

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 496**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Elections, March 14, 2005, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1865S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 217.105, RSMo, and to enact in lieu thereof one new section relating to corrections officer certification commission.

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

Section A. Section 217.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.105, to read as follows:

217.105. 1. As used in this section, the following terms mean:

- (1) "COCC", corrections officer certification commission;
- (2) "Corrections officer", a corrections officer of the state or any political subdivision of the state;
- (3) "Director", the director of the Missouri department of corrections or his or her designated agent or representative.

2. There is hereby established within the department of corrections a "Corrections Officer Certification Commission" which shall be composed of nine members nominated by the director and appointed by the governor with the advice and consent of the senate:

(1) Three members shall be department of corrections officers below the rank of lieutenant; of which, at least two will be members of a statewide association of corrections officers with more than one thousand members;

(2) Three members shall be corrections officers or supervisors above the rank of sergeant; two of which must be the rank of lieutenant or captain. Of these three, at least one will be a member of a statewide association of corrections officers with more than one thousand members;

(3) Two members shall be county sheriffs, at least one of whom shall be from a third class county; and

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

(4) One member shall represent the general public.

3. Each member shall be 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.

4. The original members of the commission shall be appointed as follows:

(1) Three for terms of one year;

(2) Three for terms of two years; and

(3) Three for terms of three years.

Thereafter, all terms of membership on the commission shall be for three years or until a successor is appointed.

5. 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 thereof.

6. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

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

8. No member of the commission shall receive any compensation for the performance of official duties but the members shall be reimbursed for their necessary expenses.

9. The commission may:

(1) Cause a job task analysis to be made of the jobs of corrections officers pursuant to this chapter; [jailers pursuant to chapter 221, RSMo; jailers in charter counties and private jail custody staff;]

(2) Make recommendations to the department of corrections, the legislature, or the governor concerning the qualifications, training, testing, and certification of corrections officers[, jailers and private jail custody staff];

(3) Recommend qualifications and training standards for corrections officers pursuant to this chapter[, jailers pursuant to chapter 221, RSMo, and jailers in charter counties.]

10. The director may establish various classes of corrections officers certification.

11. The name, certification status, and employing corrections agency of any of the applicants or individuals certified pursuant to this chapter shall be open record. All other records retained by the director pertaining to any applicant or certified officer shall be confidential and shall not be disclosed to the public or any member of the public, except with the written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of interstate exchange of information, during the course of litigation involving the director or to other state agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a

closed record solely because it is retained by the director. Nothing in this chapter shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.

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