

By: Malone

To: County Affairs;
Appropriations

HOUSE BILL NO. 1001

1 AN ACT TO AMEND SECTIONS 45-4-1, 45-4-3, 45-4-5, 45-4-7,
2 45-4-9, 45-4-11, 45-4-13, 45-6-15 AND 47-1-39, MISSISSIPPI CODE OF
3 1972, TO EXPAND THE COUNTY JAIL OFFICER STANDARDS AND TRAINING
4 PROGRAM TO INCLUDE MUNICIPAL JAIL OFFICERS AND YOUTH DETENTION
5 FACILITY OFFICERS; TO REVISE THE MAKE-UP OF THE GOVERNING BOARD ON
6 JAIL OFFICER STANDARDS AND TRAINING; TO REQUIRE MUNICIPALITIES TO
7 PAY THE TUITION, LIVING AND TRAVEL EXPENSES INCURRED BY JAIL
8 OFFICERS ATTENDING AND PARTICIPATING IN EDUCATION COURSES FOR JAIL
9 OFFICERS; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 45-4-1, Mississippi Code of 1972, is
12 amended as follows:[JWB1]

13 45-4-1. The Legislature finds that the administration of
14 county jails and youth detention facilities is of statewide
15 concern, and that the activities of jail officers are important to
16 the health, safety and welfare of the people of this state and are
17 of such nature as to require education and training of a
18 professional nature of jail officers. It is the intent of the
19 Legislature to provide for the coordination of training programs
20 and the establishment of standards for jail officers.

21 SECTION 2. Section 45-4-3, Mississippi Code of 1972, is
22 amended as follows:[JWB2]

23 45-4-3. (1) There is hereby created the Board on County
24 Jail Officer Standards and Training, which shall consist of nine
25 (9) members.

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

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

29 (b) Three (3) members to be appointed by the

30 Mississippi Association of Sheriffs.

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

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

34 (e) One (1) member to be appointed by the Mississippi
35 Association of Chiefs of Police.

36 (f) One (1) member to be appointed by the Mississippi
37 Municipal League.

38 The * * * appointments to the board shall be made * * * as
39 follows:

40 The Mississippi Association of Supervisors shall appoint one
41 (1) member for a term of one (1) year and one (1) member for a
42 term of three (3) years.

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

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

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

50 The Mississippi Association of Chiefs of Police shall appoint
51 one (1) member for a term of two (2) years.

52 The Mississippi Municipal League shall appoint one (1) member
53 for a term of two (2) years.

54 Upon the expiration of the terms of the initial appointees to
55 the board, each subsequent appointment shall be made for a term of
56 three (3) years, beginning on the date of the expiration of the
57 previous term. A vacancy in any appointed position on the board
58 prior to the expiration of a term shall be filled by appointment
59 for the balance of the unexpired term.

60 (3) Members of the board shall serve without compensation,
61 but shall be entitled to receive reimbursement for any actual and
62 reasonable expenses incurred as a necessary incident to such

63 service, including mileage, as provided in Section 25-3-41,
64 Mississippi Code of 1972.

65 (4) There shall be a chairman and a vice chairman of the
66 board, elected by and from the membership of the board. The board
67 shall adopt rules and regulations governing times and places for
68 meetings and governing the manner of conducting its business, but
69 the board shall meet at least every three (3) months. Any member
70 who is absent for three (3) consecutive regular meetings of the
71 board may be removed by a majority vote of the board.

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

74 (6) The board shall report annually to the Governor and the
75 Legislature on its activities, and may make such other reports as
76 it deems desirable.

77 SECTION 3. Section 45-4-5, Mississippi Code of 1972, is
78 amended as follows:[JWB3]

79 45-4-5. In addition to the powers conferred upon the Board
80 on * * * Jail Officer Standards and Training elsewhere in this
81 chapter, the board shall have power to:

82 (a) Promulgate rules and regulations for the
83 administration of this chapter including the authority to require
84 the submission of reports and information by criminal justice
85 departments.

86 (b) Establish minimum educational and training
87 standards for employment or appointment as a jail officer or a
88 part-time jail officer (i) in a permanent position, and (ii) in a
89 probationary status.

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

92 (d) Revoke certification for cause and in the manner
93 provided in this chapter.

94 (e) Establish minimum curriculum requirements for basic
95 and advanced courses and programs and continuing education for

96 schools operated by or for the state community colleges, police
97 departments, youth detention facilities or sheriffs' offices for
98 the specific purpose of training jail officers.

99 (f) Consult and cooperate with counties,
100 municipalities, state agencies, other governmental agencies, and
101 with universities, colleges, junior colleges and other
102 institutions concerning the development of training schools,
103 programs or courses of instruction for jail officers.

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

106 (h) Make such inspection and evaluation as may be
107 necessary to determine if agencies are complying with the
108 provisions of this chapter.

109 (i) Approve jail officer training schools.

110 (j) Upon the request of sheriffs or chiefs of police,
111 conduct surveys or aid agencies to conduct surveys through
112 qualified public or private agencies and assist in the
113 implementation of any recommendations resulting from such surveys.

114 (k) Upon request, conduct general and specific
115 management surveys and studies of the operations of the requesting
116 jails at no cost to those agencies. The role of the board under
117 this subsection shall be that of management consultant.

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

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

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

125 SECTION 4. Section 45-4-7, Mississippi Code of 1972, is
126 amended as follows:[JWB4]

127 45-4-7. The Department of Public Safety, Office of Standards
128 and Training shall provide administrative and fiscal support for

129 the Board on * * * Jail Officer Standards and Training on jail
130 officer standards and training, and the Director of the Office of
131 Standards and Training shall serve as the director of the board.

132 SECTION 5. Section 45-4-9, Mississippi Code of 1972, is
133 amended as follows:[JWB5]

134 45-4-9. (1) (a) After January 1, 2000, no person shall be
135 appointed or employed as a jail officer or a part-time jail
136 officer unless that person has been certified as being qualified
137 under subsection (3) of this section.

138 (b) No person who is required to be certified shall be
139 appointed or employed as a jail officer by any sheriff or chief of
140 police for a period to exceed two (2) years without being
141 certified. The prohibition against the appointment or employment
142 of a jail officer for a period not to exceed two (2) years may not
143 be nullified by terminating the appointment or employment of such
144 a person before the expiration of the time period and then
145 rehiring the person for another period. Any person who, due to
146 illness or other events beyond his control, as may be determined
147 by the Board on * * * Jail Officer Standards and Training, does
148 not attend the required school or training as scheduled, may serve
149 with full pay and benefits in such a capacity until he can attend
150 the required school or training.

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

155 (2) Jail officers serving under permanent appointment on
156 January 1, 2000, shall not be required to meet certification
157 requirements of this section as a condition of continued
158 employment; nor shall failure of any such jail officer to fulfill
159 such requirements make that person ineligible for any promotional
160 examination for which that person is otherwise eligible. If any
161 jail officer certified under this chapter leaves his employment

162 and does not become employed as a jail officer within two (2)
163 years from the date of termination of his prior employment, he
164 shall be required to comply with board policy as to rehiring
165 standards in order to be employed as a jail officer.

166 (3) In addition to the other requirements of this section,
167 the Board on * * * Jail Officer Standards and Training, by rules
168 and regulations consistent with other provisions of law, shall fix
169 other qualifications for the employment of jail officers,
170 including education, physical and mental standards, citizenship,
171 good moral character, experience and such other matters as relate
172 to the competence and reliability of persons to assume and
173 discharge the responsibilities of jail officers, and the board
174 shall prescribe the means for presenting evidence of fulfillment
175 of these requirements. Additionally, the board shall fix
176 qualifications for the appointment or employment of part-time jail
177 officers to essentially the same standards and requirements as
178 jail officers. The board shall develop and implement a part-time
179 jail officer training program that meets the same performance
180 objectives and has essentially the same or similar content as the
181 programs approved by the board for full-time jail officers.

182 (4) The Board on * * * Jail Officer Standards and Training
183 shall issue a certificate evidencing satisfaction of the
184 requirements of subsections (1) and (3) of this section to any
185 applicant who presents such evidence as may be required by its
186 rules and regulations of satisfactory completion of a program or
187 course of instruction in another jurisdiction equivalent in
188 content and quality to that required by the board for approved
189 jail officer education and training programs in this state.

190 (5) Professional certificates remain the property of the
191 board, and the board reserves the right to either reprimand the
192 holder of a certificate, suspend a certificate upon conditions
193 imposed by the board, or cancel and recall any certificate when:

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

195 (b) The certificate was obtained through
196 misrepresentation or fraud;

197 (c) The holder has been convicted of any crime
198 involving moral turpitude;

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

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

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

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

210 (8) Any jail officer whose certification has been cancelled
211 may reapply for certification, but not sooner than two (2) years
212 after the date on which the order canceling the certification
213 becomes final.

214 SECTION 6. Section 45-4-11, Mississippi Code of 1972, is
215 amended as follows:[JWB6]

216 45-4-11. (1) The Board on * * * Jail Officer Standards and
217 Training shall establish, provide or maintain jail officer
218 training programs through such agencies and institutions as the
219 board may deem appropriate.

220 (2) The board shall authorize, but only from such funds
221 authorized and appropriated by the Legislature, the reimbursement
222 to each governmental entity of at least fifty percent (50%) of the
223 allowable salary and allowable tuition, living and travel expense
224 incurred by jail officers in attendance at approved training
225 programs, if the governmental entity does in fact adhere to the
226 training standards established by the board. The board shall
227 authorize, but only from such funds authorized and appropriated by

228 the Legislature, the direct funding of a part-time jail officer
229 training program. The board shall require the payment of a
230 reasonable tuition fee to aid in funding the costs of
231 administering the part-time jail officer training program.

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

235 (4) If any jail officer in this state who is employed by a
236 county shall, within three (3) years after the date of his
237 employment, resign from, or be terminated from, employment by such
238 county and immediately become employed by another governmental
239 entity in a jail officer capacity, then the governmental entity by
240 which the resigned or terminated officer is employed shall
241 reimburse the county from which the officer resigned or was
242 terminated a proportionate share of the jail officer's training
243 expenses which were incurred by such entity, if any.

244 SECTION 7. Section 45-4-13, Mississippi Code of 1972, is
245 amended as follows:[JWB7]

246 45-4-13. Any governmental entity that employs a person as a
247 jail officer who does not meet the requirements of this chapter,
248 or who employs a person whose certificate has been suspended or
249 revoked under provisions of this chapter, is prohibited from
250 paying the salary of such person, or providing any public monies
251 for the equipment or support of the jail duties of such person and
252 any person violating this subsection shall be personally liable
253 for making such payment.

254 SECTION 8. Section 45-6-15, Mississippi Code of 1972, is
255 amended as follows:[JWB8]

256 45-6-15. (1) (a) Such assessments as are collected under
257 Section 99-19-73, Mississippi Code of 1972, and contributions,
258 grants and other monies received by the board under the provisions
259 of this chapter shall be deposited in a special fund hereby
260 created in the State Treasury and designated the "Law Enforcement

261 Officers Training Fund," which shall be expended by the board to
262 defray the expenses of the program as authorized and appropriated
263 by the Legislature.

264 (b) Twenty-five percent (25%) of the assessments
265 collected under Section 99-19-73, Mississippi Code of 1972, shall
266 be deposited into the "* * * Jail Officer Training Account" which
267 is hereby created in the "Law Enforcement Officers Training Fund."
268 The funds in such account shall be expended by the Board on Jail
269 Officer Standards and Training to defray the expenses of the
270 county jail officers training program as authorized and
271 appropriated by the Legislature.

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

276 (2) The board may accept for any of its purposes and
277 functions under this chapter any and all donations, both real and
278 personal property, and grants of money from any governmental unit
279 or public agency, or from any institution, person, firm or
280 corporation.

281 (3) Money authorized and appropriated by the Legislature
282 shall be paid by the State Treasurer upon warrants issued by the
283 Department of Finance and Administration, which shall issue its
284 warrants upon requisitions signed by the proper person, officer or
285 officers of the commission, in the manner provided by law.

286 SECTION 9. Section 47-1-39, Mississippi Code of 1972, is
287 amended as follows:[JWB9]

288 47-1-39. The governing authorities of municipalities shall
289 have the power to construct and maintain a municipal prison, and
290 to regulate the keeping of the same and the prisoners therein, and
291 to contract with the board of supervisors, which is empowered in
292 the premises, for the use of the county jail by the municipality;
293 and to provide for the working of the streets by municipal

294 prisoners, and to contract with the county for such work by county
295 prisoners or the working of county roads by municipal prisoners,
296 or for working same on the county farms. Municipal prisoners
297 shall be worked on county roads or county farms only in the county
298 in which the municipality is situated. Males and females shall be
299 confined in separate cells or compartments. The municipality
300 shall pay the tuition, living and travel expenses incurred by a
301 person in attending and participating in the basic and continuing
302 education courses for jail officers.

303 SECTION 10. This act shall take effect and be in force from
304 and after July 1, 2000.