

By: Representative Denny (By Request)

To: Penitentiary

HOUSE BILL NO. 1138

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

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

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

8 47-5-23. The department shall be vested with the exclusive
9 responsibility for management and control of the correctional
10 system, and all properties belonging thereto, subject only to the
11 limitations of this chapter, and shall be responsible for the
12 management of affairs of the correctional system and for the
13 proper care, treatment, feeding, clothing and management of the
14 offenders confined therein. The department is authorized to
15 require offenders and their families to assist in the payment of
16 the costs of incarceration. The commissioner shall have final
17 authority to employ and discharge all employees of the
18 correctional system, except as otherwise provided by law.

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

21 47-5-28. The commissioner shall have the following powers
22 and duties:

23 (a) To implement and administer laws and policy
24 relating to corrections and coordinate the efforts of the
25 department with those of the federal government and other state
26 departments and agencies, county governments, municipal
27 governments, and private agencies concerned with providing
28 offender services;



29 (b) To establish standards, in cooperation with other
30 state agencies having responsibility as provided by law, provide
31 technical assistance, and exercise the requisite supervision as it
32 relates to correctional programs over all state-supported adult
33 correctional facilities and community-based programs;

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

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

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

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

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

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

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

