

Senate Amendments to House Bill No. 1465

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

10 SECTION 1. Section 47-5-26, Mississippi Code of 1972, is
11 amended as follows:

12 47-5-26. (1) The commissioner shall employ the following
13 personnel:

14 (a) A Deputy Commissioner for Administration and
15 Finance who shall supervise and implement all fiscal policies and
16 programs within the department, supervise and implement all hiring
17 and personnel matters within the department, supervise the
18 department's personnel director, supervise and implement all
19 purchasing within the department and supervise and implement all
20 data processing activities within the department, and shall serve
21 as the Chief Executive Officer of the Division of Administration
22 and Finance. He shall possess either:

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

29 (ii) A bachelor's degree from an accredited
30 four-year college or university in public or business
31 administration, accounting, economics or a directly related field,
32 and six (6) years of experience in work related to the
33 above-described duties, one (1) year of which must have included
34 line or functional supervision. Certification by the State of
35 Mississippi as a certified public accountant may be substituted
36 for one (1) year of the required experience.

37 (b) A Deputy Commissioner for Community Corrections who
38 shall initiate and administer programs including but not limited
39 to supervision of probationers, parolees and suspensioners,
40 counseling, community-based treatment, interstate compact
41 administration and enforcement, prevention programs, halfway
42 houses and group homes, restitution centers, presentence
43 investigations, and work and educational releases, and to serve as
44 the Chief Executive Officer of the Division of Community
45 Corrections. The Deputy Commissioner for Community Corrections is
46 charged with full and complete cooperation with the State Parole
47 Board and shall make monthly reports to the Chairman of the Parole
48 Board in the form and type required by the chairman, in his
49 discretion, for the proper performance of the probation and parole
50 functions. After a plea or verdict of guilty to a felony is
51 entered against a person and before he is sentenced, the Deputy
52 Commissioner for Community Corrections shall procure from any
53 available source and shall file in the presentence records any
54 information regarding any criminal history of the person such as
55 fingerprints, dates of arrests, complaints, civil and criminal
56 charges, investigative reports of arresting and prosecuting
57 agencies, reports of the National Crime Information Center, the
58 nature and character of each offense, noting all particular
59 circumstances thereof and any similar data about the person. The
60 Deputy Commissioner for Community Corrections shall keep an
61 accurate and complete duplicate record of this file and shall
62 furnish the duplicate to the department. This file shall be
63 placed in and shall constitute a part of the inmate's master file.
64 The Deputy Commissioner for Community Corrections shall furnish
65 this file to the State Parole Board when the file is needed in the
66 course of its official duties. He shall possess either (i) a
67 master's degree in counseling, corrections psychology, guidance,
68 social work, criminal justice or some related field and at least

69 four (4) years' full-time experience in such field, including at
70 least one (1) year of supervisory experience; or (ii) a bachelor's
71 degree in a field described in subparagraph (i) of this paragraph
72 and at least six (6) years' full-time work in corrections, one (1)
73 year of which shall have been at the supervisory level.

74 (c) A Deputy Commissioner for Institutions who shall
75 administer institutions, reception and diagnostic centers,
76 prerelease centers and other facilities and programs provided
77 therein, and to serve as the chief executive officer of the
78 division of institutions. He shall possess either (i) a master's
79 degree in counseling, criminal justice, psychology, guidance,
80 social work, business or some related field, and at least four (4)
81 years' full-time experience in corrections, including at least one
82 (1) year of correctional management experience; or (ii) a
83 bachelor's degree in a field described in subparagraph (i) of this
84 paragraph and at least six (6) years' full-time work in
85 corrections, four (4) years of which shall have been at the
86 correctional management level.

87 (2) The commissioner shall employ an administrative
88 assistant for parole matters who shall be an employee of the
89 department assigned to the State Parole Board and who shall work
90 under the guidance and supervision of the board.

91 (3) The administrative assistant for parole matters shall
92 receive an annual salary to be established by the Legislature.
93 The salaries of department employees not established by the
94 Legislature shall receive an annual salary established by the
95 State Personnel Board.

96 (4) The commissioner shall employ a superintendent for the
97 Parchman facility, Central Mississippi Correctional Facility and
98 South Mississippi Correctional Institution of the Department of
99 Corrections. The superintendent of the Mississippi State
100 Penitentiary shall reside on the grounds of the Parchman facility.
101 Each superintendent shall appoint an officer in charge when he is
102 absent.

103 Each superintendent shall develop and implement a plan for
104 the prevention and control of an inmate riot and shall file a
105 report with the Chairman of the Senate Corrections Committee and
106 the Chairman of the House Penitentiary Committee on the first day
107 of each regular session of the Legislature regarding the status of
108 the plan.

109 In order that the grievances and complaints of inmates,
110 employees and visitors at each facility may be heard in a timely
111 and orderly manner, each superintendent shall appoint or designate
112 an employee at the facility to hear grievances and complaints and
113 to report grievances and complaints to the superintendent. Each
114 superintendent shall institute procedures as are necessary to
115 provide confidentiality to those who file grievances and
116 complaints.

117 SECTION 2. Section 47-5-158, Mississippi Code of 1972, is
118 amended as follows:

119 47-5-158. (1) The department is authorized to maintain a
120 bank account which shall be designated as the Inmate Welfare Fund.
121 All monies now held in a similar fund for the benefit and welfare
122 of inmates shall be deposited into the Inmate Welfare Fund. This
123 fund shall be used for the benefit and welfare of inmates in the
124 custody of the department.

125 (2) There shall be deposited into the Inmate Welfare Fund
126 interest previously earned on inmate deposits, all net profits
127 from the operation of inmate canteens, the annual prison rodeo,
128 performances of the Penitentiary band, interest earned on the
129 Inmate Welfare Fund and other revenues designated by the
130 commissioner. All money shall be deposited into the Inmate
131 Welfare Fund as provided in Section 7-9-21, Mississippi Code of
132 1972.

133 (3) All inmate telephone call commissions shall be paid to
134 the department. Monies in the fund may be expended by the
135 Department of Corrections, upon requisition by the commissioner or
136 his designee, only for the purposes established in this
137 subsection.

138 (a) Beginning July 1, 1995, twenty-five percent (25%)
139 of the inmate telephone call commissions shall be used to purchase

140 and maintain telecommunication equipment to be used by the
141 department.

142 (b) Before June 30, 1996, the commissioner shall
143 transfer to the State Department of Education a percentage of the
144 funds generated by the inmate telephone call commissions in an
145 amount as specified in this paragraph. The amount of the transfer
146 shall be a sum sufficient to comply with the provisions of Section
147 11, Chapter 143, Laws of 1995, which set forth the performance
148 target for the Writing to Read Lab Matching Grant Program in the
149 placement of lab sites and the number of students served.

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

156 (d) Beginning July 1, 1996, fifty percent (50%) of the
157 inmate telephone call commissions shall be deposited into the
158 Prison Agriculture Enterprise Fund. The Mississippi Department of
159 Corrections may use these funds to supplement the Prison
160 Agricultural Enterprise Fund created in Section 47-5-66. The
161 remaining twenty-five percent (25%) of the inmate telephone call
162 commissions shall be deposited into the Inmate Welfare Fund.

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

167 (5) The Deputy Commissioner for Administration and Finance
168 shall be the custodian of the Inmate Welfare Fund. He shall
169 establish and implement internal accounting controls that comply
170 with generally accepted accounting principles. The Deputy
171 Commissioner for Administration and Finance shall prepare and
172 issue quarterly consolidated and individual facility financial
173 statements to the prison auditor of the Joint Legislative
174 Committee on Performance Evaluation and Expenditure Review. The
175 Deputy Commissioner shall prepare an annual report which shall
176 include a summary of expenditures from the fund by major
177 categories and by individual facility. This annual report shall
178 be sent to the prison auditor, the Legislative Budget Office, the
179 Chairman of the Corrections Committee of the Senate, and the
180 Chairman of the Penitentiary Committee of the House of
181 Representatives.

182 (6) A portion of the Inmate Welfare Fund shall be deposited
183 in the Discharged Offenders Revolving Fund, as created under
184 Section 47-5-155, in amounts necessary to provide a balance not to
185 exceed One Hundred Thousand Dollars (\$100,000.00) in the
186 Discharged Offenders Revolving Fund, and shall be used to
187 supplement those amounts paid to discharged, paroled or pardoned
188 offenders from the department. The superintendent of the Parchman
189 facility shall establish equitable criteria for the making of
190 supplemental payments which shall not exceed Two Hundred Dollars
191 (\$200.00) for any offender. The supplemental payments shall be
192 subject to the approval of the commissioner. The State Treasurer
193 shall not be required to replenish the Discharged Offenders
194 Revolving Fund for the supplemental payments made to discharged,
195 paroled or pardoned offenders.

196 (7) The Inmate Welfare Fund Committee is hereby created and
197 shall be composed of five (5) members: the Deputy Commissioner
198 for Community Corrections, the Superintendent of the Parchman
199 facility, the Superintendent of the Rankin County facility, the
200 Superintendent of the Greene County facility, and one (1) member
201 to be appointed by the Commissioner of Corrections. The member
202 appointed by the commissioner shall be the chairman of the
203 committee. The committee shall administer and supervise the
204 operations and expenditures from the Inmate Welfare Fund and shall
205 maintain an official minute book upon which shall be spread its
206 authorization and approval for all such expenditures. The
207 committee may promulgate regulations governing the use and
208 expenditures of the fund.

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

211 SECTION 3. Section 47-7-5, Mississippi Code of 1972, is
212 amended as follows:

213 47-7-5. (1) The State Parole Board, created under former
214 Section 47-7-5, is hereby created, continued and reconstituted and
215 shall be composed of five (5) members. The Governor shall appoint
216 the members with the advice and consent of the Senate. All terms
217 shall be at the will and pleasure of the Governor. Any vacancy
218 shall be filled by the Governor, with the advice and consent of
219 the Senate. The Governor shall appoint a chairman of the board.

220 (2) Any person who is appointed to serve on the board shall
221 possess at least a bachelor's degree or a high school diploma and
222 four (4) years' work experience. Each member shall devote his
223 full time to the duties of his office and shall not engage in any
224 other business or profession or hold any other public office. A
225 member shall not receive compensation or per diem in addition to
226 his salary as prohibited under Section 25-3-38. Each member shall
227 keep such hours and workdays as required of full-time state
228 employees under Section 25-1-98. Individuals shall be appointed
229 to serve on the board without reference to their political
230 affiliations. Each board member, including the chairman, may be
231 reimbursed for actual and necessary expenses as authorized by
232 Section 25-3-41; but a member shall not be reimbursed for travel
233 expenses from his residence to the nearest State Penitentiary.

234 (3) The board shall have exclusive responsibility for the
235 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
236 shall have exclusive authority for revocation of the same. The
237 board shall have exclusive responsibility for investigating
238 clemency recommendations upon request of the Governor.

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

242 (5) The budget of the board shall be funded through a
243 separate line item within the general appropriation bill for the
244 support and maintenance of the department. Employees of the
245 department which are employed by or assigned to the board shall
246 work under the guidance and supervision of the board. There shall
247 be an executive secretary to the board who shall be responsible
248 for all administrative and general accounting duties related to
249 the board. The executive secretary shall keep and preserve all
250 records and papers pertaining to the board.

251 (6) The board shall have no authority or responsibility for
252 supervision of offenders granted a release for any reason,
253 including, but not limited to, probation, parole or executive
254 clemency or other offenders requiring the same through interstate
255 compact agreements. The supervision shall be provided exclusively
256 by the staff of the Division of Community Corrections of the
257 department.

258 (7) The State Parole Board, immediately after the effective
259 date of this act, shall review all cases where an offender was
260 denied parole and any eligibility for reconsideration for parole
261 for at least one (1) year after denial.

262 (8) The State Parole Board shall review and investigate all
263 cases where offenders have been diagnosed with a serious illness.

264 If the Medical Director of the Department of Corrections
265 certifies to the State Parole Board that an offender is suffering
266 from a terminal illness, the State Parole Board shall parole the
267 offender with the approval and consent of the Commissioner of the
268 Department of Corrections and the medical director.

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

270 SECTION 4. Section 47-7-9, Mississippi Code of 1972, is
271 amended as follows:

272 47-7-9. (1) The circuit judges and county judges in the
273 districts to which Division of Community Corrections personnel
274 have been assigned shall have the power to request of the
275 department transfer or removal of the division personnel from
276 their court.

277 (2) (a) Division personnel shall investigate all cases
278 referred to them for investigation by the board, the division or
279 by any court in which they are authorized to serve. They shall
280 furnish to each person released under their supervision a written
281 statement of the conditions of probation, parole, earned-release

282 supervision, post-release supervision or suspension and shall
283 instruct him regarding the same. They shall keep informed
284 concerning the conduct and conditions of persons under their
285 supervision and use all suitable methods to aid and encourage them
286 and to bring about improvements in their conduct and condition.
287 They shall keep detailed records of their work and shall make such
288 reports in writing as the court or the board may require.

289 (b) The division personnel duly assigned to court
290 districts are hereby vested with all the powers of police officers
291 or sheriffs to make arrests or perform any other duties required
292 of policemen or sheriffs which may be incident to the division
293 personnel responsibilities. All probation and parole officers
294 hired on or after July 1, 1994, will be placed in the Law
295 Enforcement Officers' Training Program and will be required to
296 meet the standards outlined by that program.

297 (c) It is the intention of the Legislature that insofar
298 as practicable the case load of each division personnel
299 supervising offenders in the community (hereinafter field
300 supervisor) shall not exceed the number of cases that may be
301 adequately handled.

302 (3) (a) Division personnel shall be provided to perform
303 investigation for the court as provided in this subsection.
304 Division personnel shall conduct presentence investigations on all
305 persons convicted of a felony in any circuit court of the state,
306 prior to sentencing and at the request of the circuit court judge
307 of the court of conviction. The presentence evaluation report
308 shall consist of a complete record of the offender's criminal
309 history, educational level, employment history, psychological
310 condition and such other information as the department or judge
311 may deem necessary. Division personnel shall also prepare written
312 victim impact statements at the request of the sentencing judge as
313 provided in Section 99-19-157.

314 (b) In order that offenders in the custody of the
315 department on July 1, 1976, may benefit from the kind of
316 evaluations authorized in this section, an evaluation report to
317 consist of the information required hereinabove, supplemented by
318 an examination of an offender's record while in custody, shall be
319 compiled by the division upon all offenders in the custody of the
320 department on July 1, 1976. After a study of such reports by the
321 State Parole Board those cases which the board believes would
322 merit some type of executive clemency shall be submitted by the
323 board to the Governor with its recommendation for the appropriate
324 executive action.

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

327 SECTION 5. Section 47-7-34, Mississippi Code of 1972, is
328 amended as follows:

329 47-7-34. (1) When a court imposes a sentence upon a
330 conviction for any felony committed after June 30, 1995, the
331 court, in addition to any other punishment imposed if the other
332 punishment includes a term of incarceration in a state or local
333 correctional facility, may impose a term of post-release
334 supervision. However, the total number of years of incarceration
335 plus the total number of years of post-release supervision shall
336 not exceed the maximum sentence authorized to be imposed by law
337 for the felony committed. The defendant shall be placed under
338 post-release supervision upon release from the term of
339 incarceration. The period of supervision shall be established by
340 the court.

341 (2) The period of post-release supervision shall be
342 conducted in the same manner as a like period of supervised
343 probation, including a requirement that the defendant shall abide
344 by any terms and conditions as the court may establish. Failure
345 to successfully abide by the terms and conditions shall be grounds
346 to terminate the period of post-release supervision and to
347 recommit the defendant to the correctional facility from which he
348 was previously released. Procedures for termination and
349 recommitment shall be conducted in the same manner as procedures
350 for the revocation of probation and imposition of a suspended
351 sentence.

352 (3) Post-release supervision programs shall be operated

353 through the probation and parole unit of the Division of Community
354 Corrections of the department. The maximum amount of time that
355 the Mississippi Department of Corrections may supervise an
356 offender on the post-release supervision program is five (5)
357 years.

358 SECTION 6. Section 47-7-41, Mississippi Code of 1972, is
359 amended as follows:

360 47-7-41. When a probationer shall be discharged from
361 probation by the court of original jurisdiction, the field
362 supervisor, upon receiving a written request from the probationer,
363 shall forward a written report of the record of the probationer to
364 the Division of Community Corrections of the department, which
365 shall present a copy of this report to the Governor. The Governor
366 may, in his discretion, at any time thereafter by appropriate
367 executive order restore any civil rights lost by the probationer
368 by virtue of his conviction or plea of guilty in the court of
369 original jurisdiction.

370 SECTION 7. Section 47-7-49, Mississippi Code of 1972, is
371 amended as follows:

372 47-7-49. (1) Any offender on probation, parole,
373 earned-release supervision, post-release supervision, earned
374 probation or any other offender under the field supervision of the
375 Community Corrections Division of the department shall pay to the
376 department the sum of Thirty Dollars (\$30.00) per month by
377 certified check or money order unless a hardship waiver is granted
378 by the sentencing court. The commissioner or his designee shall
379 deposit Twenty-five Dollars (\$25.00) of the payments received into
380 a special fund in the State Treasury, which is hereby created, to
381 be known as the Community Service Revolving Fund. Expenditures
382 from this fund shall be made for: (a) the establishment of
383 restitution and satellite centers; and (b) the establishment,
384 administration and operation of the department's Drug
385 Identification Program and the intensive and field supervision
386 program. Fifteen Dollars (\$15.00) of the Twenty-five Dollars
387 (\$25.00) may be used for salaries and to purchase equipment,
388 supplies and vehicles to be used by the Community Corrections
389 Division in the performance of its duties. Expenditures for the
390 purposes established in this section may be made from the fund
391 upon requisition by the commissioner or his designee.

392 Of the remaining amount, Three Dollars (\$3.00) of the
393 payments shall be deposited in the Crime Victims' Compensation
394 Fund created in Section 99-41-29, Two Dollars (\$2.00) shall be
395 deposited into the Training Revolving Fund created pursuant to
396 Section 47-7-51. When a person is convicted of a felony in this
397 state, in addition to any other sentence it may impose, the court
398 may, in its discretion, order the offender to pay a state
399 assessment not to exceed the greater of One Thousand Dollars
400 (\$1,000.00) or the maximum fine that may be imposed for the
401 offense, into the Crime Victims' Compensation Fund created
402 pursuant to Section 99-41-29.

403 Any federal funds made available to the department for
404 training or for training facilities, equipment or services shall
405 be deposited in the Correctional Training Revolving Fund created
406 in Section 47-7-51. The funds deposited in this account shall be
407 used to support an expansion of the department's training program
408 to include the renovation of facilities for training purposes,
409 purchase of equipment and contracting of training services with
410 community colleges in the state.

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

413 (2) The offender may be imprisoned until the payments are
414 made if the offender is financially able to make the payments and
415 the court in the county where the offender resides so finds,
416 subject to the limitations hereinafter set out. The offender
417 shall not be imprisoned if the offender is financially unable to
418 make the payments and so states to the court in writing, under
419 oath, and the court so finds.

420 (3) This section shall stand repealed from and after June
421 30, 2002.

422 SECTION 8. Section 99-15-127, Mississippi Code of 1972, is
423 amended as follows:

424 99-15-127. The Department of Corrections, Division of
425 Community Corrections, is hereby directed to support Sections
426 99-15-101 through 99-15-127 to the extent that field support
427 personnel are available in circuit court districts, and the
428 Commissioner of Corrections shall certify to the court that the
429 Division of Community Corrections has sufficient field parole
430 officers to supervise and oversee those individuals who may be
431 placed in this program by the court.

432 SECTION 9. Section 99-19-45, Mississippi Code of 1972, is
433 amended as follows:

434 99-19-45. The clerks of the circuit court of the counties in
435 the State of Mississippi shall furnish the Mississippi Department
436 of Corrections, within five (5) days after adjournment of court, a
437 commitment paper showing the name of the person convicted, the
438 crime, term of sentence, date of sentence, sex, race, and a brief
439 history of the crime committed.

440 The clerks shall also furnish the Department of Corrections,
441 within five (5) days after adjournment of such court, a certified
442 copy of the probation order of an individual who is placed on
443 probation under the supervision of the Division of Community
444 Corrections of the department. Such order shall provide the name
445 of the person placed on probation, the crime, term of sentence,
446 date of sentence, period of probation, sex, race, and a brief
447 history of the crime committed.

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

452 SECTION 10. Section 99-19-48, Mississippi Code of 1972, is
453 amended as follows:

454 99-19-48. The following form, to be furnished by the county,
455 shall be used in transmitting the required data for any individual
456 placed on probation under the supervision of the Division of
457 Community Corrections of the Department of Corrections:

458 "Circuit Court, County of _____.

459 To the Mississippi Department of Corrections:

460 You are hereby notified that at the _____ term,
461 20_____, of the circuit court, Judge _____
462 presiding, the following named person was tried, convicted and
463 sentenced to a term in the State Penitentiary. The sentence was
464 suspended and the person was placed on probation:

465 Name _____ Alias _____
466 Date of sentence _____ Crime _____
467 Term of sentence _____ Sex _____
468 Race _____ Appealed _____
469 Remarks: Give brief summary of crime committed. _____
470 _____
471 _____

472 Dated _____, 20_____, _____ Clerk."

473 SECTION 11. Section 47-5-8, Mississippi Code of 1972, is
474 amended as follows:

475 47-5-8. (1) There is hereby created the Mississippi
476 Department of Corrections which shall be under the policy
477 direction of the Governor. The chief administrative officer of
478 the department shall be the Commissioner of Corrections.

479 (2) (a) There shall be a Division of Administration and
480 Finance within the department which shall have as its chief
481 administrative officer a Deputy Commissioner for Administration
482 and Finance who shall be appointed by the commissioner, and shall
483 be directly responsible to the commissioner.

484 (b) There shall be a Division of Community Corrections
485 within the department which shall have as its chief administrative
486 officer a Deputy Commissioner for Community Corrections who shall
487 be appointed by the commissioner, and shall be directly
488 responsible to the commissioner. The Probation and Parole Board
489 shall continue to exercise the authority as provided by law, but
490 after July 1, 1976, the Division of Community Corrections shall
491 serve as the administrative agency for the Probation and Parole
492 Board.

493 (3) The department shall succeed to the exclusive control of
494 all records, books, papers, equipment and supplies, and all lands,

495 buildings and other real and personal property now or hereafter
496 belonging to or assigned to the use and benefit or under the
497 control of the Mississippi State Penitentiary and the Mississippi
498 Probation and Parole Board, except the records of parole process
499 and revocation and legal matters related thereto, and shall have
500 the exercise and control of the use, distribution and disbursement
501 of all funds, appropriations and taxes now or hereafter in
502 possession, levied, collected or received or appropriated for the
503 use, benefit, support and maintenance of these two (2) agencies
504 except as otherwise provided by law, and the department shall have
505 general supervision of all the affairs of the two (2) agencies
506 herein named except as otherwise provided by law, and the care and
507 conduct of all buildings and grounds, business methods and
508 arrangements of accounts and records, the organization of the
509 administrative plans of each institution, and all other matters
510 incident to the proper functioning of the two (2) agencies.

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

516 SECTION 12. Section 47-5-103, Mississippi Code of 1972, is
517 amended as follows:

518 47-5-103. (1) The classification hearing officer shall be
519 responsible for assigning a classification to each offender within
520 forty (40) days after the offender's commitment to the custody of
521 the department. The classification shall determine the offender's
522 work duties, living quarters, educational, vocational or other
523 rehabilitation programs, and privileges to be accorded the
524 offender while in custody of the department. The classification
525 hearing officer, in assigning classifications, shall consider the
526 offender's age, offense and surrounding circumstances, the
527 complete record of the offender's criminal history including
528 records of law enforcement agencies or of a youth court regarding
529 that offender's juvenile criminal history, family background,
530 education, practical or employment experience, interests and
531 abilities as evidenced by mental and psychological examination and
532 knowledge obtained by the classification hearing officer in
533 personal interview with the offender. The classification hearing
534 officer shall use the above criteria to assign each offender a
535 classification which will serve and enhance the best interests and
536 general welfare of the offender. The director or assistant
537 director of offender services shall approve or disapprove each
538 classification. The classification hearing officer shall provide
539 the State Parole Board with a copy of the classification assigned
540 to each offender in the custody of the department who is eligible
541 for parole.

542 A classification committee shall assign or determine a change
543 in custody status of an offender and any assignment outside the
544 three (3) major institutions of the department, Parchman, Central
545 Mississippi and South Mississippi. Any other classification
546 actions may be determined by a classification hearing officer
547 subject to approval by the director or assistant director of
548 offender services.

549 (2) * * * The classification board, consisting of the
550 commissioner, or his designee, deputy commissioner of institutions
551 and the director of offender services may change an action of the
552 classification or disciplinary hearing officer if the board makes
553 a determination that the action of the hearing officer was not
554 supported by sufficient factual information. The commissioner, in
555 emergency situations, may suspend the classification of an
556 offender or offenders for a period of not exceeding fifteen (15)
557 days to relieve the emergency situation. The classification of
558 each offender may be reviewed by a classification hearing officer
559 at least once each year. In no case shall an offender serve as a
560 servant in the home of any employee other than authorized by the
561 commissioner.

562 (3) The classification board shall establish substantive and
563 procedural rules and regulations governing the assignment and
564 alteration of inmate classifications, and shall make such rules
565 and regulations available to any offender upon request.

566 SECTION 13. This act shall take effect and be in force from
567 and after July 2, 2001.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO
2 RENAME THE DIVISION OF COMMUNITY SERVICES AND THE POSITION OF THE
3 DEPUTY COMMISSIONER OF COMMUNITY SERVICES OF THE DEPARTMENT OF
4 CORRECTIONS; TO AMEND SECTIONS 47-5-8, 47-5-158, 47-7-5, 47-7-9,
5 47-7-34, 47-7-41, 47-7-49, 99-15-127, 99-19-45 AND 99-19-48,
6 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 47-5-103,
7 MISSISSIPPI CODE OF 1972, TO CLARIFY DUTIES OF CLASSIFICATION
8 HEARING OFFICERS; AND FOR RELATED PURPOSES.

SS26\HB1465PS.J

George P. Smith
Secretary of the Senate