

By: Senator(s) Wiggins

To: Highways and  
Transportation

SENATE BILL NO. 2526

1 AN ACT TO PROVIDE FOR A SIX-MONTH PROVISIONAL DRIVER'S  
 2 LICENSE ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY TO AN APPLICANT  
 3 WHO HAS BEEN RELEASED FROM INCARCERATION AFTER SERVING A MINIMUM  
 4 OF ONE YEAR AND HIS LICENSE HAS BEEN SUSPENDED, REVOKED OR  
 5 CANCELLED FOR ANY REASON; TO PROVIDE CERTAIN REQUIREMENTS AND  
 6 CERTAIN DISQUALIFICATIONS; TO DIRECT THE MISSISSIPPI DEPARTMENT OF  
 7 CORRECTIONS TO IDENTIFY ELIGIBLE PERSONS TO APPLY FOR A  
 8 PROVISIONAL DRIVER'S LICENSE; TO AMEND SECTIONS 47-5-157 AND  
 9 47-7-33.1, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR  
 10 RELATED PURPOSES.

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

12 **SECTION 1.** (1) The Mississippi Department of Public Safety  
 13 shall issue a provisional driver's license to a person who is  
 14 released from incarceration after serving a minimum of one (1)  
 15 year and whose driver's license will be or is suspended, revoked  
 16 or cancelled for any reason upon his release, subject to the  
 17 provisions of this section. The provisional license issued  
 18 pursuant to this section shall be valid for six (6) months from  
 19 the date of issuance. The holder of the provisional license  
 20 issued pursuant to this section shall have six (6) months from the  
 21 date of issuance to clear his or her driving record of any



22 suspensions, revocations or cancellations in order to be eligible  
23 for a regular operators driver's license.

24 (2) The provisions of this section shall not apply to any  
25 type of commercial operator's license.

26 (3) The provisions of this section shall not apply in the  
27 following circumstances:

28 (a) When a person was imprisoned for vehicular  
29 homicide, or a third or subsequent violation of any other law that  
30 prohibits operating a vehicle while intoxicated or under the  
31 influence of alcohol or drugs; or

32 (b) When a person's driver's license has been  
33 suspended, revoked or cancelled pursuant to a report of conviction  
34 received pursuant to Article III of the Driver License Compact.

35 (4) The Mississippi Department of Corrections shall identify  
36 eligible persons to apply for a provisional driver's license under  
37 this section. An "eligible person" means a person who (a) is  
38 within one hundred eighty (180) days of release from custody of  
39 the Mississippi Department of Corrections or any other residential  
40 or release program approved by the department, or (b) if a person  
41 is on probation or parole and has been released from custody  
42 within the previous six (6) months.

43 (5) The provisional license issued under the provisions of  
44 this section shall permit the holder to drive a motor vehicle  
45 directly to and directly home from his or her residence and (a) a  
46 place where he or she is employed or a potential place of



47 employment, (b) a place where he or she or his or her minor child  
48 attends school or day care, (c) a scheduled meeting with his or  
49 her probation or parole officer or other supervisor, (d) any  
50 place, location or meeting that the person's probation or parole  
51 officer has directed the person to travel to or attend, or (e)  
52 church or Sunday School.

53 (6) The Department of Public Safety may revoke the  
54 provisional license if the holder commits an act or omission that  
55 causes the community supervision or parole of the holder of the  
56 provisional license to be revoked. The probation or parole  
57 officer shall notify the department if the supervision or parole  
58 status has been revoked. The court shall notify the department if  
59 the holder of a provisional license is charged with a new felony  
60 or any moving traffic violation. If the department revokes a  
61 provisional license issued pursuant to this section, the holder  
62 shall not be entitled to receive another provisional license.

63 (7) The Department of Public Safety shall defer payment of  
64 all fees, penalties and charges relating to the driver's license  
65 of the applicant for a provisional license under this section that  
66 are incurred prior to or during the term of incarceration and owed  
67 by the applicant to the department. There shall be no charge to  
68 the applicant for the issue of a provisional license. If the  
69 holder of a provisional license issued pursuant to this section  
70 qualifies for full and unrestricted driving privileges at the end  
71 of the term of the provisional license, the department shall issue



72 a standard driver's license upon the collection of the standard  
73 fees and handling charges and shall waive all other fees,  
74 penalties and charges authorized by law prior to the issuance of  
75 the provisional driver's license pursuant to this section.

76 **SECTION 2.** Section 47-5-157, Mississippi Code of 1972, is  
77 amended as follows:

78 47-5-157. When an offender is entitled to a discharge from  
79 the custody of the department, or is released therefrom on parole,  
80 pardon, or otherwise, the commissioner or his designee shall  
81 prepare and deliver to him a written discharge or release, as the  
82 case may be, dated and signed by him with seal annexed, giving the  
83 offender's name, the name of the offense or offenses for which he  
84 was convicted, the term of sentence imposed and the date thereof,  
85 the county in which he was sentenced, the amount of commutation  
86 received, if any, the trade he has learned, if any, his  
87 proficiency in same, and such description of the offender as may  
88 be practicable and the discharge plan developed as required by  
89 law. At least fifteen (15) days prior to the release of an  
90 offender as described herein, the director of records of the  
91 department shall give the written notice which is required  
92 pursuant to Section 47-5-177. The offender shall be furnished, if  
93 needed, suitable civilian clothes, a Mississippi provisional  
94 driver's license issued pursuant to the provisions of this  
95 section, a regular driver's license if the offender is eligible,  
96 or a state identification card that is not a department-issued



97 identification card and all money held to his credit by any  
98 official of the correctional system shall be delivered to him.

99 The amount of money which an offender is entitled to receive  
100 from the State of Mississippi when he is discharged from the state  
101 correctional system shall be determined as follows:

102 (a) If he has continuously served his sentence in one  
103 (1) year or less flat time, he shall be given \* \* \* Twenty-five  
104 Dollars (\$25.00).

105 (b) If he has served his sentence in more than one (1)  
106 year flat time and in less than ten (10) years flat time, he shall  
107 be given \* \* \* Thirty-five Dollars (\$35.00).

108 (c) If he has continuously served his sentence in ten  
109 (10) or more years flat time, he shall be given Seventy-five  
110 Dollars (\$75.00).

111 (d) If he has continuously served his sentence in  
112 twenty (20) or more years flat time, he shall be given \* \* \* One  
113 Hundred Fifty Dollars (\$150.00).

114 There shall be given in addition to the above specified  
115 monies in subsections (a), (b), (c) and (d), a bus ticket to the  
116 county of conviction or to a state line of Mississippi.

117 **SECTION 3.** Section 47-7-33.1, Mississippi Code of 1972, is  
118 amended as follows:

119 47-7-33.1. (1) The department shall create a discharge plan  
120 for any offender returning to the community, regardless of whether  
121 the person will discharge from the custody of the department, or



122 is released on parole, pardon, or otherwise. At least ninety (90)  
123 days prior to an offender's earliest release date, the  
124 commissioner shall conduct a pre-release assessment and complete a  
125 written discharge plan based on the assessment results. The  
126 discharge plan for parole eligible offenders shall be sent to the  
127 parole board at least thirty (30) days prior to the offender's  
128 parole eligibility date for approval. The board may suggest  
129 changes to the plan that it deems necessary to ensure a successful  
130 transition.

131 (2) The pre-release assessment shall identify whether an  
132 inmate requires assistance obtaining the following basic needs  
133 upon release: transportation, clothing and food, financial  
134 resources, identification documents, housing, employment,  
135 education, health care and support systems. The discharge plan  
136 shall include information necessary to address these needs and the  
137 steps being taken by the department to assist in this process.  
138 Based on the findings of the assessment, the commissioner shall:

139 (a) Arrange transportation for inmates from the  
140 correctional facility to their release destination;

141 (b) Ensure inmates have clean, seasonally appropriate  
142 clothing, and provide inmates with a list of food providers and  
143 other basic resources immediately accessible upon release;

144 (c) Ensure inmates have a provisional driver's license  
145 issued pursuant to this act, a regular driver's license if



146 eligible, or a state-issued identification card that is not a  
147 Department of Corrections identification card;

148 (d) Assist inmates in identifying safe, affordable  
149 housing upon release. If accommodations are not available,  
150 determine whether temporary housing is available for at least ten  
151 (10) days after release. If temporary housing is not available,  
152 the discharge plan shall reflect that satisfactory housing has not  
153 been established and the person may be a candidate for  
154 transitional reentry center placement;

155 (e) Refer inmates without secured employment to  
156 employment opportunities;

157 (f) Provide inmates with contact information of a  
158 health care facility/provider in the community in which they plan  
159 to reside;

160 (g) Notify family members of the release date and  
161 release plan, if the inmate agrees; and

162 (h) Refer inmates to a community or a faith-based  
163 organization that can offer support within the first twenty-four  
164 (24) hours of release \* \* \*.

165 (3) A written discharge plan shall be provided to the  
166 offender and supervising probation officer or parole officer, if  
167 applicable.

168 (4) A discharge plan created for a parole-eligible offender  
169 shall also include supervision conditions and the intensity of  
170 supervision based on the assessed risk to recidivate and whether



171 there is a need for transitional housing. The board shall approve  
172 discharge plans before an offender is released on parole pursuant  
173 to this chapter.

174           **SECTION 4.** This act shall take effect and be in force from  
175 and after July 1, 2020.

