

By: Representatives Malone, Fleming

To: Corrections

## HOUSE BILL NO. 990

1 AN ACT TO AMEND SECTION 45-4-9, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT COUNTIES THAT OPERATE REGIONAL COUNTY CORRECTIONAL  
3 FACILITIES MAY OFFER ITS CORRECTIONAL OFFICERS TRAINING THROUGH  
4 OPTIONAL PROGRAMS PROVIDED BY THE DEPARTMENT OF CORRECTIONS OR THE  
5 BOARD ON LAW ENFORCEMENT OFFICER STANDARDS AND TRAINING; TO AMEND  
6 SECTION 45-6-7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD  
7 ON LAW ENFORCEMENT OFFICER STANDARDS AND TRAINING TO ACCEPT  
8 CERTIFICATION OF TRAINING RECEIVED BY CORRECTIONAL OFFICERS  
9 THROUGH THE DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 45-6-11,  
10 MISSISSIPPI CODE OF 1972, TO AMEND IN CONFORMITY THERETO; AND FOR  
11 RELATED PURPOSES.

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

13 **SECTION 1.** Section 45-4-9, Mississippi Code of 1972, is  
14 amended as follows:

15 45-4-9. (1) (a) After January 1, 2000, no person shall be  
16 appointed or employed as a jail officer or a part-time jail  
17 officer unless that person has been certified as being qualified  
18 under subsection (3) of this section.

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

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

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

47           (3) In addition to the other requirements of this section,  
48 the Board on Jail Officer Standards and Training, by rules and  
49 regulations consistent with other provisions of law, shall fix  
50 other qualifications for the employment of jail officers,  
51 including education, physical and mental standards, citizenship,  
52 good moral character, experience and such other matters as relate  
53 to the competence and reliability of persons to assume and  
54 discharge the responsibilities of jail officers, and the board  
55 shall prescribe the means for presenting evidence of fulfillment  
56 of these requirements. Additionally, the board shall fix  
57 qualifications for the appointment or employment of part-time jail  
58 officers to essentially the same standards and requirements as  
59 jail officers. The board shall develop and implement a part-time  
60 jail officer training program that meets the same performance  
61 objectives and has essentially the same or similar content as the  
62 programs approved by the board for full-time jail officers.

63           (4) The Board on Jail Officer Standards and Training shall  
64 issue a certificate evidencing satisfaction of the requirements of

65 subsections (1) and (3) of this section to any applicant who  
66 presents such evidence as may be required by its rules and  
67 regulations of satisfactory completion of a program or course of  
68 instruction in another jurisdiction equivalent in content and  
69 quality to that required by the board for approved jail officer  
70 education and training programs in this state.

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

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

76 (b) The certificate was obtained through  
77 misrepresentation or fraud;

78 (c) The holder has been convicted of any crime  
79 involving moral turpitude;

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

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

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

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

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

95 (9) Any county that operates a regional county correctional  
96 facility is authorized to provide its correctional officers  
97 training through optional programs provided by the Department of

98 Corrections or the Board on Law Enforcement Officer Standards and  
99 Training. In the event a correctional officer receives training  
100 through the Department of Corrections, the county shall provide  
101 the Board on Law Enforcement Officer Standards and Training with  
102 certification of the training received through the Department of  
103 Corrections.

104 **SECTION 2.** Section 45-6-7, Mississippi Code of 1972, is  
105 amended as follows:

106 45-6-7. In addition to the powers conferred upon the board  
107 elsewhere in this chapter, the board shall have power to:

108 (a) Promulgate rules and regulations for the  
109 administration of this chapter, including the authority to require  
110 the submission of reports and information by law enforcement  
111 agencies of the state and its political subdivisions.

112 (b) Establish minimum educational and training  
113 standards for admission to employment or appointment as a law  
114 enforcement officer or a part-time law enforcement officer: (i)  
115 in a permanent position; and (ii) in a probationary status, and to  
116 accept certification from counties of training received by  
117 correctional officers from the Department of Corrections.

118 (c) Certify persons as being qualified under the  
119 provisions of this chapter to be law enforcement officers or  
120 part-time law enforcement officers.

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

123 (e) Establish minimum curriculum requirements for basic  
124 and advanced courses and programs for schools operated by or for  
125 the state or any political subdivision thereof for the specific  
126 purpose of training police and other law enforcement officers,  
127 both full and part time.

128 (f) Consult and cooperate with counties,  
129 municipalities, state agencies, other governmental agencies, and  
130 with universities, colleges, community and junior colleges and

131 other institutions concerning the development of training schools,  
132 programs or courses of instruction for personnel defined in this  
133 chapter.

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

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

139 (i) Approve law enforcement officer training schools  
140 for operation by or for the state or any political subdivision  
141 thereof for the specific purpose of training personnel defined in  
142 this chapter.

143 (j) Upon the request of agencies employing personnel  
144 defined in this chapter, conduct surveys or aid municipalities and  
145 counties to conduct surveys through qualified public or private  
146 agencies and assist in the implementation of any recommendations  
147 resulting from such surveys.

148 (k) Upon request of agencies within the purview of this  
149 chapter, conduct general and specific management surveys and  
150 studies of the operations of the requesting agencies at no cost to  
151 those agencies. The role of the board under this subsection shall  
152 be that of management consultant.

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

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

157 (n) Establish jointly with the State Board of Education  
158 the minimum level of basic law enforcement training required of  
159 persons employed by school districts as school security guards, or  
160 school resource officers or in other positions that have the  
161 powers of a peace officer.

162 **SECTION 3.** Section 45-6-11, Mississippi Code of 1972, is  
163 amended as follows:

164           45-6-11. (1) Law enforcement officers already serving under  
165 permanent appointment on July 1, 1981, and personnel of the  
166 division of community services under Section 47-7-9, Mississippi  
167 Code of 1972, serving on July 1, 1994, shall not be required to  
168 meet any requirement of subsections (3) and (4) of this section as  
169 a condition of continued employment; nor shall failure of any such  
170 law enforcement officer to fulfill such requirements make that  
171 person ineligible for any promotional examination for which that  
172 person is otherwise eligible. Provided, however, if any law  
173 enforcement officer certified under the provisions of this chapter  
174 leaves his employment as such and does not become employed as a  
175 law enforcement officer within two (2) years from the date of  
176 termination of his prior employment, he shall be required to  
177 comply with board policy as to rehiring standards in order to be  
178 employed as a law enforcement officer; except, that, if any law  
179 enforcement officer certified under this chapter leaves his  
180 employment as such to serve as a sheriff, he may be employed as a  
181 law enforcement officer after he has completed his service as a  
182 sheriff without being required to comply with board policy as to  
183 rehiring standards. Part-time law enforcement officers serving on  
184 or before July 1, 1998, shall have until July 1, 2001, to obtain  
185 certification as a part-time officer.

186           (2) Any person who has twenty (20) years of law enforcement  
187 experience and who is eligible to be certified under this section  
188 shall be eligible for recertification after leaving law  
189 enforcement on the same basis as someone who has taken the basic  
190 training course. Application to the board to qualify under this  
191 subsection shall be made no later than June 30, 1993.

192           (3) (a) No person shall be appointed or employed as a law  
193 enforcement officer or a part-time law enforcement officer unless  
194 that person has been certified as being qualified under the  
195 provisions of subsection (4) of this section.

196           (b) No person shall be appointed or employed as a law  
197 enforcement trainee by any law enforcement unit for a period to  
198 exceed two (2) years. The prohibition against the appointment or  
199 employment of a law enforcement trainee for a period not to exceed  
200 two (2) years may not be nullified by terminating the appointment  
201 or employment of such a person before the expiration of the time  
202 period and then rehiring the person for another period. Any  
203 person, who, due to illness or other events beyond his control,  
204 could not attend the required school or training as scheduled, may  
205 serve with full pay and benefits in such a capacity until he can  
206 attend the required school or training.

207           (c) No person shall serve as a law enforcement officer  
208 in any full-time, part-time, reserve or auxiliary capacity during  
209 a period when that person's certification has been suspended,  
210 cancelled or recalled pursuant to the provisions of this chapter.

211           (4) In addition to the requirements of subsections (3), (7)  
212 and (8) of this section, the board, by rules and regulations  
213 consistent with other provisions of law, shall fix other  
214 qualifications for the employment of law enforcement officers,  
215 including minimum age, education, physical and mental standards,  
216 citizenship, good moral character, experience and such other  
217 matters as relate to the competence and reliability of persons to  
218 assume and discharge the responsibilities of law enforcement  
219 officers, and the board shall prescribe the means for presenting  
220 evidence of fulfillment of these requirements. Additionally, the  
221 board shall fix qualifications for the appointment or employment  
222 of part-time law enforcement officers to essentially the same  
223 standards and requirements as law enforcement officers. The board  
224 shall develop and implement a part-time law enforcement officer  
225 training program that meets the same performance objectives and  
226 has essentially the same or similar content as the programs  
227 approved by the board for full-time law enforcement officers and  
228 the board shall provide that such training shall be available

229 locally and held at times convenient to the persons required to  
230 receive such training.

231 (5) Any elected sheriff, constable, deputy or chief of  
232 police may apply for certification. Such certification shall be  
233 granted at the request of the elected official after providing  
234 evidence of satisfaction of the requirements of subsections (3)  
235 and (4) of this section. Certification granted to such elected  
236 officials shall be granted under the same standards and conditions  
237 as established by law enforcement officers and shall be subject to  
238 recall as in subsection (7) of this section.

239 (6) The board shall issue a certificate evidencing  
240 satisfaction of the requirements of subsections (3) and (4) of  
241 this section to any applicant who presents such evidence as may be  
242 required by its rules and regulations of satisfactory completion  
243 of a program or course of instruction in another jurisdiction  
244 equivalent in content and quality to that required by the board  
245 for approved law enforcement officer education and training  
246 programs in this state, and has satisfactorily passed any and all  
247 diagnostic testing and evaluation as required by the board to  
248 ensure competency.

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

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

254 (b) The certificate was obtained through  
255 misrepresentation or fraud;

256 (c) The holder has been convicted of any crime  
257 involving moral turpitude;

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

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

260 (8) When the board believes there is a reasonable basis for  
261 either the reprimand, suspension, cancellation of, or recalling



262 the certification of a law enforcement officer or a part-time law  
263 enforcement officer, notice and opportunity for a hearing shall be  
264 provided in accordance with law prior to such reprimand,  
265 suspension or revocation.

266 (9) Any full- or part-time law enforcement officer aggrieved  
267 by the findings and order of the board may file an appeal with the  
268 chancery court of the county in which such person is employed from  
269 the final order of the board. Such appeals must be filed within  
270 thirty (30) days of the final order of the board.

271 (10) Any full- or part-time law enforcement officer whose  
272 certification has been cancelled pursuant to this chapter may  
273 reapply for certification, but not sooner than two (2) years after  
274 the date on which the order of the board canceling such  
275 certification becomes final.

276 (11) Any county that operates a regional county correctional  
277 facility is authorized to provide its correctional officers  
278 training through optional programs provided by the Department of  
279 Corrections or the Board on Law Enforcement Officer Standards and  
280 Training. In the event a correctional officer receives training  
281 through the Department of Corrections, the county shall provide  
282 the Board on Law Enforcement Officer Standards and Training with  
283 certification of the training received through the Department of  
284 Corrections.

285 **SECTION 4.** This act shall take effect and be in force from  
286 and after July 1, 2004.