AN ACT TO CREATE THE STATE COMMISSION ON HUMAN RIGHTS, THE
POLICY AND COMPLAINT REVIEW COUNCIL AND THE MEDICAL REVIEW BOARD;
TO PRESCRIBE THEIR POWERS AND DUTIES RELATING TO THE DEVELOPMENT
OF POLICIES FOR IMPROVING THE ADMINISTRATION OF STATE AND LOCAL
CORRECTIONAL FACILITIES, THE ESTABLISHMENT OF PROCEDURES TO
INVESTIGATE GRIEVANCES MADE BY OFFENDERS, THE ESTABLISHMENT OF A
SYSTEM OF EMPLOYING OFFENDERS AND THE PROMULGATION OF RULES
ESTABLISHING MINIMUM STANDARDS FOR THE CARE, CUSTODY AND TREATMENT
OF OFFENDERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. There is created the State Commission on Human
Rights, hereinafter referred to as the "commission." The
commission consists of five (5) members appointed by the Governor
with the advice and consent of the Senate. The Governor shall
designate one (1) of the members as Chairman. Each member shall
devote his or her full time to the duties of his or her office and
shall not engage in any other business or profession or hold any
other public office.

Within the commission there shall be a Policy and Complaint
Review Council, hereinafter referred to as the "council," and a
Medical Review Board, hereinafter referred to as the "board."

SECTION 2. (1) The chairman of the commission may appoint
assistants, officers, employees, committees and consultants for
the council and the board as he or she deems necessary and may
prescribe their powers and duties.

(2) The chairman of the commission may create, abolish,
transfer and consolidate offices within the commission, the
council or the board as he or she deems necessary for the
efficient operation of the commission, the council and the board.
(3) In conducting the activities of the commission pursuant to this act, the chairman of the commission may request and receive assistance, information and data from any agency of the state, any political subdivision of the state or any public authority of the state.

SECTION 3. (1) The commission has the following powers and duties:

(a) To advise and assist the Governor and the Legislature in developing policies, plans and programs for improving the administration of state and local correctional facilities.

(b) To make recommendations to administrators of state and local correctional facilities for improving the administration of the facilities.

(c) To visit, inspect and appraise the management of state and local correctional facilities with specific attention placed on safety, security, the health of offenders, sanitary conditions, rehabilitative programs, fire prevention and control and the adherence to laws and regulations governing the rights of offenders.

(d) To establish procedures to assure the effective investigation of grievances made by and conditions affecting offenders of state and local correctional facilities. The procedures shall include receipt of written complaints, interviews of persons and on-site monitoring of conditions. In addition, the commission shall establish procedures for the speedy and impartial review of grievances.

(e) To ascertain and recommend a system of employing offenders of state and local correctional facilities as, in the opinion of the commission, may be in the best interest of the public and the offenders, and that is not in conflict with the provisions of the Constitution or laws of the state relating to the employment of offenders.
(f) To promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision and discipline of all offenders confined in state and local correctional facilities. The commission shall forward the rules and regulations to the Governor, the Lieutenant Governor and the Speaker of the House of Representatives.

(g) To place members of its staff, as it deems appropriate, in any state or local correctional facility to monitor the facility if, in the judgment of the commission, the facility presents an imminent danger to the health, safety or security of the offenders or employees of a correctional facility or to the public.

(h) To close any state or local correctional facility that (a) is unsafe, unsanitary or inadequate to provide for the separation and classification of offenders as required by law or, (b) has not complied with the rules or regulations promulgated by the commission.

(i) To establish, maintain and operate a training program for personnel employed by any state or local correctional facility.

(j) To collect and disseminate statistical and other information and to undertake research, studies and analyses through the personnel of the commission or in cooperation with any public or private agency.

(k) To adopt, amend or rescind the rules and regulations as necessary to perform the powers and duties of the commission.

(2) The commission, any member of the commission or any employee designated by the commission must be granted access to any state or local correctional facility or any part of the facility and to all books, records and data related to the facility.
(3) The commission, any member of the commission or any employee designated by the commission may require from any officer or employee of a state or local correctional facility any information necessary to carry out the powers and duties of the commission.

(4) The commission, any member of the commission or any employee designated by the commission may issue and enforce a subpoena and a subpoena duces tecum, administer oaths and examine persons under oath in accordance with civil laws and rules.

(5) The commission may investigate the death of an individual whenever law enforcement officers have been involved, even if the circumstances surrounding the death occurred before the actual arrest of an individual.

(6) Whenever a person in control of or an officer or employee of a state or local correctional facility does not comply with the rules and regulations of the commission, the commission may apply to the Supreme Court of Mississippi for an order directing the person to comply. Upon application by the commission, the court may issue the order and failure to comply with the order of the court is a contempt of court and punishable as provided by law.

(7) Whenever any rule or regulation promulgated by the commission that relates to the management and affairs of any state or local correctional facility or the care, treatment and discipline of its offenders, is being or is about to be violated, the commission shall notify the person in control of the facility of the violation, recommend remedial action and direct the person to comply with the rule, regulation or law. Upon the failure of the person to comply with the rule, regulation or law, the commission may apply to the Supreme Court of Mississippi for an order directing the person to comply. Upon application by the commission, the court may issue the order and failure to comply
with the order of the court is a contempt of court and punishable
as provided by law.

SECTION 4. (1) There is created within the Commission on
Human Rights a Medical Review Board, hereinafter referred to as
the "board." The board consists of seven (7) persons to be
appointed by the Governor, with the advice and consent of the
Senate. The Governor shall designate one (1) of the full-time
appointed members of the commission as chairman of the board. One
(1) member shall be an attorney, one (1) member shall be a
physician duly licensed to practice in the state and one (1)
member shall be a board certified forensic psychiatrist.

(2) No appointed member of the board may qualify or begin
his or her term of office, or remain in office, while he or she is
an officer or employee of the Department of Corrections or of any
local correctional facility, is a law enforcement officer or is in
a position to exercise administrative supervision over any state
or local correctional facility. The board shall have the staff it
needs to assist it in the performance of its duties.

SECTION 5. The Medical Review Board has the following powers
and duties:

(a) To investigate and review the cause and
circumstances surrounding the death of any offender confined in a
state or local correctional facility or of any person in the
custody of a law enforcement officer.

(b) To visit and inspect any state or local
correctional facility or any other location where the death of an
offender has occurred.

(c) To require the body of the deceased to undergo
examinations, including an autopsy, that are necessary to
determine the cause of death, regardless of whether an examination
or autopsy has been performed previously.

(d) Upon review of the cause of death and the
circumstances surrounding the death of any offender, the board
shall submit its report to the commission and, if appropriate,
make recommendations to prevent the recurrence of such deaths to
the commission and the administrator of the appropriate state or
local correctional facility or law enforcement supervisor.

(e) To investigate and report to the commission on the
status of systems for the administration of medical care to
offenders of state or local correctional facilities and to
recommend any necessary changes to improve the quality and
availability of medical care.

(f) The board shall require every administrator of a
state or local correctional facility or supervisor of law
enforcement personnel to report immediately the death of an
offender in the manner and form as prescribed by the board. The
report shall include an autopsy report if an autopsy has been
performed.

SECTION 6. (1) There is created within the Commission on
Human Rights a Policy and Complaint Review Council, hereinafter
referred to as the "council." The council consists of seven (7)
persons to be appointed by the Governor, with the advice and
consent of the Senate. The Governor shall designate one (1) of
the full-time appointed members of the commission as chairman of
the council. One (1) member shall be an attorney and one (1)
member shall be a former offender of a state or local correctional
facility.

(2) No appointed member of the council may qualify or begin
his or her term of office, or remain in office, while he or she is
an officer or employee of the Department of Corrections or of any
local correctional facility, is a law enforcement officer or is in
a position to exercise administrative supervision over any state
or local correctional facility. The council shall have the staff
it needs to assist it in the performance of its duties.

SECTION 7. The council has the following powers and duties:
(a) To investigate, review or take any other action as it deems necessary to answer complaints or grievances filed with the council regarding any state or local correctional facility.

(b) To have access, at any time, to any state or local correctional facility and to all books, records, personnel and data pertaining to any state or local correctional facility or to an employee of a state or local correctional facility whenever access is necessary to carry out the powers and duties of the council.

(c) To obtain from administrators, officers or employees of any state or local correctional facility any information it deems necessary to carry out the powers and duties of the council.

(d) To request and receive temporary office space in any local correctional facility to carry out the powers and duties of the council.

(e) To report periodically to the commission and to the administrator of any state or local correctional facility and to make recommendations that are necessary to fulfill the purposes of the commission.

(f) To advise and assist the commission in developing plans and programs for improving the commission's performance of its duties.

(g) To advise and assist the commission in developing plans and programs for coordinating the efforts of the commission, of correctional officers and of law enforcement personnel to improve the systems of care, treatment, safety, supervision, rehabilitation, recreation, training and education in correctional facilities.

(h) To foster and promote research and study in the areas of correctional policy and program development.

SECTION 8. This act shall take effect and be in force from and after July 1, 2001.