

By: Senator(s) Smith

To: Corrections;  
Appropriations

SENATE BILL NO. 2777

1 AN ACT TO AMEND SECTION 47-5-110, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO ADD BEDS AT  
3 COMMUNITY WORK CENTERS AND PRE-RELEASE CENTERS; TO REQUIRE THE  
4 DEPARTMENT TO USE INMATE LABOR TO THE GREATEST EXTENT POSSIBLE;  
5 AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 47-5-110, Mississippi Code of 1972, is  
8 amended as follows:

9 47-5-110. (1) Commitment to any institution or facility  
10 within the jurisdiction of the department shall be to the  
11 department, not to a particular institution or facility. The  
12 commissioner shall assign a newly committed offender to an  
13 appropriate facility consistent with public safety; provided,  
14 however, that any offender who, in the opinion of the sentencing  
15 judge, requires confinement in a maximum security unit shall be  
16 assigned, upon initial commitment, to the Parchman facility. The  
17 commissioner may extend the place of confinement of eligible  
18 offenders as provided under subsection (2) of this section. He  
19 may transfer an offender from one institution to another,  
20 consistent with the commitment and in accordance with treatment,  
21 training and security needs. The commissioner shall have the  
22 authority to transfer inmates from the various correctional  
23 facilities of the department to restitution centers. The  
24 commissioner shall prepare appropriate standards of eligibility  
25 for such transfers. The commissioner shall have the authority to  
26 remove the offenders from restitution centers and to transfer them  
27 to other facilities of the department. The commissioner shall  
28 obtain the approval of the sentencing court before transferring an

29 offender committed to the department to a restitution center. On  
30 the request of the chief executive officer of the affected unit of  
31 local government, the commissioner may transfer a person detained  
32 in a local facility to a state facility. The commissioner shall  
33 determine the cost of care for that person to be borne by the unit  
34 of local government. The commissioner may assign to a community  
35 work center, any offender who is convicted under the Mississippi  
36 Implied Consent Law and who is sentenced to the custody of the  
37 Department of Corrections, except that if a death or a serious  
38 maiming has occurred during the commission of the violation of the  
39 Mississippi Implied Consent Law, then the offender so convicted  
40 may not be assigned to a community work center.

41 (2) The department may establish by rule or policy and  
42 procedure a community pre-release program which shall be subject  
43 to the following requirements:

44 (a) The commissioner may extend the limits of  
45 confinement of offenders serving sentences for violent or  
46 nonviolent crimes who have six (6) months or less remaining before  
47 release on parole, conditional release or discharge to participate  
48 in the program. Parole violators may be allowed to participate in  
49 the program.

50 (b) Any offender who is referred to the program shall  
51 remain an offender of the department and shall be subject to rules  
52 and regulations of the department pertaining to offenders of the  
53 department until discharged or released on parole or conditional  
54 release by the State Parole Board.

55 (c) The department shall require the offender to  
56 participate in work or educational or vocational programs and  
57 other activities that may be necessary for the supervision and  
58 treatment of the offender.

59 (d) An offender assigned to the program shall be  
60 authorized to leave a community pre-release center only for the

61 purpose and time necessary to participate in the program and  
62 activities authorized in paragraph (c) of this subsection.

63 (3) The commissioner shall have absolute immunity from  
64 liability for any injury resulting from a determination by the  
65 commissioner that an offender shall be allowed to participate in  
66 the community pre-release program.

67 (4) (a) The department may by rule or policy and procedure  
68 provide the regimented inmate discipline program and pre-release  
69 service for offenders at each of its major correctional  
70 facilities: Mississippi State Penitentiary, Central Mississippi  
71 Correctional Institution and South Mississippi Correctional  
72 Institution.

73 (b) The commissioner may establish regimented inmate  
74 discipline and pre-release programs at the South Mississippi  
75 Correctional Institution. Offenders assigned to this facility may  
76 receive the services provided by the regimented inmate discipline  
77 program. The pre-release program may be located on the grounds of  
78 this facility or another facility designated by the commissioner.

79 (5) The department may expand the community work centers and  
80 pre-release centers by twenty (20) beds at each site. The  
81 department must use inmate labor to the maximum extent possible  
82 for the expansion.

83 SECTION 2. This act shall take effect and be in force from  
84 and after July 1, 2001.