

*****Lost*****

AMENDMENT No. 3 PROPOSED TO

Committee Sub. for HB NO. 932

By Representative(s) Clarke

AMEND by inserting after line 41 the following new Sections 2 and 3 and by renumbering the succeeding section:

"SECTION 2. (1) The Commissioner of the Mississippi Department of Corrections shall establish a toll free hotline in all state correctional facilities for the purpose of receiving complaints of alleged sexual misconduct committed against offenders by staff members of the department. For purposes of this section, "hotline" means a direct telephone line to one (1) or more licensed social workers employed by the department.

(2) The individual(s) answering the hotline shall:

(a) Provide offenders with information about their rights and about nongovernmental organizations that they may contact for assistance;

(b) Forward verified complaints to the Chairman of the Senate Corrections Committee, the Chairman of the Penitentiary Committee of the House of Representatives and the State Attorney General;

(c) Ensure the confidentiality of all calls received and any written correspondence emerging from an offender's contact with the hotline; and

(d) Maintain an accurate compilation of all data collected through the hotline for investigative purposes.

(3) The Commissioner shall publicize the existence of the

hotline to all offenders.

(4) The Commissioner of the Mississippi Department of Corrections shall appoint a five (5) member independent internal investigative board solely for the purpose of administering the hotline program and determining the validity of the alleged sexual abuse of inmates.

(5) Officers and staff members of the department alleged to have engaged in sexual misconduct with an offender shall be assigned to a position which does not require physical contact with offenders until completion of the investigation. Upon completion of the investigation, the officer or staff member shall be notified and a hearing held in compliance with the personnel policy and procedures of the department. If sexual misconduct is determined to have occurred, the officer or staff member shall be suspended or dismissed in accordance with the personnel policies and procedures.

(6) All calls placed to the hotline shall be free from monitoring by prison officials. It shall be unlawful for any officer or employee of a correctional facility or agent of a provider of telecommunication services to monitor, intercept or otherwise interfere with any telecommunications associated with the use of the toll free hotline. Any person who violates this provision shall be guilty of a felony and upon conviction shall be fined not more than Four Thousand Dollars (\$4,000.00) or imprisoned for a term not to exceed four (4) years, or both.

(7) The Commissioner shall establish the toll free hotline not later than December 31, 2000.

SECTION 3. Section 2 of this act shall be codified as a separate code section in Title 47, Mississippi Code of 1972."

AMEND FURTHER the title by inserting the following language after the semicolon on line 4:

"TO CREATE A NEW CODE SECTION TO REQUIRE THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO ESTABLISH A TOLL FREE HOTLINE IN ALL STATE CORRECTIONAL FACILITIES FOR THE PURPOSE OF RECEIVING COMPLAINTS OF ALLEGED SEXUAL MISCONDUCT COMMITTED

AGAINST OFFENDERS BY CORRECTIONAL OFFICERS OR STAFF MEMBERS; TO PROVIDE THE FUNCTIONS OF THE HOTLINE; TO REQUIRE THE COMMISSIONER TO PUBLICIZE THE EXISTENCE OF THE HOTLINE SERVICE TO ALL OFFENDERS; TO REQUIRE THE COMMISSIONER TO APPOINT A FIVE MEMBER INDEPENDENT INVESTIGATIVE BOARD FOR THE PURPOSE OF DETERMINING THE VALIDITY OF THE ALLEGED SEXUAL MISCONDUCT; TO PROVIDE THAT ALL TELEPHONE CALLS PLACED TO THE HOTLINE SHALL BE FREE FROM MONITORING BY THE PRISON OFFICIALS; TO PROVIDE A PENALTY FOR VIOLATIONS OF THIS PROVISION; "