

By: Representatives Green (34th), Green  
(96th), Hamilton, Shows

To: County Affairs;  
Appropriations

## HOUSE BILL NO. 822

1 AN ACT TO ESTABLISH MINIMUM STANDARDS OF TRAINING FOR COUNTY  
2 JAIL OFFICERS; TO CREATE A BOARD ON COUNTY JAIL OFFICER STANDARDS  
3 AND TRAINING; TO REQUIRE JAIL OFFICERS TO MEET MINIMUM STANDARDS;  
4 TO PROVIDE AN EXEMPTION FOR CERTAIN JAIL OFFICERS; TO AMEND  
5 SECTION 45-6-15, MISSISSIPPI CODE OF 1972, TO CREATE A COUNTY JAIL  
6 OFFICERS TRAINING ACCOUNT IN THE LAW ENFORCEMENT OFFICERS TRAINING  
7 FUND; TO PROVIDE THAT CERTAIN FUNDS BE DEPOSITED INTO THE ACCOUNT;  
8 TO AMEND SECTION 19-25-71, MISSISSIPPI CODE OF 1972, TO REQUIRE  
9 THE BOARD OF SUPERVISORS TO PAY TRAINING EXPENSES OF JAIL  
10 OFFICERS; AND FOR RELATED PURPOSES.

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

12 SECTION 1. The Legislature finds that the administration of  
13 county jails is of statewide concern, and that the activities of  
14 jail officers are important to the health, safety and welfare of  
15 the people of this state and are of such nature as to require  
16 education and training of a professional nature of jail officers.

17 It is the intent of the Legislature to provide for the  
18 coordination of training programs and the establishment of  
19 standards for jail officers.

20 SECTION 2. (1) There is hereby created the Board on County  
21 Jail Officer Standards and Training, which shall consist of seven  
22 (7) members.

23 (2) The members shall be appointed as follows:

24 (a) Two (2) members to be appointed by the Mississippi  
25 Association of Supervisors.

26 (b) Three (3) members to be appointed by the  
27 Mississippi Association of Sheriffs.

28 (c) One (1) member to be appointed by the State Board  
29 for Community and Junior Colleges.

30 (d) One (1) member to be appointed by the Governor.

31           The initial appointments to the board shall be made no later  
32 than twenty (20) days after July 1, 1999, as follows:

33           The Mississippi Association of Supervisors shall appoint one  
34 (1) member for a term of one (1) year and one (1) member for a  
35 term of three (3) years.

36           The Mississippi Association of Sheriffs shall appoint one (1)  
37 member for a term of one (1) year, one (1) member for a term of  
38 two (2) years and one (1) member for a term of three (3) years.

39           The State Board for Community and Junior Colleges shall  
40 appoint one (1) member for a term of two (2) years.

41           The Governor shall appoint one (1) member for a term of two  
42 (2) years.

43           Upon the expiration of the terms of the initial appointees to  
44 the board, each subsequent appointment shall be made for a term of  
45 three (3) years, beginning on the date of the expiration of the  
46 previous term. A vacancy in any appointed position on the board  
47 prior to the expiration of a term shall be filled by appointment  
48 for the balance of the unexpired term.

49           (3) Members of the board shall serve without compensation,  
50 but shall be entitled to receive reimbursement for any actual and  
51 reasonable expenses incurred as a necessary incident to such  
52 service, including mileage, as provided in Section 25-3-41.

53           (4) There shall be a chairman and a vice chairman of the  
54 board, elected by and from the membership of the board. The board  
55 shall adopt rules and regulations governing times and places for  
56 meetings and governing the manner of conducting its business, but  
57 the board shall meet at least every three (3) months. Any member  
58 who is absent for three (3) consecutive regular meetings of the  
59 board may be removed by a majority vote of the board.

60           (5) The Governor shall call an organizational meeting of the  
61 board not later than thirty (30) days after July 1, 1999.

62           (6) The board shall report annually to the Governor and the  
63 Legislature on its activities, and may make such other reports as

64 it deems desirable.

65 SECTION 3. In addition to the powers conferred upon the  
66 Board on County Jail Officer Standards and Training elsewhere in  
67 this chapter, the board shall have power to:

68 (a) Promulgate rules and regulations for the  
69 administration of this chapter including the authority to require  
70 the submission of reports and information by sheriff departments.

71 (b) Establish minimum educational and training  
72 standards for employment or appointment as a jail officer or a  
73 part-time jail officer (i) in a permanent position, and (ii) in a  
74 probationary status.

75 (c) Certify persons as being qualified to be jail  
76 officers or part-time jail officers.

77 (d) Revoke certification for cause and in the manner  
78 provided in this chapter.

79 (e) Establish minimum curriculum requirements for basic  
80 and advanced courses and programs and continuing education for  
81 schools operated by or for the state community colleges or  
82 sheriffs' offices for the specific purpose of training jail  
83 officers.

84 (f) Consult and cooperate with counties,  
85 municipalities, state agencies, other governmental agencies, and  
86 with universities, colleges, junior colleges and other  
87 institutions concerning the development of training schools,  
88 programs or courses of instruction for jail officers.

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

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

94 (i) Approve jail officer training schools.

95 (j) Upon the request of sheriffs, conduct surveys or  
96 aid counties to conduct surveys through qualified public or

97 private agencies and assist in the implementation of any  
98 recommendations resulting from such surveys.

99 (k) Upon request, conduct general and specific  
100 management surveys and studies of the operations of the requesting  
101 jails at no cost to those counties. The role of the board under  
102 this subsection shall be that of management consultant.

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

105 (m) To apply for, receive and expend any federal, state  
106 or local funds or contributions, gifts, donations, grants or funds  
107 from any other source.

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

110 SECTION 4. The Criminal Justice Planning Commission shall  
111 provide administrative and fiscal support for the Board on County  
112 Jail Officer Standards and Training on jail officer standards and  
113 training, and the executive director of the commission shall serve  
114 as the director of the board.

115 SECTION 5. (1) (a) After January 1, 2000, no person shall  
116 be appointed or employed as a jail officer or a part-time jail  
117 officer unless that person has been certified as being qualified  
118 under subsection (3) of this section.

119 (b) No person who is required to be certified shall be  
120 appointed or employed as a jail officer by any sheriff for a  
121 period to exceed two (2) years without being certified. The  
122 prohibition against the appointment or employment of a jail  
123 officer for a period not to exceed two (2) years may not be  
124 nullified by terminating the appointment or employment of such a  
125 person before the expiration of the time period and then rehiring  
126 the person for another period. Any person who, due to illness or  
127 other events beyond his control, as may be determined by the Board  
128 on County Jail Officer Standards and Training, does not attend the  
129 required school or training as scheduled, may serve with full pay

130 and benefits in such a capacity until he can attend the required  
131 school or training.

132 (c) No person shall serve as a jail officer in any  
133 full-, part-time, reserve or auxiliary capacity during a period  
134 when that person's certification has been suspended, cancelled or  
135 recalled pursuant to this chapter.

136 (2) Jail officers serving under permanent appointment on  
137 January 1, 2000, shall not be required to meet certification  
138 requirements of this section as a condition of continued  
139 employment; nor shall failure of any such jail officer to fulfill  
140 such requirements make that person ineligible for any promotional  
141 examination for which that person is otherwise eligible. If any  
142 jail officer certified under this chapter leaves his employment  
143 and does not become employed as a jail officer within two (2)  
144 years from the date of termination of his prior employment, he  
145 shall be required to comply with board policy as to rehiring  
146 standards in order to be employed as a jail officer.

147 (3) In addition to the other requirements of this section,  
148 the Board on County Jail Officer Standards and Training, by rules  
149 and regulations consistent with other provisions of law, shall fix  
150 other qualifications for the employment of jail officers,  
151 including education, physical and mental standards, citizenship,  
152 good moral character, experience and such other matters as relate  
153 to the competence and reliability of persons to assume and  
154 discharge the responsibilities of jail officers, and the board  
155 shall prescribe the means for presenting evidence of fulfillment  
156 of these requirements. Additionally, the board shall fix  
157 qualifications for the appointment or employment of part-time jail  
158 officers to essentially the same standards and requirements as  
159 jail officers. The board shall develop and implement a part-time  
160 jail officer training program that meets the same performance  
161 objectives and has essentially the same or similar content as the  
162 programs approved by the board for full-time jail officers.

163           (4) The Board on County Jail Officer Standards and Training  
164 shall issue a certificate evidencing satisfaction of the  
165 requirements of subsections (1) and (3) of this section to any  
166 applicant who presents such evidence as may be required by its  
167 rules and regulations of satisfactory completion of a program or  
168 course of instruction in another jurisdiction equivalent in  
169 content and quality to that required by the board for approved  
170 jail officer education and training programs in this state.

171           (5) Professional certificates remain the property of the  
172 board, and the board reserves the right to either reprimand the  
173 holder of a certificate, suspend a certificate upon conditions  
174 imposed by the board, or cancel and recall any certificate when:

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

176                 (b) The certificate was obtained through  
177 misrepresentation or fraud;

178                 (c) The holder has been convicted of any crime  
179 involving moral turpitude;

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

181                 (e) Other due cause as determined by the board.

182           (6) When the board believes there is a reasonable basis for  
183 either the reprimand, suspension, cancellation of, or recalling  
184 the certification of a jail officer, notice and opportunity for a  
185 hearing shall be provided in accordance with law prior to such  
186 reprimand, suspension or revocation.

187           (7) Any jail officer aggrieved by the final findings and  
188 order of the board may file an appeal with the chancery court of  
189 the county in which the person is employed. The appeal must be  
190 filed within thirty (30) days of the final order.

191           (8) Any jail officer whose certification has been cancelled  
192 may reapply for certification, but not sooner than two (2) years  
193 after the date on which the order cancelling the certification  
194 becomes final.

195           SECTION 6. (1) The Board on County Jail Officer Standards

196 and Training shall establish, provide or maintain jail officer  
197 training programs through such agencies and institutions as the  
198 board may deem appropriate.

199 (2) The board shall authorize, but only from such funds  
200 authorized and appropriated by the Legislature, the reimbursement  
201 to each county of at least fifty percent (50%) of the allowable  
202 salary and allowable tuition, living and travel expense incurred  
203 by jail officers in attendance at approved training programs, if  
204 the county does in fact adhere to the training standards  
205 established by the board. The board shall authorize, but only  
206 from such funds authorized and appropriated by the Legislature,  
207 the direct funding of a part-time jail officer training program.  
208 The board shall require the payment of a reasonable tuition fee to  
209 aid in funding the costs of administering the part-time jail  
210 officer training program.

211 (3) The board is authorized to expend funds for the purpose  
212 of providing a professional library and training aids that will be  
213 available to sheriff departments.

214 (4) If any jail officer in this state who is employed by a  
215 county shall, within three (3) years after the date of his  
216 employment, resign from, or be terminated from, employment by such  
217 county and immediately become employed by another governmental  
218 entity in a jail officer capacity, then the governmental entity by  
219 which the resigned or terminated officer is employed shall  
220 reimburse the county from which the officer resigned or was  
221 terminated a proportionate share of the jail officer's training  
222 expenses which were incurred by such entity, if any.

223 SECTION 7. Any county that employs a person as a jail  
224 officer who does not meet the requirements of this chapter, or who  
225 employs a person whose certificate has been suspended or revoked  
226 under provisions of this chapter, is prohibited from paying the  
227 salary of such person, or providing any public monies for the  
228 equipment or support of the jail duties of such person and any

229 person violating this subsection shall be personally liable for  
230 making such payment.

231 SECTION 8. Section 45-6-15, Mississippi Code of 1972, is  
232 amended as follows:

233 45-6-15. (1) (a) Such assessments as are collected under  
234 Section 99-19-73, and contributions, grants and other monies  
235 received by the board under the provisions of this chapter shall  
236 be deposited in a special fund hereby created in the State  
237 Treasury and designated the "Law Enforcement Officers Training  
238 Fund," which shall be expended by the board to defray the expenses  
239 of the program as authorized and appropriated by the Legislature.

240 (b) Twenty-five percent (25%) of the assessments  
241 collected under Section 99-19-73, Mississippi Code of 1972, shall  
242 be deposited into the "County Jail Officer Training Account" which  
243 is hereby created in the "Law Enforcement Officers Training Fund."  
244 The funds in such account shall be expended by the Board on  
245 County Jail Officer Standards and Training to defray the expenses  
246 of the county jail officers training program as authorized and  
247 appropriated by the Legislature.

248 (c) Unexpended amounts remaining in the fund and  
249 account at the end of the fiscal year shall not lapse into the  
250 State General Fund and any interest earned on the fund shall be  
251 deposited to the credit of the fund.

252 (2) The board may accept for any of its purposes and  
253 functions under this chapter any and all donations, both real and  
254 personal property, and grants of money from any governmental unit  
255 or public agency, or from any institution, person, firm or  
256 corporation.

257 (3) Money authorized and appropriated by the Legislature  
258 shall be paid by the State Treasurer upon warrants issued by the  
259 Department of Finance and Administration, which shall issue its  
260 warrants upon requisitions signed by the proper person, officer or  
261 officers of the commission, in the manner provided by law.



262 SECTION 9. Section 19-25-71, Mississippi Code of 1972, is  
263 amended as follows:

264 19-25-71. (1) The sheriff shall be the jailer of his county  
265 and, in the performance of his duties as jailer, he shall employ a  
266 jailer or jailers to have charge of the prisoners in the jail.  
267 However, in any county in which there is a jointly owned  
268 jail, \* \* \* the jailer, \* \* \* pursuant to Section 47-1-49, shall  
269 be the person appointed by the governing authorities of the  
270 municipality insofar as municipal prisoners are concerned. The  
271 sheriff shall keep in the jail thereof separate rooms by gender,  
272 and shall not permit any communication between a male and a female  
273 prisoner, unless they be married. \* \* \*

274 (2) The board of supervisors of the county shall pay the  
275 tuition, living and travel expenses incurred by a person in  
276 attending and participating in the basic and continuing education  
277 courses for county jail officers.

278 \* \* \*

279 SECTION 10. Sections 1 through 7 of this act shall be  
280 codified as Chapter 4 of Title 45, Mississippi Code of 1972.

281 SECTION 11. This act shall take effect and be in force from  
282 and after July 1, 1999.