

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 1012

1 AN ACT TO AMEND SECTIONS 47-5-103 AND 47-5-905, MISSISSIPPI  
 2 CODE OF 1972, TO GRANT TO THE SENTENCING JUDGE, PROSECUTING  
 3 ATTORNEY AND SHERIFF THE RIGHT TO EXPRESS INPUT ON THE  
 4 CLASSIFICATION OF OFFENDERS COMMITTED TO THE DEPARTMENT OF  
 5 CORRECTION; TO BRING FORWARD SECTIONS 47-5-405 AND 47-5-453,  
 6 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE THE SHERIFF AND BOARD OF  
 7 SUPERVISORS, IN COUNTIES HAVING A JOINT STATE-COUNTY WORK PROGRAM,  
 8 TO ADOPT REGULATIONS CONCERNING THE PROGRAM; AND FOR RELATED  
 9 PURPOSES.

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

11 **SECTION 1.** Section 47-5-103, Mississippi Code of 1972, is  
 12 amended as follows:

13 47-5-103. (1) The classification hearing officer shall be  
 14 responsible for assigning a classification to each offender within  
 15 forty (40) days after the offender's commitment to the custody of  
 16 the department. The classification shall determine the offender's  
 17 work duties, living quarters, educational, vocational or other  
 18 rehabilitation programs, and privileges to be accorded the  
 19 offender while in custody of the department. The classification  
 20 hearing officer, in assigning classifications, shall consider:  
 21 the offender's age, offense and surrounding circumstances; the  
 22 complete record of the offender's criminal history, including  
 23 records of law enforcement agencies or of a youth court regarding  
 24 that offender's juvenile criminal history; the offender's family  
 25 background, education, practical or employment experience,  
 26 interests and abilities, as evidenced by mental and psychological  
 27 examination and knowledge obtained by the classification hearing  
 28 officer in personal interview with the offender; and the written  
 29 recommendation, if any, regarding the classification of the  
 30 offender submitted to the department by the sentencing judge,



31 prosecuting attorney or sheriff of any county in which the  
32 offender might be housed. The classification hearing officer  
33 shall use the above criteria to assign each offender a  
34 classification which will serve and enhance the best interests and  
35 general welfare of the offender. The director or assistant  
36 director of offender services shall approve or disapprove each  
37 classification. The classification hearing officer shall provide  
38 the State Parole Board with a copy of the classification assigned  
39 to each offender in the custody of the department who is eligible  
40 for parole.

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

54 (3) The classification board shall establish substantive and  
55 procedural rules and regulations governing the assignment and  
56 alteration of inmate classifications, and shall make such rules  
57 and regulations available to any offender upon request.

58 **SECTION 2.** Section 47-5-905, Mississippi Code of 1972, is  
59 amended as follows:

60 47-5-905. (1) All persons placed under the custody of the  
61 Department of Corrections shall be processed at a reception and  
62 diagnostic center of the Department of Corrections and then be  
63 assigned to an appropriate correctional facility for a complete



64 and thorough classification, not to exceed ninety (90) days,  
65 unless the department determines that a person can be properly  
66 processed and classified at the county jail in accordance with the  
67 department's classification plan.

68 (2) The Department of Corrections shall develop a plan for  
69 the processing and classification of inmates in county jails,  
70 which plan must include consideration of the recommendation, if  
71 any, regarding the classification of an inmate by the sentencing  
72 judge, prosecuting attorney or sheriff of the county in which the  
73 inmate is housed.

74 **SECTION 3.** Section 47-5-405, Mississippi Code of 1972, is  
75 brought forward as follows:

76 47-5-405. Each county electing to establish a work program  
77 under Sections 47-5-401 through 47-5-421 is authorized through its  
78 sheriff to adopt regulations and policies for joint state-county  
79 work programs, including extending the limits of the place of  
80 confinement of an eligible inmate as to whom there is reasonable  
81 cause to believe he will know his trust.

82 Any rules, regulations or policies promulgated by the sheriff  
83 shall be filed with the board of supervisors, and shall be left on  
84 file for a minimum of thirty (30) days before any such rules,  
85 regulations or policies can be implemented or utilized for any  
86 inmate pursuant to the provisions of Sections 47-5-401 through  
87 47-5-421. Provided further, such rules as they pertain to state  
88 inmates shall also be submitted to the Department of Corrections  
89 for approval which shall be granted or rejected within thirty (30)  
90 days of submission. If said rules are rejected the reasons  
91 therefor shall be stated in writing.

92 **SECTION 4.** Section 47-5-453, Mississippi Code of 1972, is  
93 brought forward as follows:

94 47-5-453. Each county board of supervisors electing to  
95 establish a work program under Sections 47-5-451 through 47-5-469  
96 shall adopt regulations and policies as authorized by the



97 Department of Corrections for joint state-county work programs,  
98 including extending the limits of the place of confinement of an  
99 eligible inmate as to whom there is reasonable cause to believe he  
100 will know his trust. Extending the limits of the place of  
101 confinement may include confinement at the residence of the  
102 subject inmate wherein the primary maintenance and care of the  
103 inmate shall take place, subject to approval by the department and  
104 county.

105 Violations by inmates participating in such programs of any  
106 such rules, regulations or policies shall result in the  
107 ineligibility of the inmates to participate in such programs, and  
108 shall result in the inmate's immediate incarceration.

109 **SECTION 5.** This act shall take effect and be in force from  
110 and after its passage.

