

Senate Amendments to House Bill No. 838

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

17 SECTION 1. (1) The Mississippi Department of Public Safety
18 shall issue, within five (5) working days of application, a
19 provisional driver's license to a person who is released from
20 incarceration after serving a minimum of one (1) year and whose
21 driver's license will be or is suspended, revoked or cancelled for
22 any reason upon his release, subject to the provisions of this
23 section. The provisional license issued pursuant to this section
24 shall be valid for six (6) months from the date of issuance. The
25 holder of the provisional license issued pursuant to this section
26 shall have six (6) months from the date of issuance to clear his
27 or her driving record of any suspensions, revocations or
28 cancellations in order to be eligible for a regular operators
29 driver's license.

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

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

34 (a) When a person was imprisoned for vehicular
35 homicide, or a third or subsequent violation of any other law that
36 prohibits operating a vehicle while intoxicated or under the
37 influence of alcohol or drugs; or

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

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

49 (5) The provisional license issued under the provisions of
50 this section shall permit the holder to drive a motor vehicle
51 directly to and directly home from his or her residence and (a) a
52 place where he or she is employed or a potential place of
53 employment, (b) a place where he or she or his or her minor child
54 attends school or day care, (c) a scheduled meeting with his or
55 her probation or parole officer or other supervisor, (d) any
56 place, location or meeting that the person's probation or parole
57 officer has authorized the person to travel to or attend, or (e) a
58 place of religious instruction or worship.

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

69 (7) The Department of Public Safety shall defer payment of
70 all fees, penalties and charges relating to the driver's license
71 of the applicant for a provisional license under this section that
72 are incurred prior to or during the term of incarceration and owed
73 by the applicant to the department. There shall be no charge to
74 the applicant for the issue of a provisional license. If the
75 holder of a provisional license issued pursuant to this section
76 qualifies for full and unrestricted driving privileges at the end
77 of the term of the provisional license, the department shall issue
78 a standard driver's license upon the collection of the standard
79 fees and handling charges and shall waive all other fees,
80 penalties and charges authorized by law prior to the issuance of
81 the provisional driver's license pursuant to this section.

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

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

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

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

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

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

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

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

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

125 47-7-33.1. (1) The department shall create a discharge plan
126 for any offender returning to the community, regardless of whether
127 the person will discharge from the custody of the department, or
128 is released on parole, pardon, or otherwise. At least ninety (90)
129 days prior to an offender's earliest release date, the
130 commissioner shall conduct a pre-release assessment and complete a
131 written discharge plan based on the assessment results. The
132 discharge plan for parole eligible offenders shall be sent to the
133 parole board at least thirty (30) days prior to the offender's

134 parole eligibility date for approval. The board may suggest
135 changes to the plan that it deems necessary to ensure a successful
136 transition.

137 (2) The pre-release assessment shall identify whether an
138 inmate requires assistance obtaining the following basic needs
139 upon release: transportation, clothing and food, financial
140 resources, identification documents, housing, employment,
141 education, health care and support systems. The discharge plan
142 shall include information necessary to address these needs and the
143 steps being taken by the department to assist in this process.

144 Based on the findings of the assessment, the commissioner shall:

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

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

150 (c) Ensure inmates have a provisional driver's license
151 issued pursuant to this act, a regular driver's license if
152 eligible, or a state-issued identification card that is not a
153 Department of Corrections identification card;

154 (d) Assist inmates in identifying safe, affordable
155 housing upon release. If accommodations are not available,
156 determine whether temporary housing is available for at least ten
157 (10) days after release. If temporary housing is not available,
158 the discharge plan shall reflect that satisfactory housing has not

159 been established and the person may be a candidate for
160 transitional reentry center placement;

161 (e) Refer inmates without secured employment to
162 employment opportunities;

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

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

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

171 (3) A written discharge plan shall be provided to the
172 offender and supervising probation officer or parole officer, if
173 applicable.

174 (4) A discharge plan created for a parole-eligible offender
175 shall also include supervision conditions and the intensity of
176 supervision based on the assessed risk to recidivate and whether
177 there is a need for transitional housing. The board shall approve
178 discharge plans before an offender is released on parole pursuant
179 to this chapter.

180 **SECTION 4.** Section 63-1-9, Mississippi Code of 1972, is
181 amended as follows:

182 63-1-9. (1) No driver's license, intermediate license or
183 regular learner's permit shall be issued pursuant to this article:

184 (a) To any person under the age of eighteen (18) years
185 except as provided in this article.

186 (b) To any person whose license to operate a motor
187 vehicle on the highways of Mississippi has been previously revoked
188 or suspended by this state or any other state or territory of the
189 United States or the District of Columbia, if the revocation or
190 suspension period has not expired.

191 (c) To any person who is an habitual drunkard or who is
192 addicted to the use of other narcotic drugs.

193 (d) To any person who would not be able by reason of
194 physical or mental disability to operate a motor vehicle on the
195 highways with safety. However, persons who have one (1) arm or
196 leg, or have arms or legs deformed, and are driving a car provided
197 with mechanical devices whereby the person is able to drive in a
198 safe manner over the highways, if otherwise qualified, shall
199 receive an operator's license the same as other persons.
200 Moreover, deafness shall not be a bar to obtaining a license.

201 (e) To any person as an operator who has previously
202 been adjudged to be afflicted with and suffering from any mental
203 disability and who has not at time of application been restored to
204 mental competency.

205 (f) To any unmarried person under the age of eighteen
206 (18) years who does not at the time of application present a
207 diploma or other certificate of high school graduation or a
208 general educational development certificate issued to the person
209 in this state or any other state; or on whose behalf documentation

210 has not been received by the Department of Public Safety from that
211 person or a school official verifying that the person:

212 (i) Is enrolled and making satisfactory progress
213 in a course leading to a general educational development
214 certificate;

215 (ii) Is enrolled in school in this state or any
216 other state;

217 (iii) Is enrolled in a "nonpublic school," as such
218 term is defined in Section 37-13-91(2)(i); or

219 (iv) Is unable to attend any school program due to
220 circumstances deemed acceptable as set out in Section 63-1-10.

221 (g) To any person under the age of eighteen (18) years
222 who has been convicted under Section 63-11-30.

223 (2) All permits and licenses issued on or before July 31,
224 2009, shall be valid according to the terms upon which issued.
225 From and after August 1, 2009:

226 (a) A regular learner's permit may be issued to any
227 person who is at least fifteen (15) years of age who otherwise
228 meets the requirements of this article.

229 (b) An intermediate license may be issued to any person
230 who is at least sixteen (16) years of age who otherwise meets the
231 requirements of this article and who has held a regular learner's
232 permit for at least one (1) year without any conviction under
233 Section 63-11-30 or of a moving violation. Any conviction under
234 Section 63-11-30 or of a moving violation shall restart the
235 one-year requirement for the holding of a regular learner's permit

236 before an applicant can qualify for an intermediate license. An
237 applicant for an intermediate license who was unable to make
238 timely application in 2020 for a regular learner's permit, due to
239 the closure of driver's license offices owing to the Coronavirus
240 Disease 2019 (COVID-19), shall have the period in which he or she
241 was eligible but unable to apply credited toward the one-year
242 requirement for the holding of a regular learner's permit.

243 (c) A driver's license may be issued to any person who
244 is at least sixteen and one-half (16-1/2) years of age who
245 otherwise meets the requirements of this article and who has held
246 an intermediate license for at least six (6) months without any
247 conviction under Section 63-11-30 or of a moving violation. Any
248 conviction under Section 63-11-30 or of a moving violation shall
249 restart the six-month requirement for the holding of an
250 intermediate license before an applicant can qualify for a
251 driver's license. However, a person who is at least seventeen
252 (17) years of age who has been issued a regular learner's permit
253 and who has never been convicted under Section 63-11-30 or of a
254 moving violation shall not be required to have held an
255 intermediate license. An applicant for a driver's license who was
256 unable to make timely application in 2020 for an intermediate
257 license, due to the closure of driver's license offices owing to
258 the Coronavirus Disease 2019 (COVID-19), shall have the period in
259 which he or she was eligible but unable to apply credited toward
260 the six-month requirement for the holding of an intermediate
261 license.

262 (d) An applicant for a Mississippi driver's license
263 who, at the time of application, is at least sixteen and one-half
264 (16-1/2) years of age and who has held a valid motor vehicle
265 driver's license issued by another state for at least six (6)
266 months shall not be required to hold a regular learner's permit or
267 an intermediate license before being issued a driver's license.

268 (3) The commissioner shall ensure that the regular learner's
269 permit, intermediate license and driver's license issued under
270 this article are clear, distinct and easily distinguishable from
271 one another.

272 **SECTION 5.** This act shall take effect and be in force from
273 and after July 1, 2020, and shall stand repealed on June 30, 2020.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO PROVIDE FOR A SIX-MONTH PROVISIONAL DRIVER'S
2 LICENSE ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY TO AN APPLICANT
3 WHO HAS BEEN RELEASED FROM INCARCERATION AFTER SERVING A MINIMUM
4 OF ONE YEAR AND HIS LICENSE HAS BEEN SUSPENDED, REVOKED OR
5 CANCELLED FOR ANY REASON; TO PROVIDE CERTAIN REQUIREMENTS AND
6 CERTAIN DISQUALIFICATIONS; TO DIRECT THE MISSISSIPPI DEPARTMENT OF
7 CORRECTIONS TO IDENTIFY ELIGIBLE PERSONS TO APPLY FOR A
8 PROVISIONAL DRIVER'S LICENSE; TO AMEND SECTIONS 47-5-157 AND
9 47-7-33.1, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND
10 SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
11 SHORTENING OF THE REQUISITE PERIOD FOR POSSESSION OF A LEARNER'S
12 PERMIT OR INTERMEDIATE LICENSE, IN CERTAIN CIRCUMSTANCES INVOLVING
13 COVID-19 CLOSURES, BEFORE AN APPLICANT MAY QUALIFY FOR AN
14 INTERMEDIATE LICENSE OR DRIVER'S LICENSE, RESPECTIVELY; AND FOR
15 RELATED PURPOSES.

SS26\HB838A.4J

Eugene S. Clarke
Secretary of the Senate