

By: Representative Montgomery

To: Corrections

HOUSE BILL NO. 235

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 or her by the agency from which he or she
36 retired.

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

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

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

61 State Parole Board those cases which the board believes would
62 merit some type of executive clemency shall be submitted by the
63 board to the Governor with its recommendation for the appropriate
64 executive action.

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

67 **SECTION 2.** This act shall take effect and be in force from
68 and after July 1, 2005.