

By: Senator(s) Smith

To: Corrections;  
Appropriations

SENATE BILL NO. 3025

1 AN ACT TO CREATE THE DEPARTMENT OF COMMUNITY CORRECTIONAL  
 2 SERVICES; TO TRANSFER THE DUTIES AND PERSONNEL OF THE DIVISION OF  
 3 COMMUNITY SERVICES OF THE DEPARTMENT OF CORRECTIONS TO SUCH  
 4 DEPARTMENT OF COMMUNITY CORRECTIONAL SERVICES; TO PROVIDE FOR AN  
 5 EXECUTIVE DIRECTOR OF THE DEPARTMENT; TO PLACE PAROLE BOARD AND  
 6 PAROLE FUNCTIONS UNDER THE DEPARTMENT OF COMMUNITY CORRECTIONAL  
 7 SERVICES; TO AMEND SECTIONS 47-5-8, 47-5-26, 47-5-158, 47-7-5,  
 8 47-7-9, 47-7-34, 47-7-41, 47-7-49, 47-5-1001, 47-5-1003,  
 9 99-15-127, 99-19-45 AND 99-19-48, MISSISSIPPI CODE OF 1972, TO  
 10 CONFORM; TO REPEAL SECTION 47-7-53, MISSISSIPPI CODE OF 1972,  
 11 WHICH PROVIDES THAT THE DEPARTMENT OF CORRECTIONS SHALL ASSUME THE  
 12 DUTIES OF THE PAROLE BOARD; AND FOR RELATED PURPOSES.

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

14 SECTION 1. (1) The Mississippi Department of Community  
 15 Correctional Services is hereby established and full power is  
 16 vested in the department to manage, control, supervise, enforce  
 17 and implement all law and matters pertaining to the probation and  
 18 parole of state inmates and all other duties under the  
 19 jurisdiction of the Division of Community Services of the  
 20 Department of Corrections and the State Parole Board. The  
 21 Department of Corrections shall transfer all powers, duties,  
 22 employees, equipment, buildings, facilities, inventory and  
 23 resources of the Division of Community Services to the Department  
 24 of Community Correctional Services.

25 (2) All personnel actions initiated as a result of the  
 26 transfer of personnel shall be subject to the State Personnel  
 27 Board rules, regulations and procedures.

28 (3) The transfer of personnel shall be commensurate with the  
 29 number and classification of positions (PINS) allocated to the  
 30 Division of Community Services and the State Parole Board on  
 31 January 1, 2001. The transfer shall also include direct support,

32 clerical, data processing and communications PINS, and other  
33 resources.

34 (4) The transfer of general or special funds shall be made  
35 in such a manner that the relation between programs and revenue as  
36 provided by law is retained.

37 (5) The Department of Corrections and the State Parole Board  
38 shall comply with Sections 5-11-1 through 5-11-5 in the transfer  
39 of the Division of Community Services and Parole Board functions  
40 and personnel.

41 SECTION 2. (1) The Department of Community Correctional  
42 Services shall have the power and duty:

43 (a) To supervise probationers, parolees and  
44 suspensioners;

45 (b) Provide counseling, community-based treatment,  
46 interstate compact administration and enforcement, prevention  
47 programs, halfway houses and restitution centers;

48 (c) To conduct presentence investigations; implement  
49 and supervise work and educational release programs;

50 (d) To implement the community correctional policies of  
51 this state as established by the Legislature;

52 (e) To administer the intensive supervision program;

53 (f) To discharge such other duties, responsibilities  
54 and powers as are necessary to implement this act.

55 (2) The department shall be headed by an executive director.  
56 The Governor shall appoint the executive director with the advice  
57 and consent of the Senate. He shall possess either (a) a Master's  
58 degree in counseling, corrections psychology, guidance, social  
59 work, criminal justice or related fields and at least four (4)  
60 years' full-time experience in such fields, including at least one  
61 (1) year of supervisory experience; or (b) a Bachelor's degree in  
62 a field described in paragraph (a) of this subsection and at least  
63 six (6) years' full-time work in corrections, one (1) year of  
64 which shall have been at the supervisory level.

65           (3) The executive director shall organize the  
66 department as deemed appropriate to carry out the responsibilities  
67 of the department. An organizational chart of the department  
68 shall be presented annually with the budget request for review by  
69 the Legislature.

70           SECTION 3. After a plea or verdict of guilty to a felony is  
71 entered against a person and before he is sentenced, the Executive  
72 Director of the Department of Community Correctional Services  
73 shall procure from any available source and shall file in the  
74 presentence records any information regarding any criminal history  
75 of the person such as fingerprints, dates of arrests, complaints,  
76 civil and criminal charges, investigative reports of arresting and  
77 prosecuting agencies, reports of the National Crime Information  
78 Center, the nature and character of each offense, noting all  
79 particular circumstances thereof and any similar data about the  
80 person. The Executive Director of the Department of Community  
81 Correctional Services shall keep an accurate and complete  
82 duplicate record of this file and shall furnish the duplicate to  
83 the department. This file shall be placed in and shall constitute  
84 a part of the inmate's master file. The Executive Director of the  
85 Department of Community Correctional Services shall furnish this  
86 file to the State Parole Board when the file is needed in the  
87 course of its official duties.

88           SECTION 4. Section 47-5-26, Mississippi Code of 1972, is  
89 amended as follows:

90           47-5-26. (1) The commissioner shall employ the following  
91 personnel:

92           (a) A Deputy Commissioner for Administration and  
93 Finance who shall supervise and implement all fiscal policies and  
94 programs within the department, supervise and implement all hiring  
95 and personnel matters within the department, supervise the  
96 department's personnel director, supervise and implement all  
97 purchasing within the department and supervise and implement all

98 data processing activities within the department, and shall serve  
99 as the Chief Executive Officer of the Division of Administration  
100 and Finance. He shall possess either:

101 (i) A master's degree from an accredited four-year  
102 college or university in public or business administration,  
103 accounting, economics or a directly related field, and four (4)  
104 years of experience in work related to the above-described duties,  
105 one (1) year of which must have included line or functional  
106 supervision; or

107 (ii) A bachelor's degree from an accredited  
108 four-year college or university in public or business  
109 administration, accounting, economics or a directly related field,  
110 and six (6) years of experience in work related to the  
111 above-described duties, one (1) year of which must have included  
112 line or functional supervision. Certification by the State of  
113 Mississippi as a certified public accountant may be substituted  
114 for one (1) year of the required experience.

115 \* \* \*

116 (b) A deputy commissioner for institutions who shall  
117 administer institutions, reception and diagnostic centers,  
118 prerelease centers and other facilities and programs provided  
119 therein, and to serve as the chief executive officer of the  
120 division of institutions. He shall possess either (i) a master's  
121 degree in counseling, criminal justice, psychology, guidance,  
122 social work, business or some related field, and at least four (4)  
123 years' full-time experience in corrections, including at least one  
124 (1) year of correctional management experience; or (ii) a  
125 bachelor's degree in a field described in subparagraph (i) of this  
126 paragraph and at least six (6) years' full-time work in  
127 corrections, four (4) years of which shall have been at the  
128 correctional management level.

129 \* \* \*

130       (2) The commissioner shall employ a superintendent for the  
131 Parchman facility, Central Mississippi Correctional Facility and  
132 South Mississippi Correctional Institution of the Department of  
133 Corrections. The superintendent of the Mississippi State  
134 Penitentiary shall reside on the grounds of the Parchman facility.  
135 Each superintendent shall appoint an officer in charge when he is  
136 absent.

137       Each superintendent shall develop and implement a plan for  
138 the prevention and control of an inmate riot and shall file a  
139 report with the Chairman of the Senate Corrections Committee and  
140 the Chairman of the House Penitentiary Committee on the first day  
141 of each regular session of the Legislature regarding the status of  
142 the plan.

143       In order that the grievances and complaints of inmates,  
144 employees and visitors at each facility may be heard in a timely  
145 and orderly manner, each superintendent shall appoint or designate  
146 an employee at the facility to hear grievances and complaints and  
147 to report grievances and complaints to the superintendent. Each  
148 superintendent shall institute procedures as are necessary to  
149 provide confidentiality to those who file grievances and  
150 complaints.

151       SECTION 5. Section 47-5-1001, Mississippi Code of 1972, is  
152 amended as follows:

153       47-5-1001. For purposes of Sections 47-5-1001 through  
154 47-5-1015, the following words shall have the meaning ascribed  
155 herein unless the context shall otherwise require:

156           (a) "Approved electronic monitoring device" means a  
157 device approved by the department which is primarily intended to  
158 record and transmit information regarding the offender's presence  
159 or nonpresence in the home.

160           (b) "Correctional field officer" means the supervising  
161 probation and parole officer in charge of supervising the  
162 offender.

163 (c) "Court" means a circuit court having jurisdiction  
164 to place an offender to the intensive supervision program.

165 (d) "Department" means the Department of Community  
166 Correctional Services.

167 (e) "House arrest" means the confinement of a person  
168 convicted or charged with a crime to his place of residence under  
169 the terms and conditions established by the department or court.

170 (f) "Operating capacity" means the total number of  
171 state offenders which can be safely and reasonably housed in  
172 facilities operated by the department and in local or county jails  
173 or other facilities authorized to house state offenders as  
174 certified by the department, subject to applicable federal and  
175 state laws and rules and regulations.

176 (g) "Participant" means an offender placed into an  
177 intensive supervision program.

178 SECTION 6. Section 47-5-1003, Mississippi Code of 1972, is  
179 amended as follows:

180 47-5-1003. (1) An intensive supervision program may be used  
181 as an alternative to incarceration for offenders who are low risk  
182 and nonviolent as selected by the department or court. Any  
183 offender convicted of a sex crime or a felony for the sale or  
184 manufacture of a controlled substance under the uniform controlled  
185 substances law shall not be placed in the program.

186 (2) The court placing an offender in the intensive  
187 supervision program may, acting upon the advice and consent of the  
188 executive director of the department \* \* \*, and not later than one  
189 (1) year after the defendant has been delivered to the custody of  
190 the Department of Corrections, suspend the further execution of  
191 the sentence and place the defendant on intensive supervision,  
192 except when a death sentence or life imprisonment is the maximum  
193 penalty which may be imposed or if the defendant has been confined  
194 for the conviction of a felony on a previous occasion in any court  
195 or courts of the United States and of any state or territories

196 thereof or has been convicted of a felony involving the use of a  
197 deadly weapon.

198 (3) To protect and to ensure the safety of the state's  
199 citizens, any offender who violates an order or condition of the  
200 intensive supervision program shall be arrested by the  
201 correctional field officer and placed in the actual custody of the  
202 Department of Corrections. Such offender is under the full and  
203 complete jurisdiction of the department and subject to removal  
204 from the program \* \* \*.

205 (4) When any circuit or county court places an offender in  
206 an intensive supervision program, the court shall give notice to  
207 the department within fifteen (15) days of the court's decision to  
208 place the offender in an intensive supervision program. Notice  
209 shall be delivered to the central office of the department and to  
210 the regional office of the department which will be providing  
211 supervision to the offender in an intensive supervision program.

212 The courts may not require an offender to complete the  
213 intensive supervision program as a condition of probation or  
214 post-release supervision.

215 SECTION 7. Section 47-5-158, Mississippi Code of 1972, is  
216 amended as follows:

217 47-5-158. (1) The department is authorized to maintain a  
218 bank account which shall be designated as the Inmate Welfare Fund.  
219 All monies now held in a similar fund for the benefit and welfare  
220 of inmates shall be deposited into the Inmate Welfare Fund. This  
221 fund shall be used for the benefit and welfare of inmates in the  
222 custody of the department.

223 (2) There shall be deposited into the Inmate Welfare Fund  
224 interest previously earned on inmate deposits, all net profits  
225 from the operation of inmate canteens, the annual prison rodeo,  
226 performances of the Penitentiary band, interest earned on the  
227 Inmate Welfare Fund and other revenues designated by the  
228 commissioner. All money shall be deposited into the Inmate

229 Welfare Fund as provided in Section 7-9-21, Mississippi Code of  
230 1972.

231 (3) All inmate telephone call commissions shall be paid to  
232 the department. Monies in the fund may be expended by the  
233 Department of Corrections, upon requisition by the commissioner or  
234 his designee, only for the purposes established in this  
235 subsection.

236 (a) Beginning July 1, 1995, twenty-five percent (25%)  
237 of the inmate telephone call commissions shall be used to purchase  
238 and maintain telecommunication equipment to be used by the  
239 department.

240 (b) Before June 30, 1996, the commissioner shall  
241 transfer to the State Department of Education a percentage of the  
242 funds generated by the inmate telephone call commissions in an  
243 amount as specified in this paragraph. The amount of the transfer  
244 shall be a sum sufficient to comply with the provisions of Section  
245 11, Chapter 143, Laws of 1995, which set forth the performance  
246 target for the Writing to Read Lab Matching Grant Program in the  
247 placement of lab sites and the number of students served.

248 (c) Before June 30, 1996, the Department of Corrections  
249 may expend not more than Fifty Thousand Dollars (\$50,000.00) from  
250 the Inmate Welfare Fund for each prerelease center established by  
251 the department; however, the maximum amount expended by the  
252 department for all prerelease centers shall not exceed Two Hundred  
253 Thousand Dollars (\$200,000.00).

254 (d) Beginning July 1, 1996, fifty percent (50%) of the  
255 inmate telephone call commissions shall be deposited into the  
256 Prison Agriculture Enterprise Fund. The Mississippi Department of  
257 Corrections may use these funds to supplement the Prison  
258 Agricultural Enterprise Fund created in Section 47-5-66. The  
259 remaining twenty-five percent (25%) of the inmate telephone call  
260 commissions shall be deposited into the Inmate Welfare Fund.



261 (4) The commissioner may invest in the manner authorized by  
262 law any money in the Inmate Welfare Fund that is not necessary for  
263 immediate use, and the interest earned shall be deposited in the  
264 Inmate Welfare Fund.

265 (5) The Deputy Commissioner for Administration and Finance  
266 shall be the custodian of the Inmate Welfare Fund. He shall  
267 establish and implement internal accounting controls that comply  
268 with generally accepted accounting principles. The Deputy  
269 Commissioner for Administration and Finance shall prepare and  
270 issue quarterly consolidated and individual facility financial  
271 statements to the prison auditor of the Joint Legislative  
272 Committee on Performance Evaluation and Expenditure Review. The  
273 deputy commissioner shall prepare an annual report which shall  
274 include a summary of expenditures from the fund by major  
275 categories and by individual facility. This annual report shall  
276 be sent to the prison auditor, the Legislative Budget Office, the  
277 Chairman of the Corrections Committee of the Senate, and the  
278 Chairman of the Penitentiary Committee of the House of  
279 Representatives.

280 (6) A portion of the Inmate Welfare Fund shall be deposited  
281 in the Discharged Offenders Revolving Fund, as created under  
282 Section 47-5-155, in amounts necessary to provide a balance not to  
283 exceed One Hundred Thousand Dollars (\$100,000.00) in the  
284 Discharged Offenders Revolving Fund, and shall be used to  
285 supplement those amounts paid to discharged, paroled or pardoned  
286 offenders from the department. The superintendent of the Parchman  
287 facility shall establish equitable criteria for the making of  
288 supplemental payments which shall not exceed Two Hundred Dollars  
289 (\$200.00) for any offender. The supplemental payments shall be  
290 subject to the approval of the commissioner. The State Treasurer  
291 shall not be required to replenish the Discharged Offenders  
292 Revolving Fund for the supplemental payments made to discharged,  
293 paroled or pardoned offenders.

294           (7) The Inmate Welfare Fund Committee is hereby created and  
295 shall be composed of five (5) members: the Deputy Commissioner  
296 for Administration and Finance, the Superintendent of the Parchman  
297 facility, the Superintendent of the Rankin County facility, the  
298 Superintendent of the Greene County facility, and one (1) member  
299 to be appointed by the Commissioner of Corrections. The member  
300 appointed by the commissioner shall be the chairman of the  
301 committee. The committee shall administer and supervise the  
302 operations and expenditures from the Inmate Welfare Fund and shall  
303 maintain an official minute book upon which shall be spread its  
304 authorization and approval for all such expenditures. The  
305 committee may promulgate regulations governing the use and  
306 expenditures of the fund.

307           (8) The Department of Audit shall conduct an annual  
308 comprehensive audit of the Inmate Welfare Fund.

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

311           47-7-5. (1) The State Parole Board, created under former  
312 Section 47-7-5, is hereby created, continued and reconstituted and  
313 shall be composed of five (5) members. The Governor shall appoint  
314 the members with the advice and consent of the Senate. All terms  
315 shall be at the will and pleasure of the Governor. Any vacancy  
316 shall be filled by the Governor, with the advice and consent of  
317 the Senate. The Governor shall appoint a chairman of the board.

318           (2) Any person who is appointed to serve on the board shall  
319 possess at least a bachelor's degree or a high school diploma and  
320 four (4) years' work experience. Each member shall devote his  
321 full time to the duties of his office and shall not engage in any  
322 other business or profession or hold any other public office. A  
323 member shall not receive compensation or per diem in addition to  
324 his salary as prohibited under Section 25-3-38. Each member shall  
325 keep such hours and workdays as required of full-time state  
326 employees under Section 25-1-98. Individuals shall be appointed

327 to serve on the board without reference to their political  
328 affiliations. Each board member, including the chairman, may be  
329 reimbursed for actual and necessary expenses as authorized by  
330 Section 25-3-41; but a member shall not be reimbursed for travel  
331 expenses from his residence to the nearest state penitentiary.

332 (3) The board shall have exclusive responsibility for the  
333 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
334 shall have exclusive authority for revocation of the same. The  
335 board shall have exclusive responsibility for investigating  
336 clemency recommendations upon request of the Governor.

337 (4) The board, its members and staff shall be immune from  
338 civil liability for any official acts taken in good faith and in  
339 exercise of the board's legitimate governmental authority.

340 (5) The budget of the board shall be funded through a  
341 separate line item within the general appropriation bill for the  
342 support and maintenance of the Department of Community  
343 Correctional Services. The board shall be a division within the  
344 Department of Community Correctional Services. Employees of the  
345 department which are employed by or assigned to the board shall  
346 work under the guidance and supervision of the board. There shall  
347 be an executive secretary to the board who shall be responsible  
348 for all administrative and general accounting duties related to  
349 the board. The executive secretary shall keep and preserve all  
350 records and papers pertaining to board.

351 (6) The board shall have no authority or responsibility for  
352 supervision of offenders granted a release for any reason,  
353 including, but not limited to, probation, parole or executive  
354 clemency or other offenders requiring the same through interstate  
355 compact agreements. The supervision shall be provided exclusively  
356 by the staff of the Department of Community Correctional Services.

357 (7) The State Parole Board, immediately after the effective  
358 date of this act, shall review all cases where an offender was

359 denied parole and any eligibility for reconsideration for parole  
360 for at least one (1) year after denial.

361 (8) The State Parole Board shall review and investigate all  
362 cases where offenders have been diagnosed with a serious illness.  
363 If the Medical Director of the Department of Corrections certifies  
364 to the State Parole Board that an offender is suffering from a  
365 terminal illness, the State Parole Board shall parole the offender  
366 with the approval and consent of the Commissioner of the  
367 Department of Corrections and the medical director.

368 (9) This section shall stand repealed on July 1, 2002.

369 SECTION 9. Section 47-7-9, Mississippi Code of 1972, is  
370 amended as follows:

371 47-7-9. (1) The circuit judges and county judges in the  
372 districts to which Department of Community Correctional Services  
373 personnel have been assigned shall have the power to request of  
374 the department transfer or removal of the department personnel  
375 from their court.

376 (2) (a) Department personnel shall investigate all cases  
377 referred to them for investigation by the board, the department or  
378 by any court in which they are authorized to serve. They shall  
379 furnish to each person released under their supervision a written  
380 statement of the conditions of probation, parole, earned-release  
381 supervision, post-release supervision or suspension and shall  
382 instruct him regarding the same. They shall keep informed  
383 concerning the conduct and conditions of persons under their  
384 supervision and use all suitable methods to aid and encourage them  
385 and to bring about improvements in their conduct and condition.  
386 They shall keep detailed records of their work and shall make such  
387 reports in writing as the court or the board may require.

388 (b) The department personnel duly assigned to court  
389 districts are hereby vested with all the powers of police officers  
390 or sheriffs to make arrests or perform any other duties required  
391 of policemen or sheriffs which may be incident to the department

392 personnel responsibilities. All probation and parole officers  
393 hired on or after July 1, 1994, will be placed in the Law  
394 Enforcement Officers' Training Program and will be required to  
395 meet the standards outlined by that program.

396 (c) It is the intention of the Legislature that insofar  
397 as practicable the case load of each department personnel  
398 supervising offenders in the community (hereinafter field  
399 supervisor) shall not exceed the number of cases that may be  
400 adequately handled.

401 (3) (a) Department personnel shall be provided to perform  
402 investigation for the court as provided in this subsection.  
403 Department personnel shall conduct presentence investigations on  
404 all persons convicted of a felony in any circuit court of the  
405 state, prior to sentencing and at the request of the circuit court  
406 judge of the court of conviction. The presentence evaluation  
407 report shall consist of a complete record of the offender's  
408 criminal history, educational level, employment history,  
409 psychological condition and such other information as the  
410 department or judge may deem necessary. Department personnel  
411 shall also prepare written victim impact statements at the request  
412 of the sentencing judge as provided in Section 99-19-157.

413 (b) In order that offenders in the custody of the  
414 department on July 1, 1976, may benefit from the kind of  
415 evaluations authorized in this section, an evaluation report to  
416 consist of the information required hereinabove, supplemented by  
417 an examination of an offender's record while in custody, shall be  
418 compiled by the department upon all offenders in the custody of  
419 the department on July 1, 1976. After a study of such reports by  
420 the State Parole Board those cases which the board believes would  
421 merit some type of executive clemency shall be submitted by the  
422 board to the Governor with its recommendation for the appropriate  
423 executive action.

424 (c) The department is authorized to accept gifts,  
425 grants and subsidies to conduct this activity.

426 SECTION 10. Section 47-7-34, Mississippi Code of 1972, is  
427 amended as follows:

428 47-7-34. (1) When a court imposes a sentence upon a  
429 conviction for any felony committed after June 30, 1995, the  
430 court, in addition to any other punishment imposed if the other  
431 punishment includes a term of incarceration in a state or local  
432 correctional facility, may impose a term of post-release  
433 supervision. However, the total number of years of incarceration  
434 plus the total number of years of post-release supervision shall  
435 not exceed the maximum sentence authorized to be imposed by law  
436 for the felony committed. The defendant shall be placed under  
437 post-release supervision upon release from the term of  
438 incarceration. The period of supervision shall be established by  
439 the court.

440 (2) The period of post-release supervision shall be  
441 conducted in the same manner as a like period of supervised  
442 probation, including a requirement that the defendant shall abide  
443 by any terms and conditions as the court may establish. Failure  
444 to successfully abide by the terms and conditions shall be grounds  
445 to terminate the period of post-release supervision and to  
446 recommit the defendant to the correctional facility from which he  
447 was previously released. Procedures for termination and  
448 recommitment shall be conducted in the same manner as procedures  
449 for the revocation of probation and imposition of a suspended  
450 sentence.

451 (3) Post-release supervision programs shall be operated  
452 through the probation and parole unit of the Department of  
453 Community Correctional Services. The maximum amount of time that  
454 the Department of Community Correctional Services may supervise an  
455 offender on the post-release supervision program is five (5)  
456 years.

457 SECTION 11. Section 47-7-41, Mississippi Code of 1972, is  
458 amended as follows:

459 47-7-41. When a probationer shall be discharged from  
460 probation by the court of original jurisdiction, the field  
461 supervisor, upon receiving a written request from the probationer,  
462 shall forward a written report of the record of the probationer to  
463 the Department of Community Correctional Services, which shall  
464 present a copy of this report to the Governor. The Governor may,  
465 in his discretion, at any time thereafter by appropriate executive  
466 order restore any civil rights lost by the probationer by virtue  
467 of his conviction or plea of guilty in the court of original  
468 jurisdiction.

469 SECTION 12. Section 47-7-49, Mississippi Code of 1972, is  
470 amended as follows:

471 47-7-49. (1) Any offender on probation, parole,  
472 earned-release supervision, post-release supervision, earned  
473 probation or any other offender under the field supervision of the  
474 Department of Community Correctional Services shall pay to the  
475 department the sum of Twenty-five Dollars (\$25.00) per month by  
476 certified check or money order unless a hardship waiver is granted  
477 by the sentencing court. The executive director or his designee  
478 shall deposit Twenty Dollars (\$20.00) of the payments received  
479 into a special fund in the State Treasury, which is hereby  
480 created, to be known as the Community Service Revolving Fund.  
481 Expenditures from this fund shall be made for: (a) the  
482 establishment of restitution and satellite centers; and (b) the  
483 establishment, administration and operation of the department's  
484 Drug Identification Program and the intensive supervision program.  
485 Ten Dollars (\$10.00) of the Twenty Dollars (\$20.00) may be used  
486 for salaries and to purchase equipment, supplies and vehicles to  
487 be used by the Department of Community Correctional Services in  
488 the performance of its duties. Expenditures for the purposes  
489 established in this section may be made from the fund upon

490 requisition by the Executive Director of the Department of  
491 Community Correctional Services or his designee.

492 Of the remaining amount, Three Dollars (\$3.00) of the  
493 payments shall be deposited in the Crime Victims' Compensation  
494 Fund created in Section 99-41-29, Two Dollars (\$2.00) shall be  
495 deposited into the Training Revolving Fund created pursuant to  
496 Section 47-7-51. When a person is convicted of a felony in this  
497 state, in addition to any other sentence it may impose, the court  
498 may, in its discretion, order the offender to pay a state  
499 assessment not to exceed the greater of One Thousand Dollars  
500 (\$1,000.00) or the maximum fine that may be imposed for the  
501 offense, into the Crime Victims' Compensation Fund created  
502 pursuant to Section 99-41-29.

503 Any federal funds made available to the Department of  
504 Corrections for training or for training facilities, equipment or  
505 services shall be deposited in the Correctional Training Revolving  
506 Fund created in Section 47-7-51. The funds deposited in this  
507 account shall be used to support an expansion of the department's  
508 training program to include the renovation of facilities for  
509 training purposes, purchase of equipment and contracting of  
510 training services with community colleges in the state.

511 No offender shall be required to make this payment for a  
512 period of time longer than ten (10) years.

513 (2) The offender may be imprisoned until the payments are  
514 made if the offender is financially able to make the payments and  
515 the court in the county where the offender resides so finds,  
516 subject to the limitations hereinafter set out. The offender  
517 shall not be imprisoned if the offender is financially unable to  
518 make the payments and so states to the court in writing, under  
519 oath, and the court so finds.

520 (3) This section shall stand repealed from and after June  
521 30, 2002.



522 SECTION 13. Section 99-15-127, Mississippi Code of 1972, is  
523 amended as follows:

524 99-15-127. The Department of Community Correctional  
525 Services, is hereby directed to support Sections 99-15-101 through  
526 99-15-127 to the extent that field support personnel are available  
527 in circuit court districts, and the executive director of the  
528 department shall certify to the court that the \* \* \* department  
529 has sufficient field parole officers to supervise and oversee  
530 those individuals who may be placed in this program by the court.

531 SECTION 14. Section 99-19-45, Mississippi Code of 1972, is  
532 amended as follows:

533 99-19-45. The clerks of the circuit court of the counties in  
534 the State of Mississippi shall furnish the Mississippi Department  
535 of Corrections, within five (5) days after adjournment of court, a  
536 commitment paper showing the name of the person convicted, the  
537 crime, term of sentence, date of sentence, sex, race, and a brief  
538 history of the crime committed.

539 The clerks shall also furnish the Department of Corrections,  
540 within five (5) days after adjournment of such court, a certified  
541 copy of the probation order of an individual who is placed on  
542 probation under the supervision of the Department of Community  
543 Correctional Services. Such order shall provide the name of the  
544 person placed on probation, the crime, term of sentence, date of  
545 sentence, period of probation, sex, race, and a brief history of  
546 the crime committed.

547 As compensation for such services they shall receive the sum  
548 of Fifty Cents (50¢) for each transcript, and the sum shall be  
549 paid out of the treasury of the county, with the approval of the  
550 board of supervisors, on the filing of a bill for such service.

551 SECTION 15. Section 99-19-48, Mississippi Code of 1972, is  
552 amended as follows:

553 99-19-48. The following form, to be furnished by the county,  
554 shall be used in transmitting the required data for any individual

555 placed on probation under the supervision of the Department of  
556 Community Correctional Services:

557 "Circuit Court, County of \_\_\_\_\_.

558 To the Mississippi Department of Corrections:

559 You are hereby notified that at the \_\_\_\_\_ term,  
560 2\_\_\_\_\_, of the circuit court, Judge \_\_\_\_\_ presiding,  
561 the following named person was tried, convicted and sentenced to a  
562 term in the State Penitentiary. The sentence was suspended and  
563 the person was placed on probation:

564 Name \_\_\_\_\_ Alias

565 \_\_\_\_\_

566 Date of sentence \_\_\_\_\_ Crime

567 \_\_\_\_\_

568 Term of sentence \_\_\_\_\_ Sex

569 \_\_\_\_\_

570 Race \_\_\_\_\_ Appealed

571 \_\_\_\_\_

572 Remarks: Give brief summary of crime committed.

573 \_\_\_\_\_

574 \_\_\_\_\_

575 \_\_\_\_\_

576 \_\_\_\_\_

577 \_\_\_\_\_

578 \_\_\_\_\_

579 \_\_\_\_\_

580 Dated \_\_\_\_\_, 2\_\_\_\_\_.

581 \_\_\_\_\_ Clerk."

582 SECTION 16. Section 47-5-8, Mississippi Code of 1972, is  
583 amended as follows:

584 47-5-8. (1) There is hereby created the Mississippi  
585 Department of Corrections which shall be under the policy  
586 direction of the Governor. The chief administrative officer of  
587 the department shall be the Commissioner of Corrections.

588           (2) \* \* \* There shall be a Division of Administration and  
589 Finance within the department which shall have as its chief  
590 administrative officer a deputy commissioner for administration  
591 and finance who shall be appointed by the commissioner, and shall  
592 be directly responsible to the commissioner.

593       \* \* \*

594           (3) The department shall succeed to the exclusive control of  
595 all records, books, papers, equipment and supplies, and all lands,  
596 buildings and other real and personal property now or hereafter  
597 belonging to or assigned to the use and benefit or under the  
598 control of the Mississippi State Penitentiary and the Mississippi  
599 Probation and Parole Board, except the records of parole process  
600 and revocation and legal matters related thereto, and shall have  
601 the exercise and control of the use, distribution and disbursement  
602 of all funds, appropriations and taxes now or hereafter in  
603 possession, levied, collected or received or appropriated for the  
604 use, benefit, support and maintenance of these two (2) agencies  
605 except as otherwise provided by law, and the department shall have  
606 general supervision of all the affairs of the two (2) agencies  
607 herein named except as otherwise provided by law, and the care and  
608 conduct of all buildings and grounds, business methods and  
609 arrangements of accounts and records, the organization of the  
610 administrative plans of each institution, and all other matters  
611 incident to the proper functioning of the two (2) agencies.

612           (4) The commissioner may lease the lands for oil, gas,  
613 mineral exploration and other purposes, and contract with other  
614 state agencies for the proper management of lands under such  
615 leases or for the provision of other services, and the proceeds  
616 thereof shall be paid into the General Fund of the state.

617           SECTION 17. Section 47-7-53, Mississippi Code of 1972, which  
618 provides that the Department of Corrections shall assume the  
619 duties of the parole board, is repealed.

620 SECTION 18. This act shall take effect and be in force from  
621 and after July 1, 2001.