

By: Representative Malone

To: Corrections

HOUSE BILL NO. 436

1 AN ACT TO AMEND SECTION 47-5-103, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO HOUSE ANY
3 CLASSIFICATION OF OFFENDERS AT ANY PRIVATE PRISON; AND FOR RELATED
4 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. Any
31 custody of offender may be housed at any private prison.

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

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

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