

By: Senator(s) Smith

To: Corrections; County
Affairs

SENATE BILL NO. 2334

1 AN ACT TO ESTABLISH MINIMUM STANDARDS OF TRAINING FOR JAIL
2 OFFICERS; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY AND THE
3 DEPARTMENT OF CORRECTIONS TO DEVELOP MINIMUM TRAINING AND
4 STANDARDS FOR JAIL OFFICERS; TO REQUIRE JAIL OFFICERS TO MEET
5 MINIMUM STANDARDS; TO PROVIDE AN EXEMPTION FOR CERTAIN JAIL
6 OFFICERS; TO AMEND SECTION 45-6-15, MISSISSIPPI CODE OF 1972, TO
7 CREATE A JAIL OFFICERS TRAINING ACCOUNT; TO PROVIDE THAT CERTAIN
8 FUNDS BE DEPOSITED INTO THE ACCOUNT; TO AMEND SECTION 19-25-71,
9 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF SUPERVISORS TO
10 PAY TRAINING EXPENSES OF JAIL OFFICERS; TO CREATE A SPECIAL
11 REVOLVING FUND TO BE KNOWN AS THE JAIL CONSTRUCTION AND
12 IMPROVEMENT FUND; TO PROVIDE FOR THE ADMINISTRATION OF SUCH FUND;
13 AND FOR RELATED PURPOSES.

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

15 SECTION 1. The Legislature finds that the administration of
16 jails is of statewide concern, and that the activities of jail
17 officers are important to the health, safety and welfare of the
18 people of this state and are of such nature as to require
19 education and training of a professional nature upon entrance and
20 during the careers of jail officers. It is the intent of the
21 Legislature to provide for the coordination of training programs
22 and the establishment of standards for jail officers.

23 SECTION 2. The Department of Public Safety and the
24 Department of Corrections shall:

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

29 (b) Establish minimum educational and training
30 standards for admission to employment or appointment as a jail
31 officer or a part-time jail officer (i) in a permanent position,

32 and (ii) in a probationary status.

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

35 (d) Revoke certification for cause and in the manner
36 provided in this chapter.

37 (e) Establish minimum curriculum requirements for basic
38 and advanced courses and programs for schools operated by or for
39 the state community colleges or sheriffs' offices for the specific
40 purpose of training jail officers, both full- and part-time.

41 (f) Consult and cooperate with counties,
42 municipalities, state agencies, other governmental agencies, and
43 with universities, colleges, junior colleges and other
44 institutions concerning the development of training schools,
45 programs or courses of instruction for jail officers.

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

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

51 (i) Approve jail officer training schools.

52 (j) Upon the request of sheriffs, conduct surveys or
53 aid counties to conduct surveys through qualified public or
54 private agencies and assist in the implementation of any
55 recommendations resulting from such surveys.

56 (k) Upon request, conduct general and specific
57 management surveys and studies of the operations of the requesting
58 jails at no cost to those counties.

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

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

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

66 SECTION 3. The Criminal Justice Planning Commission shall
67 provide administrative and fiscal support for jail officer
68 standards and training, and the executive director of the

69 commission shall serve as the director of the jail officer
70 training program.

71 SECTION 4. (1) Jail officers serving under permanent
72 appointment on January 1, 2000, shall not be required to meet any
73 requirement of subsections (2) and (3) of this section as a
74 condition of continued employment; nor shall failure of any such
75 jail officer to fulfill such requirements make that person
76 ineligible for any promotional examination for which that person
77 is otherwise eligible. If any jail officer certified under this
78 chapter leaves his employment and does not become employed as a
79 jail officer within two (2) years from the date of termination of
80 his prior employment, he shall be required to comply with policy
81 as to rehiring standards in order to be employed as a jail
82 officer. Part-time law enforcement officers serving on January 1,
83 2000, shall have until July 1, 2001, to obtain certification as a
84 part-time officer.

85 (2) (a) No person shall be appointed or employed as a jail
86 officer or a part-time jail officer unless that person has been
87 certified as being qualified under subsection (3) of this section.

88 (b) No person shall be appointed or employed as a jail
89 officer trainee by any law enforcement agency for a period to
90 exceed two (2) years. The prohibition against the appointment or
91 employment of a jail officer trainee for a period not to exceed
92 two (2) years may not be nullified by terminating the appointment
93 or employment of such a person before the expiration of the time
94 period and then rehiring the person for another period. Any
95 person who, due to illness or other events beyond his control,
96 could not attend the required school or training as scheduled, may
97 serve with full pay and benefits in such a capacity until he can
98 attend the required school or training.

99 (c) No person shall serve as a jail officer in any
100 full-, part-time, reserve or auxiliary capacity during a period
101 when that person's certification has been suspended, cancelled or

102 recalled pursuant to this chapter.

103 (3) In addition to the requirements of subsections (2), (5)
104 and (6) of this section, the Department of Public Safety and the
105 Department of Corrections, by rules and regulations consistent
106 with other provisions of law, shall fix other qualifications for
107 the employment of jail officers, including minimum age, education,
108 physical and mental standards, citizenship, good moral character,
109 experience and such other matters as relate to the competence and
110 reliability of persons to assume and discharge the
111 responsibilities of jail officers, and shall prescribe the means
112 for presenting evidence of fulfillment of these requirements.
113 Additionally, the departments shall fix qualifications for the
114 appointment or employment of part-time jail officers to
115 essentially the same standards and requirements as jail officers
116 and shall develop and implement a part-time jail officer training
117 program that meets the same performance objectives and has
118 essentially the same or similar content as the programs approved
119 for full-time jail officers.

120 (4) A certificate evidencing satisfaction of the
121 requirements of subsections (2) and (3) of this section shall be
122 issued to any applicant who presents such evidence as may be
123 required by rules and regulations of satisfactory completion of a
124 program or course of instruction in another jurisdiction
125 equivalent in content and quality to that required for approved
126 jail officer education and training programs in this state, and
127 has satisfactorily passed any and all diagnostic testing and
128 evaluation as required to ensure competency.

129 (5) The executive director of the criminal justice planning
130 commission may reprimand the holder of a certificate, suspend a
131 certificate or cancel and recall any certificate when:

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

133 (b) The certificate was obtained through

134 misrepresentation or fraud;

135 (c) The holder has been convicted of any crime
136 involving moral turpitude;

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

138 (e) Other due cause.

139 (6) When the executive director believes there is a
140 reasonable basis for either the reprimand, suspension,
141 cancellation of, or recalling the certification of a jail officer
142 or a part-time jail officer, notice and opportunity for a hearing
143 shall be provided in accordance with law prior to such reprimand,
144 suspension or revocation.

145 (7) Any full- or part-time jail officer aggrieved by the
146 findings and order may file an appeal with the chancery court of
147 the county in which such person is employed. Such appeals must be
148 filed within thirty (30) days of the final order.

149 (8) Any full- or part-time jail officer whose certification
150 has been cancelled pursuant to this chapter may reapply for
151 certification, but not sooner than two (2) years after the date on
152 which the order cancelling such certification becomes final.

153 SECTION 5. (1) The departments shall establish, provide or
154 maintain jail officer training programs through such agencies and
155 institutions as deemed appropriate.

156 (2) The executive director shall authorize, but only from
157 such funds authorized and appropriated by the Legislature, the
158 reimbursement to each law enforcement agency of at least fifty
159 percent (50%) of the allowable salary and allowable tuition,
160 living and travel expense incurred by jail officers in attendance
161 at approved training programs, if such agency does in fact adhere
162 to the training standards. The executive director shall
163 authorize, but only from such funds authorized and appropriated by
164 the Legislature, the direct funding of a part-time law enforcement
165 officer training program. He shall require the payment of a
166 reasonable tuition fee to aid in funding the costs of
167 administering the part-time jail officer training program.

168 (3) The executive director is authorized to expend funds for
169 the purpose of providing a professional library and training aids
170 that will be available to state agencies and political
171 subdivisions.

172 (4) If any full- or part-time jail officer in this state who
173 shall, within three (3) years after the date of his employment,
174 resign from, or be terminated from, employment and immediately
175 become employed by another governmental entity in a jail officer
176 capacity, then the governmental entity by which the resigned or
177 terminated officer is employed shall reimburse the entity from
178 which the officer resigned or was terminated a proportionate share
179 of the jail officer's training expenses which were incurred by
180 such entity, if any.

181 SECTION 6. Any law enforcement agency that employs a person
182 as a full- or part-time jail officer who does not meet the
183 requirements of this chapter, or who employs a person whose
184 certificate has been suspended or revoked under provisions of this
185 chapter, is prohibited from paying the salary of such person, or
186 providing any public monies for the equipment or support of the
187 jail duties of such person and any person violating this
188 subsection shall be personally liable for making such payment.

189 SECTION 7. (1) (a) There is created a fund in the State
190 Treasury to be designated as the "Jail Construction and
191 Improvement Fund," hereinafter referred to as "jail fund".

192 (b) The jail fund may receive proceeds from
193 appropriations, grants, gifts, donations or funds from any source,
194 public or private. The jail fund shall be credited with all
195 repayments of principal and interest derived from loans made from
196 the fund.

197 (c) The monies in the jail fund may be expended only in
198 amounts appropriated by the Legislature.

199 (d) Any unexpended amount remaining in the jail fund at
200 the end of a fiscal year shall not lapse into the State General

201 Fund. Any interest earned on amounts in the fund shall be
202 deposited to the credit of the fund.

203 (2) The Department of Finance and Administration shall
204 establish a loan program to assist political subdivisions in
205 constructing and improving jails. Loans from the jail fund may be
206 made to political subdivisions as set forth in a loan agreement in
207 amounts not exceeding one hundred percent (100%) of eligible
208 project costs. The department may require local participation or
209 funding from other sources, or otherwise limit the percentage of
210 costs covered by loans from the jail fund. The department may
211 establish a maximum amount for any loan.

212 (3) The jail fund may be used only to make loans on the
213 condition that:

214 (a) Loans are made at or below market interest rates,
215 at terms not to exceed twenty (20) years after project completion;
216 the interest rate may vary from time to time and from loan to loan
217 at the discretion of the department.

218 (b) Periodic principal and interest payments will
219 commence not later than one (1) year after project completion and
220 all loans will be fully amortized when required by the department
221 but not later than twenty (20) years after project completion.

222 (c) The recipient of a loan shall establish a dedicated
223 source of revenue for repayment of loans.

224 (4) The fund will be credited with all payments of principal
225 and interest derived from the fund uses described in subsection
226 (3) of this section.

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

229 45-6-15. (1) (a) Such assessments as are collected under
230 Section 99-19-73, Mississippi Code of 1972, and contributions,
231 grants and other monies received by the board under the provisions
232 of this chapter shall be deposited in a special fund hereby
233 created in the State Treasury and designated the "Law Enforcement

234 Officers Training Fund," which shall be expended by the board to
235 defray the expenses of the program as authorized and appropriated
236 by the Legislature.

237 (b) Twenty-five percent (25%) of the assessments
238 collected under Section 99-19-73, Mississippi Code of 1972, shall
239 be deposited into the "Jail Officer Training Account" which is
240 hereby created in the "Law Enforcement Officers Training Fund."
241 The funds in such account shall be expended to defray the expenses
242 of the Jail Officers Training Program as authorized and
243 appropriated by the Legislature. This paragraph shall stand
244 repealed on July 1, 2003.

245 (2) The board may accept for any of its purposes and
246 functions under this chapter or the jail officer training program
247 any and all donations, both real and personal property, and grants
248 of money from any governmental unit or public agency, or from any
249 institution, person, firm or corporation.

250 (3) Money authorized and appropriated by the Legislature
251 shall be paid by the State Treasurer upon warrants issued by the
252 Department of Finance and Administration, which shall issue its
253 warrants upon requisitions signed by the proper person, officer or
254 officers of the commission, in the manner provided by law.

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

257 19-25-71. (1) The sheriff shall be the jailer of his county
258 and, in the performance of his duties as jailer, he shall employ a
259 jailer or jailers to have charge of the prisoners in the jail.
260 However, in any county in which there is a jointly owned
261 jail, * * * the jailer, * * * pursuant to Section 47-1-49, shall
262 be the person appointed by the governing authorities of the
263 municipality insofar as municipal prisoners are concerned. The
264 sheriff shall keep in the jail thereof separate rooms by gender,
265 and shall not permit any communication between a male and a female
266 prisoner, unless they be married. * * *

267 (2) The board of supervisors of the county may, in its
268 discretion, pay the tuition, living and travel expenses incurred
269 by a person in attending and participating in the basic and
270 continuing education courses for county jail officers.

271 SECTION 10. Sections 1 through 7 shall stand repealed on
272 July 1, 2003.

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