

By: Senator(s) Wiggins

To: Corrections;
Appropriations

SENATE BILL NO. 2743

1 AN ACT RELATING TO THE CORRECTIONAL SYSTEM OF THE STATE OF
2 MISSISSIPPI; TO ESTABLISH A MISSISSIPPI DEPARTMENT OF REENTRY AND
3 SUPERVISION AND PRESCRIBE ITS POWERS AND DUTIES; TO ESTABLISH THE
4 POSITION OF DIRECTOR OF REENTRY AND SUPERVISION WHO SHALL BE THE
5 CHIEF ADMINISTRATIVE OFFICER OF THE DEPARTMENT; TO TRANSFER THE
6 FUNCTIONS AND EMPLOYEES OF THE DIVISION OF COMMUNITY CORRECTIONS
7 OF THE DEPARTMENT OF CORRECTIONS TO THE MISSISSIPPI DEPARTMENT OF
8 REENTRY AND SUPERVISION; TO PROVIDE FOR A TRANSITION PLAN AND PEER
9 REVIEW; TO AMEND SECTIONS 47-5-8, 47-5-10, 47-5-1001, 47-5-1003,
10 47-5-1005, 47-5-1007, 47-5-1009, 47-5-1011, 47-5-1013, 47-5-1014,
11 47-5-110, 47-5-138, 47-5-20, 47-5-24, 47-5-26, 47-5-28, 47-5-601,
12 47-5-603, 47-5-605, 47-7-2, 47-7-3, 47-7-3.1, 47-7-3.2, 47-7-4,
13 47-7-5, 47-7-6, 47-7-9, 47-7-13, 47-7-17, 47-7-18, 47-7-19,
14 47-7-21, 47-7-23, 47-7-25, 47-7-27, 47-7-29, 47-7-33, 47-7-33.1,
15 47-7-34, 47-7-35, 47-7-36, 47-7-37, 47-7-37.1, 47-7-38, 47-7-38.1,
16 47-7-39, 47-7-40, 47-7-41, 47-7-43, 47-7-47 AND 41-7-101,
17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO CODIFY SECTION
18 47-5-36, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE OFFICE OF THE
19 DEPARTMENT OF CORRECTIONS OMBUDSMAN AND PRESCRIBE ITS POWERS AND
20 DUTIES; TO PROVIDE FOR A CORRECTIONS OVERSIGHT COMMITTEE; TO
21 PROVIDE INSPECTION AUTHORITY FOR THE OFFICE OF OMBUDSMAN; TO
22 PROVIDE COMPLAINT INVESTIGATION AUTHORITY; TO PROVIDE FOR AN
23 ANNUAL REPORT; TO CODIFY SECTION 47-5-36.1, MISSISSIPPI CODE OF
24 1972, TO PROVIDE FOR AN INMATE AND FAMILY ADVOCACY AND SUPPORT
25 SERVICES ONLINE FORM AS A FUNCTION OF THE OFFICE OF OMBUDSMAN; TO
26 AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
27 CERTAIN OFFENDER SUPERVISION FEES SHALL BE DEPOSITED INTO THE
28 STATE GENERAL FUND; AND FOR RELATED PURPOSES.

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

30 **SECTION 1. Department of Reentry and Supervision; creation;**
31 **director; powers and duties; implementation plan; transfer of**



32 **programs and services; review of programs.** (1) There is hereby
33 created a Mississippi Department of Reentry and Supervision.

34 (2) The Chief Administrative Officer of the Department of
35 Reentry and Supervision shall be the Director of Reentry and
36 Supervision who shall be appointed by the Governor with the advice
37 and consent of the Senate. The director shall possess the
38 following qualifications:

39 (a) A bachelor's degree from an accredited institution
40 of higher learning and ten (10) years' experience in management,
41 public administration, law, or criminal justice; or

42 (b) A master's or doctoral degree from an accredited
43 institution of higher learning and five (5) years' experience in
44 management, public administration, law or criminal justice.

45 (3) The Department of Reentry and Supervision shall be a
46 state agency independent of the Department of Corrections. On a
47 temporary basis, but for no longer than March 1, 2021, the
48 Department of Reentry and Supervision may function as a Division
49 of the Department of Corrections.

50 (4) The Director of Reentry and Supervision and the
51 Commissioner of the Department of Corrections shall develop and
52 implement a plan for the orderly establishment of the Department
53 of Reentry and Supervision and its transition from the Division of
54 Community Corrections of the Department of Corrections. The plan
55 shall:



56 (a) Describe a mechanism for the transfer of any
57 equipment, supplies, records, furnishings or other materials,
58 resources or funds dedicated to the operation of the Division of
59 Community Corrections of the Department of Corrections, which may
60 be useful to the Department of Reentry and Supervision;

61 (b) Determine the allocation of resources between the
62 newly created Department of Reentry and Supervision and the
63 Department of Corrections, as practicable;

64 (c) Determine the allocation of functions where the
65 performance of services may be shared between the Department of
66 Reentry and Supervision and other employees of the Department of
67 Corrections, as practicable;

68 (d) Determine whether any administrative support
69 services, such as Information Technology Services, bookkeeping and
70 payroll, can continue to be provided by the Department of
71 Corrections; and

72 (e) Identify other areas deemed relevant by the
73 Director and the Commissioner and make recommendations thereon to
74 achieve an orderly transition.

75 (5) The Director of Reentry and Supervision and the
76 Commissioner of the Department of Corrections shall recommend any
77 necessary legislation to the Governor and the Legislature before
78 the 2021 Regular Session.

79 (6) The new Mississippi Department of Reentry and
80 Supervision is authorized to carry out the duties and



81 responsibilities of the Division of Community Corrections of the
82 Department Corrections during the transition period from and after
83 passage of this act through July 1, 2021. The Division of
84 Community Corrections of the Department of Corrections is directed
85 to cooperate with the new department in transferring resources and
86 employees in furtherance of this act. From and after July 1,
87 2020, the programs and services provided by the Division of
88 Community Corrections of the Department of Corrections under the
89 following statutes shall be provided by the Department of Reentry
90 and Supervision: Sections 47-5-8, 47-5-10, 47-5-1001, 47-5-1003,
91 47-5-1005, 47-5-1007, 47-5-1009, 47-5-1011, 47-5-1013, 47-5-1014,
92 47-5-110, 47-5-138, 47-5-20, 47-5-24, 47-5-26, 47-5-28, 47-5-601,
93 47-5-603, 47-5-605, 47-7-2, 47-7-3, 47-7-4, 47-7-3.1, 47-7-3.2,
94 47-7-5, 47-7-6, 47-7-9, 47-7-13, 47-7-17, 47-7-18, 47-7-19,
95 47-7-21, 47-7-23, 47-7-25, 47-7-27, 47-7-29, 47-7-33, 47-7-33.1,
96 47-7-34, 47-7-35, 47-7-36, 47-7-37, 47-7-37.1, 47-7-38, 47-7-38.1,
97 47-7-39, 47-7-40, 47-7-41, 47-7-43, 47-7-47, 47-7-49 and 47-7-101,
98 Mississippi Code of 1972.

99 (7) The PEER Committee shall review the programs or program
100 of the Mississippi Department of Reentry and Supervision,
101 beginning with fiscal year 2021 and each year thereafter. PEER
102 shall submit this review to the Chair of the Senate Corrections
103 Committee, the Chair of the Senate Appropriations Committee, the
104 Chair of the House Corrections Committee, the Chair of the House
105 Appropriations Committee, the Lieutenant Governor, the Speaker of



106 the House of Representatives, and the Governor by December 1 of
107 each year. The review shall consist of the following:

108 (a) A review of the effectiveness of any program of the
109 department for which appropriated outcome measures have been
110 established;

111 (b) Caseloads for supervision agents for each county or
112 another appropriate geographic area;

113 (c) Recidivism rates of people supervised by the
114 department;

115 (d) Sources and uses of department funding; and

116 (e) Any other matters that the PEER Committee considers
117 to be pertinent to the performance of agency programs.

118 **SECTION 2.** Section 47-5-8, Mississippi Code of 1972, is
119 amended as follows:

120 47-5-8. (1) There is created the Mississippi Department of
121 Corrections, which shall be under the policy direction of the
122 Governor. The chief administrative officer of the department
123 shall be the Commissioner of Corrections.

124 (2) (a) There shall be a Division of Administration and
125 Finance within the department, which shall have as its chief
126 administrative officer a Deputy Commissioner for Administration
127 and Finance who shall be appointed by the commissioner, and shall
128 be directly responsible to the commissioner.

129 (b) * * * On July 1, 2021, the powers, functions,
130 employees, real and personal property, records, equipment,



131 resources and unexpended balances of the Division of Community
132 Corrections of the department shall be transferred to the
133 Mississippi Department of Reentry and Supervision pursuant to the
134 provisions of Section 1 of this act. The Probation and Parole
135 Board shall continue to exercise the authority as provided by law,
136 but after July 1, * * * 2021, the * * * Department of Reentry and
137 Supervision shall serve as the administrative agency for the
138 Probation and Parole Board.

139 (3) Subject to the provisions of Section 1 of this act, the
140 department shall succeed to the exclusive control of all records,
141 books, papers, equipment and supplies, and all lands, buildings
142 and other real and personal property now or hereafter belonging to
143 or assigned to the use and benefit or under the control of the
144 Mississippi State Penitentiary and the Mississippi Probation and
145 Parole Board, except the records of parole process and revocation
146 and legal matters related thereto, and shall have the exercise and
147 control of the use, distribution and disbursement of all funds,
148 appropriations and taxes now or hereafter in possession, levied,
149 collected or received or appropriated for the use, benefit,
150 support and maintenance of these two (2) agencies except as
151 otherwise provided by law, and the department shall have general
152 supervision of all the affairs of the two (2) agencies herein
153 named except as otherwise provided by law, and the care and
154 conduct of all buildings and grounds, business methods and
155 arrangements of accounts and records, the organization of the



156 administrative plans of each institution, and all other matters
157 incident to the proper functioning of the two (2) agencies.

158 (4) The commissioner may lease the lands for oil, gas,
159 mineral exploration and other purposes, and contract with other
160 state agencies for the proper management of lands under such
161 leases or for the provision of other services, and the proceeds
162 thereof shall be paid into the General Fund of the state.

163 **SECTION 3.** Section 47-5-10, Mississippi Code of 1972, is
164 amended as follows:

165 47-5-10. Subject to the provisions of Section 1 of this act,
166 the department shall have the following powers and duties:

167 (a) To accept adult offenders committed to it by the
168 courts of this state for incarceration, care, custody, treatment
169 and rehabilitation;

170 (b) To provide for the care, custody, study, training,
171 supervision and treatment of adult offenders committed to the
172 department;

173 (c) To maintain, administer and exercise executive and
174 administrative supervision over all state correctional
175 institutions and facilities used for the custody, training, care,
176 treatment and after-care supervision of adult offenders committed
177 to the department; provided, however, that such supervision shall
178 not extend to any institution or facility for which executive and
179 administrative supervision has been provided by law through
180 another agency;



181 (d) To plan, develop and coordinate a statewide,
182 comprehensive correctional program designed to train and
183 rehabilitate offenders in order to prevent, control and retard
184 recidivism;

185 (e) To maintain records of persons committed to it, and
186 to establish programs of research, statistics and planning:

187 (i) An offender's records shall include a single
188 cover sheet that contains the following information about the
189 offender: name, including any aliases; department inmate number;
190 social security number; photograph; court of conviction; cause
191 number; date of conviction; date of sentence; total number of days
192 in the department's custody or number of days creditable toward
193 time served on each charge; date of actual custody; and date of
194 any revocation of a suspended sentence;

195 (ii) The department shall maintain an offender's
196 cover sheet in the course of its regularly conducted business
197 activities and shall include an offender's cover sheet in each
198 request from a court, prosecutor or law enforcement agency for a
199 summary of an offender's records with the department, also known
200 as a "pen-pack." The cover sheet shall conform to Rules 803(6)
201 and 803(8) of the Mississippi Rules of Evidence for admission as
202 an exception to the hearsay rule and may be admissible when
203 properly authenticated according to evidentiary rules and when
204 offered for the purpose of enhanced sentencing under Section
205 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and



206 (iii) This subsection is not intended to conflict
207 with an offender's right of confrontation in criminal proceedings
208 under the state or federal constitution;

209 (f) To investigate the grievances of any person
210 committed to the department, and to inquire into any alleged
211 misconduct by employees; and for this purpose it may issue
212 subpoenas and compel the attendance of witnesses and the
213 production of writings and papers, and may examine under oath any
214 witnesses who may appear before it;

215 (g) To administer programs of training and development
216 of personnel of the department;

217 (h) To develop and implement diversified programs and
218 facilities to promote, enhance, provide and assure the
219 opportunities for the successful custody, training and treatment
220 of adult offenders properly committed to the department or
221 confined in any facility under its control. Such programs and
222 facilities may include, but not be limited to, institutions, group
223 homes, halfway houses, diagnostic centers, work and educational
224 release centers, technical violation centers, restitution centers,
225 counseling and supervision of probation, parole, suspension and
226 compact cases, presentence investigating and other state and local
227 community-based programs and facilities;

228 (i) To receive, hold and use, as a corporate body, any
229 real, personal and mixed property donated to the department, and



230 any other corporate authority as shall be necessary for the
231 operation of any facility at present or hereafter;

232 (j) To provide those personnel, facilities, programs
233 and services the department shall find necessary in the operation
234 of a modern correctional system for the custody, care, study and
235 treatment of adult offenders placed under its jurisdiction by the
236 courts and other agencies in accordance with law;

237 (k) To develop the capacity and administrative network
238 necessary to deliver advisory consultation and technical
239 assistance to units of local government for the purpose of
240 assisting them in developing model local correctional programs for
241 adult offenders;

242 (l) To cooperate with other departments and agencies
243 and with local communities for the development of standards and
244 programs for better correctional services in this state;

245 (m) To administer all monies and properties of the
246 department;

247 (n) To report annually to the Legislature and the
248 Governor on the committed persons, institutions and programs of
249 the department;

250 (o) To cooperate with the courts and with public and
251 private agencies and officials to assist in attaining the purposes
252 of this chapter and Chapter 7 of this title. The department may
253 enter into agreements and contracts with other departments of
254 federal, state or local government and with private agencies



255 concerning the discharge of its responsibilities or theirs. The
256 department shall have the authority to accept and expend or use
257 gifts, grants and subsidies from public and private sources;

258 (p) To make all rules and regulations and exercise all
259 powers and duties vested by law in the department;

260 (q) The department may require a search of all persons
261 entering the grounds and facilities at the correctional system;

262 (r) To submit, in a timely manner, to the Oversight
263 Task Force established in Section 47-5-6 any reports required by
264 law or regulation or requested by the task force.

265 (s) To discharge any other power or duty imposed or
266 established by law.

267 From and after July 1, 2021, the Mississippi Department of
268 Reentry and Supervision shall perform the functions of the
269 Division of Community Corrections pursuant to Section 1 of this
270 act.

271 **SECTION 4.** Section 47-5-1001, Mississippi Code of 1972, is
272 amended as follows:

273 47-5-1001. For purposes of Sections 47-5-1001 through
274 47-5-1015, the following words shall have the meaning ascribed
275 herein unless the context shall otherwise require:

276 (a) "Approved electronic monitoring device" means a
277 device approved by the department which is primarily intended to
278 record and transmit information regarding the offender's presence
279 or nonpresence in the home.



280 (b) "Correctional field officer" means the supervising
281 probation and parole officer in charge of supervising the
282 offender.

283 (c) "Court" means a circuit court having jurisdiction
284 to place an offender into the intensive supervision program.

285 (d) "Department" means the Department of Corrections.

286 (e) "House arrest" means the confinement of a person
287 convicted or charged with a crime to his place of residence under
288 the terms and conditions established by the department or court.

289 (f) "Operating capacity" means the total number of
290 state offenders which can be safely and reasonably housed in
291 facilities operated by the department and in local or county jails
292 or other facilities authorized to house state offenders as
293 certified by the department, subject to applicable federal and
294 state laws and rules and regulations.

295 (g) "Participant" means an offender placed into an
296 intensive supervision program.

297 From and after July 1, 2021, the Mississippi Department of
298 Reentry and Supervision shall perform the functions of the
299 Division of Community Corrections pursuant to Section 1 of this
300 act.

301 **SECTION 5.** Section 47-5-1003, Mississippi Code of 1972, is
302 amended as follows:

303 47-5-1003. (1) An intensive supervision program may be used
304 as an alternative to incarceration for offenders who are not



305 convicted of a crime of violence pursuant to Section 97-3-2 as
306 selected by the court and for juvenile offenders as provided in
307 Section 43-21-605. Any offender convicted of a sex crime shall
308 not be placed in the program.

309 (2) The court may place the defendant on intensive
310 supervision, except when a death sentence or life imprisonment is
311 the maximum penalty which may be imposed by a court or judge.

312 (3) To protect and to ensure the safety of the state's
313 citizens, any offender who violates an order or condition of the
314 intensive supervision program may be arrested by the correctional
315 field officer and placed in the actual custody of the Department
316 of Corrections. Such offender is under the full and complete
317 jurisdiction of the department and subject to removal from the
318 program by the classification hearing officer.

319 (4) When any circuit or county court places an offender in
320 an intensive supervision program, the court shall give notice to
321 the Mississippi Department of Corrections within fifteen (15) days
322 of the court's decision to place the offender in an intensive
323 supervision program. Notice shall be delivered to the central
324 office of the Mississippi Department of Corrections and to the
325 regional office of the department which will be providing
326 supervision to the offender in an intensive supervision program.

327 The courts may not require an offender to participate in the
328 intensive supervision program during a term of probation or
329 post-release supervision.



330 (5) The Department of Corrections shall provide to the
331 Oversight Task Force all relevant data regarding the offenders
332 participating in the intensive supervision program, including the
333 number of offenders admitted to the program annually, the number
334 of offenders who leave the program annually and why they leave,
335 the number of offenders who are arrested or convicted annually and
336 the circumstances of the arrest and any other information
337 requested.

338 (6) From and after July 1, 2021, the Mississippi Department
339 of Reentry and Supervision shall perform the functions of the
340 Division of Community Corrections pursuant to Section 1 of this
341 act.

342 **SECTION 6.** Section 47-5-1005, Mississippi Code of 1972, is
343 amended as follows:

344 47-5-1005. (1) The department shall promulgate rules that
345 prescribe reasonable guidelines under which an intensive
346 supervision program shall operate. These rules shall include, but
347 not be limited to, the following:

348 (a) The participant shall remain within the interior
349 premises or within the property boundaries of his or her residence
350 at all times during the hours designated by the correctional field
351 officer.

352 (b) Approved absences from the home may include, but
353 are not limited to, the following:



354 (i) Working or employment approved by the court or
355 department and traveling to or from approved employment;

356 (ii) Unemployed and seeking employment approved
357 for the participant by the court or department;

358 (iii) Undergoing medical, psychiatric, mental
359 health treatment, counseling or other treatment programs approved
360 for the participant by the court or department;

361 (iv) Attending an educational institution or a
362 program approved for the participant by the court or department;

363 (v) Participating in community work release or a
364 community service program approved for the participant by the
365 court or department; or

366 (vi) For another compelling reason consistent with
367 the public interest, as approved by the court or department.

368 (c) Except in case of a medical emergency and approval
369 by the Commissioner of the Department of Corrections, or his
370 designee, or by circuit court order for medical purposes, no
371 participant in the intensive supervision program may leave the
372 jurisdiction of the State of Mississippi.

373 (2) The department shall select and approve all electronic
374 monitoring devices used under Sections 47-5-1001 through
375 47-5-1015.

376 (3) The department may lease the equipment necessary to
377 implement the intensive supervision program and to contract for
378 the monitoring of such devices. The department is authorized to



379 select the lowest price and best source in contracting for these
380 services.

381 (4) From and after July 1, 2021, the Mississippi Department
382 of Reentry and Supervision shall perform the functions of the
383 Division of Community Corrections pursuant to Section 1 of this
384 act.

385 **SECTION 7.** Section 47-5-1007, Mississippi Code of 1972, is
386 amended as follows:

387 47-5-1007. (1) Any participant in the intensive supervision
388 program who engages in employment shall pay a monthly fee to the
389 department for each month such person is enrolled in the program.
390 The department may waive the monthly fee if the offender is a
391 full-time student or is engaged in vocational training. Juvenile
392 offenders shall pay a monthly fee of not less than Ten Dollars
393 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a
394 sliding scale using the standard of need for each family that is
395 used to calculate TANF benefits. Money received by the department
396 from participants in the program shall be deposited into a special
397 fund which is hereby created in the State Treasury. It shall be
398 used, upon appropriation by the Legislature, for the purpose of
399 helping to defray the costs involved in administering and
400 supervising such program. Unexpended amounts remaining in such
401 special fund at the end of a fiscal year shall not lapse into the
402 State General Fund, and any interest earned on amounts in such
403 special fund shall be deposited to the credit of the special fund.



404 (2) The participant shall admit any correctional officer
405 into his residence at any time for purposes of verifying the
406 participant's compliance with the conditions of his detention.

407 (3) The participant shall make the necessary arrangements to
408 allow for correctional officers to visit the participant's place
409 of education or employment at any time, based upon the approval of
410 the educational institution or employer, for the purpose of
411 verifying the participant's compliance with the conditions of his
412 detention.

413 (4) The participant shall acknowledge and participate with
414 the approved electronic monitoring device as designated by the
415 department at any time for the purpose of verifying the
416 participant's compliance with the conditions of his detention.

417 (5) The participant shall be responsible for and shall
418 maintain the following:

419 (a) A working telephone line in the participant's home;

420 (b) A monitoring device in the participant's home, or
421 on the participant's person, or both; and

422 (c) A monitoring device in the participant's home and
423 on the participant's person in the absence of a telephone.

424 (6) The participant shall obtain approval from the
425 correctional field officer before the participant changes
426 residence.

427 (7) The participant shall not commit another crime during
428 the period of home detention ordered by the court or department.



429 (8) Notice shall be given to the participant that violation
430 of the order of home detention shall subject the participant to
431 prosecution for the crime of escape as a felony.

432 (9) The participant shall abide by other conditions as set
433 by the court or the department.

434 (10) From and after July 1, 2021, the Mississippi Department
435 of Reentry and Supervision shall perform the functions of the
436 Division of Community Corrections pursuant to Section 1 of this
437 act.

438 **SECTION 8.** Section 47-5-1009, Mississippi Code of 1972, is
439 amended as follows:

440 47-5-1009. (1) The department shall have absolute immunity
441 from liability for any injury resulting from a determination by a
442 judge or correctional officer that an offender shall be allowed to
443 participate in the electronic home detention program.

444 (2) The Department of Audit shall annually audit the records
445 of the department to ensure compliance with Sections 47-5-1001
446 through 47-5-1015.

447 (3) From and after July 1, 2021, the Mississippi Department
448 of Reentry and Supervision shall perform the functions of the
449 Division of Community Corrections pursuant to Section 1 of this
450 act.

451 **SECTION 9.** Section 47-5-1011, Mississippi Code of 1972, is
452 amended as follows:



453 47-5-1011. (1) Before entering an order for commitment for
454 electronic house arrest, the department shall inform the
455 participant and other persons residing in the home of the nature
456 and extent of the approved electronic monitoring devices by doing
457 the following:

458 (a) Securing the written consent of the participant in
459 the program to comply with the rules and regulations of the
460 program.

461 (b) Advising adult persons residing in the home of the
462 participant at the time an order or commitment for electronic
463 house arrest is entered and asking such persons to acknowledge the
464 nature and extent of approved electronic monitoring devices.

465 (c) Insuring that the approved electronic devices are
466 minimally intrusive upon the privacy of other persons residing in
467 the home while remaining in compliance with Sections 47-5-1001
468 through 47-5-1015.

469 (2) The participant shall be responsible for the cost of
470 equipment and any damage to such equipment. Any intentional
471 damage, any attempt to defeat monitoring, any committing of a
472 criminal offense or any associating with felons or known
473 criminals, shall constitute a violation of the program.

474 (3) Any person whose residence is utilized in the program
475 shall agree to keep the home drug and alcohol free and to exclude
476 known felons and criminals in order to provide a noncriminal
477 environment.



478 (4) From and after July 1, 2021, the Mississippi Department
479 of Reentry and Supervision shall perform the functions of the
480 Division of Community Corrections pursuant to Section 1 of this
481 act.

482 **SECTION 10.** Section 47-5-1013, Mississippi Code of 1972, is
483 amended as follows:

484 47-5-1013. Participants enrolled in an intensive supervision
485 program shall be required to:

486 (a) Maintain employment if physically able, or
487 full-time student status at an approved school or vocational
488 trade, and make progress deemed satisfactory to the correctional
489 field officer, or both, or be involved in supervised job searches.

490 (b) Pay restitution and program fees as directed by the
491 department. Program fees shall not be less than Eighty-eight
492 Dollars (\$88.00) per month. The sentencing judge may charge a
493 program fee of less than Eighty-eight Dollars (\$88.00) per month
494 in cases of extreme financial hardship, when such judge determines
495 that the offender's participation in the program would provide a
496 benefit to his community. Juvenile offenders shall not pay a
497 program fee but shall pay a monthly fee as provided in Section
498 47-5-1007. Program fees shall be deposited in the special fund
499 created in Section 47-5-1007.

500 (c) Establish a place of residence at a place approved
501 by the correctional field officer, and not change his residence
502 without the officer's approval. The correctional officer shall be



503 allowed to inspect the place of residence for alcoholic beverages,
504 controlled substances and drug paraphernalia.

505 (d) Remain at his place of residence at all times
506 except to go to work, to attend school, to perform community
507 service and as specifically allowed in each instance by the
508 correctional field officer.

509 (e) Allow administration of drug and alcohol tests as
510 requested by the field officer.

511 (f) Perform not less than ten (10) hours of community
512 service each month.

513 (g) Meet any other conditions imposed by the court to
514 meet the needs of the offender and limit the risks to the
515 community.

516 From and after July 1, 2021, the Mississippi Department of
517 Reentry and Supervision shall perform the functions of the
518 Division of Community Corrections pursuant to Section 1 of this
519 act.

520 **SECTION 11.** Section 47-5-1014, Mississippi Code of 1972, is
521 amended as follows:

522 47-5-1014. (1) Participants who have been in the intensive
523 supervision program since July 1, 2004, whether placed into the
524 program before or after July 1, 2004, shall pay a Fifty Dollar
525 (\$50.00) monthly supervision fee to the Mississippi Department of
526 Corrections for their supervision from July 1, 2004, or from the
527 date the participant entered the program after July 1, 2004, until



528 completion of the program, or April 6, 2005, or whichever occurs
529 first. From and after April 6, 2005, all participants of the
530 intensive supervision program shall pay the fee as established in
531 Section 47-5-1013.

532 (2) The Department of Corrections shall use its best effort
533 to collect the monthly supervision fees in arrearage under this
534 section.

535 (3) A participant's failure to pay the monthly fees in
536 arrearage shall not be deemed a violation of a condition of the
537 program, and the participant shall not be removed from the program
538 for failure to pay the monthly fees in arrearage.

539 (4) This section shall not apply to any fees incurred after
540 April 6, 2005.

541 (5) Any arrearage remaining under this section at the end of
542 the offender's participation in the program shall automatically be
543 reduced to a civil judgment and upon notice by the Department of
544 Corrections shall be recorded with the circuit court clerk in the
545 county wherein the participant resides. The Department of
546 Corrections and/or the district attorney shall use best efforts to
547 collect the judgment.

548 (6) From and after July 1, 2021, the Mississippi Department
549 of Reentry and Supervision shall perform the functions of the
550 Division of Community Corrections pursuant to Section 1 of this
551 act.



552 **SECTION 12.** Section 47-5-110, Mississippi Code of 1972, is
553 amended as follows:

554 47-5-110. (1) Commitment to any institution or facility
555 within the jurisdiction of the department shall be to the
556 department, not to a particular institution or facility. The
557 commissioner shall assign a newly committed offender to an
558 appropriate facility consistent with public safety; provided,
559 however, that any offender who, in the opinion of the sentencing
560 judge, requires confinement in a maximum security unit shall be
561 assigned, upon initial commitment, to the Parchman facility. The
562 commissioner may extend the place of confinement of eligible
563 offenders as provided under subsection (2) of this section. He
564 may transfer an offender from one (1) institution to another,
565 consistent with the commitment and in accordance with treatment,
566 training and security needs. The commissioner shall have the
567 authority to transfer inmates from the various correctional
568 facilities of the department to restitution centers if such
569 inmates meet the qualifications prescribed in Section 99-37-19.
570 The commissioner shall prepare appropriate standards of
571 eligibility for such transfers of offenders from one (1)
572 institution to another institution and transfers of offenders who
573 meet the qualifications for placement in restitution centers. The
574 commissioner shall have the authority to remove the offenders from
575 restitution centers and to transfer them to other facilities of
576 the department. The commissioner shall obtain the approval of the



577 sentencing court before transferring an offender committed to the
578 department to a restitution center. On the request of the chief
579 executive officer of the affected unit of local government, the
580 commissioner may transfer a person detained in a local facility to
581 a state facility. The commissioner shall determine the cost of
582 care for that person to be borne by the unit of local government.
583 The commissioner may assign to a community work center, any
584 offender who is convicted under the Mississippi Implied Consent
585 Law and who is sentenced to the custody of the Department of
586 Corrections, except that if a death or a serious maiming has
587 occurred during the commission of the violation of the Mississippi
588 Implied Consent Law, then the offender so convicted may not be
589 assigned to a community work center.

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

593 (a) The commissioner may extend the limits of
594 confinement of offenders serving sentences for violent or
595 nonviolent crimes who have six (6) months or less remaining before
596 release on parole, conditional release or discharge to participate
597 in the program. Parole violators may be allowed to participate in
598 the program.

599 (b) Any offender who is referred to the program shall
600 remain an offender of the department and shall be subject to rules
601 and regulations of the department pertaining to offenders of the



602 department until discharged or released on parole or conditional
603 release by the State Parole Board.

604 (c) The department shall require the offender to
605 participate in work or educational or vocational programs and
606 other activities that may be necessary for the supervision and
607 treatment of the offender.

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

612 (3) The commissioner shall have absolute immunity from
613 liability for any injury resulting from a determination by the
614 commissioner that an offender shall be allowed to participate in
615 the community prerelease program.

616 (4) (a) The department may by rule or policy and procedure
617 provide evidence-based programs for the benefit of inmates, with
618 emphasis on those that are targeted at reducing inmate recidivism
619 and prerelease service for offenders at each of its major
620 correctional facilities: Mississippi State Penitentiary, Central
621 Mississippi Correctional Institution and South Mississippi
622 Correctional Institution and other facilities where the department
623 confines state inmates.

624 (b) The commissioner may establish prerelease programs
625 at the South Mississippi Correctional Institution. The prerelease



626 program may be located on the grounds of this facility or another
627 facility designated by the commissioner.

628 (c) For purposes of this subsection, the term
629 "evidence-based programs" shall have ascribed to it the meaning in
630 Section 27-103-159.

631 (5) From and after July 1, 2021, the Mississippi Department
632 of Reentry and Supervision shall perform the functions of the
633 Division of Community Corrections pursuant to Section 1 of this
634 act.

635 **SECTION 13.** Section 47-5-138, Mississippi Code of 1972, is
636 amended as follows:

637 47-5-138. (1) The department may promulgate rules and
638 regulations to carry out an earned-time allowance program based on
639 the good conduct and performance of an inmate. An inmate is
640 eligible to receive an earned-time allowance of one-half (1/2) of
641 the period of confinement imposed by the court except those
642 inmates excluded by law. When an inmate is committed to the
643 custody of the department, the department shall determine a
644 conditional earned-time release date by subtracting the
645 earned-time allowance from an inmate's term of sentence. This
646 subsection does not apply to any sentence imposed after June 30,
647 1995.

648 (2) An inmate may forfeit all or part of his earned-time
649 allowance for a serious violation of rules. No forfeiture of the
650 earned-time allowance shall be effective except upon approval of



651 the commissioner, or his designee, and forfeited earned time may
652 not be restored.

653 (3) (a) For the purposes of this subsection, "final order"
654 means an order of a state or federal court that dismisses a
655 lawsuit brought by an inmate while the inmate was in the custody
656 of the Department of Corrections as frivolous, malicious or for
657 failure to state a claim upon which relief could be granted.

658 (b) On receipt of a final order, the department shall
659 forfeit:

660 (i) Sixty (60) days of an inmate's accrued earned
661 time if the department has received one (1) final order as defined
662 herein;

663 (ii) One hundred twenty (120) days of an inmate's
664 accrued earned time if the department has received two (2) final
665 orders as defined herein;

666 (iii) One hundred eighty (180) days of an inmate's
667 accrued earned time if the department has received three (3) or
668 more final orders as defined herein.

669 (c) The department may not restore earned time
670 forfeited under this subsection.

671 (4) An inmate who meets the good conduct and performance
672 requirements of the earned_time allowance program may be released
673 on his conditional earned_time release date.

674 (5) For any sentence imposed after June 30, 1995, an inmate
675 may receive an earned_time allowance of four and one-half (4-1/2)



676 days for each thirty (30) days served if the department determines
677 that the inmate has complied with the good conduct and performance
678 requirements of the earned_time allowance program. The
679 earned_time allowance under this subsection shall not exceed
680 fifteen percent (15%) of an inmate's term of sentence; however,
681 beginning July 1, 2006, no person under the age of twenty-one (21)
682 who has committed a nonviolent offense, and who is under the
683 jurisdiction of the Department of Corrections, shall be subject to
684 the fifteen percent (15%) limitation for earned_time allowances as
685 described in this subsection (5).

686 (6) Any inmate, who is released before the expiration of his
687 term of sentence under this section, shall be placed under
688 earned-release supervision until the expiration of the term of
689 sentence. The inmate shall retain inmate status and remain under
690 the jurisdiction of the department. The period of earned-release
691 supervision shall be conducted in the same manner as a period of
692 supervised parole. The department shall develop rules, terms and
693 conditions for the earned-release supervision program. The
694 commissioner shall designate the appropriate hearing officer
695 within the department to conduct revocation hearings for inmates
696 violating the conditions of earned-release supervision.

697 (7) If the earned-release supervision is revoked, the inmate
698 shall serve the remainder of the sentence, but the time the inmate
699 served on earned-release supervision before revocation * * * shall
700 be applied to reduce his sentence.



701 (8) From and after July 1, 2021, the Mississippi Department
702 of Reentry and Supervision shall perform the functions of the
703 Division of Community Corrections pursuant to Section 1 of this
704 act.

705 **SECTION 14.** Section 47-5-20, Mississippi Code of 1972, is
706 amended as follows:

707 47-5-20. The commissioner shall have the following powers
708 and duties:

709 (a) To establish the general policy of the department;

710 (b) To approve proposals for the location of new
711 facilities, for major renovation activities, and for the creation
712 of new programs and divisions within the department as well as for
713 the abolition of the same; provided, however, that the
714 commissioner shall approve the location of no new facility unless
715 the board of supervisors of the county or the governing
716 authorities of the municipality in which the new facility is to be
717 located shall have had the opportunity with at least sixty (60)
718 days' prior notice to disapprove the location of the proposed
719 facility. If either the board of supervisors or the governing
720 authorities shall disapprove the facility, it shall not be located
721 in that county or municipality. Said notice shall be made by
722 certified mail, return receipt requested, to the members of the
723 board or governing authorities and to the clerk thereof;

724 (c) Except as otherwise provided or required by law, to
725 open bids and approve the sale of any products or manufactured



726 goods by the department according to applicable provisions of law
727 regarding bidding and sale of state property, and according to
728 rules and regulations established by the State Fiscal Management
729 Board; * * *

730 (d) To adopt administrative rules and regulations
731 including, but not limited to, offender transfer procedures, award
732 of administrative earned time, personnel procedures, employment
733 practices * * *; and

734 (e) To make personnel actions for a period of one (1)
735 year beginning July 1, 2016, that are exempt from State Personnel
736 Board rules, regulations and procedures in order to give the
737 commissioner flexibility in making an orderly, effective and
738 timely reorganization and realignment of the department.

739 From and after July 1, 2021, the Mississippi Department of
740 Reentry and Supervision shall perform the functions of the
741 Division of Community Corrections pursuant to Section 1 of this
742 act.

743 **SECTION 15.** Section 47-5-24, Mississippi Code of 1972, is
744 amended as follows:

745 47-5-24. (1) The Governor shall appoint a Commissioner of
746 Corrections, with the advice and consent of the Senate. Such
747 commissioner may be removed by the Governor. The commissioner
748 shall be the chief executive, administrative and fiscal officer of
749 the department.



750 (2) The commissioner shall receive an annual salary fixed by
751 the Governor, not to exceed the maximum authorized by law, in
752 addition to all actual, necessary expenses incurred in the
753 discharge of official duties, including mileage as authorized by
754 law.

755 (3) The commissioner shall possess the following minimum
756 qualifications:

757 (a) A master's degree in corrections, criminal justice,
758 guidance, social work, or some related field, and at least six (6)
759 years full-time experience in corrections, including at least
760 three (3) years of correctional management experience; or

761 (b) A bachelor's degree in a field described in
762 subparagraph (a) of this subsection and at least ten (10) years
763 full-time work in corrections, five (5) years of which shall have
764 been in correctional management; or

765 (c) Shall possess at least a bachelor's degree and
766 relevant experience in fiscal management in the private or public
767 sector.

768 (4) The commissioner shall be required, upon assuming the
769 duties of his office, to execute a good and sufficient bond
770 payable to the State of Mississippi in the sum of Two Hundred
771 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate
772 accounting for all monies and property coming into his hands. The
773 commissioner, upon approval by the Governor, may require of other
774 officers, employees and agents of the department a good and



775 sufficient bond in such sum as he may determine, subject to the
776 minimum requirements set forth herein, payable to the State of
777 Mississippi upon like condition. The bonds shall be approved by
778 the Governor and filed with the Secretary of State, and shall be
779 executed by a surety company authorized to do business under the
780 laws of this state. The premium on any such bond shall be paid by
781 the state out of the support and maintenance fund of the
782 department.

783 (5) From and after July 1, 2021, the Mississippi Department
784 of Reentry and Supervision shall perform the functions of the
785 Division of Community Corrections pursuant to Section 1 of this
786 act.

787 **SECTION 16.** Section 47-5-26, Mississippi Code of 1972, is
788 amended as follows:

789 47-5-26. (1) The commissioner shall employ the following
790 personnel:

791 (a) A Deputy Commissioner for Administration and
792 Finance, who shall supervise and implement all fiscal policies and
793 programs within the department, supervise and implement all hiring
794 and personnel matters within the department, supervise the
795 department's personnel director, supervise and implement all
796 purchasing within the department and supervise and implement all
797 data processing activities within the department, and who shall
798 serve as the Chief Executive Officer of the Division of
799 Administration and Finance. He shall possess either:



800 (i) A master's degree from an accredited four-year
801 college or university in public or business administration,
802 accounting, economics or a directly related field, and four (4)
803 years of experience in work related to the above-described duties,
804 one (1) year of which must have included line or functional
805 supervision; or

806 (ii) A bachelor's degree from an accredited
807 four-year college or university in public or business
808 administration, accounting, economics or a directly related field,
809 and six (6) years of experience in work related to the
810 above-described duties, one (1) year of which must have included
811 line or functional supervision. Certification by the State of
812 Mississippi as a certified public accountant may be substituted
813 for one (1) year of the required experience.

814 (b) A Deputy Commissioner for Community Corrections,
815 who shall initiate and administer programs, including, but not
816 limited to, supervision of probationers, parolees and
817 suspensioners, counseling, community-based treatment, interstate
818 compact administration and enforcement, prevention programs,
819 halfway houses and group homes, technical violation centers,
820 restitution centers, presentence investigations, and work and
821 educational releases, and shall serve as the Chief Executive
822 Officer of the Division of Community Services. The Deputy
823 Commissioner for Community Corrections is charged with full and
824 complete cooperation with the State Parole Board and shall make



825 monthly reports to the Chairman of the Parole Board in the form
826 and type required by the chairman, in his discretion, for the
827 proper performance of the probation and parole functions. After a
828 plea or verdict of guilty to a felony is entered against a person
829 and before he is sentenced, the Deputy Commissioner for Community
830 Corrections shall procure from any available source and shall file
831 in the presentence records any information regarding any criminal
832 history of the person such as fingerprints, dates of arrests,
833 complaints, civil and criminal charges, investigative reports of
834 arresting and prosecuting agencies, reports of the National Crime
835 Information Center, the nature and character of each offense,
836 noting all particular circumstances thereof and any similar data
837 about the person. The Deputy Commissioner for Community
838 Corrections shall keep an accurate and complete duplicate record
839 of this file and shall furnish the duplicate to the department.
840 This file shall be placed in and shall constitute a part of the
841 inmate's master file. The Deputy Commissioner for Community
842 Corrections shall furnish this file to the State Parole Board when
843 the file is needed in the course of its official duties. He shall
844 possess either: (i) a master's degree in counseling, corrections
845 psychology, guidance, social work, criminal justice or some
846 related field and at least four (4) years' full-time experience in
847 such field, including at least one (1) year of supervisory
848 experience; or (ii) a bachelor's degree in a field described in
849 subparagraph (i) of this paragraph and at least six (6) years'



850 full-time work in corrections, one (1) year of which shall have
851 been at the supervisory level. From and after July 1, 2021, the
852 Mississippi Department of Reentry and Supervision shall perform
853 the functions of the Division of Community Corrections pursuant to
854 Section 1 of this act. From and after July 1, 2021, this
855 paragraph (b) shall stand repealed.

856 (c) A Deputy Commissioner for Institutions, who shall
857 administer institutions, reception and diagnostic centers,
858 prerelease centers and other facilities and programs provided
859 therein, and shall serve as the Chief Executive Officer of the
860 Division of Institutions. He shall possess either: (i) a
861 master's degree in counseling, criminal justice, psychology,
862 guidance, social work, business or some related field, and at
863 least four (4) years' full-time experience in corrections,
864 including at least one (1) year of correctional management
865 experience; or (ii) a bachelor's degree in a field described in
866 subparagraph (i) of this paragraph and at least six (6) years'
867 full-time work in corrections, four (4) years of which shall have
868 been at the correctional management level.

869 (2) The commissioner shall employ an administrative
870 assistant for parole matters, who shall be an employee of the
871 department assigned to the State Parole Board and who shall work
872 under the guidance and supervision of the board. From and after
873 July 1, 2021, the Mississippi Department of Reentry and



874 Supervision shall perform the functions of the Division of
875 Community Corrections pursuant to Section 1 of this act.

876 (3) The administrative assistant for parole matters shall
877 receive an annual salary to be established by the Legislature.
878 The salaries of department employees not established by the
879 Legislature shall receive an annual salary established by the
880 State Personnel Board. From and after July 1, 2021, the
881 Mississippi Department of Reentry and Supervision shall perform
882 the functions of the Division of Community Corrections pursuant to
883 Section 1 of this act.

884 (4) The commissioner shall employ a superintendent for the
885 Parchman facility, Central Mississippi Correctional Facility and
886 South Mississippi Correctional Institution of the Department of
887 Corrections. The Superintendent of the Mississippi State
888 Penitentiary shall reside on the grounds of the Parchman facility.
889 Each superintendent shall appoint an officer in charge when he is
890 absent.

891 Each superintendent shall develop and implement a plan for
892 the prevention and control of an inmate riot and shall file a
893 report with the Chairman of the Senate Corrections Committee and
894 the Chairman of the House Penitentiary Committee on the first day
895 of each regular session of the Legislature regarding the status of
896 the plan.

897 In order that the grievances and complaints of inmates,
898 employees and visitors at each facility may be heard in a timely



899 and orderly manner, each superintendent shall appoint or designate
900 an employee at the facility to hear grievances and complaints and
901 to report grievances and complaints to the superintendent. Each
902 superintendent shall institute procedures as are necessary to
903 provide confidentiality to those who file grievances and
904 complaints.

905 (5) For a one-year period beginning July 1, 2016, any person
906 authorized for employment under this section shall not be subject
907 to the rules, regulations and procedures of the State Personnel
908 Board, except as otherwise provided under Section 25-9-127(5).

909 **SECTION 17.** Section 47-5-28, Mississippi Code of 1972, is
910 amended as follows:

911 47-5-28. The commissioner shall have the following powers
912 and duties:

913 (a) To implement and administer laws and policy
914 relating to corrections and coordinate the efforts of the
915 department with those of the federal government and other state
916 departments and agencies, county governments, municipal
917 governments, and private agencies concerned with providing
918 offender services;

919 (b) To establish standards, in cooperation with other
920 state agencies having responsibility as provided by law, provide
921 technical assistance, and exercise the requisite supervision as it
922 relates to correctional programs over all state-supported adult
923 correctional facilities and community-based programs;



924 (c) To promulgate and publish such rules, regulations
925 and policies of the department as are needed for the efficient
926 government and maintenance of all facilities and programs in
927 accord insofar as possible with currently accepted standards of
928 adult offender care and treatment;

929 (d) To provide the Parole Board with suitable and
930 sufficient office space and support resources and staff necessary
931 to conducting Parole Board business under the guidance of the
932 Chairman of the Parole Board;

933 (e) To contract for transitional reentry center beds
934 that will be used as noncorrections housing for offenders released
935 from the department on parole, probation or post-release
936 supervision but do not have appropriate housing available upon
937 release. At least one hundred (100) transitional reentry center
938 beds contracted by the department and chosen by the Parole Board
939 shall be available for the Parole Board to place parolees without
940 appropriate housing;

941 (f) To make an annual report to the Governor and the
942 Legislature reflecting the activities of the department and make
943 recommendations for improvement of the services to be performed by
944 the department;

945 (g) To cooperate fully with periodic independent
946 internal investigations of the department and to file the report
947 with the Governor and the Legislature;



948 (h) To make personnel actions for a period of one (1)
949 year beginning July 1, 2016, that are exempt from State Personnel
950 Board rules, regulations and procedures in order to give the
951 commissioner flexibility in making an orderly, effective and
952 timely reorganization and realignment of the department; and

953 (i) To perform such other duties necessary to
954 effectively and efficiently carry out the purposes of the
955 department as may be directed by the Governor.

956 From and after July 1, 2021, the Mississippi Department of
957 Reentry and Supervision shall perform the functions of the
958 Division of Community Corrections pursuant to Section 1 of this
959 act.

960 **SECTION 18.** Section 47-5-601, Mississippi Code of 1972, is
961 amended as follows:

962 47-5-601. The Mississippi Department of Corrections is
963 authorized to establish a drug identification program and shall
964 have the power and duty to adopt rules not inconsistent with law
965 as it may deem proper and necessary with respect to the
966 establishment, administration and operation of the program.

967 From and after July 1, 2021, the Mississippi Department of
968 Reentry and Supervision shall perform the functions of the
969 Division of Community Corrections pursuant to Section 1 of this
970 act.

971 **SECTION 19.** Section 47-5-603, Mississippi Code of 1972, is
972 amended as follows:



973 47-5-603. Any offender on probation or released from a
974 facility of the Department of Corrections on parole or earned
975 probation who remains under the supervision of the Department of
976 Corrections or any offender who is incarcerated in a state
977 correctional facility may be required to participate in the
978 Mississippi Department of Corrections drug identification program.
979 Participation by an offender would consist of submission by the
980 offender, from time to time and upon the request of a parole or
981 probation supervisor, or authorized personnel of the department to
982 any type of breath, saliva or urine chemical analysis test, the
983 purpose of which is to detect the possible presence of alcohol or
984 a substance prohibited or controlled by any law of the State of
985 Mississippi or the United States.

986 From and after July 1, 2021, the Mississippi Department of
987 Reentry and Supervision shall perform the functions of the
988 Division of Community Corrections pursuant to Section 1 of this
989 act.

990 **SECTION 20.** Section 47-5-605, Mississippi Code of 1972, is
991 amended as follows:

992 47-5-605. Each time the results of such a chemical analysis
993 test indicate the unauthorized presence of alcohol or a controlled
994 substance in the parolee or probationer, he or she shall be
995 required to pay a fee of Ten Dollars (\$10.00) to the Mississippi
996 Department of Corrections drug identification program, which fee
997 shall be used to pay for the cost of administering that particular



998 test. All other costs of the program, including the costs of
999 administering such tests in cases in which the presence of alcohol
1000 or a controlled substance is not found, will be paid by
1001 expenditures from the Community Service Revolving Fund as
1002 described in Section 47-7-49.

1003 From and after July 1, 2021, the Mississippi Department of
1004 Reentry and Supervision shall perform the functions of the
1005 Division of Community Corrections pursuant to Section 1 of this
1006 act.

1007 **SECTION 21.** Section 47-7-2, Mississippi Code of 1972, is
1008 amended as follows:

1009 47-7-2. For purposes of this chapter, the following words
1010 shall have the meaning ascribed herein unless the context shall
1011 otherwise require:

1012 (a) "Adult" means a person who is seventeen (17) years
1013 of age or older, or any person convicted of any crime not subject
1014 to the provisions of the youth court law, or any person
1015 "certified" to be tried as an adult by any youth court in the
1016 state.

1017 (b) "Board" means the State Parole Board.

1018 (c) "Parole case plan" means an individualized, written
1019 accountability and behavior change strategy developed by the
1020 department in collaboration with the parole board to prepare
1021 offenders for release on parole at the parole eligibility date.



1022 The case plan shall focus on the offender's criminal risk factors
1023 that, if addressed, reduce the likelihood of reoffending.

1024 (d) "Commissioner" means the Commissioner of
1025 Corrections.

1026 (e) "Correctional system" means the facilities,
1027 institutions, programs and personnel of the department utilized
1028 for adult offenders who are committed to the custody of the
1029 department.

1030 (f) "Criminal risk factors" means characteristics that
1031 increase a person's likelihood of reoffending. These
1032 characteristics include: antisocial behavior; antisocial
1033 personality; criminal thinking; criminal associates; dysfunctional
1034 family; low levels of employment or education; poor use of leisure
1035 and recreation; and substance abuse.

1036 (g) "Department" means the Mississippi Department of
1037 Corrections.

1038 (h) "Detention" means the temporary care of juveniles
1039 and adults who require secure custody for their own or the
1040 community's protection in a physically restricting facility prior
1041 to adjudication, or retention in a physically restricting facility
1042 upon being taken into custody after an alleged parole or probation
1043 violation.

1044 (i) "Discharge plan" means an individualized written
1045 document that provides information to support the offender in
1046 meeting the basic needs identified in the pre-release assessment.



1047 This information shall include, but is not limited to: contact
1048 names, phone numbers, and addresses of referrals and resources.

1049 (j) "Evidence-based practices" means supervision
1050 policies, procedures, and practices that scientific research
1051 demonstrates reduce recidivism.

1052 (k) "Facility" or "institution" means any facility for
1053 the custody, care, treatment and study of offenders which is under
1054 the supervision and control of the department.

1055 (l) "Juvenile," "minor" or "youthful" means a person
1056 less than seventeen (17) years of age.

1057 (m) "Offender" means any person convicted of a crime or
1058 offense under the laws and ordinances of the state and its
1059 political subdivisions.

1060 (n) "Pre-release assessment" means a determination of
1061 an offender's ability to attend to basic needs, including, but not
1062 limited to, transportation, clothing and food, financial
1063 resources, personal identification documents, housing, employment,
1064 education, and health care, following release.

1065 (o) "Special meetings" means those meetings called by
1066 the chairman with at least twenty-four (24) hours' notice or a
1067 unanimous waiver of notice.

1068 (p) "Supervision plan" means a plan developed by the
1069 community corrections department to manage offenders on probation
1070 and parole in a way that reduces the likelihood they will commit a
1071 new criminal offense or violate the terms of supervision and that



1072 increases the likelihood of obtaining stable housing, employment
1073 and skills necessary to sustain positive conduct.

1074 (q) "Technical violation" means an act or omission by
1075 the probationer that violates a condition or conditions of
1076 probation placed on the probationer by the court or the probation
1077 officer.

1078 (r) "Transitional reentry center" means a
1079 state-operated or state-contracted facility used to house
1080 offenders leaving the physical custody of the Department of
1081 Corrections on parole, probation or post-release supervision who
1082 are in need of temporary housing and services that reduce their
1083 risk to reoffend.

1084 (s) "Unit of local government" means a county, city,
1085 town, village or other general purpose political subdivision of
1086 the state.

1087 (t) "Risk and needs assessment" means the determination
1088 of a person's risk to reoffend using an actuarial assessment tool
1089 validated on Mississippi corrections populations and the needs
1090 that, when addressed, reduce the risk to reoffend.

1091 From and after July 1, 2021, the Mississippi Department of
1092 Reentry and Supervision shall perform the functions of the
1093 Division of Community Corrections pursuant to Section 1 of this
1094 act.

1095 **SECTION 22.** Section 47-7-3, Mississippi Code of 1972, is
1096 amended as follows:



1097 47-7-3. (1) Every prisoner who has been convicted of any
1098 offense against the State of Mississippi, and is confined in the
1099 execution of a judgment of such conviction in the Mississippi
1100 Department of Corrections for a definite term or terms of one (1)
1101 year or over, or for the term of his or her natural life, whose
1102 record of conduct shows that such prisoner has observed the rules
1103 of the department, and who has served not less than one-fourth
1104 (1/4) of the total of such term or terms for which such prisoner
1105 was sentenced, or, if sentenced to serve a term or terms of thirty
1106 (30) years or more, or, if sentenced for the term of the natural
1107 life of such prisoner, has served not less than ten (10) years of
1108 such life sentence, may be released on parole as hereinafter
1109 provided, except that:

1110 (a) No prisoner convicted as a confirmed and habitual
1111 criminal under the provisions of Sections 99-19-81 through
1112 99-19-87 shall be eligible for parole;

1113 (b) Any person who shall have been convicted of a sex
1114 crime shall not be released on parole except for a person under
1115 the age of nineteen (19) who has been convicted under Section
1116 97-3-67;

1117 (c) (i) No person shall be eligible for parole who
1118 shall, on or after January 1, 1977, be convicted of robbery or
1119 attempted robbery through the display of a firearm until he shall
1120 have served ten (10) years if sentenced to a term or terms of more
1121 than ten (10) years or if sentenced for the term of the natural



1122 life of such person. If such person is sentenced to a term or
1123 terms of ten (10) years or less, then such person shall not be
1124 eligible for parole. The provisions of this paragraph (c)(i)
1125 shall also apply to any person who shall commit robbery or
1126 attempted robbery on or after July 1, 1982, through the display of
1127 a deadly weapon. This paragraph (c)(i) shall not apply to persons
1128 convicted after September 30, 1994;

1129 (ii) No person shall be eligible for parole who
1130 shall, on or after October 1, 1994, be convicted of robbery,
1131 attempted robbery or carjacking as provided in Section 97-3-115 et
1132 seq., through the display of a firearm or drive-by shooting as
1133 provided in Section 97-3-109. The provisions of this paragraph
1134 (c)(ii) shall also apply to any person who shall commit robbery,
1135 attempted robbery, carjacking or a drive-by shooting on or after
1136 October 1, 1994, through the display of a deadly weapon. This
1137 paragraph (c)(ii) shall not apply to persons convicted after July
1138 1, 2014;

1139 (d) No person shall be eligible for parole who, on or
1140 after July 1, 1994, is charged, tried, convicted and sentenced to
1141 life imprisonment without eligibility for parole under the
1142 provisions of Section 99-19-101;

1143 (e) No person shall be eligible for parole who is
1144 charged, tried, convicted and sentenced to life imprisonment under
1145 the provisions of Section 99-19-101;



1146 (f) No person shall be eligible for parole who is
1147 convicted or whose suspended sentence is revoked after June 30,
1148 1995, except that an offender convicted of only nonviolent crimes
1149 after June 30, 1995, may be eligible for parole if the offender
1150 meets the requirements in this subsection (1) and this paragraph.
1151 In addition to other requirements, if an offender is convicted of
1152 a drug or driving under the influence felony, the offender must
1153 complete a drug and alcohol rehabilitation program prior to parole
1154 or the offender may be required to complete a post-release drug
1155 and alcohol program as a condition of parole. For purposes of
1156 this paragraph, "nonviolent crime" means a felony other than
1157 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
1158 occupied dwelling, aggravated assault, kidnapping, felonious abuse
1159 of vulnerable adults, felonies with enhanced penalties, except
1160 enhanced penalties for the crime of possession of a controlled
1161 substance under Section 41-29-147, the sale or manufacture of a
1162 controlled substance under the Uniform Controlled Substances Law,
1163 felony child abuse, or exploitation or any crime under Section
1164 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a
1165 violation of Section 63-11-30(5). In addition, an offender
1166 incarcerated for committing the crime of possession of a
1167 controlled substance under the Uniform Controlled Substances Law
1168 after July 1, 1995, including an offender who receives an enhanced
1169 penalty under the provisions of Section 41-29-147 for such
1170 possession, shall be eligible for parole. An offender



1171 incarcerated for committing the crime of sale or manufacture of a
1172 controlled substance shall be eligible for parole after serving
1173 one-fourth (1/4) of the sentence imposed by the trial court. This
1174 paragraph (f) shall not apply to persons convicted on or after
1175 July 1, 2014;

1176 (g) (i) No person who, on or after July 1, 2014, is
1177 convicted of a crime of violence pursuant to Section 97-3-2, a sex
1178 crime or an offense that specifically prohibits parole
1179 release * * * shall be eligible for parole. All persons convicted
1180 of any other offense on or after July 1, 2014, are eligible for
1181 parole after they have served one-fourth (1/4) of the sentence or
1182 sentences imposed by the trial court.

1183 (ii) Notwithstanding the provisions in
1184 subparagraph (i) of this paragraph (g), a person serving a
1185 sentence who has reached the age of sixty (60) or older and who
1186 has served no less than ten (10) years of the sentence or
1187 sentences imposed by the trial court shall be eligible for parole.
1188 Any person eligible for parole under this subsection shall be
1189 required to have a parole hearing before the board prior to parole
1190 release. No inmate shall be eligible for parole under this
1191 subparagraph (ii) of this * * * paragraph (g) if:

1192 1. The inmate is sentenced as a habitual
1193 offender under Sections 99-19-81 through 99-19-87;

1194 2. The inmate is sentenced for a crime of
1195 violence under Section 97-3-2;



- 1196 3. The inmate is sentenced for an offense
1197 that specifically prohibits parole release;
- 1198 4. The inmate is sentenced for trafficking in
1199 controlled substances under Section 41-29-139(f);
- 1200 5. The inmate is sentenced for a sex crime;
1201 or
- 1202 6. The inmate has not served one-fourth (1/4)
1203 of the sentence imposed by the court.

1204 (iii) Notwithstanding the provisions of paragraph
1205 (a) of this subsection, any offender who has not committed a crime
1206 of violence under Section 97-3-2 and has served twenty-five
1207 percent (25%) or more of his sentence may be paroled by the parole
1208 board if, after the sentencing judge or if the sentencing judge is
1209 retired, disabled or incapacitated, the senior circuit judge
1210 authorizes the offender to be eligible for parole consideration;

1211 (h) Notwithstanding any other provision of law, an
1212 inmate who has not been convicted as a habitual offender under
1213 Sections 99-19-81 through 99-19-87, has not been convicted of
1214 committing a crime of violence, as defined under Section 97-3-2,
1215 has not been convicted of a sex crime or any other crime that
1216 specifically prohibits parole release, and has not been convicted
1217 of drug trafficking under Section 41-29-139 is eligible for parole
1218 if the inmate has served twenty-five percent (25%) or more of his
1219 or her sentence, but is otherwise ineligible for parole.



1220 (2) Notwithstanding any other provision of law, an inmate
1221 shall not be eligible to receive earned time, good time or any
1222 other administrative reduction of time which shall reduce the time
1223 necessary to be served for parole eligibility as provided in
1224 subsection (1) of this section.

1225 (3) The State Parole Board shall, by rules and regulations,
1226 establish a method of determining a tentative parole hearing date
1227 for each eligible offender taken into the custody of the
1228 Department of Corrections. The tentative parole hearing date
1229 shall be determined within ninety (90) days after the department
1230 has assumed custody of the offender. The parole hearing date
1231 shall occur when the offender is within thirty (30) days of the
1232 month of his parole eligibility date. The parole eligibility date
1233 shall not be earlier than one-fourth (1/4) of the prison sentence
1234 or sentences imposed by the court.

1235 (4) Any inmate within twenty-four (24) months of his parole
1236 eligibility date and who meets the criteria established by the
1237 classification board shall receive priority for placement in any
1238 educational development and job training programs that are part of
1239 his or her parole case plan. Any inmate refusing to participate
1240 in an educational development or job training program that is part
1241 of the case plan may be in jeopardy of noncompliance with the case
1242 plan and may be denied parole.

1243 (5) From and after July 1, 2021, the Mississippi Department
1244 of Reentry and Supervision shall perform the functions of the



1245 Division of Community Corrections pursuant to Section 1 of this
1246 act.

1247 **SECTION 23.** Section 47-7-3.1, Mississippi Code of 1972, is
1248 amended as follows:

1249 47-7-3.1. (1) In consultation with the Parole Board, the
1250 department shall develop a case plan for all parole eligible
1251 inmates to guide an inmate's rehabilitation while in the
1252 department's custody and to reduce the likelihood of recidivism
1253 after release.

1254 (2) Within ninety (90) days of admission, the department
1255 shall complete a case plan on all inmates which shall include, but
1256 not limited to:

1257 (a) Programming and treatment requirements based on the
1258 results of a risk and needs assessment;

1259 (b) Any programming or treatment requirements contained
1260 in the sentencing order; and

1261 (c) General behavior requirements in accordance with
1262 the rules and policies of the department.

1263 (3) The department shall provide the inmate with a written
1264 copy of the case plan and the inmate's caseworker shall explain
1265 the conditions set forth in the case plan.

1266 (a) Within ninety (90) days of admission, the
1267 caseworker shall notify the inmate of their parole eligibility
1268 date as calculated in accordance with Section 47-7-3(3);



1269 (b) At the time a parole-eligible inmate receives the
1270 case plan, the department shall send the case plan to the Parole
1271 Board for approval.

1272 (4) The department shall ensure that the case plan is
1273 achievable prior to inmate's parole eligibility date.

1274 (5) The caseworker shall meet with the inmate every eight
1275 (8) weeks from the date the offender received the case plan to
1276 review the inmate's case plan progress.

1277 (6) Every four (4) months the department shall
1278 electronically submit a progress report on each parole-eligible
1279 inmate's case plan to the Parole Board. The board may meet to
1280 review an inmate's case plan and may provide written input to the
1281 caseworker on the inmate's progress toward completion of the case
1282 plan.

1283 (7) The Parole Board shall provide semiannually to the
1284 Oversight Task Force the number of parole hearings held, the
1285 number of prisoners released to parole without a hearing and the
1286 number of parolees released after a hearing.

1287 (8) From and after July 1, 2021, the Mississippi Department
1288 of Reentry and Supervision shall perform the functions of the
1289 Division of Community Corrections pursuant to Section 1 of this
1290 act.

1291 **SECTION 24.** Section 47-7-3.2, Mississippi Code of 1972, is
1292 amended as follows:



1293 47-7-3.2. (1) Notwithstanding * * * Section 47-5-138,
1294 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a
1295 criminal offense on or after July 1, 2014, shall be released by
1296 the department until he or she has served no less than fifty
1297 percent (50%) of a sentence for a crime of violence pursuant to
1298 Section 97-3-2 or twenty-five percent (25%) of any other sentence
1299 imposed by the court.

1300 (2) This section shall not apply to:

1301 (a) Offenders sentenced to life imprisonment;

1302 (b) Offenders convicted as habitual offenders pursuant
1303 to Sections 99-19-81 through 99-19-87;

1304 (c) Offenders serving a sentence for a sex offense; or

1305 (d) Offenders serving a sentence for trafficking
1306 pursuant to Section 41-29-139(f).

1307 (3) From and after July 1, 2021, the Mississippi Department
1308 of Reentry and Supervision shall perform the functions of the
1309 Division of Community Corrections pursuant to Section 1 of this
1310 act.

1311 **SECTION 25.** Section 47-7-4, Mississippi Code of 1972, is
1312 amended as follows:

1313 47-7-4. The commissioner and the medical director of the
1314 department may place an offender who has served not less than one
1315 (1) year of his or her sentence, except an offender convicted of a
1316 sex crime, on conditional medical release. However, a nonviolent
1317 offender who is bedridden may be placed on conditional medical



1318 release regardless of the time served on his or her sentence.
1319 Upon the release of a nonviolent offender who is bedridden, the
1320 state shall not be responsible or liable for any medical costs
1321 that may be incurred if such costs are acquired after the offender
1322 is no longer incarcerated due to his or her placement on
1323 conditional medical release. The commissioner shall not place an
1324 offender on conditional medical release unless the medical
1325 director of the department certifies to the commissioner that (a)
1326 the offender is suffering from a significant permanent physical
1327 medical condition with no possibility of recovery; (b) that his or
1328 her further incarceration will serve no rehabilitative purposes;
1329 and (c) that the state would incur unreasonable expenses as a
1330 result of his or her continued incarceration. Any offender placed
1331 on conditional medical release shall be supervised by the Division
1332 of Community Corrections of the department for the remainder of
1333 his or her sentence. An offender's conditional medical release
1334 may be revoked and the offender returned and placed in actual
1335 custody of the department if the offender violates an order or
1336 condition of his or her conditional medical release. An offender
1337 who is no longer bedridden shall be returned and placed in the
1338 actual custody of the department.

1339 From and after July 1, 2021, the Mississippi Department of
1340 Reentry and Supervision shall perform the functions of the
1341 Division of Community Corrections pursuant to Section 1 of this
1342 act.



1343 **SECTION 26.** Section 47-7-5, Mississippi Code of 1972, is
1344 amended as follows:

1345 47-7-5. (1) The State Parole Board, created under former
1346 Section 47-7-5, is hereby created, continued and reconstituted and
1347 shall be composed of five (5) members. The Governor shall appoint
1348 the members with the advice and consent of the Senate. All terms
1349 shall be at the will and pleasure of the Governor. Any vacancy
1350 shall be filled by the Governor, with the advice and consent of
1351 the Senate. The Governor shall appoint a chairman of the board.

1352 (2) Any person who is appointed to serve on the board shall
1353 possess at least a bachelor's degree or a high school diploma and
1354 four (4) years' work experience. Each member shall devote his
1355 full time to the duties of his office and shall not engage in any
1356 other business or profession or hold any other public office. A
1357 member shall not receive compensation or per diem in addition to
1358 his salary as prohibited under Section 25-3-38. Each member shall
1359 keep such hours and workdays as required of full-time state
1360 employees under Section 25-1-98. Individuals shall be appointed
1361 to serve on the board without reference to their political
1362 affiliations. Each board member, including the chairman, may be
1363 reimbursed for actual and necessary expenses as authorized by
1364 Section 25-3-41. Each member of the board shall complete annual
1365 training developed based on guidance from the National Institute
1366 of Corrections, the Association of Paroling Authorities
1367 International, or the American Probation and Parole Association.



1368 Each first-time appointee of the board shall, within sixty (60)
1369 days of appointment, or as soon as practical, complete training
1370 for first-time Parole Board members developed in consideration of
1371 information from the National Institute of Corrections, the
1372 Association of Paroling Authorities International, or the American
1373 Probation and Parole Association.

1374 (3) The board shall have exclusive responsibility for the
1375 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1376 shall have exclusive authority for revocation of the same. The
1377 board shall have exclusive responsibility for investigating
1378 clemency recommendations upon request of the Governor.

1379 (4) The board, its members and staff, shall be immune from
1380 civil liability for any official acts taken in good faith and in
1381 exercise of the board's legitimate governmental authority.

1382 (5) The budget of the board shall be funded through a
1383 separate line item within the general appropriation bill for the
1384 support and maintenance of the department. Employees of the
1385 department which are employed by or assigned to the board shall
1386 work under the guidance and supervision of the board. There shall
1387 be an executive secretary to the board who shall be responsible
1388 for all administrative and general accounting duties related to
1389 the board. The executive secretary shall keep and preserve all
1390 records and papers pertaining to the board.

1391 (6) The board shall have no authority or responsibility for
1392 supervision of offenders granted a release for any reason,



1393 including, but not limited to, probation, parole or executive
1394 clemency or other offenders requiring the same through interstate
1395 compact agreements. The supervision shall be provided exclusively
1396 by the staff of the Division of Community Corrections of the
1397 department. From and after July 1, 2021, the Mississippi
1398 Department of Reentry and Supervision shall perform the functions
1399 of the Division of Community Corrections pursuant to Section 1 of
1400 this act.

1401 (7) (a) The Parole Board is authorized to select and place
1402 offenders in an electronic monitoring program under the conditions
1403 and criteria imposed by the Parole Board. The conditions,
1404 restrictions and requirements of Section 47-7-17 and Sections
1405 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
1406 any offender placed in an electronic monitoring program by the
1407 Parole Board.

1408 (b) Any offender placed in an electronic monitoring
1409 program under this subsection shall pay the program fee provided
1410 in Section 47-5-1013. The program fees shall be deposited in the
1411 special fund created in Section 47-5-1007.

1412 (c) The department shall have absolute immunity from
1413 liability for any injury resulting from a determination by the
1414 Parole Board that an offender be placed in an electronic
1415 monitoring program.

1416 (8) (a) The Parole Board shall maintain a central registry
1417 of paroled inmates. The Parole Board shall place the following



1418 information on the registry: name, address, photograph, crime for
1419 which paroled, the date of the end of parole or flat-time date and
1420 other information deemed necessary. The Parole Board shall
1421 immediately remove information on a parolee at the end of his
1422 parole or flat-time date.

1423 (b) When a person is placed on parole, the Parole Board
1424 shall inform the parolee of the duty to report to the parole
1425 officer any change in address ten (10) days before changing
1426 address.

1427 (c) The Parole Board shall utilize an internet website
1428 or other electronic means to release or publish the information.

1429 (d) Records maintained on the registry shall be open to
1430 law enforcement agencies and the public and shall be available no
1431 later than July 1, 2003.

1432 (9) An affirmative vote of at least four (4) members of the
1433 Parole Board shall be required to grant parole to an inmate
1434 convicted of capital murder or a sex crime.

1435 (10) This section shall stand repealed on July 1, 2022.

1436 **SECTION 27.** Section 47-7-6, Mississippi Code of 1972, is
1437 amended as follows:

1438 47-7-6. (1) The Parole Board, with the assistance of the
1439 Department of Corrections, shall collect the following
1440 information:

1441 (a) The number of offenders supervised on parole;

1442 (b) The number of offenders released on parole;



1443 (c) The number of parole hearings held;

1444 (d) The parole grant rate for parolees released with
1445 and without a hearing;

1446 (e) The average length of time offenders spend on
1447 parole;

1448 (f) The number and percentage of parolees revoked for a
1449 technical violation and returned for a term of imprisonment in a
1450 technical violation center;

1451 (g) The number and percentage of parolees revoked for a
1452 technical violation and returned for a term of imprisonment in
1453 another type of department of corrections * * * facility;

1454 (h) The number and percentage of parolees who are
1455 convicted of a new offense and returned for a term of imprisonment
1456 on their current crime as well as the new crime;

1457 (i) The number of parolees held on a violation in
1458 county jail awaiting a revocation hearing; and

1459 (j) The average length of stay in a county jail for
1460 parolees awaiting a revocation hearing.

1461 (2) The Parole Board shall semiannually report information
1462 required in subsection (1) of this section to the Oversight Task
1463 Force, and upon request, shall report such information to the PEER
1464 Committee.

1465 (3) From and after July 1, 2021, the Mississippi Department
1466 of Reentry and Supervision shall perform the functions of the



1467 Division of Community Corrections pursuant to Section 1 of this
1468 act.

1469 **SECTION 28.** Section 47-7-9, Mississippi Code of 1972, is
1470 amended as follows:

1471 47-7-9. (1) The circuit judges and county judges in the
1472 districts to which Division of Community Corrections personnel
1473 have been assigned shall have the power to request of the
1474 department transfer or removal of the division personnel from
1475 their court. From and after July 1, 2021, the Mississippi
1476 Department of Reentry and Supervision shall perform the functions
1477 of the Division of Community Corrections pursuant to Section 1 of
1478 this act.

1479 (2) (a) Division personnel shall investigate all cases
1480 referred to them for investigation by the board, the division or
1481 by any court in which they are authorized to serve. They shall
1482 furnish to each person released under their supervision a written
1483 statement of the conditions of probation, parole, earned-release
1484 supervision, post-release supervision or suspension and shall
1485 instruct the person regarding the same. They shall administer a
1486 risk and needs assessment on each person under their supervision
1487 to measure criminal risk factors and individual needs. They shall
1488 use the results of the risk and needs assessment to guide
1489 supervision responses consistent with evidence-based practices as
1490 to the level of supervision and the practices used to reduce
1491 recidivism. They shall develop a supervision plan for each person



1492 assessed as moderate to high risk to reoffend. They shall keep
1493 informed concerning the conduct and conditions of persons under
1494 their supervision and use all suitable methods that are consistent
1495 with evidence-based practices to aid and encourage them and to
1496 bring about improvements in their conduct and condition and to
1497 reduce the risk of recidivism. They shall keep detailed records
1498 of their work and shall make such reports in writing as the court
1499 or the board may require.

1500 (b) Division personnel shall complete annual training
1501 on evidence-based practices and criminal risk factors, as well as
1502 instructions on how to target these factors to reduce recidivism.

1503 (c) The division personnel duly assigned to court
1504 districts are hereby vested with all the powers of police officers
1505 or sheriffs to make arrests or perform any other duties required
1506 of policemen or sheriffs which may be incident to the division
1507 personnel responsibilities. All probation and parole officers
1508 hired on or after July 1, 1994, will be placed in the Law
1509 Enforcement Officers Training Program and will be required to meet
1510 the standards outlined by that program.

1511 (d) It is the intention of the Legislature that insofar
1512 as practicable the case load of each division personnel
1513 supervising offenders in the community (hereinafter field
1514 supervisor) shall not exceed the number of cases that may be
1515 adequately handled.



1516 (3) (a) Division personnel shall be provided to perform
1517 investigation for the court as provided in this subsection.
1518 Division personnel shall conduct presentence investigations on all
1519 persons convicted of a felony in any circuit court of the state,
1520 prior to sentencing and at the request of the circuit court judge
1521 of the court of conviction. The presentence evaluation report
1522 shall consist of a complete record of the offender's criminal
1523 history, educational level, employment history, psychological
1524 condition and such other information as the department or judge
1525 may deem necessary. Division personnel shall also prepare written
1526 victim impact statements at the request of the sentencing judge as
1527 provided in Section 99-19-157.

1528 (b) In order that offenders in the custody of the
1529 department on July 1, 1976, may benefit from the kind of
1530 evaluations authorized in this section, an evaluation report to
1531 consist of the information required hereinabove, supplemented by
1532 an examination of an offender's record while in custody, shall be
1533 compiled by the division upon all offenders in the custody of the
1534 department on July 1, 1976. After a study of such reports by the
1535 State Parole Board those cases which the board believes would
1536 merit some type of executive clemency shall be submitted by the
1537 board to the Governor with its recommendation for the appropriate
1538 executive action.

1539 (c) The department is authorized to accept gifts,
1540 grants and subsidies to conduct this activity.



1541 **SECTION 29.** Section 47-7-13, Mississippi Code of 1972, is
1542 amended as follows:

1543 47-7-13. A majority of the board shall constitute a quorum
1544 for the transaction of all business. A decision to parole an
1545 offender convicted of murder or a sex-related crime shall require
1546 the affirmative vote of three (3) members. The board shall
1547 maintain, in minute book form, a copy of each of its official
1548 actions with the reasons therefor. Suitable and sufficient office
1549 space and support resources and staff necessary to conducting
1550 Parole Board business shall be provided by the Department of
1551 Corrections. However, the principal place for conducting parole
1552 hearings shall be the State Penitentiary at Parchman.

1553 From and after July 1, 2021, the Mississippi Department of
1554 Reentry and Supervision shall perform the functions of the
1555 Division of Community Corrections pursuant to Section 1 of this
1556 act.

1557 **SECTION 30.** Section 47-7-17, Mississippi Code of 1972, is
1558 amended as follows:

1559 47-7-17. Within one (1) year after his admission and at such
1560 intervals thereafter as it may determine, the board shall secure
1561 and consider all pertinent information regarding each offender,
1562 except any under sentence of death or otherwise ineligible for
1563 parole, including the circumstances of his offense, his previous
1564 social history, his previous criminal record, including any
1565 records of law enforcement agencies or of a youth court regarding



1566 that offender's juvenile criminal history, his conduct, employment
1567 and attitude while in the custody of the department, the case plan
1568 created to prepare the offender for parole, and the reports of
1569 such physical and mental examinations as have been made. The
1570 board shall furnish at least three (3) months' written notice to
1571 each such offender of the date on which he is eligible for parole.

1572 Before ruling on the application for parole of any offender,
1573 the board may require a parole-eligible offender to have a hearing
1574 as required in this chapter before the board and to be
1575 interviewed. The hearing shall be held no later than thirty (30)
1576 days prior to the month of eligibility. No application for parole
1577 of a person convicted of a capital offense shall be considered by
1578 the board unless and until notice of the filing of such
1579 application shall have been published at least once a week for two
1580 (2) weeks in a newspaper published in or having general
1581 circulation in the county in which the crime was committed. The
1582 board shall, within thirty (30) days prior to the scheduled
1583 hearing, also give notice of the filing of the application for
1584 parole to the victim of the offense for which the prisoner is
1585 incarcerated and being considered for parole or, in case the
1586 offense be homicide, a designee of the immediate family of the
1587 victim, provided the victim or designated family member has
1588 furnished in writing a current address to the board for such
1589 purpose. Parole release shall, at the hearing, be ordered only
1590 for the best interest of society, not as an award of clemency; it



1591 shall not be considered to be a reduction of sentence or pardon.
1592 An offender shall be placed on parole only when arrangements have
1593 been made for his proper employment or for his maintenance and
1594 care, and when the board believes that he is able and willing to
1595 fulfill the obligations of a law-abiding citizen. When the board
1596 determines that the offender will need transitional housing upon
1597 release in order to improve the likelihood of * * * he or * * *
1598 she becoming a law-abiding citizen, the board may parole the
1599 offender with the condition that the inmate spends no more than
1600 six (6) months in a transitional reentry center. At least fifteen
1601 (15) days prior to the release of an offender on parole, the
1602 director of records of the department shall give the written
1603 notice which is required pursuant to Section 47-5-177. Every
1604 offender while on parole shall remain in the legal custody of the
1605 department from which he was released and shall be amenable to the
1606 orders of the board. Upon determination by the board that an
1607 offender is eligible for release by parole, notice shall also be
1608 given within at least fifteen (15) days before release, by the
1609 board to the victim of the offense or the victim's family member,
1610 as indicated above, regarding the date when the offender's release
1611 shall occur, provided a current address of the victim or the
1612 victim's family member has been furnished in writing to the board
1613 for such purpose.



1614 Failure to provide notice to the victim or the victim's
1615 family member of the filing of the application for parole or of
1616 any decision made by the board regarding parole shall not
1617 constitute grounds for vacating an otherwise lawful parole
1618 determination nor shall it create any right or liability, civilly
1619 or criminally, against the board or any member thereof.

1620 A letter of protest against granting an offender parole shall
1621 not be treated as the conclusive and only reason for not granting
1622 parole.

1623 The board may adopt such other rules not inconsistent with
1624 law as it may deem proper or necessary with respect to the
1625 eligibility of offenders for parole, the conduct of parole
1626 hearings, or conditions to be imposed upon parolees, including a
1627 condition that the parolee submit, as provided in Section 47-5-601
1628 to any type of breath, saliva or urine chemical analysis test, the
1629 purpose of which is to detect the possible presence of alcohol or
1630 a substance prohibited or controlled by any law of the State of
1631 Mississippi or the United States. The board shall have the
1632 authority to adopt rules related to the placement of certain
1633 offenders on unsupervised parole and for the operation of
1634 transitional reentry centers. However, in no case shall an
1635 offender be placed on unsupervised parole before he has served a
1636 minimum of fifty percent (50%) of the period of supervised parole.

1637 From and after July 1, 2021, the Mississippi Department of
1638 Reentry and Supervision shall perform the functions of the



1639 Division of Community Corrections pursuant to Section 1 of this
1640 act.

1641 **SECTION 31.** Section 47-7-18, Mississippi Code of 1972, is
1642 amended as follows:

1643 47-7-18 (1) Each inmate eligible for parole pursuant to
1644 Section 47-7-3, shall be released from incarceration to parole
1645 supervision on the inmate's parole eligibility date, without a
1646 hearing before the board, if:

1647 (a) The inmate has met the requirements of the parole
1648 case plan established pursuant to Section 47-7-3.1;

1649 (b) A victim of the offense has not requested the board
1650 conduct a hearing;

1651 (c) The inmate has not received a serious or major
1652 violation report within the past six (6) months;

1653 (d) The inmate has agreed to the conditions of
1654 supervision; and

1655 (e) The inmate has a discharge plan approved by the
1656 board.

1657 (2) At least thirty (30) days prior to an inmate's parole
1658 eligibility date, the department shall notify the board in writing
1659 of the inmate's compliance or noncompliance with the case plan.
1660 If an inmate fails to meet a requirement of the case plan, prior
1661 to the parole eligibility date, he or she shall have a hearing
1662 before the board to determine if completion of the case plan can
1663 occur while in the community.



1664 (3) Any inmate for whom there is insufficient information
1665 for the department to determine compliance with the case plan
1666 shall have a hearing with the board.

1667 (4) A hearing shall be held with the board if requested by
1668 the victim following notification of the inmate's parole release
1669 date pursuant to Section 47-7-17.

1670 (5) A hearing shall be held by the board if a law
1671 enforcement official from the community to which the inmate will
1672 return contacts the board or the department and requests a hearing
1673 to consider information relevant to public safety risks posed by
1674 the inmate if paroled at the initial parole eligibility date. The
1675 law enforcement official shall submit an explanation documenting
1676 these concerns for the board to consider.

1677 (6) If a parole hearing is held, the board may determine the
1678 inmate has sufficiently complied with the case plan or that the
1679 incomplete case plan is not the fault of the inmate and that
1680 granting parole is not incompatible with public safety, the board
1681 may then parole the inmate with appropriate conditions. If the
1682 board determines that the inmate has sufficiently complied with
1683 the case plan but the discharge plan indicates that the inmate
1684 does not have appropriate housing immediately upon release, the
1685 board may parole the inmate to a transitional reentry center with
1686 the condition that the inmate spends no more than six (6) months
1687 in the center. If the board determines that the inmate has not
1688 substantively complied with the requirement(s) of the case plan it



1689 may deny parole. If the board denies parole, the board may
1690 schedule a subsequent parole hearing and, if a new date is
1691 scheduled, the board shall identify the corrective action the
1692 inmate will need to take in order to be granted parole. Any
1693 inmate not released at the time of the inmate's initial parole
1694 date shall have a parole hearing at least every year.

1695 From and after July 1, 2021, the Mississippi Department of
1696 Reentry and Supervision shall perform the functions of the
1697 Division of Community Corrections pursuant to Section 1 of this
1698 act.

1699 **SECTION 32.** Section 47-7-19, Mississippi Code of 1972, is
1700 amended as follows:

1701 47-7-19. It shall be the duty of all correctional system
1702 officials to grant to the members of the board or its properly
1703 accredited representatives, access at all reasonable times to any
1704 person over whom the board may have jurisdiction under this
1705 chapter; to provide for the board or such representatives
1706 facilities for communicating with and observing the offender; and
1707 to furnish to the board such reports as the board shall require
1708 concerning the conduct and character of any offender in the
1709 Department of Corrections custody and any other facts deemed by
1710 the board pertinent in determining whether such offender shall be
1711 paroled.

1712 It shall be the duty of any judge, district attorney, county
1713 attorney, police officer, or other public official of the state,



1714 having information with reference to any person eligible for
1715 parole, to send such information as may be in his possession or
1716 under his control to the board, in writing, upon request of any
1717 member or employee thereof.

1718 From and after July 1, 2021, the Mississippi Department of
1719 Reentry and Supervision shall perform the functions of the
1720 Division of Community Corrections pursuant to Section 1 of this
1721 act.

1722 **SECTION 33.** Section 47-7-21, Mississippi Code of 1972, is
1723 amended as follows:

1724 47-7-21. All information obtained in the discharge of
1725 official duty by a field officer as an employee of the Department
1726 of Corrections shall be privileged and shall not be disclosed
1727 directly or indirectly to anyone other than to (a) the State
1728 Parole Board, (b) a judge, or (c) law enforcement agencies when
1729 such information is relevant to criminal activity.

1730 From and after July 1, 2021, the Mississippi Department of
1731 Reentry and Supervision shall perform the functions of the
1732 Division of Community Corrections pursuant to Section 1 of this
1733 act.

1734 **SECTION 34.** Section 47-7-23, Mississippi Code of 1972, is
1735 amended as follows:

1736 47-7-23. Except as otherwise provided by law, the Department
1737 of Corrections shall have the power and duty to make rules for the
1738 conduct of persons heretofore or hereafter placed on parole under



1739 the supervision of the Department of Corrections and for the
1740 investigation and supervision of such persons, which supervision
1741 may include a condition that such persons submit, as provided in
1742 Section 47-5-601, to any type of breath, saliva or urine chemical
1743 analysis test, the purpose of which is to detect the possible
1744 presence of alcohol or a substance prohibited or controlled by any
1745 law of the State of Mississippi or the United States. The
1746 department shall not make any rules which shall be inconsistent
1747 with the rules imposed by the State Parole Board pursuant to
1748 Section 47-7-17 on offenders who are placed on unsupervised
1749 parole.

1750 From and after July 1, 2021, the Mississippi Department of
1751 Reentry and Supervision shall perform the functions of the
1752 Division of Community Corrections pursuant to Section 1 of this
1753 act.

1754 **SECTION 35.** Section 47-7-25, Mississippi Code of 1972, is
1755 amended as follows:

1756 47-7-25. When an offender is placed on parole he shall
1757 receive, if needed, from the state, civilian clothing and
1758 transportation to the place in which he is to reside. At the
1759 discretion of the board the offender may be advanced such sum for
1760 his temporary maintenance as the board may allow. The aforesaid
1761 gratuities are to be furnished by the Commissioner of Corrections
1762 who is authorized to charge the actual cost of same in his account
1763 as Commissioner of Corrections.



1764 From and after July 1, 2021, the Mississippi Department of
1765 Reentry and Supervision shall perform the functions of the
1766 Division of Community Corrections pursuant to Section 1 of this
1767 act.

1768 **SECTION 36.** Section 47-7-27, Mississippi Code of 1972, is
1769 amended as follows:

1770 47-7-27. (1) The board may, at any time and upon a showing
1771 of probable violation of parole, issue a warrant for the return of
1772 any paroled offender to the custody of the department. The
1773 warrant shall authorize all persons named therein to return the
1774 paroled offender to actual custody of the department from which he
1775 was paroled.

1776 (2) Any field supervisor may arrest an offender without a
1777 warrant or may deputize any other person with power of arrest by
1778 giving him a written statement setting forth that the offender
1779 has, in the judgment of that field supervisor, violated the
1780 conditions of his parole or earned-release supervision. The
1781 written statement delivered with the offender by the arresting
1782 officer to the official in charge of the department facility from
1783 which the offender was released or other place of detention
1784 designated by the department shall be sufficient warrant for the
1785 detention of the offender.

1786 (3) The field supervisor, after making an arrest, shall
1787 present to the detaining authorities a similar statement of the
1788 circumstances of violation. The field supervisor shall at once



1789 notify the board or department of the arrest and detention of the
1790 offender and shall submit a written report showing in what manner
1791 the offender has violated the conditions of parole or
1792 earned-release supervision. An offender for whose return a
1793 warrant has been issued by the board shall, after the issuance of
1794 the warrant, be deemed a fugitive from justice.

1795 (4) Whenever an offender is arrested on a warrant for an
1796 alleged violation of parole as herein provided, the board shall
1797 hold an informal preliminary hearing within seventy-two (72) hours
1798 to determine whether there is reasonable cause to believe the
1799 person has violated a condition of parole. A preliminary hearing
1800 shall not be required when the offender is not under arrest on a
1801 warrant or the offender signed a waiver of a preliminary hearing.
1802 The preliminary hearing may be conducted electronically.

1803 (5) The right of the State of Mississippi to extradite
1804 persons and return fugitives from justice, from other states to
1805 this state, shall not be impaired by this chapter and shall remain
1806 in full force and effect. An offender convicted of a felony
1807 committed while on parole, whether in the State of Mississippi or
1808 another state, shall immediately have his parole revoked upon
1809 presentment of a certified copy of the commitment order to the
1810 board. If an offender is on parole and the offender is convicted
1811 of a felony for a crime committed prior to the offender being
1812 placed on parole, whether in the State of Mississippi or another



1813 state, the offender may have his parole revoked upon presentment
1814 of a certified copy of the commitment order to the board.

1815 (6) (a) The board shall hold a hearing for any parolee who
1816 is detained as a result of a warrant or a violation report within
1817 twenty-one (21) days of the parolee's admission to detention. The
1818 board may, in its discretion, terminate the parole or modify the
1819 terms and conditions thereof. If the board revokes parole for one
1820 or more technical violations the board shall impose a period of
1821 imprisonment to be served in a technical violation center operated
1822 by the department not to exceed ninety (90) days for the first
1823 revocation and not to exceed one hundred twenty (120) days for the
1824 second revocation. For the third revocation, the board may impose
1825 a period of imprisonment to be served in a technical violation
1826 center for up to one hundred * * * eighty (180) days or the board
1827 may impose the remainder of the suspended portion of the sentence.
1828 For the fourth and any subsequent revocation, the board may impose
1829 up to the remainder of the suspended portion of the sentence. The
1830 period of imprisonment in a technical violation center imposed
1831 under this section shall not be reduced in any manner.

1832 (b) If the board does not hold a hearing or does not
1833 take action on the violation within the twenty-one-day time frame
1834 in paragraph (a) of this subsection, the parolee shall be released
1835 from detention and shall return to parole status. The board may
1836 subsequently hold a hearing and may revoke parole or may continue
1837 parole and modify the terms and conditions of parole. If the



1838 board revokes parole for one or more technical violations the
1839 board shall impose a period of imprisonment to be served in a
1840 technical violation center operated by the department not to
1841 exceed ninety (90) days for the first revocation and not to exceed
1842 one hundred twenty (120) days for the second revocation. For the
1843 third revocation, the board may impose a period of imprisonment to
1844 be served in a technical violation center for up to one hundred
1845 eighty (180) days or the board may impose the remainder of the
1846 suspended portion of the sentence. For the fourth and any
1847 subsequent revocation, the board may impose up to the remainder of
1848 the suspended portion of the sentence. The period of imprisonment
1849 in a technical violation center imposed under this section shall
1850 not be reduced in any manner.

1851 (c) For a parolee charged with one or more technical
1852 violations who has not been detained awaiting the revocation
1853 hearing, the board may hold a hearing within a reasonable time.
1854 The board may revoke parole or may continue parole and modify the
1855 terms and conditions of parole. If the board revokes parole for
1856 one or more technical violations the board shall impose a period
1857 of imprisonment to be served in a technical violation center
1858 operated by the department not to exceed ninety (90) days for the
1859 first revocation and not to exceed one hundred twenty (120) days
1860 for the second revocation. For the third revocation, the board
1861 may impose a period of imprisonment to be served in a technical
1862 violation center for up to one hundred eighty (180) days or the



1863 board may impose the remainder of the suspended portion of the
1864 sentence. For the fourth and any subsequent revocation, the board
1865 may impose up to the remainder of the suspended portion of the
1866 sentence. The period of imprisonment in a technical violation
1867 center imposed under this section shall not be reduced in any
1868 manner.

1869 (7) Unless good cause for the delay is established in the
1870 record of the proceeding, the parole revocation charge shall be
1871 dismissed if the revocation hearing is not held within the thirty
1872 (30) days of the issuance of the warrant.

1873 (8) The chairman and each member of the board and the
1874 designated parole revocation hearing officer may, in the discharge
1875 of their duties, administer oaths, summon and examine witnesses,
1876 and take other steps as may be necessary to ascertain the truth of
1877 any matter about which they have the right to inquire.

1878 (9) The board shall provide semiannually to the Oversight
1879 Task Force the number of warrants issued for an alleged violation
1880 of parole, the average time between detention on a warrant and
1881 preliminary hearing, the average time between detention on a
1882 warrant and revocation hearing, the number of ninety-day sentences
1883 in a technical violation center issued by the board, the number of
1884 one-hundred-twenty-day sentences in a technical violation center
1885 issued by the board, the number of one-hundred-eighty-day
1886 sentences issued by the board, and the number and average length



1887 of the suspended sentences imposed by the board in response to a
1888 violation.

1889 (10) From and after July 1, 2021, the Mississippi Department
1890 of Reentry and Supervision shall perform the functions of the
1891 Division of Community Corrections pursuant to Section 1 of this
1892 act.

1893 **SECTION 37.** Section 47-7-29, Mississippi Code of 1972, is
1894 amended as follows:

1895 47-7-29. Any prisoner who commits a felony while at large
1896 upon parole or earned-release supervision and who is convicted and
1897 sentenced therefor shall be required to serve such sentence after
1898 the original sentence has been completed.

1899 From and after July 1, 2021, the Mississippi Department of
1900 Reentry and Supervision shall perform the functions of the
1901 Division of Community Corrections pursuant to Section 1 of this
1902 act.

1903 **SECTION 38.** Section 47-7-33, Mississippi Code of 1972, is
1904 amended as follows:

1905 47-7-33. (1) When it appears to the satisfaction of any
1906 circuit court or county court in the State of Mississippi having
1907 original jurisdiction over criminal actions, or to the judge
1908 thereof, that the ends of justice and the best interest of the
1909 public, as well as the defendant, will be served thereby, such
1910 court, in termtime or in vacation, shall have the power, after
1911 conviction or a plea of guilty, except in a case where a death



1912 sentence or life imprisonment is the maximum penalty which may be
1913 imposed, to suspend the imposition or execution of sentence, and
1914 place the defendant on probation as herein provided, except that
1915 the court shall not suspend the execution of a sentence of
1916 imprisonment after the defendant shall have begun to serve such
1917 sentence. In placing any defendant on probation, the court, or
1918 judge, shall direct that such defendant be under the supervision
1919 of the Department of Corrections.

1920 (2) When any circuit or county court places an offender on
1921 probation, the court shall give notice to the Mississippi
1922 Department of Corrections within fifteen (15) days of the court's
1923 decision to place the offender on probation. Notice shall be
1924 delivered to the central office of the Mississippi Department of
1925 Corrections and to the regional office of the department which
1926 will be providing supervision to the offender on probation.

1927 (3) When any circuit court or county court places a person
1928 on probation in accordance with the provisions of this section and
1929 that person is ordered to make any payments to his family, if any
1930 member of his family whom he is ordered to support is receiving
1931 public assistance through the State Department of Human Services,
1932 the court shall order him to make such payments to the county
1933 welfare officer of the county rendering public assistance to his
1934 family, for the sole use and benefit of said family.

1935 (4) From and after July 1, 2021, the Mississippi Department
1936 of Reentry and Supervision shall perform the functions of the



1937 Division of Community Corrections pursuant to Section 1 of this
1938 act.

1939 **SECTION 39.** Section 47-7-33.1, Mississippi Code of 1972, is
1940 amended as follows:

1941 47-7-33.1. (1) The department shall create a discharge plan
1942 for any offender returning to the community, regardless of whether
1943 the person will discharge from the custody of the department, or
1944 is released on parole, pardon, or otherwise. At least ninety (90)
1945 days prior to an offender's earliest release date, the
1946 commissioner shall conduct a pre-release assessment and complete a
1947 written discharge plan based on the assessment results. The
1948 discharge plan for parole eligible offenders shall be sent to the
1949 parole board at least thirty (30) days prior to the offender's
1950 parole eligibility date for approval. The board may suggest
1951 changes to the plan that it deems necessary to ensure a successful
1952 transition.

1953 (2) The pre-release assessment shall identify whether an
1954 inmate requires assistance obtaining the following basic needs
1955 upon release: transportation, clothing and food, financial
1956 resources, identification documents, housing, employment,
1957 education, health care and support systems. The discharge plan
1958 shall include information necessary to address these needs and the
1959 steps being taken by the department to assist in this process.
1960 Based on the findings of the assessment, the commissioner shall:



1961 (a) Arrange transportation for inmates from the
1962 correctional facility to their release destination;
1963 (b) Ensure inmates have clean, seasonally appropriate
1964 clothing, and provide inmates with a list of food providers and
1965 other basic resources immediately accessible upon release;
1966 (c) Ensure inmates have a driver's license or a
1967 state-issued identification card that is not a Department of
1968 Corrections identification card;
1969 (d) Assist inmates in identifying safe, affordable
1970 housing upon release. If accommodations are not available,
1971 determine whether temporary housing is available for at least ten
1972 (10) days after release. If temporary housing is not available,
1973 the discharge plan shall reflect that satisfactory housing has not
1974 been established and the person may be a candidate for
1975 transitional reentry center placement;
1976 (e) Refer inmates without secured employment to
1977 employment opportunities;
1978 (f) Provide inmates with contact information of a
1979 health care facility/provider in the community in which they plan
1980 to reside;
1981 (g) Notify family members of the release date and
1982 release plan, if the inmate agrees; and
1983 (h) Refer inmates to a community or a faith-based
1984 organization that can offer support within the first twenty-four
1985 (24) hours of release;



1986 (3) A written discharge plan shall be provided to the
1987 offender and supervising probation officer or parole officer, if
1988 applicable.

1989 (4) A discharge plan created for a parole-eligible offender
1990 shall also include supervision conditions and the intensity of
1991 supervision based on the assessed risk to recidivate and whether
1992 there is a need for transitional housing. The board shall approve
1993 discharge plans before an offender is released on parole pursuant
1994 to this chapter.

1995 (5) From and after July 1, 2021, the Mississippi Department
1996 of Reentry and Supervision shall perform the functions of the
1997 Division of Community Corrections pursuant to Section 1 of this
1998 act.

1999 **SECTION 40.** Section 47-7-34, Mississippi Code of 1972, is
2000 amended as follows:

2001 47-7-34. (1) When a court imposes a sentence upon a
2002 conviction for any felony committed after June 30, 1995, the
2003 court, in addition to any other punishment imposed if the other
2004 punishment includes a term of incarceration in a state or local
2005 correctional facility, may impose a term of post-release
2006 supervision. However, the total number of years of incarceration
2007 plus the total number of years of post-release supervision shall
2008 not exceed the maximum sentence authorized to be imposed by law
2009 for the felony committed. The defendant shall be placed under
2010 post-release supervision upon release from the term of



2011 incarceration. The period of supervision shall be established by
2012 the court.

2013 (2) The period of post-release supervision shall be
2014 conducted in the same manner as a like period of supervised
2015 probation, including a requirement that the defendant shall abide
2016 by any terms and conditions as the court may establish. Failure
2017 to successfully abide by the terms and conditions shall be grounds
2018 to terminate the period of post-release supervision and to
2019 recommit the defendant to the correctional facility from which he
2020 was previously released. Procedures for termination and
2021 recommitment shall be conducted in the same manner as procedures
2022 for the revocation of probation and imposition of a suspended
2023 sentence as required pursuant to Section 47-7-37.

2024 (3) Post-release supervision programs shall be operated
2025 through the probation and parole unit of the Division of Community
2026 Corrections of the department. The maximum amount of time that
2027 the Mississippi Department of Corrections may supervise an
2028 offender on the post-release supervision program is five (5)
2029 years.

2030 (4) From and after July 1, 2021, the Mississippi Department
2031 of Reentry and Supervision shall perform the functions of the
2032 Division of Community Corrections pursuant to Section 1 of this
2033 act.

2034 **SECTION 41.** Section 47-7-35, Mississippi Code of 1972, is
2035 amended as follows:



2036 47-7-35. (1) The courts referred to in Section 47-7-33 or
2037 47-7-34 shall determine the terms and conditions of probation or
2038 post-release supervision and may alter or modify, at any time
2039 during the period of probation or post-release supervision, the
2040 conditions and may include among them the following or any other:

2041 That the offender shall:

2042 (a) Commit no offense against the laws of this or any
2043 other state of the United States, or of any federal, territorial
2044 or tribal jurisdiction of the United States;

2045 (b) Avoid injurious or vicious habits;

2046 (c) Avoid persons or places of disreputable or harmful
2047 character;

2048 (d) Report to the probation and parole officer as
2049 directed;

2050 (e) Permit the probation and parole officer to visit
2051 him at home or elsewhere;

2052 (f) Work faithfully at suitable employment so far as
2053 possible;

2054 (g) Remain within a specified area;

2055 (h) Pay his fine in one (1) or several sums;

2056 (i) Support his dependents;

2057 (j) Submit, as provided in Section 47-5-601, to any
2058 type of breath, saliva or urine chemical analysis test, the
2059 purpose of which is to detect the possible presence of alcohol or



2060 a substance prohibited or controlled by any law of the State of
2061 Mississippi or the United States;

2062 (k) Register as a sex offender if so required under
2063 Title 45, Chapter 33.

2064 (2) When any court places a defendant on misdemeanor
2065 probation, the court must cause to be conducted a search of the
2066 probationer's name or other identifying information against the
2067 registration information regarding sex offenders maintained under
2068 Title 45, Chapter 33. The search may be conducted using the
2069 Internet site maintained by the Department of Public Safety Sex
2070 Offender Registry.

2071 (3) From and after July 1, 2021, the Mississippi Department
2072 of Reentry and Supervision shall perform the functions of the
2073 Division of Community Corrections pursuant to Section 1 of this
2074 act.

2075 **SECTION 42.** Section 47-7-36, Mississippi Code of 1972, is
2076 amended as follows:

2077 47-7-36. Any person who supervises an individual placed on
2078 parole by the Parole Board or placed on probation by the court
2079 shall set the times and locations for meetings that are required
2080 for parole or probation at such times and locations that are
2081 reasonably designed to accommodate the work schedule of an
2082 individual on parole or probation who is employed by another
2083 person or entity. To effectuate the provisions of this section,
2084 the parole officer or probation officer may utilize technology



2085 portals such as Skype, FaceTime or Google video chat, or any other
2086 technology portal that allows communication between the individual
2087 on parole or probation and the parole or probation officer, as
2088 applicable, to occur simultaneously in real time by voice and
2089 video in lieu of requiring a face-to-face in person meeting of
2090 such individual and the parole or probation officer, as
2091 applicable. For individuals who are self-employed, the provisions
2092 of this section shall only apply with the agreement of their
2093 supervising parole or probation officer.

2094 From and after July 1, 2021, the Mississippi Department of
2095 Reentry and Supervision shall perform the functions of the
2096 Division of Community Corrections pursuant to Section 1 of this
2097 act.

2098 **SECTION 43.** Section 47-7-37, Mississippi Code of 1972, is
2099 amended as follows:

2100 47-7-37. (1) The period of probation shall be fixed by the
2101 court, and may at any time be extended or terminated by the court,
2102 or judge in vacation. Such period with any extension thereof
2103 shall not exceed five (5) years, except that in cases of desertion
2104 and/or failure to support minor children, the period of probation
2105 may be fixed and/or extended by the court for so long as the duty
2106 to support such minor children exists. The time served on
2107 probation or post-release supervision may be reduced pursuant to
2108 Section 47-7-40.



2109 (2) At any time during the period of probation, the court,
2110 or judge in vacation, may issue a warrant for violating any of the
2111 conditions of probation or suspension of sentence and cause the
2112 probationer to be arrested. Any probation and parole officer may
2113 arrest a probationer without a warrant, or may deputize any other
2114 officer with power of arrest to do so by giving him a written
2115 statement setting forth that the probationer has, in the judgment
2116 of the probation and parole officer, violated the conditions of
2117 probation. Such written statement delivered with the probationer
2118 by the arresting officer to the official in charge of a county
2119 jail or other place of detention shall be sufficient warrant for
2120 the detention of the probationer.

2121 (3) Whenever an offender is arrested on a warrant for an
2122 alleged violation of probation as herein provided, the department
2123 shall hold an informal preliminary hearing within seventy-two (72)
2124 hours of the arrest to determine whether there is reasonable cause
2125 to believe the person has violated a condition of probation. A
2126 preliminary hearing shall not be required when the offender is not
2127 under arrest on a warrant or the offender signed a waiver of a
2128 preliminary hearing. The preliminary hearing may be conducted
2129 electronically. If reasonable cause is found, the offender may be
2130 confined no more than twenty-one (21) days from the admission to
2131 detention until a revocation hearing is held. If the revocation
2132 hearing is not held within twenty-one (21) days, the probationer
2133 shall be released from custody and returned to probation status.



2134 (4) If a probationer or offender is subject to registration
2135 as a sex offender, the court must make a finding that the
2136 probationer or offender is not a danger to the public prior to
2137 release with or without bail. In determining the danger posed by
2138 the release of the offender or probationer, the court may consider
2139 the nature and circumstances of the violation and any new offenses
2140 charged; the offender or probationer's past and present conduct,
2141 including convictions of crimes and any record of arrests without
2142 conviction for crimes involving violence or sex crimes; any other
2143 evidence of allegations of unlawful sexual conduct or the use of
2144 violence by the offender or probationer; the offender or
2145 probationer's family ties, length of residence in the community,
2146 employment history and mental condition; the offender or
2147 probationer's history and conduct during the probation or other
2148 supervised release and any other previous supervisions, including
2149 disciplinary records of previous incarcerations; the likelihood
2150 that the offender or probationer will engage again in a criminal
2151 course of conduct; the weight of the evidence against the offender
2152 or probationer; and any other facts the court considers relevant.

2153 (5) (a) The probation and parole officer after making an
2154 arrest shall present to the detaining authorities a similar
2155 statement of the circumstances of violation. The probation and
2156 parole officer shall at once notify the court of the arrest and
2157 detention of the probationer and shall submit a report in writing
2158 showing in what manner the probationer has violated the conditions



2159 of probation. Within twenty-one (21) days of arrest and detention
2160 by warrant as herein provided, the court shall cause the
2161 probationer to be brought before it and may continue or revoke all
2162 or any part of the probation or the suspension of sentence. If
2163 the court revokes probation for one or more technical violations,
2164 the court shall impose a period of imprisonment to be served in
2165 either a technical violation center or a restitution center not to
2166 exceed ninety (90) days for the first revocation and not to exceed
2167 one hundred twenty (120) days for the second revocation. For the
2168 third revocation, the court may impose a period of imprisonment to
2169 be served in either a technical violation center or a restitution
2170 center for up to one hundred eighty (180) days or the court may
2171 impose the remainder of the suspended portion of the sentence.
2172 For the fourth and any subsequent revocation, the court may impose
2173 up to the remainder of the suspended portion of the sentence. The
2174 period of imprisonment in a technical violation center imposed
2175 under this section shall not be reduced in any manner.

2176 (b) If the offender is not detained as a result of the
2177 warrant, the court shall cause the probationer to be brought
2178 before it within a reasonable time and may continue or revoke all
2179 or any part of the probation or the suspension of sentence, and
2180 may cause the sentence imposed to be executed or may impose any
2181 part of the sentence which might have been imposed at the time of
2182 conviction. If the court revokes probation for one or more
2183 technical violations, the court shall impose a period of



2184 imprisonment to be served in either a technical violation center
2185 or a restitution center not to exceed ninety (90) days for the
2186 first revocation and not to exceed one hundred twenty (120) days
2187 for the second revocation. For the third revocation, the court
2188 may impose a period of imprisonment to be served in either a
2189 technical violation center or a restitution center for up to one
2190 hundred eighty (180) days or the court may impose the remainder of
2191 the suspended portion of the sentence. For the fourth and any
2192 subsequent revocation, the court may impose up to the remainder of
2193 the suspended portion of the sentence. The period of imprisonment
2194 in a technical violation center imposed under this section shall
2195 not be reduced in any manner.

2196 (c) If the court does not hold a hearing or does not
2197 take action on the violation within the twenty-one-day period, the
2198 offender shall be released from detention and shall return to
2199 probation status. The court may subsequently hold a hearing and
2200 may revoke probation or may continue probation and modify the
2201 terms and conditions of probation. If the court revokes probation
2202 for one or more technical violations, the court shall impose a
2203 period of imprisonment to be served in either a technical
2204 violation center operated by the department or a restitution
2205 center not to exceed ninety (90) days for the first revocation and
2206 not to exceed one hundred twenty (120) days for the second
2207 revocation. For the third revocation, the court may impose a
2208 period of imprisonment to be served in either a technical



2209 violation center or a restitution center for up to one hundred
2210 eighty (180) days or the court may impose the remainder of the
2211 suspended portion of the sentence. For the fourth and any
2212 subsequent revocation, the court may impose up to the remainder of
2213 the suspended portion of the sentence. The period of imprisonment
2214 in a technical violation center imposed under this section shall
2215 not be reduced in any manner.

2216 (d) For an offender charged with a technical violation
2217 who has not been detained awaiting the revocation hearing, the
2218 court may hold a hearing within a reasonable time. The court may
2219 revoke probation or may continue probation and modify the terms
2220 and conditions of probation. If the court revokes probation for
2221 one or more technical violations the court shall impose a period
2222 of imprisonment to be served in either a technical violation
2223 center operated by the department or a restitution center not to
2224 exceed ninety (90) days for the first revocation and not to exceed
2225 one hundred twenty (120) days for the second revocation. For the
2226 third revocation, the court may impose a period of imprisonment to
2227 be served in either a technical violation center or a restitution
2228 center for up to one hundred eighty (180) days or the court may
2229 impose the remainder of the suspended portion of the sentence.
2230 For the fourth and any subsequent revocation, the court may impose
2231 up to the remainder of the suspended portion of the sentence. The
2232 period of imprisonment in a technical violation center imposed
2233 under this section shall not be reduced in any manner.



2234 (6) If the probationer is arrested in a circuit court
2235 district in the State of Mississippi other than that in which he
2236 was convicted, the probation and parole officer, upon the written
2237 request of the sentencing judge, shall furnish to the circuit
2238 court or the county court of the county in which the arrest is
2239 made, or to the judge of such court, a report concerning the
2240 probationer, and such court or the judge in vacation shall have
2241 authority, after a hearing, to continue or revoke all or any part
2242 of probation or all or any part of the suspension of sentence, and
2243 may in case of revocation proceed to deal with the case as if
2244 there had been no probation. In such case, the clerk of the court
2245 in which the order of revocation is issued shall forward a
2246 transcript of such order to the clerk of the court of original
2247 jurisdiction, and the clerk of that court shall proceed as if the
2248 order of revocation had been issued by the court of original
2249 jurisdiction. Upon the revocation of probation or suspension of
2250 sentence of any offender, such offender shall be placed in the
2251 legal custody of the State Department of Corrections and shall be
2252 subject to the requirements thereof.

2253 (7) Any probationer who removes himself from the State of
2254 Mississippi without permission of the court placing him on
2255 probation, or the court to which jurisdiction has been
2256 transferred, shall be deemed and considered a fugitive from
2257 justice and shall be subject to extradition as now provided by
2258 law. No part of the time that one is on probation shall be



2259 considered as any part of the time that he shall be sentenced to
2260 serve.

2261 (8) The arresting officer, except when a probation and
2262 parole officer, shall be allowed the same fees as now provided by
2263 law for arrest on warrant, and such fees shall be taxed against
2264 the probationer and paid as now provided by law.

2265 (9) The arrest, revocation and recommitment procedures of
2266 this section also apply to persons who are serving a period of
2267 post-release supervision imposed by the court.

2268 (10) Unless good cause for the delay is established in the
2269 record of the proceeding, the probation revocation charge shall be
2270 dismissed if the revocation hearing is not held within thirty (30)
2271 days of the warrant being issued.

2272 (11) The Department of Corrections shall provide
2273 semiannually to the Oversight Task Force the number of warrants
2274 issued for an alleged violation of probation or post-release
2275 supervision, the average time between detention on a warrant and
2276 preliminary hearing, the average time between detention on a
2277 warrant and revocation hearing, the number of ninety-day sentences
2278 in a technical violation center issued by the court, the number of
2279 one-hundred-twenty-day sentences in a technical violation center
2280 issued by the court, the number of one-hundred-eighty-day
2281 sentences issued by the court, and the number and average length
2282 of the suspended sentences imposed by the court in response to a
2283 violation.



2284 (12) From and after July 1, 2021, the Mississippi Department
2285 of Reentry and Supervision shall perform the functions of the
2286 Division of Community Corrections pursuant to Section 1 of this
2287 act.

2288 **SECTION 44.** Section 47-7-37.1, Mississippi Code of 1972, is
2289 amended as follows:

2290 47-7-37.1. Notwithstanding any other provision of law to the
2291 contrary, if a court finds by a preponderance of the evidence,
2292 that a probationer or a person under post-release supervision has
2293 committed a felony or absconded, the court may revoke his
2294 probation and impose any or all of the sentence. For purposes of
2295 this section, "absconding from supervision" means the failure of a
2296 probationer to report to his supervising officer for six (6) or
2297 more consecutive months.

2298 From and after July 1, 2021, the Mississippi Department of
2299 Reentry and Supervision shall perform the functions of the
2300 Division of Community Corrections pursuant to Section 1 of this
2301 act.

2302 **SECTION 45.** Section 47-7-38, Mississippi Code of 1972, is
2303 amended as follows:

2304 47-7-38. (1) The department shall have the authority to
2305 impose graduated sanctions as an alternative to judicial
2306 modification or revocation, as provided in Sections 47-7-27 and
2307 47-7-37, for offenders on probation, parole, or post-release



2308 supervision who commit technical violations of the conditions of
2309 supervision as defined by Section 47-7-2.

2310 (2) The commissioner shall develop a standardized graduated
2311 sanctions system, which shall include a grid to guide field
2312 officers in determining the suitable response to a technical
2313 violation. The commissioner shall promulgate rules and
2314 regulations for the development and application of the system of
2315 sanctions. Field officers shall be required to conform to the
2316 sanction grid developed.

2317 (3) The system of sanctions shall include a list of
2318 sanctions for the most common types of violations. When
2319 determining the sanction to impose, the field officer shall take
2320 into account the offender's assessed risk level, previous
2321 violations and sanctions, and severity of the current and prior
2322 violations.

2323 (4) Field officers shall notify the sentencing court when a
2324 probationer has committed a technical violation or the parole
2325 board when a parolee has committed a technical violation of the
2326 type of violation and the sanction imposed. When the technical
2327 violation is an arrest for a new criminal offense, the field
2328 officer shall notify the court within forty-eight (48) hours of
2329 becoming aware of the arrest.

2330 (5) The graduated sanctions that the department may impose
2331 include, but shall not be limited to:

2332 (a) Verbal warnings;



2333 (b) Increased reporting;
2334 (c) Increased drug and alcohol testing;
2335 (d) Mandatory substance abuse treatment;
2336 (e) Loss of earned-discharge credits; and
2337 (f) Incarceration in a county jail for no more than two
2338 (2) days. Incarceration as a sanction shall not be used more than
2339 two (2) times per month for a total period incarcerated of no more
2340 than four (4) days.

2341 (6) The system shall also define positive reinforcements
2342 that offenders will receive for compliance with conditions of
2343 supervision. These positive reinforcements shall include, but not
2344 limited to:

2345 (a) Verbal recognition;
2346 (b) Reduced reporting; and
2347 (c) Credits for earned discharge which shall be awarded
2348 pursuant to Section 47-7-40.

2349 (7) The Department of Corrections shall provide semiannually
2350 to the Oversight Task Force the number and percentage of offenders
2351 who have one or more violations during the year, the average
2352 number of violations per offender during the year and the total
2353 and average number of incarceration sanctions as defined in
2354 subsection (5) of this section imposed during the year.

2355 (8) From and after July 1, 2021, the Mississippi Department
2356 of Reentry and Supervision shall perform the functions of the



2357 Division of Community Corrections pursuant to Section 1 of this
2358 act.

2359 **SECTION 46.** Section 47-7-38.1, Mississippi Code of 1972, is
2360 amended as follows:

2361 47-7-38.1. (1) The Department of Corrections shall
2362 establish technical violation centers to detain probation and
2363 parole violators revoked by the court or parole board.

2364 (2) The department shall place an offender in a violation
2365 center for a technical violation as ordered by the board pursuant
2366 to Section 47-7-27 and the sentencing court pursuant to Section
2367 47-7-37.

2368 (3) The violation centers shall be equipped to address the
2369 underlying factors that led to the offender's violation as
2370 identified based on the results of a risk and needs assessment.
2371 At a minimum each violation center shall include substance abuse
2372 services shown to reduce recidivism and a reduction in the use of
2373 illicit substances or alcohol, education programs, employment
2374 preparation and training programs and behavioral programs.

2375 (4) As required by Section 47-5-20(b), the department shall
2376 notify, by certified mail, each member of the board of supervisors
2377 of the county in which the violation center shall be located of
2378 the department's intent to convert an existing department facility
2379 to a technical violation center.



2380 (5) The department shall establish rules and regulations for
2381 the implementation and operation of the technical violation
2382 centers.

2383 (6) The Department of Corrections shall provide to the
2384 Oversight Task Force semiannually the average daily population of
2385 the technical violation centers, the number of admissions to the
2386 technical violation centers, and the average time served in the
2387 technical violation centers.

2388 (7) From and after July 1, 2021, the Mississippi Department
2389 of Reentry and Supervision shall perform the functions of the
2390 Division of Community Corrections pursuant to Section 1 of this
2391 act.

2392 **SECTION 47.** Section 47-7-39, Mississippi Code of 1972, is
2393 amended as follows:

2394 47-7-39. If, for good and sufficient reasons, a probationer
2395 desires to change his residence within or without the state, such
2396 transfer may be effected by application to his field supervisor
2397 which transfer shall be subject to the court's consent and subject
2398 to such regulations as the court, or judge, may require.

2399 From and after July 1, 2021, the Mississippi Department of
2400 Reentry and Supervision shall perform the functions of the
2401 Division of Community Corrections pursuant to Section 1 of this
2402 act.

2403 **SECTION 48.** Section 47-7-40, Mississippi Code of 1972, is
2404 amended as follows:



2405 47-7-40. (1) The commissioner shall establish rules and
2406 regulations for implementing the earned-discharge program that
2407 allows offenders on probation and parole to reduce the period of
2408 supervision for complying with conditions of probation. The
2409 department shall have the authority to award earned-discharge
2410 credits to all offenders placed on probation, parole, or
2411 post-release supervision who are in compliance with the terms and
2412 conditions of supervision. An offender serving a Mississippi
2413 sentence for an eligible offense in any jurisdiction under the
2414 Interstate Compact for Adult Offender Supervision shall be
2415 eligible for earned-discharge credits under this section.
2416 Offenders shall not be denied earned-discharge credits solely
2417 based on nonpayment of fees or fines if a hardship waiver has been
2418 granted as provided in Section 47-7-49.

2419 (2) For each full calendar month of compliance with the
2420 conditions of supervision, earned-discharge credits equal to the
2421 number of days in that month shall be deducted from the offender's
2422 sentence discharge date. Credits begin to accrue for eligible
2423 offenders after the first full calendar month of compliance
2424 supervision conditions. For the purposes of this section, an
2425 offender is deemed to be in compliance with the conditions of
2426 supervision if there was no violation of the conditions of
2427 supervision.

2428 (3) No earned-discharge credits may accrue for a calendar
2429 month in which a violation report has been submitted, the offender



2430 has absconded from supervision, the offender is serving a term of
2431 imprisonment in a technical violation center, or for the months
2432 between the submission of the violation report and the final
2433 action on the violation report by the court or the board.

2434 (4) Earned-discharge credits shall be applied to the
2435 sentence within thirty (30) days of the end of the month in which
2436 the credits were earned. At least every six (6) months, an
2437 offender who is serving a sentence eligible for earned-discharge
2438 credits shall be notified of the current sentence discharge date.

2439 (5) Once the combination of time served on probation, parole
2440 or post-release supervision, and earned-discharge credits satisfy
2441 the term of probation, parole, or post-release supervision, the
2442 board or sentencing court shall order final discharge of the
2443 offender. No less than sixty (60) days prior to the date of final
2444 discharge, the department shall notify the sentencing court and
2445 the board of the impending discharge.

2446 (6) The department shall provide semiannually to the
2447 Oversight Task Force the number and percentage of offenders who
2448 qualify for earned discharge in one or more months of the year and
2449 the average amount of credits earned within the year.

2450 (7) From and after July 1, 2021, the Mississippi Department
2451 of Reentry and Supervision shall perform the functions of the
2452 Division of Community Corrections pursuant to Section 1 of this
2453 act.



2454 **SECTION 49.** Section 47-7-41, Mississippi Code of 1972, is
2455 amended as follows:

2456 47-7-41. When a probationer shall be discharged from
2457 probation by the court of original jurisdiction, the field
2458 supervisor, upon receiving a written request from the probationer,
2459 shall forward a written report of the record of the probationer to
2460 the Division of Community Corrections of the department, which
2461 shall present a copy of this report to the Governor. The Governor
2462 may, in his discretion, at any time thereafter by appropriate
2463 executive order restore any civil rights lost by the probationer
2464 by virtue of his conviction or plea of guilty in the court of
2465 original jurisdiction.

2466 From and after July 1, 2021, the Mississippi Department of
2467 Reentry and Supervision shall perform the functions of the
2468 Division of Community Corrections pursuant to Section 1 of this
2469 act.

2470 **SECTION 50.** Section 47-7-43, Mississippi Code of 1972, is
2471 amended as follows:

2472 47-7-43. The provisions of this chapter are hereby extended
2473 to all persons who, at the effective date thereof, may be on
2474 parole, or eligible to be placed on parole under existing laws,
2475 with the same force and effect as if this chapter had been in
2476 operation at the time such persons were placed on parole or become
2477 eligible to be placed thereon, as the case may be.



2478 From and after July 1, 2021, the Mississippi Department of
2479 Reentry and Supervision shall perform the functions of the
2480 Division of Community Corrections pursuant to Section 1 of this
2481 act.

2482 **SECTION 51.** Section 47-7-47, Mississippi Code of 1972, is
2483 amended as follows:

2484 47-7-47. (1) The judge of any circuit court may place an
2485 offender on a program of earned probation after a period of
2486 confinement as set out herein and the judge may seek the advice of
2487 the commissioner and shall direct that the defendant be under the
2488 supervision of the department.

2489 (2) (a) Any circuit court or county court may, upon its own
2490 motion, acting upon the advice and consent of the commissioner not
2491 earlier than thirty (30) days nor later than one (1) year after
2492 the defendant has been delivered to the custody of the department,
2493 to which he has been sentenced, suspend the further execution of
2494 the sentence and place the defendant on earned probation, except
2495 when a death sentence or life imprisonment is the maximum penalty
2496 which may be imposed or if the defendant has been confined two (2)
2497 or more times for the conviction of a felony on a previous
2498 occasion in any court or courts of the United States and of any
2499 state or territories thereof or has been convicted of a felony
2500 involving the use of a deadly weapon.



2501 (b) The authority granted in this subsection shall be
2502 exercised by the judge who imposed sentence on the defendant, or
2503 his successor.

2504 (c) The time limit imposed by paragraph (a) of this
2505 subsection is not applicable to those defendants sentenced to the
2506 custody of the department prior to April 14, 1977. Persons who
2507 are convicted of crimes that carry mandatory sentences shall not
2508 be eligible for earned probation.

2509 (3) When any circuit or county court places an offender on
2510 earned probation, the court shall give notice to the Mississippi
2511 Department of Corrections within fifteen (15) days of the court's
2512 decision to place the offender on earned probation. Notice shall
2513 be delivered to the central office of the Mississippi Department
2514 of Corrections and to the regional office of the department which
2515 will be providing supervision to the offender on earned probation.

2516 (4) If the court places any person on probation or earned
2517 probation, the court may order the person, as a condition of
2518 probation, to a period of confinement and treatment at a private
2519 or public agency or institution, either within or without the
2520 state, which treats emotional, mental or drug-related problems.
2521 Any person who, as a condition of probation, is confined for
2522 treatment at an out-of-state facility shall be supervised pursuant
2523 to Section 47-7-71, and any person confined at a private agency
2524 shall not be confined at public expense. Time served in any such



2525 agency or institution may be counted as time required to meet the
2526 criteria of subsection (2) (a).

2527 (5) If the court places any person on probation or earned
2528 probation, the court may order the person to make appropriate
2529 restitution to any victim of his crime or to society through the
2530 performance of reasonable work for the benefit of the community.

2531 (6) If the court places any person on probation or earned
2532 probation, the court may order the person, as a condition of
2533 probation, to submit, as provided in Section 47-5-601, to any type
2534 of breath, saliva or urine chemical analysis test, the purpose of
2535 which is to detect the possible presence of alcohol or a substance
2536 prohibited or controlled by any law of the State of Mississippi or
2537 the United States.

2538 (7) From and after July 1, 2021, the Mississippi Department
2539 of Reentry and Supervision shall perform the functions of the
2540 Division of Community Corrections pursuant to Section 1 of this
2541 act.

2542 **SECTION 52.** Section 47-7-101, Mississippi Code of 1972, is
2543 amended as follows:

2544 47-7-101. (1) There is created the Mississippi Re-Entry
2545 Council. The purpose of the council is to create effective
2546 strategies to assist former inmates in their return to the general
2547 population, to reduce the recidivism rates of inmates, to increase
2548 public safety, and to reduce budgetary constraints presently



2549 created by prison-related costs. The Re-Entry Council shall be
2550 led by a steering committee.

2551 (2) The Re-Entry Council Steering Committee shall be
2552 composed of the following twelve (12) members, who shall serve for
2553 two-year terms:

2554 (a) A Mississippi United States Attorney, or a designee
2555 appointed by the Governor;

2556 (b) The Commissioner of the Mississippi Department of
2557 Corrections, or a designee;

2558 (c) The Attorney General of the State of Mississippi,
2559 or a designee;

2560 (d) The director of a faith-based organization involved
2561 in re-entry programs, or a designee appointed by the Lieutenant
2562 Governor;

2563 (e) The Chief Probation Officer of the United States
2564 District Courts of Mississippi, or a designee;

2565 (f) A Mississippi United States District Judge, or a
2566 designee appointed by the Speaker of the House of Representatives;

2567 (g) The Chief Justice of the Mississippi Supreme Court,
2568 or a designee;

2569 (h) The Executive Director for the Mississippi
2570 Department of Mental Health, or a designee;

2571 (i) The Executive Director for the Mississippi Division
2572 of Medicaid, or a designee;

2573 (j) The Chairman of the Parole Board, or a designee;



2574 (k) A person who is a former offender appointed by the
2575 Chairman of the Parole Board; * * *

2576 (l) The Director of the Mississippi Department of
2577 Employment Security, or a designee * * *; and

2578 (m) The Director of the Mississippi Department of
2579 Reentry and Supervision.

2580 (3) The Re-Entry Council Steering Committee shall have the
2581 following duties:

2582 (a) To consider development of a statewide approach to
2583 assist re-entry of former inmates into the general population of
2584 this state;

2585 (b) To provide recommendations regarding evidence-based
2586 approaches that equip inmates with the requisite, individualized
2587 resources to promote their successful return to the general
2588 population of this state;

2589 (c) To review reports, studies, and materials as it
2590 deems appropriate;

2591 (d) To appoint such subcommittees as it finds proper;

2592 (e) To study proposed legislation that seeks to resolve
2593 recidivism;

2594 (f) To submit recommendations from its findings to the
2595 Legislature, the Governor and the Mississippi Supreme Court. In
2596 making such recommendations, the Re-Entry Council Steering
2597 Committee will seek input from all branches of state and local



2598 government, governmental agencies, businesses and nonprofit
2599 organizations throughout this state;

2600 (g) To seek and receive grants;

2601 (h) To hire contract personnel and/or staff using any
2602 grants received; and

2603 (i) To collaborate with the coordinator of the
2604 transitional re-entry center, under the supervision of the
2605 Mississippi Department of * * * Reentry and Supervision, which
2606 shall provide administrative support to the council.

2607 (4) The Chief Justice of the Mississippi Supreme Court shall
2608 call the first meeting of the steering committee. At its first
2609 meeting, the steering committee shall elect a chairman and vice
2610 chairman from its membership and adopt rules for transacting its
2611 business and keeping records. Officers shall serve one-year terms
2612 or until such time as a successor is elected.

2613 **SECTION 53.** The following shall be codified as Section
2614 47-5-36, Mississippi Code of 1972:

2615 47-5-36. **Office of the Department of Corrections Ombudsman.**

2616 (1) Creation of Office of the Department of Corrections
2617 Ombudsman:

2618 (a) Within two hundred seventy (270) days of the
2619 enactment date, there shall be established an Office of the
2620 Department of Corrections Ombudsman (referred to in this section
2621 as the "Office").



2622 (b) The office shall consist of two sections:
2623 Inspections Section and Complaints Investigation Section.

2624 (c) The office shall:

2625 (i) Provide information, as appropriate, to
2626 inmates, family members, representatives of inmates, Department of
2627 Corrections employees and contractors, and others regarding the
2628 rights of inmates;

2629 (ii) Monitor conditions of confinement and assess
2630 Department of Corrections compliance with applicable federal,
2631 state, and local rules, regulations, policies, and best practices
2632 as related to the health, safety, welfare, and rehabilitation of
2633 inmates;

2634 (iii) Provide technical assistance to support
2635 inmate participation in self-advocacy;

2636 (iv) Provide technical assistance to local
2637 governments in the creation of jail oversight bodies, as
2638 requested;

2639 (v) Establish a statewide uniform reporting system
2640 to collect and analyze data related to complaints received by the
2641 Department of Corrections, and data related to the following:

2642 a. Deaths, suicides, and suicide attempts in
2643 custody;

2644 b. Physical and sexual assaults in custody;



2645 c. Number of people placed in administrative
2646 segregation or solitary confinement, and duration of stay in such
2647 confinement;

2648 d. Number of facility lockdowns lasting
2649 longer than twenty-four (24) hours;

2650 e. Number of staff vacancies at each
2651 facility;

2652 f. Inmate to staff ratios at each facility;

2653 g. Staff tenure and turnover;

2654 h. Numbers of in-person visits to inmates
2655 that were made and denied at each facility;

2656 i. Establish procedures to gather stakeholder
2657 input into the office's activities and priorities, which must
2658 include, at a minimum, an annual thirty-day period for receipt of
2659 and office response to public comment;

2660 j. Inspect each Department of Corrections'
2661 facility at least once every three (3) years, and at least once
2662 each year for each maximum security facility and each facility
2663 where the office has found cause for more frequent inspection or
2664 monitoring;

2665 k. Publicly issue periodic facility
2666 inspection reports and an annual report with recommendations on
2667 the state of Department of Corrections' facilities and a summary
2668 of data and recommendations arising from any complaints
2669 investigated and resolved pursuant to this section and Section



2670 47-5-36.1, Mississippi Code of 1972, as added by this act, and any
2671 other thematic reports covering any topic the office finds
2672 relevant to running a safe, secure and humane corrections
2673 department.

2674 (d) The office shall be directed by an ombudsman, who
2675 shall be selected by the Department of Corrections Oversight
2676 Committee established in paragraph (b) of this subsection, and
2677 shall serve a term of six (6) years, during which term the
2678 ombudsman may be removed only by the Governor and only for good
2679 cause. The ombudsman shall not be a current or former employee or
2680 contractor of the Department of Corrections, and the ombudsman's
2681 spouse or domestic partner, parents, grandparents, children or
2682 siblings shall not be a current employees or contractors of the
2683 Department of Corrections.

2684 (e) The ombudsman shall have authority:

2685 (i) To hire staff, contractors, and unpaid
2686 volunteers and secure office space, equipment and other services
2687 necessary to carry out the duties of the office pursuant to this
2688 section and Section 47-5-36.1, Mississippi Code of 1972, as added
2689 by this act. Any employee, contractor or unpaid volunteer hired
2690 or retained by the office shall have the same authority and powers
2691 of the office as described in this section and Section 47-5-36.1,
2692 Mississippi Code of 1972, as added by this act; and



2693 (ii) To contract with experts as needed to assist
2694 in the monitoring and inspection of facilities, the assessment of
2695 data, and the review, investigation, or resolution of complaints.

2696 (2) **Corrections Oversight Committee.** Within one hundred
2697 eighty (180) days of the enactment date, there shall be
2698 established a Corrections Oversight Committee that shall consist
2699 of the following members:

2700 (a) Two (2) members of the Senate who are appointed by
2701 the President of the Senate and who are not members of the same
2702 political party. The President shall select one (1) of these
2703 members to serve as a co-chairperson.

2704 (b) Two (2) members of the House of Representatives who
2705 are appointed by the Speaker of the House of Representatives and
2706 who are not members of the same political party. The Speaker
2707 shall select one (1) of these members to serve as co-chairperson.

2708 (c) The following members, who are appointed by the
2709 Governor:

2710 (i) One (1) representative of a prisoner advocacy
2711 organization.

2712 (ii) One (1) representative of an organization
2713 that provides training or rehabilitation programs for incarcerated
2714 inmates.

2715 (iii) One (1) man who was formerly incarcerated in
2716 the Mississippi Department of Corrections.



2717 (iv) One (1) woman who was formerly incarcerated
2718 in the Mississippi Department of Corrections.

2719 (v) One (1) physician who is licensed pursuant to
2720 Title 73, Chapter 25, and who specializes in family medicine or
2721 internal medicine.

2722 (vi) One (1) mental or behavioral health
2723 professional who is licensed pursuant to Title 73, Chapters 30 or
2724 31, and who has a history of providing mental health services or
2725 counseling to adults.

2726 (vii) One (1) person who is a grandparent, parent,
2727 child, sibling, or spouse or domestic partner of a person
2728 currently incarcerated in a Department of Corrections' facility.

2729 (d) Members appointed pursuant to this subsection shall
2730 serve three-year terms.

2731 (e) Members appointed pursuant to this subsection shall
2732 not be current employees or contractors of the Department of
2733 Corrections, shall not have parents, children, or spouses or
2734 domestic partners who are current employees or contractors of the
2735 Department of Corrections, and shall not have been an employee or
2736 contractor of the Department of Corrections at any time during the
2737 10 years prior to their appointment to the committee.

2738 (f) The committee shall meet whenever there is a
2739 vacancy in the ombudsman position, or as the co-chairpersons deem
2740 necessary, or on the call of the majority of the members.



2741 (g) Committee members are not eligible to receive
2742 compensation but are eligible for reimbursement of expenses.

2743 (h) The committee shall announce the ombudsman nominee
2744 publicly and shall vote to appoint the nominee after holding a
2745 public hearing, during which the committee shall hear and consider
2746 oral or written testimony from the ombudsman nominee, any
2747 witnesses the ombudsman nominee presents on his or her behalf, and
2748 any members of the public. The ombudsman shall take office upon a
2749 majority vote of the committee in his or her favor.

2750 (i) Initial terms of committee members:

2751 (i) Notwithstanding Section 47-5-36, Mississippi
2752 Code of 1972, as added by this act, the initial terms of committee
2753 members who are appointed pursuant to this subsection (2), as
2754 added by this act, are:

2755 a. One (1) term ending January 1, 2022.

2756 b. Two (2) terms ending January 1, 2023.

2757 c. Two (2) terms ending January 1, 2024.

2758 (ii) The Governor shall make all subsequent
2759 appointments as prescribed by statute.

2760 (j) The committee shall hold at least one (1) public
2761 hearing each year to present, review, and discuss the office's
2762 inspections, findings, reports and recommendations set forth in
2763 the office's annual report, as described in this section and
2764 Section 47-5-36.1, Mississippi Code of 1972, as added by this act,
2765 and shall hold quarterly public hearings to present, review, and



2766 discuss any other data, reports, or findings of the office that
2767 the committee feels are relevant.

2768 (3) **Access to facilities and records.**

2769 (a) The office shall have reasonable access, upon
2770 demand in person or in writing and with or without prior notice,
2771 to all Department of Corrections' facilities, including all areas
2772 which are used by inmates, all areas which are accessible to
2773 inmates, and to programs for inmates at reasonable times, which at
2774 a minimum must include normal working hours and visiting hours.
2775 This authority includes the opportunity to conduct an interview
2776 with any inmate, Department of Corrections' employee or
2777 contractor, or other person. This access is for the purposes of:

2778 (i) Providing information about individual rights
2779 and the services available from the office, including the name,
2780 address and telephone number of the office facilities or staff;

2781 (ii) Conducting official inspections as defined in
2782 subsection (5) of this section;

2783 (iii) Conducting an official investigation as
2784 defined in subsection (6) of this section and as described in
2785 Section 47-5-36.1, Mississippi Code of 1972, as added by this act;

2786 (iv) Inspecting, viewing, photographing, and video
2787 recording all areas of the facility that are used by inmates or
2788 are accessible to inmates.

2789 (b) Access to inmates includes the opportunity to meet
2790 and communicate privately and confidentially with individuals



2791 regularly, with or without prior notice, both formally and
2792 informally, by telephone, mail, electronic communication, and in
2793 person. In the case of communications with inmates, these
2794 communications shall not be monitored by, recorded, or conducted
2795 in the presence of Department of Corrections employees or
2796 contractors.

2797 (c) The office has the right to access, inspect and
2798 copy all relevant information, records or documents in the
2799 possession or control of the Department of Corrections that the
2800 office considers necessary in an investigation of a complaint
2801 filed under this section, and the department must assist the
2802 office in obtaining the necessary releases for those documents
2803 which are specifically restricted or privileged for use by the
2804 office.

2805 (d) Following notification from the office with a
2806 written demand for access to department records, the designated
2807 department staff must provide the office with access to the
2808 requested documentation not later than twenty (20) business days
2809 after the office's written request for the records. Where the
2810 records requested by the office pertain to an inmate death,
2811 threats of bodily harm, including, but not limited to, sexual or
2812 physical assaults, or the denial of necessary medical treatment,
2813 the records shall be provided within five (5) days unless the
2814 office consents to an extension of that time frame.



2815 (e) The office must work with the department to
2816 minimize disruption to the operations of the department due to
2817 office activities and must comply with the department's security
2818 clearance processes, provided these processes do not impede the
2819 activities outlined in this section.

2820 (4) **Confidential communications.**

2821 (a) Correspondence and communication with the office,
2822 including that made pursuant to Section 47-5-36.1, Mississippi
2823 Code of 1972, as created by this act, is confidential and must be
2824 protected as privileged correspondence in the same manner as legal
2825 correspondence or communication.

2826 (b) The office shall establish confidentiality rules
2827 and procedures for all information maintained by the office to
2828 ensure that:

2829 (i) Department of Corrections staff are not aware
2830 of the identity of a complainant before, during, and after an
2831 investigation to the greatest extent practicable. The office may
2832 disclose identifying information for the sole purpose of carrying
2833 out an investigation.

2834 (ii) Other Department of Corrections' inmates are
2835 not aware of the identity of a complainant before, during, and
2836 after an investigation to the greatest extent practicable. The
2837 office may disclose identifying information for the sole purpose
2838 of carrying out an investigation.

2839 (5) **Inspection authority.**



2840 (a) The office shall conduct periodic inspections of
2841 each Department of Corrections facility.

2842 (b) **Initial inspection.** The office shall conduct an
2843 inspection of each Department of Corrections prison facility and
2844 release a public report within three (3) years of the date of
2845 enactment of this section.

2846 (c) **Subsequent inspection.** Subsequent inspections of
2847 each facility shall be conducted on a staggered schedule dependent
2848 on the facility's safety and compliance classification.

2849 (d) **Inspection assessment.** An inspection of a
2850 Department of Corrections facility shall include an assessment of
2851 all of the following:

2852 (i) All policies and procedures in place by the
2853 facility related to care of inmates;

2854 (ii) Conditions of confinement;

2855 (iii) Availability of educational and
2856 rehabilitative programming, drug and mental health treatment, and
2857 inmate jobs and vocational training;

2858 (iv) All policies and procedures related to
2859 visitation;

2860 (v) All medical facilities and medical procedures
2861 and policies;

2862 (vi) Review of lockdowns at the facility in the
2863 time since the last audit. In the instance of an initial



2864 assessment the office shall review lockdowns from the last three
2865 (3) years;

2866 (vii) Review of staffing at the facility,
2867 including the number and job assignments of correctional staff,
2868 the ratio of staff to inmates at the facility, and the staff
2869 position vacancy rate at the facility;

2870 (viii) Review of physical and sexual assaults at
2871 the facility in the time since the last inspection. In the
2872 instance of an initial assessment, the office shall review
2873 assaults from the last three (3) years;

2874 (ix) Review of any inmate or staff deaths that
2875 occurred at the facility in the time since the last inspection.
2876 In the instance of an initial assessment the office shall review
2877 inmate and staff deaths from the last three (3) years;

2878 (x) Review of department staff recruitment,
2879 training, supervision and discipline;

2880 (xi) Any other aspect of the operation of the
2881 facility that the office deems necessary over the course of an
2882 inspection.

2883 (e) **Report.** Upon completion of an inspection, the
2884 office shall produce a report to be made available to the public
2885 on the internet, and to be delivered to the Governor, the Attorney
2886 General, the Senate Corrections Committee, the House Corrections
2887 Committee, the Criminal Justice and Corrections Oversight Task



2888 Force, and the Director of the Department of Corrections. The
2889 report shall include:

2890 (i) A summary of the facility's policies and
2891 procedures related to care of the inmates;

2892 (ii) A characterization of the conditions of
2893 confinement;

2894 (iii) A catalogue of available educational and
2895 rehabilitative programming, drug and mental health treatment, and
2896 inmate jobs and vocational training;

2897 (iv) A summary of visitation policies and
2898 procedures;

2899 (v) A summary of medical facilities and medical
2900 procedures and policies;

2901 (vi) A summary of the lockdowns reviewed by the
2902 office;

2903 (vii) A summary of the staffing at the facility,
2904 including policies relating to staff recruitment, training,
2905 supervision, and discipline;

2906 (viii) A summary of physical and sexual assaults
2907 reviewed by the office;

2908 (ix) A summary of any inmate or staff deaths that
2909 occurred at the facility;

2910 (x) Recommendations made to the facility to
2911 improve conditions to improve safety and conditions within the
2912 facility;



2913 (xi) Safety and compliance classification with
2914 recommended timeline for the next inspection.

2915 (f) **Safety and compliance classification.** Upon
2916 completion of an inspection, the office shall assign the facility
2917 a safety and compliance classification. This classification
2918 system will be divided into three (3) tiers and will be determined
2919 based on the factors described in paragraph (d) of this
2920 subsection. The tiers are as follows:

2921 (i) Tier 1 requires subsequent inspection within
2922 twelve (12) months. Used for maximum security facilities and
2923 facilities that present clear violations of rights, risks to the
2924 safety of prisoners, or severe lack of quality programming for the
2925 successful rehabilitation of individuals;

2926 (ii) Tier 2 requires subsequent inspection between
2927 eighteen (18) months and thirty-six (36) months. Used for
2928 facilities that may have violations of rights, substandard
2929 conditions of confinement, or substandard programming options;

2930 (iii) Tier 3 requires subsequent inspection within
2931 thirty-six (36) months. Used for facilities with adequate
2932 conditions of confinement and programming options.

2933 (g) The Department of Corrections shall respond in
2934 writing to each inspection report issued by the office within
2935 twenty (20) business days of the issuance of the report, and its
2936 response shall include a corrective action plan. The office shall
2937 monitor the department's compliance with the corrective action



2938 plan and may conduct further inspections or investigations as
2939 necessary to ensure such compliance.

2940 (6) **Complaint investigation authority.**

2941 (a) The office may initiate and attempt to resolve an
2942 investigation upon its own initiative, or upon receipt of a
2943 complaint from an inmate, a family member, a representative of an
2944 inmate, a Department of Corrections' employee or contractor, or
2945 others, regarding any of the following that may adversely affect
2946 the health, safety, welfare and rights of inmates:

2947 (i) Abuse or neglect;

2948 (ii) Conditions of confinement;

2949 (iii) Department of Corrections' decisions or
2950 administrative actions;

2951 (iv) Department of Corrections' inactions or
2952 omissions;

2953 (v) Department of Corrections' policies, rules, or
2954 procedures; or

2955 (vi) Alleged violations of law by the Department
2956 of Corrections' staff that may adversely affect the health,
2957 safety, welfare and rights of inmates.

2958 (b) The office may decline to investigate any
2959 complaint, and shall decline to investigate a complaint if the
2960 inmate has failed to first utilize the Department of Corrections'
2961 policies and procedures regarding resolution of inmate grievances.

2962 If the office does not investigate a complaint, the office shall



2963 notify the complainant in writing of the decision not to
2964 investigate and the reasons for the decision.

2965 (c) Any action or lack of action on a complaint by the
2966 office shall not be deemed an administrative procedure required
2967 for exhaustion of remedies prior to bringing an action pursuant to
2968 the Prison Litigation Reform Act, 42 USC Section 1997e et seq.

2969 (d) The office may not investigate any complaints
2970 relating to an inmate's underlying criminal conviction.

2971 (e) The office may not investigate a complaint from a
2972 Department of Corrections' employee or contractor that relates to
2973 the employee or contractor's employment relationship with the
2974 department unless the complaint is related to the health, safety,
2975 welfare and rehabilitation of inmates.

2976 (f) The office may refer the complainant and others to
2977 appropriate resources or state, Tribal or federal agencies.

2978 (g) The office may not levy any fees for the submission
2979 or investigation of complaints.

2980 (h) At the conclusion of an investigation of a
2981 complaint, the office must render a public decision on the merits
2982 of each complaint, except that the documents supporting the
2983 decision are subject to the confidentiality provision of this
2984 section. The office must communicate the decision to the inmate,
2985 if any, and to the Department of Corrections. The office must
2986 state its recommendations and reasoning if, in the office's



2987 opinion, the department or any employee or contractor thereof
2988 should:

2989 (i) Consider the matter further;
2990 (ii) Modify or cancel any action;
2991 (iii) Alter a rule, practice, or ruling;
2992 (iv) Explain in detail the administrative action
2993 in question; or

2994 (v) Rectify an omission.

2995 (i) If the office so requests, the department must,
2996 within the time specified, inform the office in writing about any
2997 action taken on the recommendations or the reasons for not
2998 complying with the recommendations.

2999 (j) If the office believes, based on the investigation,
3000 that there has been or continues to be a significant inmate
3001 health, safety, welfare, or rehabilitation issue, the office must
3002 report the finding to the Governor, the Attorney General, the
3003 Senate Committee on the Judiciary, and the House Committee on the
3004 Judiciary, and the Director of the Department of Corrections.

3005 (k) In the event that the department conducts an
3006 internal disciplinary investigation and review of one or more of
3007 its staff members as a result of an office investigation, the
3008 department's disciplinary review may be subject to additional
3009 review and investigation by the office to ensure a fair and
3010 objective process.



3011 (1) Before announcing a conclusion or recommendation
3012 that expressly, or by implication, criticizes a person or the
3013 department, the office shall consult with that person or the
3014 department. The office may request to be notified by the
3015 department, within a specified time, of any action taken on any
3016 recommendation presented.

3017 (m) The department and its employees and contractors
3018 shall not discharge, discipline, retaliate against, or in any
3019 manner discriminate against or threaten any person because such
3020 person has filed any complaint or instituted or caused to be
3021 instituted any proceeding under or related to this section. Any
3022 alleged discharge, discipline, retaliation against, or
3023 discrimination or threats against a complainant may be considered
3024 by the office as an appropriate subject of an investigation.

3025 (7) **Annual report.**

3026 (a) By December 31 of each calendar year, the office
3027 shall produce an annual report to be made available to the public
3028 on the internet, and to be delivered to the Governor, the Attorney
3029 General, the Senate Judiciary Committee, the House Judiciary
3030 Committee, and the Director of the Department of Corrections. The
3031 report shall include:

3032 (i) A summary of the office's inspections and
3033 complaint investigations conducted that calendar year, including
3034 the office's findings and recommendations and the Department of
3035 Corrections' responses and corrective actions;



3036 (ii) A characterization of the conditions of
3037 confinement;

3038 (iii) A summary of available educational and
3039 rehabilitative programming, drug and mental health treatment, and
3040 inmate jobs and vocational training;

3041 (iv) A summary of visitation policies and
3042 procedures;

3043 (v) A summary of medical facilities and medical
3044 procedures and policies;

3045 (vi) A summary of the lockdowns reviewed by the
3046 office;

3047 (vii) A summary of the staffing at each facility
3048 and in the department overall;

3049 (viii) A summary of physical and sexual assaults
3050 reviewed by the office;

3051 (ix) A summary of any inmate or staff deaths that
3052 occurred at a facility;

3053 (x) A summary of the office's investigations,
3054 findings, and resolutions of any complaints submitted pursuant to
3055 this section or Section 47-5-36.1, Mississippi Code of 1972, as
3056 added by this act;

3057 (xi) Recommendations to the Legislature and the
3058 department regarding, but not limited to, the following:

3059 1. How the office and the department are
3060 funded and staffed;



- 3061 2. Improving staff retention, training,
3062 working conditions, compensation, benefits, morale and safety;
3063 3. Improving inmate health, safety,
3064 conditions of confinement, and medical care;
3065 4. Improving visitation and limiting use of
3066 lockdowns and administrative segregation or solitary confinement;
3067 5. Improving complaint investigation and
3068 resolution;
3069 6. Improving access to and quality and
3070 availability of educational and rehabilitative programming, drug
3071 and mental health treatment, and inmate jobs and vocational
3072 training;
3073 7. Improving transparency about conditions in
3074 the facilities and the department overall;
3075 8. Improving the disciplinary process to hold
3076 staff accountable for mistreatment of inmates;
3077 9. Preventing future violations of inmate
3078 rights as protected under state and federal law.

3079 (b) If the office so requests, the department must,
3080 within the time specified, inform the office in writing about any
3081 action taken on the recommendations or the reasons for not
3082 complying with the recommendations.

3083 (c) **Definition of "family member."** As used in this
3084 section, "family member" includes a grandparent, parent, sibling,
3085 spouse or domestic partner, child, aunt, uncle, cousin, niece,



3086 nephew, grandchild, or any other person related to an individual
3087 by blood, adoption, marriage, or a fostering relationship.

3088 **SECTION 54.** The following shall be codified as Section
3089 47-5-36.1, Mississippi Code of 1972:

3090 47-5-36.1. **Inmate and Family Support Services; function of**
3091 **Office of the Department of Corrections Ombudsman. (1) Family**
3092 **Advocacy and Support Services Online Form.** The Office of the
3093 Department of Corrections Ombudsman (referred to in this section
3094 as the "office") shall create a secure online form (referred to in
3095 this section as the "Family Form") to be made available on the
3096 office's website wherein family members, friends, and advocates
3097 can submit complaints and inquiries regarding covered issues on
3098 behalf of an individual incarcerated within the Department of
3099 Corrections. Upon receipt of a Family Form, the office shall:

3100 (a) Confirm receipt of the complaint or inquiry within
3101 five (5) business days;

3102 (b) Make a determination as to whether an investigation
3103 is warranted within seven (7) business days of the confirmation of
3104 receipt of complaint and notify the complainant;

3105 (c) If the office has determined an investigation is
3106 unwarranted, the office must provide a written statement regarding
3107 its decision to the complainant.

3108 (2) **Inmate Advocacy and Support Services Online Form.** The
3109 office shall create a secure online form (referred to in this
3110 subsection as the "Inmate Form") to be made available on the



3111 Department of Corrections' secure internet website wherein inmates
3112 may submit complaints and inquiries regarding covered issues on
3113 their behalf.

3114 (a) **Availability.** The Director of the Department of
3115 Corrections shall ensure that the Inmate Form is available and
3116 operating on at least twelve (12) computers within each facility
3117 and accessible to all inmates from 7:00 a.m. to 7:00 p.m. each
3118 day. For inmates in administrative segregation or solitary
3119 confinement, the Department of Corrections shall ensure that
3120 employees and contractors provide inmates with access to the
3121 Inmate Form on a computer or computer tablet upon the inmate's
3122 request. The department shall also make paper copies of the
3123 Inmate Form available, at no cost to inmates, in each facility's
3124 library, law library, and recreational and medical facilities.

3125 (b) **Confidentiality.** The office shall create the
3126 Inmate Form in a secure format that excludes any electronic
3127 monitoring or reproduction by the Department of Corrections and
3128 its employees and contractors. Any inmate submissions of paper
3129 copies of the Inmate Form shall be treated as confidential and
3130 privileged by Department of Corrections' employees and contractors
3131 in the same manner as legal correspondence or communication.

3132 (c) **Requirements.** The office shall:

3133 (i) Confirm receipt of the complaint or inquiry
3134 within five (5) business days;



3135 (ii) Make a determination as to whether an
3136 investigation is warranted within seven (7) business days of the
3137 confirmation of receipt of complaint and notify the complainant;

3138 (iii) If the office has determined an
3139 investigation is unwarranted, the office must provide a written
3140 statement regarding its decision to the complainant.

3141 (3) **Family Advocacy and Support Services Hotline.** The
3142 office shall create a telephone hotline through which family
3143 members, friends and advocates of inmates can call to file
3144 complaints and inquiries regarding covered issues on behalf of an
3145 individual incarcerated within the Department of Corrections. The
3146 office shall:

3147 (i) Confirm receipt of the complaint or inquiry
3148 within five (5) business days;

3149 (ii) Make a determination as to whether an
3150 investigation is warranted within seven (7) business days of the
3151 confirmation of receipt of complaint and notify the complainant;

3152 (iii) If the office has determined an
3153 investigation is unwarranted, the office must provide a written
3154 statement regarding its decision to the complainant.

3155 (4) **Inmate Advocacy and Support Service Hotline.** The office
3156 shall create a secure telephone hotline to be made available to
3157 all Department of Corrections' employees and contractors and
3158 inmates to file complaints and inquiries regarding covered issues
3159 on their behalf.



3160 (a) **Prohibition on phone call fees.** The director of
3161 the department shall ensure that the hotline and its use are made
3162 available to all inmates free of charge.

3163 (b) **Confidentiality.** The office and the director of
3164 the department shall ensure that calls to the hotline are not
3165 monitored or recorded by department employees or contractors.

3166 (c) **Requirements.** The office shall:

3167 (i) Confirm receipt of the complaint or inquiry
3168 within five (5) business days;

3169 (ii) Make a determination as to whether an
3170 investigation is warranted within seven (7) business days of the
3171 confirmation of receipt of complaint and notify the complainant;

3172 (iii) If the office has determined an
3173 investigation is unwarranted, the office must provide a written
3174 statement regarding their decision to the complainant.

3175 (5) The department and its employees and contractors shall
3176 not discharge, discipline, retaliate against, or in any manner
3177 discriminate against or threaten any person because such person
3178 has filed any complaint or instituted or caused to be instituted
3179 any proceeding under or related to this section. Any alleged
3180 discharge, discipline, retaliation against, or discrimination or
3181 threats against a complainant may be considered by the office as
3182 an appropriate subject of an investigation.

3183 (6) Any action or lack of action by the office on a
3184 complaint made pursuant to this section shall not be deemed an



3185 administrative procedure required for exhaustion of remedies prior
3186 to bringing an action pursuant to the Prison Litigation Reform
3187 Act, 42 USC Section 1997e et seq.

3188 (7) **Definitions.** In this section the following definitions
3189 apply:

3190 (a) "Covered issues" may include, but are not limited
3191 to:

3192 (i) Sanitation in prison facilities;

3193 (ii) Access to proper nutrition;

3194 (iii) Livable temperatures in prison facilities;

3195 (iv) Physical or sexual abuse from fellow inmates;

3196 (v) Physical or sexual abuse from department staff
3197 or contractors;

3198 (vi) Credible threats against self from other
3199 inmates, staff or contractors;

3200 (vii) Neglect of prison staff or contractors that
3201 results in physical or sexual trauma;

3202 (viii) Denial of rights afforded to inmates under
3203 federal or state law;

3204 (ix) Access to visitation and communication with
3205 family;

3206 (x) Any instance in which the office determines an
3207 action or behavior to be such that it constitutes abuse or neglect
3208 against an inmate;



3209 (xi) Access to medical or mental health care or
3210 substance abuse treatment;

3211 (xii) Access to educational and rehabilitative
3212 programming, drug and mental health treatment, and inmate jobs and
3213 vocational training.

3214 (b) "Family member" includes a grandparent, parent,
3215 sibling, spouse or domestic partner, child, aunt, uncle, cousin,
3216 niece, nephew, grandchild, or any other person related to an
3217 individual by blood, adoption, marriage, or a fostering
3218 relationship.

3219 (8) From and after July 1, 2021, the Mississippi Department
3220 of Reentry and Supervision shall perform the functions of the
3221 Division of Community Corrections pursuant to Section 1 of this
3222 act.

3223 **SECTION 55.** Section 47-7-49, Mississippi Code of 1972, is
3224 amended as follows:

3225 47-7-49. (1) Any offender on probation, parole,
3226 earned-release supervision, post-release supervision, earned
3227 probation or any other offender under the field supervision of the
3228 Community Services Division of the department shall pay to the
3229 department the sum of Fifty-five Dollars (\$55.00) per month by
3230 certified check or money order unless a hardship waiver is
3231 granted. An offender shall make the initial payment within sixty
3232 (60) days after being released from imprisonment unless a hardship
3233 waiver is granted. A hardship waiver may be granted by the



3234 sentencing court or the Department of Corrections. A hardship
3235 waiver may not be granted for a period of time exceeding ninety
3236 (90) days. The commissioner or his designee shall deposit * * *
3237 each payment received into * * * the State General Fund.

3238 * * * When a person is convicted of a felony in this state,
3239 in addition to any other sentence it may impose, the court may, in
3240 its discretion, order the offender to pay a state assessment not
3241 to exceed the greater of One Thousand Dollars (\$1,000.00) or the
3242 maximum fine that may be imposed for the offense, into the Crime
3243 Victims' Compensation Fund created pursuant to Section 99-41-29.

3244 Any federal funds made available to the department for
3245 training or for training facilities, equipment or services shall
3246 be deposited into the Correctional Training Revolving Fund created
3247 in Section 47-7-51. The funds deposited in this account shall be
3248 used to support an expansion of the department's training program
3249 to include the renovation of facilities for training purposes,
3250 purchase of equipment and contracting of training services with
3251 community colleges in the state.

3252 No offender shall be required to make this payment for a
3253 period of time longer than ten (10) years.

3254 (2) The offender may be imprisoned until the payments are
3255 made if the offender is financially able to make the payments and
3256 the court in the county where the offender resides so finds,
3257 subject to the limitations hereinafter set out. The offender
3258 shall not be imprisoned if the offender is financially unable to



3259 make the payments and so states to the court in writing, under
3260 oath, and the court so finds.

3261 (3) This section shall stand repealed from and after June
3262 30, 2022.

3263 **SECTION 56.** This act shall take effect and be in force from
3264 and after July 1, 2020.

