

By: Representatives Kinkade, Hale

To: Corrections

HOUSE BILL NO. 106

1 AN ACT TO AMEND SECTION 47-7-38, MISSISSIPPI CODE OF 1972, TO  
2 STRIKE THE REFERENCE THAT AN ARREST OF AN OFFENDER IS A TECHNICAL  
3 VIOLATION WHEN SUCH OFFENDER COMMITS A NEW CRIMINAL OFFENSE WHILE  
4 ON POST-RELEASE SUPERVISION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-7-38, Mississippi Code of 1972, is  
7 amended as follows:

8 47-7-38. (1) The department shall have the authority to  
9 impose graduated sanctions as an alternative to judicial  
10 modification or revocation, as provided in Sections 47-7-27 and  
11 47-7-37, for offenders on probation, parole, or post-release  
12 supervision who commit technical violations of the conditions of  
13 supervision as defined by Section 47-7-2.

14 (2) The commissioner shall develop a standardized graduated  
15 sanctions system, which shall include a grid to guide field  
16 officers in determining the suitable response to a technical  
17 violation. The commissioner shall promulgate rules and  
18 regulations for the development and application of the system of



19 sanctions. Field officers shall be required to conform to the  
20 sanction grid developed.

21 (3) The system of sanctions shall include a list of  
22 sanctions for the most common types of violations. When  
23 determining the sanction to impose, the field officer shall take  
24 into account the offender's assessed risk level, previous  
25 violations and sanctions, and severity of the current and prior  
26 violations.

27 (4) Field officers shall notify the sentencing court when a  
28 probationer has committed a technical violation or the parole  
29 board when a parolee has committed a technical violation of the  
30 type of violation and the sanction imposed. When the \* \* \*  
31 offender is arrested for a new criminal offense, the field officer  
32 shall notify the court within forty-eight (48) hours of becoming  
33 aware of the arrest.

34 (5) The graduated sanctions that the department may impose  
35 include, but shall not be limited to:

- 36 (a) Verbal warnings;
- 37 (b) Increased reporting;
- 38 (c) Increased drug and alcohol testing;
- 39 (d) Mandatory substance abuse treatment;
- 40 (e) Loss of earned-discharge credits; and
- 41 (f) Incarceration in a county jail for no more than two  
42 (2) days. Incarceration as a sanction shall not be used more than



43 two (2) times per month for a total period incarcerated of no more  
44 than four (4) days.

45 (6) The system shall also define positive reinforcements  
46 that offenders will receive for compliance with conditions of  
47 supervision. These positive reinforcements shall include, but not  
48 limited to:

49 (a) Verbal recognition;

50 (b) Reduced reporting; and

51 (c) Credits for earned\_discharge which shall be awarded  
52 pursuant to Section 70 of this act.

53 (7) The Department of Corrections shall provide semiannually  
54 to the Oversight Task Force the number and percentage of offenders  
55 who have one or more violations during the year, the average  
56 number of violations per offender during the year and the total  
57 and average number of incarceration sanctions as defined in  
58 subsection (5) of this section imposed during the year.

59 **SECTION 2.** This act shall take effect and be in force from  
60 and after July 1, 2016.

