

SENATE FILE NO. SF0064

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

Sponsored by: Senator(s) Meier and Cooper and Representative(s) 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.

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8 (b) No state agency or any other person authorized by
9 law to appoint correctional officers in this state shall
10 appoint any person as a correctional officer on or after
11 July 1, 2005, who does not meet the following
12 qualifications. The person shall:

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14 (i) Be a United States citizen;

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16 (ii) Be an adult;

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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;

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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 of such forwarded to the
8 commission;

9

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

16

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

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

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6 (c) No person shall receive an original appointment
7 as a certified correctional officer or hold an appointment
8 on a permanent basis as a certified correctional officer
9 unless the person has been awarded a certificate by the
10 director attesting to his satisfactory completion of an
11 approved correctional officer basic training program and
12 has demonstrated the core competencies of a correctional
13 officer as defined by the employing agency in cooperation
14 with the commission.

15

16 (d) No person shall be appointed as a correctional
17 officer on a permanent basis on or after July 1, 2006
18 unless within one (1) year from the date of his original
19 appointment he is awarded a certificate by the director
20 attesting that he satisfactorily completed a commission
21 approved peace officer's basic training program and has
22 demonstrated the core competencies of a correctional
23 officer as defined by the employing agency in cooperation
24 with the commission. The commission may extend the one (1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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3 (a) As used in this act:

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

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

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

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

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5 (k) The commission shall establish course
6 requirements and continuing education requirements for
7 correctional officer training.

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9 **9-1-703. Director; appointment; term; powers and**
10 **duties.**

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12 (b) With the approval of the commission, the director
13 may:

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15 (ii) Inspect and approve peace officer and
16 correctional officer training academies, issue certificates
17 of approval to academies and revoke approval or
18 certificates;

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20 (iii) Certify as qualified instructors at
21 approved peace officer and correctional officer training
22 academies and issue appropriate certificates to
23 instructors;

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1 (iv) Certify peace officers and correctional
2 officers who have satisfactorily completed the basic
3 training programs as outlined in this act and issue
4 appropriate certificates to peace officers and correctional
5 officers;

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7 (v) Cause surveys to be made relating to the
8 establishment and operation of peace officer and
9 correctional officer training academies;

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11 (vi) Consult and cooperate with peace officer
12 and correctional officer training academies for the
13 development of the basic and advanced training programs for
14 peace officers;

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16 (viii) Consult and cooperate with other
17 departments and agencies concerned with peace officer and
18 correctional officer training;

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20 (ix) Report to the commission at regular
21 meetings of the commission and at other times as required
22 and recommend denial, suspension or revocation of
23 certification of a peace officer or correctional officer to
24 the commission as deemed necessary;

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

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

(END)