HOUSE BILL NO. 1138

AN ACT TO AMEND SECTIONS 47-5-23 AND 47-5-28, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO REQUIRE OFFENDERS TO ASSIST IN THE PAYMENT OF COSTS OF INCARCERATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-23, Mississippi Code of 1972, is amended as follows:

47-5-23. The department shall be vested with the exclusive responsibility for management and control of the correctional system, and all properties belonging thereto, subject only to the limitations of this chapter, and shall be responsible for the management of affairs of the correctional system and for the proper care, treatment, feeding, clothing and management of the offenders confined therein. The department is authorized to require offenders and their families to assist in the payment of the costs of incarceration. The commissioner shall have final authority to employ and discharge all employees of the correctional system, except as otherwise provided by law.

SECTION 2. Section 47-5-28, Mississippi Code of 1972, is amended as follows:

47-5-28. The commissioner shall have the following powers and duties:

(a) To implement and administer laws and policy relating to corrections and coordinate the efforts of the department with those of the federal government and other state departments and agencies, county governments, municipal governments, and private agencies concerned with providing offender services;
(b) To establish standards, in cooperation with other state agencies having responsibility as provided by law, provide technical assistance, and exercise the requisite supervision as it relates to correctional programs over all state-supported adult correctional facilities and community-based programs;

(c) To promulgate and publish such rules, regulations and policies of the department as are needed for the efficient government and maintenance of all facilities and programs in accord insofar as possible with currently accepted standards of adult offender care and treatment;

(d) To provide the Parole Board with suitable and sufficient office space and support resources and staff necessary to conducting Parole Board business under the guidance of the Chairman of the Parole Board;

(e) To make an annual report to the Governor and the Legislature reflecting the activities of the department and make recommendations for improvement of the services to be performed by the department;

(f) To cooperate fully with periodic independent internal investigations of the department and to file the report with the Governor and the Legislature;

(g) To perform such other duties necessary to effectively and efficiently carry out the purposes of the department as may be directed by the Governor.

(h) To develop methods by which an offender shall assist in payment of the costs of incarceration. Such methods may include periodic payments and the seizure and forfeiture of real and personal property of offenders.

SECTION 3. This act shall take effect and be in force from and after its passage.