

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 838

BY: Committee

**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 a provisional driver's license to a person who is
19 released from incarceration after serving a minimum of one (1)
20 year and whose driver's license will be or is suspended, revoked
21 or cancelled for any reason upon his release, subject to the
22 provisions of this section. The provisional license issued
23 pursuant to this section shall be valid for six (6) months from
24 the date of issuance. The holder of the provisional license
25 issued pursuant to this section shall have six (6) months from the
26 date of issuance to clear his or her driving record of any



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

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

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

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

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

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

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



52 employment, (b) a place where he or she or his or her minor child
53 attends school or day care, (c) a scheduled meeting with his or
54 her probation or parole officer or other supervisor, (d) any
55 place, location or meeting that the person's probation or parole
56 officer has authorized the person to travel to or attend, or (e) a
57 place of religious instruction or worship.

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

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



77 a standard driver's license upon the collection of the standard
78 fees and handling charges and shall waive all other fees,
79 penalties and charges authorized by law prior to the issuance of
80 the provisional driver's license pursuant to this section.

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

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



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

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

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

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

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

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

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

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

124 47-7-33.1. (1) The department shall create a discharge plan
125 for any offender returning to the community, regardless of whether
126 the person will discharge from the custody of the department, or



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

181 63-1-9. (1) No driver's license, intermediate license or
182 regular learner's permit shall be issued pursuant to this article:

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

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

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

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

199 Moreover, deafness shall not be a bar to obtaining a license.



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

204 (f) To any unmarried person under the age of eighteen
205 (18) years who does not at the time of application present a
206 diploma or other certificate of high school graduation or a
207 general educational development certificate issued to the person
208 in this state or any other state; or on whose behalf documentation
209 has not been received by the Department of Public Safety from that
210 person or a school official verifying that the person:

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

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

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

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

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

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



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

228 (b) An intermediate license may be issued to any person
229 who is at least sixteen (16) years of age who otherwise meets the
230 requirements of this article and who has held a regular learner's
231 permit for at least one (1) year without any conviction under
232 Section 63-11-30 or of a moving violation. Any conviction under
233 Section 63-11-30 or of a moving violation shall restart the
234 one-year requirement for the holding of a regular learner's permit
235 before an applicant can qualify for an intermediate license. An
236 applicant for an intermediate license who was unable to make
237 timely application in 2020 for a regular learner's permit, due to
238 the closure of driver's license offices owing to the Coronavirus
239 Disease 2019 (COVID-19), shall have the period in which he or she
240 was eligible but unable to apply credited toward the one-year
241 requirement for the holding of a regular learner's permit.

242 (c) A driver's license may be issued to any person who
243 is at least sixteen and one-half (16-1/2) years of age who
244 otherwise meets the requirements of this article and who has held
245 an intermediate license for at least six (6) months without any
246 conviction under Section 63-11-30 or of a moving violation. Any
247 conviction under Section 63-11-30 or of a moving violation shall
248 restart the six-month requirement for the holding of an
249 intermediate license before an applicant can qualify for a



250 driver's license. However, a person who is at least seventeen
251 (17) years of age who has been issued a regular learner's permit
252 and who has never been convicted under Section 63-11-30 or of a
253 moving violation shall not be required to have held an
254 intermediate license. An applicant for a driver's license who was
255 unable to make timely application in 2020 for an intermediate
256 license, due to the closure of driver's license offices owing to
257 the Coronavirus Disease 2019 (COVID-19), shall have the period in
258 which he or she was eligible but unable to apply credited toward
259 the six-month requirement for the holding of an intermediate
260 license.

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

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

271 **SECTION 5.** This act shall take effect and be in force from
272 and after July 1, 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.

