

By: Representative Malone

To: Corrections

HOUSE BILL NO. 900

1 AN ACT TO AMEND SECTION 47-5-103, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE DESIGNEE OR DESIGNEES OF THE COMMISSIONER OF  
3 CORRECTIONS SHALL APPROVE OR DISAPPROVE EACH CLASSIFICATION MADE  
4 BY THE CLASSIFICATION HEARING OFFICER; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-5-103, Mississippi Code of 1972, is  
7 amended as follows:

8 47-5-103. (1) The classification hearing officer shall be  
9 responsible for assigning a classification to each offender within  
10 forty (40) days after the offender's commitment to the custody of  
11 the department. The classification shall determine the offender's  
12 work duties, living quarters, educational, vocational or other  
13 rehabilitation programs, and privileges to be accorded the  
14 offender while in custody of the department. The classification  
15 hearing officer, in assigning classifications, shall consider the  
16 offender's age, offense and surrounding circumstances, the  
17 complete record of the offender's criminal history including  
18 records of law enforcement agencies or of a youth court regarding  
19 that offender's juvenile criminal history, family background,  
20 education, practical or employment experience, interests and  
21 abilities as evidenced by mental and psychological examination and  
22 knowledge obtained by the classification hearing officer in  
23 personal interview with the offender. The classification hearing  
24 officer shall use the above criteria to assign each offender a  
25 classification which will serve and enhance the best interests and  
26 general welfare of the offender. The designee or designees of the  
27 commissioner shall approve or disapprove each classification. The  
28 classification hearing officer shall provide the State Parole

29 Board with a copy of the classification assigned to each offender  
30 in the custody of the department who is eligible for parole.

31 (2) The classification board, consisting of the  
32 commissioner, or his designee, deputy commissioner of institutions  
33 and the director of offender services may change an action of the  
34 classification or disciplinary hearing officer if the board makes  
35 a determination that the action of the hearing officer was not  
36 supported by sufficient factual information. The commissioner, in  
37 emergency situations, may suspend the classification of an  
38 offender or offenders for a period of not exceeding fifteen (15)  
39 days to relieve the emergency situation. The classification of  
40 each offender may be reviewed by a classification hearing officer  
41 at least once each year. In no case shall an offender serve as a  
42 servant in the home of any employee other than authorized by the  
43 commissioner.

44 (3) The classification board shall establish substantive and  
45 procedural rules and regulations governing the assignment and  
46 alteration of inmate classifications, and shall make such rules  
47 and regulations available to any offender upon request.

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