

By: Senator(s) Rayborn, Dickerson, Hamilton, Lee To: Corrections; County Affairs

## SENATE BILL NO. 2587

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 article, the board shall have power to:

69 (a) Promulgate rules and regulations for the  
70 administration of this article 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 article.

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 article.

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

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 article.

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

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

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

130 required school or training as scheduled, may serve with full pay  
131 and benefits in such a capacity until he can attend the required  
132 school or training.

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

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

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

163 programs approved by the board for full-time jail officers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

234 45-6-15. (1) (a) Such assessments as are collected under  
235 Section 99-19-73, Mississippi Code of 1972, and contributions,  
236 grants and other monies received by the board under the provisions  
237 of this article shall be deposited in a special fund hereby  
238 created in the State Treasury and designated the "Law Enforcement  
239 Officers Training Fund," which shall be expended by the board to  
240 defray the expenses of the program as authorized and appropriated  
241 by the Legislature.

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

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

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

259 (3) Money authorized and appropriated by the Legislature  
260 shall be paid by the State Treasurer upon warrants issued by the  
261 Department of Finance and Administration, which shall issue its

262 warrants upon requisitions signed by the proper person, officer or  
263 officers of the commission, in the manner provided by law.

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

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

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

280 SECTION 10. Sections 1 through 7 shall be codified as an  
281 article in Chapter 6 of Title 45, Mississippi Code of 1972.

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