

By: Representative Malone

To: Penitentiary

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1189

1 AN ACT TO AMEND SECTION 99-37-19, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE QUALIFICATIONS THAT OFFENDERS MUST MEET IN ORDER TO BE  
3 ELIGIBLE FOR PLACEMENT IN MISSISSIPPI DEPARTMENT OF CORRECTIONS  
4 RESTITUTION CENTERS; TO AMEND SECTION 47-5-110, MISSISSIPPI CODE  
5 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-37-19, Mississippi Code of 1972, is  
8 amended as follows:

9 99-37-19. The boards of supervisors of the several counties  
10 and the governing authorities of municipalities are hereby  
11 authorized to cooperate with the Department of Corrections in the  
12 establishment of restitution centers. Such centers may house both  
13 probationers referred by the circuit courts as well as inmates  
14 transferred from other facilities of the Department of Corrections  
15 as provided in Section 47-5-110. In order to qualify for  
16 placement in a restitution center, an offender must: (a) be  
17 convicted of a nonviolent offense that constitutes a felony, (b)  
18 not be convicted of a sex crime and (c) not have drug, alcohol,  
19 emotional or physical problems so serious that the offender  
20 appears unlikely to meet obligations of the restitution program.  
21 Such centers shall be operated by the Department of Corrections.  
22 County or municipal property may be utilized with the approval of  
23 the board of supervisors or municipal governing authority for the  
24 construction, renovation and maintenance of facilities owned by  
25 the state or a local political subdivision. Such facility may be  
26 leased to the Department of Corrections for a period of time for  
27 use as a restitution center.



28           It is the intent of this section that county and local  
29 governments contribute only to the establishment, renovation and  
30 maintenance of the physical plant of a restitution center and that  
31 the Department of Corrections support the operation of, and have  
32 sole jurisdiction over and responsibility for offenders in, such  
33 restitution program.

34           **SECTION 2.** Section 47-5-110, Mississippi Code of 1972, is  
35 amended as follows:

36           47-5-110. (1) Commitment to any institution or facility  
37 within the jurisdiction of the department shall be to the  
38 department, not to a particular institution or facility. The  
39 commissioner shall assign a newly committed offender to an  
40 appropriate facility consistent with public safety; provided,  
41 however, that any offender who, in the opinion of the sentencing  
42 judge, requires confinement in a maximum security unit shall be  
43 assigned, upon initial commitment, to the Parchman facility. The  
44 commissioner may extend the place of confinement of eligible  
45 offenders as provided under subsection (2) of this section. He  
46 may transfer an offender from one institution to another,  
47 consistent with the commitment and in accordance with treatment,  
48 training and security needs. The commissioner shall have the  
49 authority to transfer inmates from the various correctional  
50 facilities of the department to restitution centers if such  
51 inmates meet the qualifications prescribed in Section 99-37-19.  
52 The commissioner shall prepare appropriate standards of  
53 eligibility for such transfers of offenders from one institution  
54 to another institution and transfers of offenders who meet the  
55 qualifications for placement in restitution centers. The  
56 commissioner shall have the authority to remove the offenders from  
57 restitution centers and to transfer them to other facilities of  
58 the department. The commissioner shall obtain the approval of the  
59 sentencing court before transferring an offender committed to the  
60 department to a restitution center. On the request of the chief



61 executive officer of the affected unit of local government, the  
62 commissioner may transfer a person detained in a local facility to  
63 a state facility. The commissioner shall determine the cost of  
64 care for that person to be borne by the unit of local government.  
65 The commissioner may assign to a community work center, any  
66 offender who is convicted under the Mississippi Implied Consent  
67 Law and who is sentenced to the custody of the Department of  
68 Corrections, except that if a death or a serious maiming has  
69 occurred during the commission of the violation of the Mississippi  
70 Implied Consent Law, then the offender so convicted may not be  
71 assigned to a community work center.

72 (2) The department may establish by rule or policy and  
73 procedure a community pre-release program which shall be subject  
74 to the following requirements:

75 (a) The commissioner may extend the limits of  
76 confinement of offenders serving sentences for violent or  
77 nonviolent crimes who have six (6) months or less remaining before  
78 release on parole, conditional release or discharge to participate  
79 in the program. Parole violators may be allowed to participate in  
80 the program.

81 (b) Any offender who is referred to the program shall  
82 remain an offender of the department and shall be subject to rules  
83 and regulations of the department pertaining to offenders of the  
84 department until discharged or released on parole or conditional  
85 release by the State Parole Board.

86 (c) The department shall require the offender to  
87 participate in work or educational or vocational programs and  
88 other activities that may be necessary for the supervision and  
89 treatment of the offender.

90 (d) An offender assigned to the program shall be  
91 authorized to leave a community pre-release center only for the  
92 purpose and time necessary to participate in the program and  
93 activities authorized in paragraph (c) of this subsection.



94 (3) The commissioner shall have absolute immunity from  
95 liability for any injury resulting from a determination by the  
96 commissioner that an offender shall be allowed to participate in  
97 the community pre-release program.

98 (4) (a) The department may by rule or policy and procedure  
99 provide the regimented inmate discipline program and pre-release  
100 service for offenders at each of its major correctional  
101 facilities: Mississippi State Penitentiary, Central Mississippi  
102 Correctional Institution and South Mississippi Correctional  
103 Institution.

104 (b) The commissioner may establish regimented inmate  
105 discipline and pre-release programs at the South Mississippi  
106 Correctional Institution. Offenders assigned to this facility may  
107 receive the services provided by the regimented inmate discipline  
108 program. The pre-release program may be located on the grounds of  
109 this facility or another facility designated by the commissioner.

110 **SECTION 3.** This act shall take effect and be in force from  
111 and after July 1, 2003.

