

By: Representative Montgomery

To: Corrections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 670

1 AN ACT TO AMEND SECTION 47-7-9, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE PAROLE OFFICERS TO RETAIN ONE SIDEARM UPON RETIREMENT;  
3 AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 47-7-9, Mississippi Code of 1972, is  
6 amended as follows:

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

12 (2) (a) Division personnel shall investigate all cases  
13 referred to them for investigation by the board, the division or  
14 by any court in which they are authorized to serve. They shall  
15 furnish to each person released under their supervision a written  
16 statement of the conditions of probation, parole, earned-release  
17 supervision, post-release supervision or suspension and shall  
18 instruct him regarding the same. They shall keep informed  
19 concerning the conduct and conditions of persons under their  
20 supervision and use all suitable methods to aid and encourage them  
21 and to bring about improvements in their conduct and condition.  
22 They shall keep detailed records of their work and shall make such  
23 reports in writing as the court or the board may require.

24 (b) The division personnel duly assigned to court  
25 districts are hereby vested with all the powers of police officers  
26 or sheriffs to make arrests or perform any other duties required  
27 of policemen or sheriffs which may be incident to the division

28 personnel responsibilities. All probation and parole officers  
29 hired on or after July 1, 1994, will be placed in the Law  
30 Enforcement Officers' Training Program and will be required to  
31 meet the standards outlined by that program. Probation and parole  
32 officers who retire under any state retirement system within the  
33 State of Mississippi or any state-approved retirement system are  
34 authorized to retain as personal property one (1) sidearm which  
35 was issued to him by the agency from which he or she retired.

36 (c) It is the intention of the Legislature that insofar  
37 as practicable the case load of each division personnel  
38 supervising offenders in the community (hereinafter field  
39 supervisor) shall not exceed the number of cases that may be  
40 adequately handled.

41 (3) (a) Division personnel shall be provided to perform  
42 investigation for the court as provided in this subsection.  
43 Division personnel shall conduct presentence investigations on all  
44 persons convicted of a felony in any circuit court of the state,  
45 prior to sentencing and at the request of the circuit court judge  
46 of the court of conviction. The presentence evaluation report  
47 shall consist of a complete record of the offender's criminal  
48 history, educational level, employment history, psychological  
49 condition and such other information as the department or judge  
50 may deem necessary. Division personnel shall also prepare written  
51 victim impact statements at the request of the sentencing judge as  
52 provided in Section 99-19-157.

53 (b) In order that offenders in the custody of the  
54 department on July 1, 1976, may benefit from the kind of  
55 evaluations authorized in this section, an evaluation report to  
56 consist of the information required hereinabove, supplemented by  
57 an examination of an offender's record while in custody, shall be  
58 compiled by the division upon all offenders in the custody of the  
59 department on July 1, 1976. After a study of such reports by the  
60 State Parole Board those cases which the board believes would

61 merit some type of executive clemency shall be submitted by the  
62 board to the Governor with its recommendation for the appropriate  
63 executive action.

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

66 **SECTION 2.** This act shall take effect and be in force from  
67 and after July 1, 2004.