

By: Representatives Malone, Fleming

To: Corrections

HOUSE BILL NO. 990
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 45-4-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE BOARD ON JAIL OFFICER STANDARDS AND TRAINING
3 SHALL ISSUE A CERTIFICATE TO ANY PERSON WHO SUCCESSFULLY COMPLETES
4 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS' TRAINING PROGRAM FOR
5 CORRECTIONAL OFFICERS OF REGIONAL JAILS; TO PROVIDE THAT THE BOARD
6 SHALL DEVELOP AND TRAIN ALL PERSONS SEEKING CERTIFICATION AS A
7 CORRECTIONS OFFICER AND BEGINS TRAINING ON OR AFTER JANUARY 1,
8 2005, MUST RECEIVE TRAINING IN THE PREVENTION OF RACIAL PROFILING;
9 AND FOR RELATED PURPOSES.

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

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

13 45-4-9. (1) (a) After January 1, 2000, no person shall be
14 appointed or employed as a jail officer or a part-time jail
15 officer unless that person has been certified as being qualified
16 under subsection (3) of this section.

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

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

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

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

61 (4) (a) The Board on Jail Officer Standards and Training
62 shall issue a certificate evidencing satisfaction of the

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

69 (b) The Board on Jail Officer Standards and Training
70 shall issue a certificate to any person who successfully completes
71 the Mississippi Department of Corrections' training program for
72 correctional officers of regional jails.

73 (c) The Board on Jail Officer Standards and Training
74 shall develop and train persons seeking certification as a
75 correctional officer in the prevention of racial profiling. The
76 provisions of this paragraph shall apply to all recruits who begin
77 training on or after January 1, 2005.

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

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

83 (b) The certificate was obtained through
84 misrepresentation or fraud;

85 (c) The holder has been convicted of any crime
86 involving moral turpitude;

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

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

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

94 (7) Any jail officer aggrieved by the final findings and
95 order of the board may file an appeal with the chancery court of

96 the county in which the person is employed. The appeal must be
97 filed within thirty (30) days of the final order.

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

102 **SECTION 2.** This act shall take effect and be in force from
103 and after its passage.