5 or more years after July 1, 2004..24 hours of annual training

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

214 (3) Except as otherwise provided in Section 45-6-11 (11),
215 the Mississippi Board on Law Enforcement Officer Standards and
216 Training shall reimburse each state agency, county, municipality,
217 public two-year or four-year college or university and any
218 extension thereof or the Pearl River Valley Water Supply District
219 for the expense incurred for chiefs of police and state agency,
220 county, municipal, public two-year or four-year college or



221 university and any extension thereof and the Pearl River Valley
222 Water Supply District law enforcement officers in attendance at
223 approved training programs as required by this section.

224 (4) Any chief of police or state agency, county, municipal,
225 public two-year or four-year college or university and any
226 extension thereof and the Pearl River Valley Water Supply District
227 law enforcement officer who fails to comply with the provisions of
228 this section shall be subject to having his certification as a
229 chief of police or state agency, county, municipal, public
230 two-year or four-year college or university and any extension
231 thereof and the Pearl River Valley Water Supply District law
232 enforcement officer revoked by the Mississippi Board on Law
233 Enforcement Officer Standards and Training, in accordance with
234 Section 45-6-11.

235 (5) The Mississippi Board on Law Enforcement Officer
236 Standards and Training is authorized to institute and promulgate
237 all rules necessary for considering the revocation of any
238 municipal chief of police or state agency, county, municipal,
239 public two-year or four-year college or university and any
240 extension thereof and the Pearl River Valley Water Supply District
241 law enforcement officer who does not comply with the provisions of
242 this section, and may grant, for sufficient cause shown, an
243 extension of time in which compliance with the provisions of this
244 section may be made.



245 (6) Any chief of police or state agency, county, municipal,
246 public two-year or four-year college or university and any
247 extension thereof and the Pearl River Valley Water Supply District
248 law enforcement officer who is aggrieved by any order or ruling
249 made under the provisions of this section has the same rights and
250 procedure of appeal as from any other order or ruling of the
251 Mississippi Board on Law Enforcement Officers Standards and
252 Training.

253 **SECTION 3.** Section 45-6-17, Mississippi Code of 1972, is
254 brought forward as follows:

255 45-6-17. (1) Any full- or part-time law enforcement officer
256 who does not comply with the provisions of this chapter, or whose
257 certificate has been suspended or revoked under provisions of this
258 chapter, shall not be authorized to exercise the powers of law
259 enforcement officers generally, and particularly shall not be
260 authorized to exercise the power of arrest.

261 (2) Any state agency or political subdivision that employs a
262 person as a full- or part-time law enforcement officer who does
263 not meet the requirements of this chapter, or who employs a person
264 whose certificate has been suspended or revoked under provisions
265 of this chapter, is prohibited from paying the salary of such
266 person, or providing any public monies for the equipment or
267 support of the law enforcement activities of such person and any
268 person violating this subsection shall be personally liable for
269 making such payment.



270 **SECTION 4.** This act shall take effect and be in force from
271 and after July 1, 2025.

