

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 487

By Senator(s) Committee

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

5 **SECTION 1.** Section 47-5-138.1, Mississippi Code of 1972, is
6 amended as follows:

7 47-5-138.1. (1) (a) In addition to any other
8 administrative reduction of sentence, an offender in trusty status
9 as defined by the classification board of the Department of
10 Corrections may be awarded a trusty time allowance of fifteen (15)
11 days' reduction of sentence for each thirty (30) days of
12 participation in an approved program while in trusty status,
13 including satisfactory participation in education or instructional
14 programs, satisfactory participation in work projects and
15 satisfactory participation in any special incentive program.

16 (b) If the department has a budget deficit, the
17 Governor may use his powers under the prison overcrowding
18 emergency powers act to increase the trusty time allowance to
19 twenty-three (23) days reduction of sentence for each thirty (30)
20 days of participation in approved programs under subsection
21 (1) (a).

22 (2) An offender in trusty status shall not be eligible for a
23 reduction of sentence under this section if:

24 (a) The offender was sentenced to life imprisonment;

25 but an offender, except an offender sentenced to life imprisonment
26 for capital murder, who has reached the age of sixty-five (65) or
27 older and who has served at least fifteen (15) years may petition
28 the sentencing court for conditional release;

29 (b) The offender was convicted as a habitual offender
30 under Sections 99-19-81 through 99-19-87;

31 (c) The offender was convicted of a sex crime;

32 (d) The offender has not served the mandatory time
33 required for parole eligibility, as prescribed under Section
34 47-7-3, for a conviction of robbery or attempted robbery through
35 the display of a deadly weapon, carjacking through the display of
36 a deadly weapon or a drive-by shooting;

37 (e) The offender was convicted of violating Section
38 41-29-139(a) and sentenced under Section 41-29-139(b) or
39 41-29-139(f);

40 (f) The offender was convicted of trafficking in
41 controlled substances under Section 41-29-139;

42 (g) The offender was convicted of manufacturing crystal
43 methamphetamine in violation of Section 41-29-139;

44 (h) The offender was convicted of felony child abuse;

45 (i) The offender was convicted of kidnapping;

46 (j) The offender was convicted of burglary of a
47 dwelling; or

48 (k) The offender was convicted of a homicide under
49 Section 97-3-19.

50 **SECTION 2.** Section 47-5-1013, Mississippi Code of 1972, is
51 amended as follows:

52 47-5-1013. Participants enrolled in an intensive supervision
53 program shall be required to:

54 (a) Maintain employment if physically able, or
55 full-time student status at an approved school or vocational
56 trade, and make progress deemed satisfactory to the correctional
57 field officer, or both, or be involved in supervised job searches.

58 (b) Pay restitution and program fees as directed by the
59 department. Program fees shall not be less than Seventy-five

60 Dollars (\$75.00) * * *. The sentencing judge may charge a program
61 fee of not less than Fifty Dollars (\$50.00) in cases of extreme
62 financial hardship, when such judge determines that the offender's
63 participation in the program would provide a benefit to his
64 community. Program fees shall be deposited in the special fund
65 created in Section 47-5-1007.

66 (c) Establish a place of residence at a place approved
67 by the correctional field officer, and not change his residence
68 without the officer's approval. The correctional officer shall be
69 allowed to inspect the place of residence for alcoholic beverages,
70 controlled substances and drug paraphernalia.

71 (d) Remain at his place of residence at all times
72 except to go to work, to attend school, to perform community
73 service and as specifically allowed in each instance by the
74 correctional field officer.

75 (e) Allow administration of drug and alcohol tests as
76 requested by the field officer.

77 (f) Perform not less than ten (10) hours of community
78 service each month.

79 (g) Meet any other conditions imposed by the court to
80 meet the needs of the offender and limit the risks to the
81 community.

82 **SECTION 3.** Section 99-37-19, Mississippi Code of 1972, is
83 amended as follows:

84 99-37-19. The boards of supervisors of the several counties
85 and the governing authorities of municipalities are hereby
86 authorized to cooperate with the Department of Corrections in the
87 establishment of restitution centers. Such centers may house both
88 probationers referred by the circuit courts as well as inmates
89 transferred from other facilities of the Department of Corrections
90 as provided in Section 47-5-110. Such centers shall be operated
91 by the Department of Corrections. County or municipal property
92 may be utilized with the approval of the board of supervisors or
93 municipal governing authority for the construction, renovation and
94 maintenance of facilities owned by the state or a local political

95 subdivision. Such facility may be leased to the Department of
96 Corrections for a period of time for use as a restitution center.

97 It is the intent of this section that county and local
98 governments contribute only to the establishment, renovation and
99 maintenance of the physical plant of a restitution center and that
100 the Department of Corrections support the operation of, and have
101 sole jurisdiction over and responsibility for offenders in, such
102 restitution program.

103 The Department of Corrections may lease or construct three
104 (3) restitution centers: one (1) in the northern, one (1) in the
105 central and one (1) in the southern part of the state. The
106 restitution centers shall be leased or constructed adjacent to or
107 near existing community work centers. The department must use
108 inmate labor to the maximum extent possible for such construction.

109 **SECTION 4.** Section 47-5-110, Mississippi Code of 1972, is
110 amended as follows:

111 47-5-110. (1) Commitment to any institution or facility
112 within the jurisdiction of the department shall be to the
113 department, not to a particular institution or facility. The
114 commissioner shall assign a newly committed offender to an
115 appropriate facility consistent with public safety; provided,
116 however, that any offender who, in the opinion of the sentencing
117 judge, requires confinement in a maximum security unit shall be
118 assigned, upon initial commitment, to the Parchman facility. The
119 commissioner may extend the place of confinement of eligible
120 offenders as provided under subsection (2) of this section. He
121 may transfer an offender from one institution to another,
122 consistent with the commitment and in accordance with treatment,
123 training and security needs. The commissioner shall have the
124 authority to transfer inmates from the various correctional
125 facilities of the department to restitution centers. The
126 commissioner shall prepare appropriate standards of eligibility
127 for such transfers. The commissioner shall have the authority to
128 remove the offenders from restitution centers and to transfer them
129 to other facilities of the department. The commissioner shall

130 obtain the approval of the sentencing court before transferring an
131 offender committed to the department to a restitution center. On
132 the request of the chief executive officer of the affected unit of
133 local government, the commissioner may transfer a person detained
134 in a local facility to a state facility. The commissioner shall
135 determine the cost of care for that person to be borne by the unit
136 of local government. The commissioner may assign to a community
137 work center, any offender who is convicted under the Mississippi
138 Implied Consent Law and who is sentenced to the custody of the
139 Department of Corrections, except that if a death or a serious
140 maiming has occurred during the commission of the violation of the
141 Mississippi Implied Consent Law, then the offender so convicted
142 may not be assigned to a community work center.

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

146 (a) The commissioner may extend the limits of
147 confinement of offenders serving sentences for violent or
148 nonviolent crimes who have six (6) months or less remaining before
149 release on parole, conditional release or discharge to participate
150 in the program. Parole violators may be allowed to participate in
151 the program.

152 (b) Any offender who is referred to the program shall
153 remain an offender of the department and shall be subject to rules
154 and regulations of the department pertaining to offenders of the
155 department until discharged or released on parole or conditional
156 release by the State Parole Board.

157 (c) The department shall require the offender to
158 participate in work or educational or vocational programs and
159 other activities that may be necessary for the supervision and
160 treatment of the offender.

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

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

169 (4) (a) The department may by rule or policy and procedure
170 provide the regimented inmate discipline program and pre-release
171 service for offenders at each of its major correctional
172 facilities: Mississippi State Penitentiary, Central Mississippi
173 Correctional Institution and South Mississippi Correctional
174 Institution.

175 (b) The commissioner may establish regimented inmate
176 discipline and pre-release programs at the South Mississippi
177 Correctional Institution. Offenders assigned to this facility may
178 receive the services provided by the regimented inmate discipline
179 program. The pre-release program may be located on the grounds of
180 this facility or another facility designated by the commissioner.

181 (5) The department may expand community work centers and
182 pre-release centers by twenty (20) beds at each site. The
183 department must use inmate labor to the maximum extent possible
184 for the expansion.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-5-138.1, MISSISSIPPI CODE OF 1972,
2 TO INCREASE FROM 10 DAYS TO 15 DAYS THE REDUCTION OF SENTENCE THAT
3 MAY BE AWARDED AS A TRUSTY TIME ALLOWANCE FOR EACH 30 DAYS OF
4 PARTICIPATION BY A TRUSTY IN AN APPROVED PROGRAM; TO PROVIDE THAT
5 CERTAIN OFFENDERS WHO ARE IN TRUSTY STATUS SHALL NOT BE ELIGIBLE
6 TO RECEIVE A TRUSTY TIME ALLOWANCE FOR A REDUCTION OF SENTENCE; TO
7 AMEND SECTION 47-5-1013, MISSISSIPPI CODE OF 1972, TO INCREASE THE
8 FEE FOR HOUSE ARREST PARTICIPANTS; TO AMEND SECTION 99-37-19,
9 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF
10 CORRECTIONS TO CONSTRUCT 3 RESTITUTION CENTERS UTILIZING INMATE

11 LABOR TO THE GREATEST EXTENT POSSIBLE; TO AMEND SECTION 47-5-110,
12 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF
13 CORRECTIONS TO ADD BEDS AT COMMUNITY WORK CENTERS AND PRE-RELEASE
14 CENTERS UTILIZING INMATE LABOR TO THE GREATEST EXTENT POSSIBLE;
15 AND FOR RELATED PURPOSES.