

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1121: Corrections; rename the Division of Community Services of the Department of Corrections.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

20           **SECTION 1.** Section 47-5-26, Mississippi Code of 1972, is  
21 amended as follows:

22           47-5-26. (1) The commissioner shall employ the following  
23 personnel:

24                   (a) A Deputy Commissioner for Administration and  
25 Finance, who shall supervise and implement all fiscal policies and  
26 programs within the department, supervise and implement all hiring  
27 and personnel matters within the department, supervise the  
28 department's personnel director, supervise and implement all  
29 purchasing within the department and supervise and implement all  
30 data processing activities within the department, and who shall  
31 serve as the Chief Executive Officer of the Division of  
32 Administration and Finance. He shall possess either:

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

39                           (ii) A bachelor's degree from an accredited  
40 four-year college or university in public or business  
41 administration, accounting, economics or a directly related field,

42 and six (6) years of experience in work related to the  
43 above-described duties, one (1) year of which must have included  
44 line or functional supervision. Certification by the State of  
45 Mississippi as a certified public accountant may be substituted  
46 for one (1) year of the required experience.

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

78 social work, criminal justice or some related field and at least  
79 four (4) years' full-time experience in such field, including at  
80 least one (1) year of supervisory experience; or (ii) a bachelor's  
81 degree in a field described in subparagraph (i) of this paragraph  
82 and at least six (6) years' full-time work in corrections, one (1)  
83 year of which shall have been at the supervisory level.

84 (c) A Deputy Commissioner for Institutions, who shall  
85 administer institutions, reception and diagnostic centers,  
86 prerelease centers and other facilities and programs provided  
87 therein, and shall serve as the chief executive officer of the  
88 division of institutions. He shall possess either: (i) a  
89 master's degree in counseling, criminal justice, psychology,  
90 guidance, social work, business or some related field, and at  
91 least four (4) years' full-time experience in corrections,  
92 including at least one (1) year of correctional management  
93 experience; or (ii) a bachelor's degree in a field described in  
94 subparagraph (i) of this paragraph and at least six (6) years'  
95 full-time work in corrections, four (4) years of which shall have  
96 been at the correctional management level.

97 (2) The commissioner shall employ an administrative  
98 assistant for parole matters, who shall be an employee of the  
99 department assigned to the State Parole Board and who shall work  
100 under the guidance and supervision of the board.

101 (3) The administrative assistant for parole matters shall  
102 receive an annual salary to be established by the Legislature.  
103 The salaries of department employees not established by the  
104 Legislature shall receive an annual salary established by the  
105 State Personnel Board.

106 (4) The commissioner shall employ a superintendent for the  
107 Parchman facility, Central Mississippi Correctional Facility and  
108 South Mississippi Correctional Institution of the Department of  
109 Corrections. The superintendent of the Mississippi State  
110 Penitentiary shall reside on the grounds of the Parchman facility.  
111 Each superintendent shall appoint an officer in charge when he is  
112 absent.

113 Each superintendent shall develop and implement a plan for

114 the prevention and control of an inmate riot and shall file a  
115 report with the Chairman of the Senate Corrections Committee and  
116 the Chairman of the House Penitentiary Committee on the first day  
117 of each regular session of the Legislature regarding the status of  
118 the plan.

119 In order that the grievances and complaints of inmates,  
120 employees and visitors at each facility may be heard in a timely  
121 and orderly manner, each superintendent shall appoint or designate  
122 an employee at the facility to hear grievances and complaints and  
123 to report grievances and complaints to the superintendent. Each  
124 superintendent shall institute procedures as are necessary to  
125 provide confidentiality to those who file grievances and  
126 complaints.

127 **SECTION 2.** Section 47-5-8, Mississippi Code of 1972, is  
128 amended as follows:

129 47-5-8. (1) There is \* \* \* created the Mississippi  
130 Department of Corrections, which shall be under the policy  
131 direction of the Governor. The chief administrative officer of  
132 the department shall be the Commissioner of Corrections.

133 (2) (a) There shall be a Division of Administration and  
134 Finance within the department, which shall have as its chief  
135 administrative officer a Deputy Commissioner for Administration  
136 and Finance who shall be appointed by the commissioner, and shall  
137 be directly responsible to the commissioner.

138 (b) There shall be a Division of Community Corrections  
139 within the department, which shall have as its chief  
140 administrative officer a Deputy Commissioner for Community  
141 Corrections, who shall be appointed by the commissioner, and shall  
142 be directly responsible to the commissioner. The Probation and  
143 Parole Board shall continue to exercise the authority as provided  
144 by law, but after July 1, 1976, the Division of Community  
145 Corrections shall serve as the administrative agency for the  
146 Probation and Parole Board.

147 (3) The department shall succeed to the exclusive control of  
148 all records, books, papers, equipment and supplies, and all lands,  
149 buildings and other real and personal property now or hereafter

150 belonging to or assigned to the use and benefit or under the  
151 control of the Mississippi State Penitentiary and the Mississippi  
152 Probation and Parole Board, except the records of parole process  
153 and revocation and legal matters related thereto, and shall have  
154 the exercise and control of the use, distribution and disbursement  
155 of all funds, appropriations and taxes now or hereafter in  
156 possession, levied, collected or received or appropriated for the  
157 use, benefit, support and maintenance of these two (2) agencies  
158 except as otherwise provided by law, and the department shall have  
159 general supervision of all the affairs of the two (2) agencies  
160 herein named except as otherwise provided by law, and the care and  
161 conduct of all buildings and grounds, business methods and  
162 arrangements of accounts and records, the organization of the  
163 administrative plans of each institution, and all other matters  
164 incident to the proper functioning of the two (2) agencies.

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

170 **SECTION 3.** Section 47-5-158, Mississippi Code of 1972, as  
171 amended by Senate Bill 2983, 2002 Regular Session, is amended as  
172 follows:

173 47-5-158. (1) The department is authorized to maintain a  
174 bank account which shall be designated as the Inmate Welfare Fund.  
175 All monies now held in a similar fund for the benefit and welfare  
176 of inmates shall be deposited into the Inmate Welfare Fund. This  
177 fund shall be used for the benefit and welfare of inmates in the  
178 custody of the department.

179 (2) There shall be deposited into the Inmate Welfare Fund  
180 interest previously earned on inmate deposits, all net profits  
181 from the operation of inmate canteens, the annual prison rodeo,  
182 performances of the Penitentiary band, interest earned on the  
183 Inmate Welfare Fund and other revenues designated by the  
184 commissioner. All money shall be deposited into the Inmate  
185 Welfare Fund as provided in Section 7-9-21, Mississippi Code of

186 1972.

187 (3) All inmate telephone call commissions shall be paid to  
188 the department. Monies in the fund may be expended by the  
189 Department of Corrections, upon requisition by the commissioner or  
190 his designee, only for the purposes established in this  
191 subsection.

192 (a) \* \* \* Twenty-five percent (25%) of the inmate  
193 telephone call commissions shall be used to purchase and maintain  
194 telecommunication equipment to be used by the department.

195 (b) Until July 1, 2007, twenty-five percent (25%) of  
196 the inmate telephone call commissions shall be deposited into the  
197 Prison Agricultural Enterprise Fund. Beginning on July 1, 2007,  
198 fifty percent (50%) of the inmate telephone call commissions shall  
199 be deposited into the Prison Agricultural Enterprise Fund. The  
200 Mississippi Department of Corrections may use these funds to  
201 supplement the Prison Agricultural Enterprise Fund created in  
202 Section 47-5-66.

203 (c) Twenty-five percent (25%) of the inmate telephone  
204 call commissions shall be deposited into the Inmate Welfare Fund.

205 (d) Until July 1, 2007, twenty-five percent (25%) shall  
206 be deposited in a fund called the Inmate Technology Fund to  
207 purchase an Inmate Information Technology System. This paragraph  
208 (d) shall repeal on July 1, 2007.

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

213 (5) The Deputy Commissioner for Administration and Finance  
214 shall be the custodian of the Inmate Welfare Fund. He shall  
215 establish and implement internal accounting controls that comply  
216 with generally accepted accounting principles. The Deputy  
217 Commissioner for Administration and Finance shall prepare and  
218 issue quarterly consolidated and individual facility financial  
219 statements to the prison auditor of the Joint Legislative  
220 Committee on Performance Evaluation and Expenditure Review. The  
221 deputy commissioner shall prepare an annual report which shall

222 include a summary of expenditures from the fund by major  
223 categories and by individual facility. This annual report shall  
224 be sent to the prison auditor, the Legislative Budget Office, the  
225 Chairman of the Corrections Committee of the Senate, and the  
226 Chairman of the Penitentiary Committee of the House of  
227 Representatives.

228 (6) A portion of the Inmate Welfare Fund shall be deposited  
229 in the Discharged Offenders Revolving Fund, as created under  
230 Section 47-5-155, in amounts necessary to provide a balance not to  
231 exceed One Hundred Thousand Dollars (\$100,000.00) in the  
232 Discharged Offenders Revolving Fund, and shall be used to  
233 supplement those amounts paid to discharged, paroled or pardoned  
234 offenders from the department. The superintendent of the Parchman  
235 facility shall establish equitable criteria for the making of  
236 supplemental payments which shall not exceed Two Hundred Dollars  
237 (\$200.00) for any offender. The supplemental payments shall be  
238 subject to the approval of the commissioner. The State Treasurer  
239 shall not be required to replenish the Discharged Offenders  
240 Revolving Fund for the supplemental payments made to discharged,  
241 paroled or pardoned offenders.

242 (7) The Inmate Welfare Fund Committee is hereby created and  
243 shall be composed of seven (7) members: The Deputy Commissioner  
244 for Community Corrections, the Deputy Commissioner of  
245 Institutions, the Superintendent of the Parchman facility, the  
246 Superintendent of the Rankin County facility, the Superintendent  
247 of the Greene County facility, and two (2) members to be appointed  
248 by the Commissioner of Corrections. The commissioner shall  
249 appoint the chairman of the committee. The committee shall  
250 administer and supervise the operations and expenditures from the  
251 Inmate Welfare Fund and shall maintain an official minute book  
252 upon which shall be spread its authorization and approval for all  
253 such expenditures. The committee may promulgate regulations  
254 governing the use and expenditures of the fund.

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

257 **SECTION 4.** Section 47-5-901, Mississippi Code of 1972, as

258 reenacted by House Bill No. 682, 2002 Regular Session, is amended  
259 as follows:

260 47-5-901. (1) Any person committed, sentenced or otherwise  
261 placed under the custody of the Department of Corrections, on  
262 order of the sentencing court and subject to the other conditions  
263 of this subsection, may serve all or any part of his sentence in  
264 the county jail of the county wherein such person was convicted if  
265 the Commissioner of Corrections determines that physical space is  
266 not available for confinement of such person in the state  
267 correctional institutions. Such determination shall be promptly  
268 made by the Department of Corrections upon receipt of notice of  
269 the conviction of such person. The commissioner shall certify in  
270 writing that space is not available to the sheriff or other  
271 officer having custody of the person. Any person serving his  
272 sentence in a county jail shall be classified in accordance with  
273 Section 47-5-905.

274 (2) If state prisoners are housed in county jails due to a  
275 lack of capacity at state correctional institutions, the  
276 Department of Corrections shall determine the cost for food and  
277 medical attention for such prisoners. The cost of feeding and  
278 housing offenders confined in such county jails shall be based on  
279 actual costs or contract price per prisoner. In order to maximize  
280 the potential use of county jail space, the Department of  
281 Corrections is encouraged to negotiate a reasonable per day cost  
282 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)  
283 per day per offender.

284 (3) Upon vouchers submitted by the board of supervisors of  
285 any county housing persons due to lack of space at state  
286 institutions, the Department of Corrections shall pay to such  
287 county, out of any available funds, the actual cost of food, or  
288 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)  
289 per day per offender, as determined under subsection (2) of this  
290 section for each day an offender is so confined beginning  
291 the \* \* \* day that the Department of Corrections receives a  
292 certified copy of the sentencing order and will terminate on the  
293 date on which the offender is released or otherwise removed from

294 the custody of the county jail, and shall pay the actual cost for  
295 medical attention for prisoners unless the Commissioner of  
296 Corrections shall find that the costs of any medical services  
297 rendered are unreasonable. Such payment shall be placed in the  
298 county general fund and shall be expended only for food and  
299 medical attention for such persons. The Department of Corrections  
300 shall not pay a county for offenders housed in county jails  
301 pending a probation or parole revocation hearing.

302 (4) A person, on order of the sentencing court, may serve  
303 not more than twenty-four (24) months of his sentence in a county  
304 jail if the person is classified in accordance with Section  
305 47-5-905 and the county jail is an approved county jail for  
306 housing state inmates under federal court order. The sheriff of  
307 the county shall have the right to petition the Commissioner of  
308 Corrections to remove the inmate from the county jail. The county  
309 shall be reimbursed in accordance with subsection (2).

310 (5) The Attorney General of the State of Mississippi shall  
311 defend the employees of the Department of Corrections and  
312 officials and employees of political subdivisions against any  
313 action brought by any person who was committed to a county jail  
314 under the provisions of this section.

315 (6) This section does not create in the Department of  
316 Corrections, or its employees or agents, any new liability,  
317 express or implied, nor shall it create in the Department of  
318 Corrections any administrative authority or responsibility for the  
319 construction, funding, administration or operation of county or  
320 other local jails or other places of confinement which are not  
321 staffed and operated on a full-time basis by the Department of  
322 Corrections. The correctional system under the jurisdiction of  
323 the Department of Corrections shall include only those facilities  
324 fully staffed by the Department of Corrections and operated by it  
325 on a full-time basis.

326 (7) An offender returned to a county for post-conviction  
327 proceedings shall be subject to the provisions of Section 99-19-42  
328 and the county shall not receive the per day allotment for such  
329 offender after the time prescribed for returning the offender to

330 the Department of Corrections as provided in Section 99-19-42.

331 **SECTION 5.** Section 47-7-9, Mississippi Code of 1972, is  
332 amended as follows:

333 47-7-9. (1) The circuit judges and county judges in the  
334 districts to which Division of Community Corrections personnel  
335 have been assigned shall have the power to request of the  
336 department transfer or removal of the division personnel from  
337 their court.

338 (2) (a) Division personnel shall investigate all cases  
339 referred to them for investigation by the board, the division or  
340 by any court in which they are authorized to serve. They shall  
341 furnish to each person released under their supervision a written  
342 statement of the conditions of probation, parole, earned-release  
343 supervision, post-release supervision or suspension and shall  
344 instruct him regarding the same. They shall keep informed  
345 concerning the conduct and conditions of persons under their  
346 supervision and use all suitable methods to aid and encourage them  
347 and to bring about improvements in their conduct and condition.  
348 They shall keep detailed records of their work and shall make such  
349 reports in writing as the court or the board may require.

350 (b) The division personnel duly assigned to court  
351 districts are hereby vested with all the powers of police officers  
352 or sheriffs to make arrests or perform any other duties required  
353 of policemen or sheriffs which may be incident to the division  
354 personnel responsibilities. All probation and parole officers  
355 hired on or after July 1, 1994, will be placed in the Law  
356 Enforcement Officers' Training Program and will be required to  
357 meet the standards outlined by that program.

358 (c) It is the intention of the Legislature that insofar  
359 as practicable the case load of each division personnel  
360 supervising offenders in the community (hereinafter field  
361 supervisor) shall not exceed the number of cases that may be  
362 adequately handled.

363 (3) (a) Division personnel shall be provided to perform  
364 investigation for the court as provided in this subsection.

365 Division personnel shall conduct presentence investigations on all

366 persons convicted of a felony in any circuit court of the state,  
367 prior to sentencing and at the request of the circuit court judge  
368 of the court of conviction. The presentence evaluation report  
369 shall consist of a complete record of the offender's criminal  
370 history, educational level, employment history, psychological  
371 condition and such other information as the department or judge  
372 may deem necessary. Division personnel shall also prepare written  
373 victim impact statements at the request of the sentencing judge as  
374 provided in Section 99-19-157.

375 (b) In order that offenders in the custody of the  
376 department on July 1, 1976, may benefit from the kind of  
377 evaluations authorized in this section, an evaluation report to  
378 consist of the information required hereinabove, supplemented by  
379 an examination of an offender's record while in custody, shall be  
380 compiled by the division upon all offenders in the custody of the  
381 department on July 1, 1976. After a study of such reports by the  
382 State Parole Board those cases which the board believes would  
383 merit some type of executive clemency shall be submitted by the  
384 board to the Governor with its recommendation for the appropriate  
385 executive action.

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

388 **SECTION 6.** Section 47-7-34, Mississippi Code of 1972, is  
389 amended as follows:

390 47-7-34. (1) When a court imposes a sentence upon a  
391 conviction for any felony committed after June 30, 1995, the  
392 court, in addition to any other punishment imposed if the other  
393 punishment includes a term of incarceration in a state or local  
394 correctional facility, may impose a term of post-release  
395 supervision. However, the total number of years of incarceration  
396 plus the total number of years of post-release supervision shall  
397 not exceed the maximum sentence authorized to be imposed by law  
398 for the felony committed. The defendant shall be placed under  
399 post-release supervision upon release from the term of  
400 incarceration. The period of supervision shall be established by  
401 the court.

402           (2) The period of post-release supervision shall be  
403 conducted in the same manner as a like period of supervised  
404 probation, including a requirement that the defendant shall abide  
405 by any terms and conditions as the court may establish. Failure  
406 to successfully abide by the terms and conditions shall be grounds  
407 to terminate the period of post-release supervision and to  
408 recommit the defendant to the correctional facility from which he  
409 was previously released. Procedures for termination and  
410 recommitment shall be conducted in the same manner as procedures  
411 for the revocation of probation and imposition of a suspended  
412 sentence.

413           (3) Post-release supervision programs shall be operated  
414 through the probation and parole unit of the Division of Community  
415 Corrections of the department. The maximum amount of time that  
416 the Mississippi Department of Corrections may supervise an  
417 offender on the post-release supervision program is five (5)  
418 years.

419           **SECTION 7.** Section 47-7-41, Mississippi Code of 1972, is  
420 amended as follows:

421           47-7-41. When a probationer shall be discharged from  
422 probation by the court of original jurisdiction, the field  
423 supervisor, upon receiving a written request from the probationer,  
424 shall forward a written report of the record of the probationer to  
425 the Division of Community Corrections of the department, which  
426 shall present a copy of this report to the Governor. The Governor  
427 may, in his discretion, at any time thereafter by appropriate  
428 executive order restore any civil rights lost by the probationer  
429 by virtue of his conviction or plea of guilty in the court of  
430 original jurisdiction.

431           **SECTION 8.** Section 47-7-49, Mississippi Code of 1972, as  
432 amended by Senate Bill 2361, 2002 Regular Session, is reenacted  
433 and amended as follows:

434           47-7-49. (1) Any offender on probation, parole,  
435 earned-release supervision, post-release supervision, earned  
436 probation or any other offender under the field supervision of the  
437 Community Services Division of the department shall pay to the

438 department the sum of Thirty Dollars (\$30.00) per month by  
439 certified check or money order unless a hardship waiver is  
440 granted. A hardship waiver may be granted by the sentencing court  
441 or the Department of Corrections. A hardship waiver may not be  
442 granted for a period of time exceeding ninety (90) days. The  
443 commissioner or his designee shall deposit Twenty-five Dollars  
444 (\$25.00) of the payments received into a special fund in the State  
445 Treasury, which is hereby created, to be known as the Community  
446 Service Revolving Fund. Expenditures from this fund shall be made  
447 for: (a) the establishment of restitution and satellite centers;  
448 and (b) the establishment, administration and operation of the  
449 department's Drug Identification Program and the intensive and  
450 field supervision program. The Twenty-five Dollars (\$25.00) may  
451 be used for salaries and to purchase equipment, supplies and  
452 vehicles to be used by the Community Services Division in the  
453 performance of its duties. Expenditures for the purposes  
454 established in this section may be made from the fund upon  
455 requisition by the commissioner, or his designee.

456 Of the remaining amount, Three Dollars (\$3.00) of the  
457 payments shall be deposited in the Crime Victims' Compensation  
458 Fund created in Section 99-41-29, Two Dollars (\$2.00) shall be  
459 deposited into the Training Revolving Fund created pursuant to  
460 Section 47-7-51. When a person is convicted of a felony in this  
461 state, in addition to any other sentence it may impose, the court  
462 may, in its discretion, order the offender to pay a state  
463 assessment not to exceed the greater of One Thousand Dollars  
464 (\$1,000.00) or the maximum fine that may be imposed for the  
465 offense, into the Crime Victims' Compensation Fund created  
466 pursuant to Section 99-41-29.

467 Any federal funds made available to the department for  
468 training or for training facilities, equipment or services shall  
469 be deposited in the Correctional Training Revolving Fund created  
470 in Section 47-7-51. The funds deposited in this account shall be  
471 used to support an expansion of the department's training program  
472 to include the renovation of facilities for training purposes,  
473 purchase of equipment and contracting of training services with

474 community colleges in the state.

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

477 (2) The offender may be imprisoned until the payments are  
478 made if the offender is financially able to make the payments and  
479 the court in the county where the offender resides so finds,  
480 subject to the limitations hereinafter set out. The offender  
481 shall not be imprisoned if the offender is financially unable to  
482 make the payments and so states to the court in writing, under  
483 oath, and the court so finds.

484 (3) This section shall stand repealed from and after June  
485 30, 2004.

486 **SECTION 9.** Section 99-15-127, Mississippi Code of 1972, is  
487 amended as follows:

488 99-15-127. The Department of Corrections, Division of  
489 Community Corrections, is \* \* \* directed to support Sections  
490 99-15-101 through 99-15-127 to the extent that field support  
491 personnel are available in circuit court districts, and the  
492 Commissioner of Corrections shall certify to the court that the  
493 Division of Community Corrections has sufficient field parole  
494 officers to supervise and oversee those individuals who may be  
495 placed in this program by the court.

496 **SECTION 10.** Section 99-19-45, Mississippi Code of 1972, is  
497 amended as follows:

498 99-19-45. The clerks of the circuit court of the counties in  
499 the State of Mississippi shall furnish the Mississippi Department  
500 of Corrections, within five (5) days after adjournment of court, a  
501 commitment paper showing the name of the person convicted, the  
502 crime, term of sentence, date of sentence, sex, race, and a brief  
503 history of the crime committed.

504 The clerks shall also furnish the Department of Corrections,  
505 within five (5) days after adjournment of such court, a certified  
506 copy of the probation order of an individual who is placed on  
507 probation under the supervision of the Division of Community  
508 Corrections of the department. Such order shall provide the name  
509 of the person placed on probation, the crime, term of sentence,

510 date of sentence, period of probation, sex, race, and a brief  
511 history of the crime committed.

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

516 **SECTION 11.** Section 99-19-48, Mississippi Code of 1972, is  
517 amended as follows:

518 99-19-48. The following form, to be furnished by the county,  
519 shall be used in transmitting the required data for any individual  
520 placed on probation under the supervision of the Division of  
521 Community Corrections of the Department of Corrections:

522 "Circuit Court, County of \_\_\_\_\_.

523 To the Mississippi Department of Corrections:

524 You are hereby notified that at the \_\_\_\_\_ term, 2\_\_\_\_\_,  
525 of the circuit court, Judge \_\_\_\_\_ presiding, the following  
526 named person was tried, convicted and sentenced to a term in the  
527 State Penitentiary. The sentence was suspended and the person was  
528 placed on probation:

529 Name \_\_\_\_\_ Alias \_\_\_\_\_

530 Date of sentence \_\_\_\_\_ Crime \_\_\_\_\_

531 Term of sentence \_\_\_\_\_ Sex \_\_\_\_\_

532 Race \_\_\_\_\_ Appealed \_\_\_\_\_

533 Remarks: Give brief summary of crime committed. \_\_\_\_\_

534 \_\_\_\_\_

535 \_\_\_\_\_

536 \_\_\_\_\_

537 Dated \_\_\_\_\_, 2\_\_\_\_\_. \_\_\_\_\_ Clerk."

538 **SECTION 12.** Whenever an offender in the custody of the  
539 Department of Corrections is transferred, upon request, from one  
540 (1) facility to another, the offender must pay to the department  
541 an amount equal to Thirty-five Cents (\$.35) per mile for each mile  
542 traveled from the transferor facility to the transferee facility  
543 or Twenty-five Dollars (\$25.00), whichever is greater, to cover  
544 the costs of the transfer. An offender may not be required to pay  
545 for the costs of any transfer that is initiated by the Department

546 of Corrections.

547           **SECTION 13.** This act shall take effect and be in force from  
548 and after July 1, 2002.

**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 MAKE A TECHNICAL CHANGE TO QUALIFICATIONS OF THE  
5 DEPUTY COMMISSIONER OF COMMUNITY SERVICES; TO AMEND SECTIONS  
6 47-5-8, 47-5-158, 47-7-9, 47-7-34, 47-7-41, 99-15-127, 99-19-45  
7 AND 99-19-48, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
8 PROVISIONS OF THIS ACT; TO AMEND REENACTED SECTION 47-5-901,  
9 MISSISSIPPI CODE OF 1972, TO CHANGE THE DATE ON WHICH THE  
10 DEPARTMENT OF CORRECTIONS MUST BEGIN TO PAY COUNTIES FOR HOUSING  
11 STATE OFFENDERS AND TO PROVIDE THAT SUCH PAYMENTS SHALL NOT BE  
12 MADE FOR OFFENDERS HOUSED IN COUNTY JAILS PENDING PROBATION AND  
13 PAROLE REVOCATION HEARINGS; TO REENACT SECTION 47-7-49,  
14 MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMUNITY SERVICE  
15 REVOLVING FUND; TO AMEND REENACTED SECTION 47-7-49, MISSISSIPPI  
16 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO  
17 REQUIRE OFFENDERS TO PAY FOR THE COSTS OF REQUESTED TRANSFERS  
18 BETWEEN FACILITIES; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Bennett Malone

**X** \_\_\_\_\_  
Rob H. Smith

\_\_\_\_\_  
Linda Coleman

\_\_\_\_\_  
William W. Canon

**X** \_\_\_\_\_  
Frances Fredericks

**X** \_\_\_\_\_  
Joseph Stogner