

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 488

91ST GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, March 29, 2001, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1769S.03C

AN ACT

To amend chapter 590, RSMo, by adding thereto ten new sections relating to the training and certification of uniformed officers of the department of corrections, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 590, RSMo, is amended by adding thereto ten new sections, to be known as sections 590.200, 590.203, 590.206, 590.207, 590.209, 590.212, 590.215, 590.218, 590.221 and 590.224, to read as follows:

590.200. 1. There is hereby established within the department of public safety a Corrections Officer Standards and Training Commission which shall be composed of nine members, including a voting public member, appointed by the governor, with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No member of the commission shall reside in the same congressional district as any other at the time of his or her appointment but this provision shall not apply to the public member. Three members of the commission shall be corrections officers currently employed by the department of corrections below the rank of major, three members of the commission shall be from law enforcement agencies within the state, one member shall be from the administration of the department of corrections, and one member shall be from a statewide association of corrections officers having membership in excess of five hundred corrections officers. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated by the provisions of sections 590.200 to 590.224 or by rule or regulation promulgated pursuant thereto, or the spouse of such person; and a person

who does not have and never has had a material financial interest in either the providing of the professional services regulated by the provisions of sections 590.200 to 590.224 or rule or regulation promulgated pursuant thereto, or any activity or organization directly related to any profession certified or regulated by sections 590.200 to 590.224 or rule or regulation promulgated pursuant thereto. Each member of the commission shall have been at the time of appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are corrections officers shall be qualified as established by sections 590.200 to 590.224 or by rule or regulation promulgated pursuant thereto. No member of the commission serving a full term of three years may be reappointed to the commission until at least one year after the expiration of his or her most recent term.

2. Three of the original members of the commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the commission shall be three years or until their successors are appointed. The director may remove any member of the commission for misconduct or neglect of office. Any member of the commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons for removal, and shall upon request be given a hearing before the commission. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

3. The director shall annually appoint one of the members as chairperson. The commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the commission shall constitute a quorum.

4. No member of the commission shall receive any compensation for the performance of his or her official duties. Members may be reimbursed for expenses incurred in the course of such performance of his or her official duties. Notwithstanding the foregoing, members who are employees of the state of Missouri or any political subdivision thereof shall not be required to use annual or any other type of leave for those periods during which they are performing their official duties, and their salaries shall not be abated on account thereof.

5. The commission shall establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of corrections officers standards and training certification programs. The commission shall advise the director concerning the affairs of the commission and of corrections officers standards and training certification programs.

6. For purposes of sections 590.200 to 590.224, the term corrections officer shall mean any person currently employed by the Missouri department of corrections and human resources as a corrections officer, irrespective of rank, and the term director shall mean the director of public safety.

590.203. The director shall certify such programs, core curriculum and instruction as necessary to fulfill the purposes of sections 590.200 to 590.224. The director shall by rule and regulation provide standards for certification, on the basis of the experience and educational background of the instructors, the quality and aptness of curriculum, the educational equipment and materials used in such training and the methods and measurements used in such training.

590.206. The commission may direct the department of corrections to:

(1) Publish and distribute to all Missouri corrections institutions, bulletins, pamphlets, and educational materials relating to training of corrections officers;

(2) Provide seminars, in-service training and supervisory training to ensure that corrections officers of all ranks may be offered training in their profession and related subjects on a voluntary enrollment basis;

(3) Consult and cooperate with any agency or division of this state government or the federal government for the development of training programs for the fulfillment of specific needs in corrections;

(4) Encourage the further professionalization of corrections officers through training and education.

590.207. The director shall issue, authorize the issuance of, suspend, or revoke diplomas, certificates or other appropriate indicia of compliance and qualification to corrections officers who complete specialized training courses offered by the department of public safety.

590.209. From and after January 1, 2002, no person shall hold the position of corrections officer in the Missouri department of corrections unless that person has enrolled in, and successfully completed, an instructional program designed to familiarize such person with his or her duties as a corrections officer, and has thereafter been certified by the director; but this provision shall not apply to persons who on such date hold the position of corrections officer. Persons who hold the position of corrections officer prior to January 1, 2002, may attend such programs voluntarily for the purpose of career advancement or to satisfy requirements for promotion or merit pay established by the department of corrections.

590.212. The commission shall design and implement courses and programs for continuing education of corrections officers and shall by rule and regulation require certain minimum hours of periodic training as a requirement for continued employment

as a corrections officer from and after January 1, 2002. The provisions of this section shall apply to all corrections officers irrespective of the date of employment.

590.215. The courses and programs offered or required by the director pursuant to sections 590.200 to 590.224 or by rule or regulation promulgated pursuant thereto shall be provided at no cost to corrections officers and qualified applicants for the position of corrections officer.

590.218. The director of the Missouri department of corrections shall notify the director of any corrections officer's separation from the department, whether voluntary or involuntary, and shall set forth in detail the facts and reasons for the separation on a form to be provided by the director.

590.221. 1. The director or any of his or her designated representatives may:

(1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether such academy complies with the standards established by the director pursuant to sections 590.200 to 590.224 and by rule or regulation promulgated pursuant thereto; and may issue, suspend, or revoke certificates indicating such compliance;

(2) Issue, suspend, or revoke certificates for instructors; and

(3) Issue, or authorize the issuance of, diplomas, certificates, and other appropriate indicia of compliance and qualifications to corrections officers trained pursuant to sections 590.200 to 590.224 and rule or regulation promulgated pursuant thereto.

2. The director may refuse to issue, or may suspend or revoke, any diploma, certificate, or other indicia of compliance and qualification to corrections officers issued pursuant to subdivision (3) of subsection 1 of this section for the following:

(1) Conviction of a felony, including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;

(2) Conviction of a misdemeanor involving moral turpitude;

(3) Falsification or a willful misrepresentation of information in an employment application, or record or evidence, or in testimony under oath;

(4) Dependence on or abuse of alcohol or illegal drugs;

(5) Use or possession of, or trafficking in, any illegal substance;

(6) Gross misconduct indicating inability to function as a corrections officer.

3. Any person aggrieved by a decision of the director pursuant to this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify any corrections school, academy, or training program, any corrections instructor or any corrections officer not meeting the requirements for certification pursuant to the provisions of law. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any corrections instructor or any corrections officer not in compliance with the requirement for certification pursuant to the provisions of law.

7. After the filing of the complaint, the proceedings will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any corrections school, academy, or training program, corrections instructor or any corrections officer.

590.224. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 590.200 to 590.224 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.