

## Senate Amendments to House Bill No. 990

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

30           (2) Jail officers serving under permanent appointment on  
31 January 1, 2000, shall not be required to meet certification  
32 requirements of this section as a condition of continued

33 employment; nor shall failure of any such jail officer to fulfill  
34 such requirements make that person ineligible for any promotional  
35 examination for which that person is otherwise eligible. If any  
36 jail officer certified under this chapter leaves his employment  
37 and does not become employed as a jail officer within two (2)  
38 years from the date of termination of his prior employment, he  
39 shall be required to comply with board policy as to rehiring  
40 standards in order to be employed as a jail officer.

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

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

65 (b) The Board on Jail Officer Standards and Training  
66 shall issue a certificate to any person who successfully completes

67 the Mississippi Department of Corrections training program for  
68 correctional officers of regional jails.

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

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

74 (b) The certificate was obtained through  
75 misrepresentation or fraud;

76 (c) The holder has been convicted of any crime  
77 involving moral turpitude;

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 45-4-9, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT REGIONAL CORRECTIONAL OFFICERS COMPLETING THE  
3 DEPARTMENT OF CORRECTIONS TRAINING PROGRAM DO NOT HAVE TO BE  
4 RECERTIFIED BY THE BOARD ON JAIL OFFICER STANDARDS AND TRAINING;  
5 AND FOR RELATED PURPOSES.

SS01\HB990A.J

John O. Gilbert  
Secretary of the Senate