

By: Representative Malone

To: Corrections

HOUSE BILL NO. 435

1 AN ACT TO AMEND SECTION 47-5-110, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES THAT ANY COMMITMENTS TO ANY INSTITUTION OR FACILITY
3 WITHIN THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS SHALL BE
4 TO THE DEPARTMENT OF CORRECTIONS AND AUTHORIZES THE DEPARTMENT TO
5 ESTABLISH A COMMUNITY PRERELEASE PROGRAM; TO EXTEND THE DATE OF
6 REPEAL ON THIS SECTION FROM JULY 1, 2007, TO JULY 1, 2008; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-5-110, Mississippi Code of 1972, is
10 amended as follows:

11 47-5-110. (1) Commitment to any institution or facility
12 within the jurisdiction of the department shall be to the
13 department, not to a particular institution or facility. The
14 commissioner shall assign a newly committed offender to an
15 appropriate facility consistent with public safety; provided,
16 however, that any offender who, in the opinion of the sentencing
17 judge, requires confinement in a maximum security unit shall be
18 assigned, upon initial commitment, to the Parchman facility. The
19 commissioner may extend the place of confinement of eligible
20 offenders as provided under subsection (2) of this section. He
21 may transfer an offender from one institution to another,
22 consistent with the commitment and in accordance with treatment,
23 training and security needs. The commissioner shall have the
24 authority to transfer inmates from the various correctional
25 facilities of the department to restitution centers if such
26 inmates meet the qualifications prescribed in Section 99-37-19.
27 The commissioner shall prepare appropriate standards of
28 eligibility for such transfers of offenders from one institution
29 to another institution and transfers of offenders who meet the

30 qualifications for placement in restitution centers. The
31 commissioner shall have the authority to remove the offenders from
32 restitution centers and to transfer them to other facilities of
33 the department. The commissioner shall obtain the approval of the
34 sentencing court before transferring an offender committed to the
35 department to a restitution center. On the request of the chief
36 executive officer of the affected unit of local government, the
37 commissioner may transfer a person detained in a local facility to
38 a state facility. The commissioner shall determine the cost of
39 care for that person to be borne by the unit of local government.
40 The commissioner may assign to a community work center, any
41 offender who is convicted under the Mississippi Implied Consent
42 Law and who is sentenced to the custody of the Department of
43 Corrections, except that if a death or a serious maiming has
44 occurred during the commission of the violation of the Mississippi
45 Implied Consent Law, then the offender so convicted may not be
46 assigned to a community work center.

47 (2) The department may establish by rule or policy and
48 procedure a community prerelease program which shall be subject to
49 the following requirements:

50 (a) The commissioner may extend the limits of
51 confinement of offenders serving sentences for violent or
52 nonviolent crimes who have six (6) months or less remaining before
53 release on parole, conditional release or discharge to participate
54 in the program. Parole violators may be allowed to participate in
55 the program.

56 (b) Any offender who is referred to the program shall
57 remain an offender of the department and shall be subject to rules
58 and regulations of the department pertaining to offenders of the
59 department until discharged or released on parole or conditional
60 release by the State Parole Board.

61 (c) The department shall require the offender to
62 participate in work or educational or vocational programs and

63 other activities that may be necessary for the supervision and
64 treatment of the offender.

65 (d) An offender assigned to the program shall be
66 authorized to leave a community prerelease center only for the
67 purpose and time necessary to participate in the program and
68 activities authorized in paragraph (c) of this subsection.

69 (3) The commissioner shall have absolute immunity from
70 liability for any injury resulting from a determination by the
71 commissioner that an offender shall be allowed to participate in
72 the community prerelease program.

73 (4) (a) The department may by rule or policy and procedure
74 provide the regimented inmate discipline program and prerelease
75 service for offenders at each of its major correctional
76 facilities: Mississippi State Penitentiary, Central Mississippi
77 Correctional Institution and South Mississippi Correctional
78 Institution.

79 (b) The commissioner may establish regimented inmate
80 discipline and prerelease programs at the South Mississippi
81 Correctional Institution. Offenders assigned to this facility may
82 receive the services provided by the regimented inmate discipline
83 program. The prerelease program may be located on the grounds of
84 this facility or another facility designated by the commissioner.

85 (5) This section shall stand repealed on July 1, 2008.

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2007.