MISSISSIPPI LEGISLATURE REGULAR SESSION 2004

By: Representative Malone

To: Corrections

HOUSE BILL NO. 900

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

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

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

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

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

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

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

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