

*****Adopted*****

AMENDMENT No. 1 TO AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1465

By Senator(s) Smith

1 **AMEND after line 513 by inserting the following section and**
2 **renumbering the succeeding section accordingly:**

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

5 47-5-103. (1) The classification hearing officer shall be
6 responsible for assigning a classification to each offender within
7 forty (40) days after the offender's commitment to the custody of
8 the department. The classification shall determine the offender's
9 work duties, living quarters, educational, vocational or other
10 rehabilitation programs, and privileges to be accorded the
11 offender while in custody of the department. The classification
12 hearing officer, in assigning classifications, shall consider the
13 offender's age, offense and surrounding circumstances, the
14 complete record of the offender's criminal history including
15 records of law enforcement agencies or of a youth court regarding
16 that offender's juvenile criminal history, family background,
17 education, practical or employment experience, interests and
18 abilities as evidenced by mental and psychological examination and
19 knowledge obtained by the classification hearing officer in
20 personal interview with the offender. The classification hearing

21 officer shall use the above criteria to assign each offender a
22 classification which will serve and enhance the best interests and
23 general welfare of the offender. The director or assistant
24 director of offender services shall approve or disapprove each
25 classification. The classification hearing officer shall provide
26 the State Parole Board with a copy of the classification assigned
27 to each offender in the custody of the department who is eligible
28 for parole.

29 A classification committee shall assign or determine a change
30 in custody status of an offender and any assignment outside the
31 three (3) major institutions of the department, Parchman, Central
32 Mississippi and South Mississippi. Any other classification
33 actions may be determined by a classification hearing officer
34 subject to approval by the director or assistant director of
35 offender services.

36 (2) * * * The classification board, consisting of the
37 commissioner, or his designee, deputy commissioner of institutions
38 and the director of offender services may change an action of the
39 classification or disciplinary hearing officer if the board makes
40 a determination that the action of the hearing officer was not
41 supported by sufficient factual information. The commissioner, in
42 emergency situations, may suspend the classification of an
43 offender or offenders for a period of not exceeding fifteen (15)
44 days to relieve the emergency situation. The classification of
45 each offender may be reviewed by a classification hearing officer
46 at least once each year. In no case shall an offender serve as a
47 servant in the home of any employee other than authorized by the
48 commissioner.

49 (3) The classification board shall establish substantive and
50 procedural rules and regulations governing the assignment and

51 alteration of inmate classifications, and shall make such rules
52 and regulations available to any offender upon request.

53 **FURTHER, amend line 515 by striking "June 1" and inserting in**
54 **lieu thereof "July 2"**

55 **FURTHER, amend the title after the semicolon on line 6 by**
56 **inserting "TO AMEND SECTION 47-5-103, MISSISSIPPI CODE OF 1972, TO**
57 **CLARIFY DUTIES OF CLASSIFICATION HEARING OFFICERS;"**