

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 2 TO AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 609**

**By Senator(s) Dearing**

**AMEND** by inserting the following language after line 376 and renumbering the subsequent section:

SECTION \*. Section 45-4-1, Mississippi Code of 1972, is amended as follows:

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

SECTION \*. Section 45-4-3, Mississippi Code of 1972, is amended as follows:

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

(2) The members shall be appointed as follows:

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

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

(c) One (1) member to be appointed by the State Board

for Community and Junior Colleges.

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

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

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

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

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

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

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

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

The Mississippi Association of Chiefs of Police shall appoint one (1) member for a term of two (2) years not later than twenty (20) days after July 1, 2000.

The Mississippi Municipal League shall appoint one (1) member for a term of two (2) years not later than twenty (20) days after July 1, 2000.

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

(3) Members of the board shall serve without compensation, but shall be entitled to receive reimbursement for any actual and reasonable expenses incurred as a necessary incident to such service, including mileage, as provided in Section 25-3-41, Mississippi Code of 1972.

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

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

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

SECTION \*. Section 45-4-5, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

(e) Establish minimum curriculum requirements for basic and advanced courses and programs and continuing education for schools operated by or for the state community colleges, police departments, youth detention facilities or sheriffs' offices for the specific purpose of training jail officers.

(f) Consult and cooperate with counties,

municipalities, state agencies, other governmental agencies, and with universities, colleges, junior colleges and other institutions concerning the development of training schools, programs or courses of instruction for jail officers.

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

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

(i) Approve jail officer training schools.

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

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

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

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

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

SECTION \*. Section 45-4-7, Mississippi Code of 1972, is amended as follows:

45-4-7. The \* \* \* Office of Standards and Training shall provide administrative and fiscal support for the Board on \* \* \* Jail Officer Standards and Training on jail officer standards and training, and the Director of the Office of Standards and Training shall serve as the director of the board.

SECTION \*. Section 45-4-9, Mississippi Code of 1972, is amended as follows:

45-4-9. (1) (a) After January 1, 2000, no person shall be

appointed or employed as a jail officer or a part-time jail officer unless that person has been certified as being qualified under subsection (3) of this section.

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

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

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

(3) In addition to the other requirements of this section, the Board on \* \* \* Jail Officer Standards and Training, by rules and regulations consistent with other provisions of law, shall fix other qualifications for the employment of jail officers,

including education, physical and mental standards, citizenship, good moral character, experience and such other matters as relate to the competence and reliability of persons to assume and discharge the responsibilities of jail officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements. Additionally, the board shall fix qualifications for the appointment or employment of part-time jail officers to essentially the same standards and requirements as jail officers. The board shall develop and implement a part-time jail officer training program that meets the same performance objectives and has essentially the same or similar content as the programs approved by the board for full-time jail officers.

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

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

- (a) The certificate was issued by administrative error;
- (b) The certificate was obtained through misrepresentation or fraud;
- (c) The holder has been convicted of any crime involving moral turpitude;
- (d) The holder has been convicted of a felony; or
- (e) Other due cause as determined by the board.

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

reprimand, suspension or revocation.

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

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

SECTION \*. Section 45-4-11, Mississippi Code of 1972, is amended as follows:

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

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

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

(4) If any jail officer in this state who is employed by a county shall, within three (3) years after the date of his employment, resign from, or be terminated from, employment by such county and immediately become employed by another governmental entity in a jail officer capacity, then the governmental entity by

which the resigned or terminated officer is employed shall reimburse the county from which the officer resigned or was terminated a proportionate share of the jail officer's training expenses which were incurred by such entity, if any.

SECTION \*. Section 45-4-13, Mississippi Code of 1972, is amended as follows:

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

SECTION \*. Section 45-6-15, Mississippi Code of 1972, is amended as follows:

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

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

(c) Unexpended amounts remaining in the fund and account at the end of the fiscal year shall not lapse into the State General Fund and any interest earned on the fund shall be



deposited to the credit of the fund.

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

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

SECTION \*. Section 47-1-39, Mississippi Code of 1972, is amended as follows:

47-1-39. (1) The governing authorities of municipalities shall have the power to construct and maintain a municipal prison, and to regulate the keeping of the same and the prisoners therein, and to contract with the board of supervisors, which is empowered in the premises, for the use of the county jail by the municipality; and to provide for the working of the streets by municipal prisoners, and to contract with the county for such work by county prisoners or the working of county roads by municipal prisoners, or for working same on the county farms. Municipal prisoners shall be worked on county roads or county farms only in the county in which the municipality is situated. Males and females shall be confined in separate cells or compartments.

(2) The municipality shall pay the tuition, living and travel expenses incurred by a person attending and participating in the basic and continuing education courses for jail officers.

SECTION \*. This act shall take effect and be in force from and after July 1, 2000.

**FURTHER, amend the title on line 8 by inserting after the semicolon the following language:**

TO AMEND SECTION 45-4-1, MISSISSIPPI CODE OF 1972, TO INCLUDE MUNICIPALITIES AND JUVENILE DETENTION FACILITIES IN THE JAIL OFFICER TRAINING REQUIREMENTS; TO AMEND SECTION 45-4-3,

MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE BOARD  
ON JAIL OFFICER STANDARDS AND TRAINING; TO AMEND SECTIONS 45-4-5,  
45-4-7, 45-4-9, 45-4-11, 45-4-13, 45-6-15, AND 47-1-39,  
MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;