

SENATE FILE NO. SF0064

P.O.S.T. certification for correctional officers.

Sponsored by: Senator(s) Meier and Cooper and
Representative(s) Bagby, Landon and Watt

A BILL

for

1 AN ACT relating to correctional officers; providing for the
2 training and certification of correctional officers as
3 specified; specifying the duties of the peace officer
4 standards and training commission; establishing
5 qualifications for correctional officers and certified
6 correctional officers; providing definitions; and providing
7 for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 9-1-710 is created to read:

12

13 **9-1-710. Qualifications for employment as a**
14 **correctional officer; termination of employment;**
15 **certification without compliance with the requirements of**
16 **this section.**

1

2 (a) Within fifteen (15) days after the appointment,
3 termination, resignation or death of any correctional
4 officer or certified correctional officer, written notice
5 thereof shall be given to the commission by the employing
6 agency.

7

8 (b) A state agency or any other person authorized by
9 law to appoint correctional officers in this state shall
10 not appoint any person as a correctional officer on or
11 after July 1, 2005, who does not meet the following
12 qualifications. The person shall:

13

14 (i) Be a United States citizen;

15

16 (ii) Be an adult;

17

18 (iii) Submit to fingerprinting and a search of
19 local, state and national fingerprint files to determine
20 whether the applicant has a criminal record, with a copy of
21 the responses sent to the commission;

22

23 (iv) Not have been convicted of any crime for
24 which the applicant could have been punished by

1 imprisonment in a federal or a state penitentiary, unless
2 his conviction is reversed or annulled, he receives a
3 pardon or his rights are restored pursuant to W.S.
4 7-13-105(a);

5

6 (v) Hold a high school diploma or equivalent
7 achievement, with proof forwarded to the commission;

8

9 (vi) Be of good moral character as determined by
10 a background investigation. The hiring agency shall
11 complete a background investigation as defined by the
12 commission of any new applicant for employment as a
13 correctional officer before the applicant may be employed
14 or begin training as a correctional officer;

15

16 (vii) Be free of any physical, emotional or
17 mental conditions which might adversely affect the
18 applicant's performance as a correctional officer.
19 Physical condition shall be evaluated by a person licensed
20 to practice medicine and by application of a standardized
21 physical fitness performance test as specified by the
22 hiring agency. Emotional and mental conditions shall be
23 evaluated by a licensed psychologist or psychiatrist;

24

1 (viii) Successfully pass an oral interview
2 examination and other preemployment examinations specified
3 by the hiring agency.

4
5 (c) A person shall not receive an original
6 appointment as a certified correctional officer or hold an
7 appointment on a permanent basis as a certified
8 correctional officer unless the person has been awarded a
9 certificate by the director attesting to his satisfactory
10 completion of an approved correctional officer basic
11 training program and has demonstrated the core competencies
12 of a correctional officer as defined by the employing
13 agency in cooperation with the commission.

14
15 (d) A person shall not be appointed as a correctional
16 officer on a permanent basis on or after July 1, 2006
17 unless within one (1) year from the date of his original
18 appointment he is awarded a certificate by the director
19 attesting that he satisfactorily completed a commission
20 approved peace officer's basic training program and has
21 demonstrated the core competencies of a correctional
22 officer as defined by the employing agency in cooperation
23 with the commission. The commission may extend the one (1)
24 year time requirement of this section upon the written

1 application of the correctional officer and his employer.
2 The application shall explain the circumstances which make
3 the extension necessary. Factors which the commission may
4 consider in granting or denying the extension include the
5 illness of a correctional officer or a member of his
6 immediate family or the absence of reasonable access to the
7 basic course. The commission shall not grant an extension
8 exceeding one hundred eighty (180) days.

9

10 (e) Every person who is appointed as a part-time
11 correctional officer on or after July 1, 2005, shall
12 forfeit his position unless within two (2) years from the
13 date of his appointment he is awarded a certificate by the
14 director attesting that he satisfactorily completed a
15 commission approved correctional officer basic training
16 program and has demonstrated the core competencies of a
17 correctional officer as defined by the employing agency in
18 cooperation with the commission.

19

20 (f) Notwithstanding subsections (b) through (e) of
21 this section, the commission may, upon the recommendation
22 of the employing agency, waive the basic correctional
23 officer training program and certify those applicants who
24 can pass a written examination provided by the commission

1 and an oral interview attesting to the applicant's ability
2 and core competencies in corrections. The applicant shall
3 prove that he satisfactorily completed a basic correctional
4 officer training program which in the commission's opinion
5 is comparable to that required by this section before
6 waiver is granted.

7

8 (g) Any correctional officer attending any school or
9 training program authorized by the commission for the
10 purpose of meeting the requirements of this section shall
11 be paid his wages as a correctional officer by his
12 employer. He shall also receive reimbursement for
13 reasonable expenses as determined by his employer.

14

15 (h) A person who is convicted of a felony after his
16 appointment as a correctional officer is ineligible for
17 continued employment as a correctional officer. If the
18 person has been certified under this section, his
19 certification shall be automatically revoked on the date of
20 his conviction. The director shall notify the person and
21 the person's employing agency upon revocation of
22 certification under this subsection as defined by the
23 commission.

24

1 (j) In the case of termination of a certified
2 correctional officer, the employing agency shall notify the
3 commission and the officer, in writing, of the termination,
4 setting forth in detail the facts and reasons for the
5 termination. If the officer is terminated for failure to
6 comply with this act, or rules promulgated under it, the
7 notice shall so specify. Any officer who has been
8 terminated may present a written statement to the
9 commission responding to the claims made against him or
10 setting forth the facts and reasons for the termination as
11 he believes them to be, and that statement shall become a
12 permanent part of the file. A potential employer may
13 contact the commission to inquire as to the facts and
14 reasons an officer was terminated from any previous
15 employing agency. Unless otherwise prohibited by law, the
16 commission shall, upon request, provide to the potential
17 employer all pertinent information which is in its
18 possession.

19

20 (k) Upon receipt from the department of family
21 services of a certified copy of an order from a court to
22 withhold, suspend or otherwise restrict a certificate
23 issued by the commission, the commission shall notify the
24 party named in the court order and the employing agency of

1 the withholding, suspension or restriction of the
2 certificate in accordance with the terms of the court
3 order. No appeal under the Wyoming Administrative
4 Procedure Act shall be allowed for a certificate withheld,
5 suspended or restricted under this subsection.

6
7 (m) Any person who has been employed on a permanent
8 basis as a correctional officer for ten (10) consecutive
9 years, and who is employed as a correctional officer by the
10 Wyoming department of corrections on July 6, 2006, shall be
11 certified as a certified correctional officer by the
12 director without having complied with subsections (b)
13 through (d) of this section.

14
15 (n) The Wyoming department of corrections may
16 establish qualifications and standards for hiring and
17 training that exceed the minimum set by the commission.

18
19 **Section 2.** W.S. 9-1-701(a) by creating new paragraphs
20 (xiv) through (xvii), 9-1-702 by creating a new subsection
21 (k), 9-1-703(b)(ii) through (vi), (viii) and (ix) and by
22 creating a new paragraph (x) are amended to read:

23

24 **9-1-701. Definitions.**

1

2 (a) As used in this act:

3

4 (xiv) "Certified correctional officer" means a
5 person who is employed by the Wyoming department of
6 corrections on a full-time basis to care for, supervise,
7 control and maintain custody of persons confined in Wyoming
8 department of corrections institutions and who has
9 completed all requirements for certification as a
10 correctional officer under this act;

11

12 (xv) "Correctional officer" means a person who
13 is employed by the Wyoming department of corrections on a
14 full-time basis to care for, supervise and maintain custody
15 of persons confined in Wyoming department of corrections
16 institutions;

17

18 (xvi) "Correctional officer training" means an
19 approved Wyoming department of corrections preservice
20 academy or other correctional officer training program
21 authorized by the commission to train correctional officers
22 for the state;

23

1 (xvii) "Part-time correctional officer" means a
2 person is employed by the Wyoming department of corrections
3 on a part-time basis to care for, supervise and maintain
4 custody of persons confined in Wyoming department of
5 corrections institutions.

6
7 **9-1-702. Created; membership; removal; compensation;**
8 **meetings; publication of procedures; standards for**
9 **certified training; powers and duties.**

10
11 (k) The commission shall establish course
12 requirements and continuing education requirements for
13 correctional officer training.

14
15 **9-1-703. Director; appointment; term; powers and**
16 **duties.**

17
18 (b) With the approval of the commission, the director
19 may:

20
21 (ii) Inspect and approve peace officer and
22 correctional officer training academies, issue certificates
23 of approval to academies and revoke approval or
24 certificates;

1

2 (iii) Certify as qualified instructors at
3 approved peace officer and correctional officer training
4 academies and issue appropriate certificates to
5 instructors;

6

7 (iv) Certify peace officers and correctional
8 officers who have satisfactorily completed the basic
9 training programs as outlined in this act and issue
10 appropriate certificates to peace officers and correctional
11 officers;

12

13 (v) Cause surveys to be made relating to the
14 establishment and operation of peace officer and
15 correctional officer training academies;

16

17 (vi) Consult and cooperate with peace officer
18 and correctional officer training academies for the
19 development of the basic and advanced training programs for
20 peace officers;

21

22 (viii) Consult and cooperate with other
23 departments and agencies concerned with peace officer and
24 correctional officer training;

1

2 (ix) Report to the commission at regular
3 meetings of the commission and at other times as required
4 and recommend denial, suspension or revocation of
5 certification of a peace officer or correctional officer to
6 the commission as deemed necessary;

7

8 (x) Consult and cooperate with universities,
9 colleges, junior colleges and other institutions for the
10 development of specialized courses of study in the state
11 for correctional officers in the areas of inmate
12 management, group dynamics, correctional facility
13 operations, the social sciences and other related areas.

14

15 **Section 3.** This act is effective July 1, 2005.

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(END)