

By: Representatives Clarke, Banks, Flaggs,
Rushing

To: Penitentiary

HOUSE BILL NO. 1292

1 AN ACT TO CREATE A NEW CODE SECTION TO REQUIRE THE
 2 COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO
 3 ESTABLISH A TOLL FREE HOTLINE IN ALL STATE CORRECTIONAL FACILITIES
 4 FOR THE PURPOSE OF RECEIVING COMPLAINTS OF ALLEGED SEXUAL
 5 MISCONDUCT COMMITTED AGAINST OFFENDERS BY CORRECTIONAL OFFICERS OR
 6 STAFF MEMBERS; TO PROVIDE THE FUNCTIONS OF THE HOTLINE; TO REQUIRE
 7 THE COMMISSIONER TO PUBLICIZE THE EXISTENCE OF THE HOTLINE SERVICE
 8 TO ALL OFFENDERS; TO REQUIRE THE COMMISSIONER TO APPOINT A FIVE
 9 MEMBER INDEPENDENT INVESTIGATIVE BOARD FOR THE PURPOSE OF
 10 DETERMINING THE VALIDITY OF THE ALLEGED SEXUAL MISCONDUCT; TO
 11 PROVIDE THAT ALL TELEPHONE CALLS PLACED TO THE HOTLINE SHALL BE
 12 FREE FROM MONITORING BY THE PRISON OFFICIALS; TO PROVIDE A
 13 PENALTY FOR VIOLATIONS OF THIS PROVISION; AND FOR RELATED
 14 PURPOSES.

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

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

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

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

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

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

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

36 (3) The Commissioner shall publicize the existence of the
37 hotline to all offenders.

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

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

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

62 (7) The Commissioner shall establish the toll free hotline
63 not later than December 31, 2001.

64 SECTION 2. Section 1 of this act shall be codified as a
65 separate code section in Title 47, Mississippi Code of 1972.

66 SECTION 3. This act shall take effect and be in force from
67 and after July 1, 2001.