

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1189

By Senator(s) Committee

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

8 **SECTION 1.** Section 99-37-19, Mississippi Code of 1972, is
9 amended as follows:
10 99-37-19. The boards of supervisors of the several counties
11 and the governing authorities of municipalities are hereby
12 authorized to cooperate with the Department of Corrections in the
13 establishment of restitution centers. Such centers may house both
14 probationers referred by the circuit courts as well as inmates
15 transferred from other facilities of the Department of Corrections
16 as provided in Section 47-5-110. In order to qualify for
17 placement in a restitution center, an offender must: (a) be
18 convicted of a nonviolent offense that constitutes a felony, (b)
19 not be convicted of a sex crime, and (c) not have drug, alcohol,
20 emotional or physical problems so serious that the offender
21 appears unlikely to meet obligations of the restitution program.
22 Such centers shall be operated by the Department of Corrections.
23 County or municipal property may be utilized with the approval of
24 the board of supervisors or municipal governing authority for the
25 construction, renovation and maintenance of facilities owned by
26 the state or a local political subdivision. Such facility may be
27 leased to the Department of Corrections for a period of time for

28 use as a restitution center.

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

35 This section shall repeal from and after July 1, 2004.

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

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

63 executive officer of the affected unit of local government, the
64 commissioner may transfer a person detained in a local facility to
65 a state facility. The commissioner shall determine the cost of
66 care for that person to be borne by the unit of local government.

67 The commissioner may assign to a community work center, any
68 offender who is convicted under the Mississippi Implied Consent
69 Law and who is sentenced to the custody of the Department of
70 Corrections, except that if a death or a serious maiming has
71 occurred during the commission of the violation of the Mississippi
72 Implied Consent Law, then the offender so convicted may not be
73 assigned to a community work center.

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

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

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

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

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

96 (3) The commissioner shall have absolute immunity from
97 liability for any injury resulting from a determination by the

98 commissioner that an offender shall be allowed to participate in
99 the community pre-release program.

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

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

112 **SECTION 3.** This act shall take effect and be in force from
113 and after July 1, 2003, and stand repealed July 2, 2003.

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

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 PROVIDE FOR THE REPEAL OF THIS SECTION; TO
5 AMEND SECTION 47-5-110, MISSISSIPPI CODE OF 1972, IN CONFORMITY
6 THERETO; AND FOR RELATED PURPOSES.