

By: Dearing

To: Judiciary

SENATE BILL NO. 2689
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 45-4-1, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE MUNICIPALITIES AND JUVENILE DETENTION FACILITIES IN THE
3 JAIL OFFICER TRAINING REQUIREMENTS; TO AMEND SECTION 45-4-3,
4 MISSISSIPPI CODE OF 1972, TO REVISE THE COMPOSITION OF THE BOARD
5 ON JAIL OFFICER STANDARDS AND TRAINING; TO AMEND SECTIONS 45-4-5,
6 45-4-7, 45-4-9, 45-4-11, 45-4-13, 45-6-15, AND 47-1-39,
7 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
8 PURPOSES.

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

10 SECTION 1. Section 45-4-1, Mississippi Code of 1972, is
11 amended as follows:[CSQ1]

12 45-4-1. The Legislature finds that the administration
13 of * * * jails and youth detention facilities is of statewide
14 concern, and that the activities of jail officers are important to
15 the health, safety and welfare of the people of this state and are
16 of such nature as to require education and training of a
17 professional nature of jail officers. It is the intent of the
18 Legislature to provide for the coordination of training programs
19 and the establishment of standards for jail officers.

20 SECTION 2. Section 45-4-3, Mississippi Code of 1972, is
21 amended as follows:[CSQ2]

22 45-4-3. (1) There is hereby created the Board on * * * Jail
23 Officer Standards and Training, which shall consist of nine (9)
24 members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

61 (3) Members of the board shall serve without compensation,
62 but shall be entitled to receive reimbursement for any actual and

63 reasonable expenses incurred as a necessary incident to such
64 service, including mileage, as provided in Section 25-3-41,
65 Mississippi Code of 1972.

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

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

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

78 SECTION 3. Section 45-4-5, Mississippi Code of 1972, is
79 amended as follows:[CSQ3]

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

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

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

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

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

95 (e) Establish minimum curriculum requirements for basic

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

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

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

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

110 (i) Approve jail officer training schools.

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

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

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

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

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

126 SECTION 4. Section 45-4-7, Mississippi Code of 1972, is
127 amended as follows:[CSQ4]

128 45-4-7. The * * * Office of Standards and Training shall

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

133 SECTION 5. Section 45-4-9, Mississippi Code of 1972, is
134 amended as follows:[CSQ5]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

215 SECTION 6. Section 45-4-11, Mississippi Code of 1972, is
216 amended as follows:[CSQ6]

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

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

228 authorize, but only from such funds authorized and appropriated by
229 the Legislature, the direct funding of a part-time jail officer
230 training program. The board shall require the payment of a
231 reasonable tuition fee to aid in funding the costs of
232 administering the part-time jail officer training program.

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

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

245 SECTION 7. Section 45-4-13, Mississippi Code of 1972, is
246 amended as follows:[CSQ7]

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

255 SECTION 8. Section 45-6-15, Mississippi Code of 1972, is
256 amended as follows:[CSQ8]

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

261 created in the State Treasury and designated the "Law Enforcement
262 Officers Training Fund," which shall be expended by the board to
263 defray the expenses of the program as authorized and appropriated
264 by the Legislature.

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

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

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

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

287 SECTION 9. Section 47-1-39, Mississippi Code of 1972, is
288 amended as follows:[CSQ9]

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

294 municipality; and to provide for the working of the streets by
295 municipal prisoners, and to contract with the county for such work
296 by county prisoners or the working of county roads by municipal
297 prisoners, or for working same on the county farms. Municipal
298 prisoners shall be worked on county roads or county farms only in
299 the county in which the municipality is situated. Males and
300 females shall be confined in separate cells or compartments.

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

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