

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

To: County Affairs;
Appropriations

HOUSE BILL NO. 822
(As Sent to Governor)

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 Mississippi Code of 1972.

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

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

63 (6) The board shall report annually to the Governor and the

64 Legislature on its activities, and may make such other reports as
65 it deems desirable.

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

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

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

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

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

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

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

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

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

95 (i) Approve jail officer training schools.

96 (j) Upon the request of sheriffs, conduct surveys or

97 aid counties to conduct surveys through qualified public or
98 private agencies and assist in the implementation of any
99 recommendations resulting from such surveys.

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

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

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

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

111 SECTION 4. The Department of Public Safety, Office of
112 Standards and Training shall provide administrative and fiscal
113 support for the Board on County Jail Officer Standards and
114 Training on jail officer standards and training, and the Director
115 of the Office of Standards and Training shall serve as the
116 director of the board.

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

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

130 on County Jail Officer Standards and Training, does not attend the
131 required school or training as scheduled, may serve with full pay
132 and benefits in such a capacity until he can attend the required
133 school or training.

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

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

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

163 objectives and has essentially the same or similar content as the
164 programs approved by the board for full-time jail officers.

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

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

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

178 (b) The certificate was obtained through
179 misrepresentation or fraud;

180 (c) The holder has been convicted of any crime
181 involving moral turpitude;

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

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

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

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

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

196 becomes final.

197 SECTION 6. (1) The Board on County Jail Officer Standards
198 and Training shall establish, provide or maintain jail officer
199 training programs through such agencies and institutions as the
200 board may deem appropriate.

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

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

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

225 SECTION 7. Any county that employs a person as a jail
226 officer who does not meet the requirements of this chapter, or who
227 employs a person whose certificate has been suspended or revoked
228 under provisions of this chapter, is prohibited from paying the

229 salary of such person, or providing any public monies for the
230 equipment or support of the jail duties of such person and any
231 person violating this subsection shall be personally liable for
232 making such payment.

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

235 45-6-15. (1) (a) Such assessments as are collected under
236 Section 99-19-73, Mississippi Code of 1972, and contributions,
237 grants and other monies received by the board under the provisions
238 of this chapter shall be deposited in a special fund hereby
239 created in the State Treasury and designated the "Law Enforcement
240 Officers Training Fund," which shall be expended by the board to
241 defray the expenses of the program as authorized and appropriated
242 by the Legislature.

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

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

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

260 (3) Money authorized and appropriated by the Legislature
261 shall be paid by the State Treasurer upon warrants issued by the

262 Department of Finance and Administration, which shall issue its
263 warrants upon requisitions signed by the proper person, officer or
264 officers of the commission, in the manner provided by law.

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

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

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

281 SECTION 10. Sections 1 through 7 shall be codified as
282 Chapter 4 of Title 45, Mississippi Code of 1972.

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