

By: Senator(s) Huggins

To: Corrections

SENATE BILL NO. 2501

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.

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

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.