

By: Senator(s) Wiggins

To: Corrections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2280

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, 47-5-20, 47-5-24,
10 47-5-26, 47-5-28, 47-5-110, 47-5-138, 47-5-601, 47-5-603,
11 47-5-605, 47-5-1001, 47-5-1003, 47-5-1005, 47-5-1007, 47-5-1009,
12 47-5-1011, 47-5-1013, 47-5-1014, 47-7-2, 47-7-3, 47-7-3.1,
13 47-7-3.2, 47-7-4, 47-7-5, 47-7-6, 47-7-9, 47-7-13, 47-7-17,
14 47-7-18, 47-7-19, 47-7-21, 47-7-23, 47-7-25, 47-7-27, 47-7-29,
15 47-7-33, 47-7-33.1, 47-7-34, 47-7-35, 47-7-36, 47-7-37, 47-7-37.1,
16 47-7-38, 47-7-38.1, 47-7-39, 47-7-40, 47-7-41, 47-7-43, 47-7-47
17 AND 41-7-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
18 CODIFY SECTION 47-5-36, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE
19 OFFICE OF THE DEPARTMENT OF CORRECTIONS OMBUDSMAN AND PRESCRIBE
20 ITS POWERS AND DUTIES; TO PROVIDE FOR A CORRECTIONS OVERSIGHT
21 COMMITTEE; TO PROVIDE INSPECTION AUTHORITY FOR THE OFFICE OF
22 OMBUDSMAN; TO PROVIDE COMPLAINT INVESTIGATION AUTHORITY; TO
23 PROVIDE FOR AN ANNUAL REPORT; TO CODIFY SECTION 47-5-36.1,
24 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR AN INMATE AND FAMILY
25 ADVOCACY AND SUPPORT SERVICES ONLINE FORM AS A FUNCTION OF THE
26 OFFICE OF OMBUDSMAN; TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF
27 1972, TO PROVIDE THAT CERTAIN OFFENDER SUPERVISION FEES SHALL BE
28 DEPOSITED INTO THE 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, 2022, 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 2022 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, 2022. 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 2021, 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 2022 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, 2022, 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, * * * 2022, 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, 2022, 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 47-5-20, Mississippi Code of 1972, is
272 amended as follows:

273 47-5-20. The commissioner shall have the following powers
274 and duties:

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

276 (b) To approve proposals for the location of new
277 facilities, for major renovation activities, and for the creation
278 of new programs and divisions within the department as well as for
279 the abolition of the same; provided, however, that the



280 commissioner shall approve the location of no new facility unless
281 the board of supervisors of the county or the governing
282 authorities of the municipality in which the new facility is to be
283 located shall have had the opportunity with at least sixty (60)
284 days' prior notice to disapprove the location of the proposed
285 facility. If either the board of supervisors or the governing
286 authorities shall disapprove the facility, it shall not be located
287 in that county or municipality. Said notice shall be made by
288 certified mail, return receipt requested, to the members of the
289 board or governing authorities and to the clerk thereof;

290 (c) Except as otherwise provided or required by law, to
291 open bids and approve the sale of any products or manufactured
292 goods by the department according to applicable provisions of law
293 regarding bidding and sale of state property, and according to
294 rules and regulations established by the State Fiscal Management
295 Board; * * *

296 (d) To adopt administrative rules and regulations
297 including, but not limited to, offender transfer procedures, award
298 of administrative earned time, personnel procedures, employment
299 practices * * *; and

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



305 From and after July 1, 2022, the Mississippi Department of
306 Reentry and Supervision shall perform the functions of the
307 Division of Community Corrections pursuant to Section 1 of this
308 act.

309 **SECTION 5.** Section 47-5-24, Mississippi Code of 1972, is
310 amended as follows:

311 47-5-24. (1) The Governor shall appoint a Commissioner of
312 Corrections, with the advice and consent of the Senate. Such
313 commissioner may be removed by the Governor. The commissioner
314 shall be the chief executive, administrative and fiscal officer of
315 the department.

316 (2) The commissioner shall receive an annual salary fixed by
317 the Governor, not to exceed the maximum authorized by law, in
318 addition to all actual, necessary expenses incurred in the
319 discharge of official duties, including mileage as authorized by
320 law.

321 (3) The commissioner shall possess the following minimum
322 qualifications:

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

327 (b) A bachelor's degree in a field described in
328 subparagraph (a) of this subsection and at least ten (10) years



329 full-time work in corrections, five (5) years of which shall have
330 been in correctional management; or

331 (c) Shall possess relevant experience in the private or
332 public sector.

333 (4) The commissioner shall be required, upon assuming the
334 duties of his office, to execute a good and sufficient bond
335 payable to the State of Mississippi in the sum of Two Hundred
336 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate
337 accounting for all monies and property coming into his hands. The
338 commissioner, upon approval by the Governor, may require of other
339 officers, employees and agents of the department a good and
340 sufficient bond in such sum as he may determine, subject to the
341 minimum requirements set forth herein, payable to the State of
342 Mississippi upon like condition. The bonds shall be approved by
343 the Governor and filed with the Secretary of State, and shall be
344 executed by a surety company authorized to do business under the
345 laws of this state. The premium on any such bond shall be paid by
346 the state out of the support and maintenance fund of the
347 department.

348 (5) From and after July 1, 2022, the Mississippi Department
349 of Reentry and Supervision shall perform the functions of the
350 Division of Community Corrections pursuant to Section 1 of this
351 act.

352 **SECTION 6.** Section 47-5-26, Mississippi Code of 1972, is
353 amended as follows:



354 47-5-26. (1) The commissioner shall employ the following
355 personnel:

356 (a) A Deputy Commissioner for Administration and
357 Finance, who shall supervise and implement all fiscal policies and
358 programs within the department, supervise and implement all hiring
359 and personnel matters within the department, supervise the
360 department's personnel director, supervise and implement all
361 purchasing within the department and supervise and implement all
362 data processing activities within the department, and who shall
363 serve as the Chief Executive Officer of the Division of
364 Administration and Finance. He shall possess either:

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

371 (ii) A bachelor's degree from an accredited
372 four-year college or university in public or business
373 administration, accounting, economics or a directly related field,
374 and six (6) years of experience in work related to the
375 above-described duties, one (1) year of which must have included
376 line or functional supervision. Certification by the State of
377 Mississippi as a certified public accountant may be substituted
378 for one (1) year of the required experience.



379 (b) A Deputy Commissioner for Community Corrections,
380 who shall initiate and administer programs, including, but not
381 limited to, supervision of probationers, parolees and
382 suspensioners, counseling, community-based treatment, interstate
383 compact administration and enforcement, prevention programs,
384 halfway houses and group homes, technical violation centers,
385 restitution centers, presentence investigations, and work and
386 educational releases, and shall serve as the Chief Executive
387 Officer of the Division of Community Services. The Deputy
388 Commissioner for Community Corrections is charged with full and
389 complete cooperation with the State Parole Board and shall make
390 monthly reports to the Chairman of the Parole Board in the form
391 and type required by the chairman, in his discretion, for the
392 proper performance of the probation and parole functions. After a
393 plea or verdict of guilty to a felony is entered against a person
394 and before he is sentenced, the Deputy Commissioner for Community
395 Corrections shall procure from any available source and shall file
396 in the presentence records any information regarding any criminal
397 history of the person such as fingerprints, dates of arrests,
398 complaints, civil and criminal charges, investigative reports of
399 arresting and prosecuting agencies, reports of the National Crime
400 Information Center, the nature and character of each offense,
401 noting all particular circumstances thereof and any similar data
402 about the person. The Deputy Commissioner for Community
403 Corrections shall keep an accurate and complete duplicate record



404 of this file and shall furnish the duplicate to the department.
405 This file shall be placed in and shall constitute a part of the
406 inmate's master file. The Deputy Commissioner for Community
407 Corrections shall furnish this file to the State Parole Board when
408 the file is needed in the course of its official duties. He shall
409 possess either: (i) a master's degree in counseling, corrections
410 psychology, guidance, social work, criminal justice or some
411 related field and at least four (4) years' full-time experience in
412 such field, including at least one (1) year of supervisory
413 experience; or (ii) a bachelor's degree in a field described in
414 subparagraph (i) of this paragraph and at least six (6) years'
415 full-time work in corrections, one (1) year of which shall have
416 been at the supervisory level. From and after July 1, 2022, the
417 Mississippi Department of Reentry and Supervision shall perform
418 the functions of the Division of Community Corrections pursuant to
419 Section 1 of this act. From and after July 1, 2022, this
420 paragraph (b) shall stand repealed.

421 (c) A Deputy Commissioner for Institutions, who shall
422 administer institutions, reception and diagnostic centers,
423 prerelease centers and other facilities and programs provided
424 therein, and shall serve as the Chief Executive Officer of the
425 Division of Institutions. He shall possess either: (i) a
426 master's degree in counseling, criminal justice, psychology,
427 guidance, social work, business or some related field, and at
428 least four (4) years' full-time experience in corrections,



429 including at least one (1) year of correctional management
430 experience; or (ii) a bachelor's degree in a field described in
431 subparagraph (i) of this paragraph and at least six (6) years'
432 full-time work in corrections, four (4) years of which shall have
433 been at the correctional management level.

434 (d) A Deputy Commissioner for Programs, Education,
435 Re-entry, and Vocational Rehabilitation Services who shall
436 initiate and administer programs, including but not limited to,
437 education services, religious services, moral rehabilitation,
438 alcohol and drug rehabilitation, and court re-entry. The Deputy
439 Commissioner for Programs, Education, Re-entry, and Vocational
440 Rehabilitation may coordinate with any educational institution to
441 develop a program for moral rehabilitation with an emphasis on
442 promoting effective programs for release. The Deputy Commissioner
443 for Programs, Education, Re-entry, and Vocational Rehabilitation
444 shall focus on re-entry programs aimed at reducing recidivism and
445 adequately preparing offenders for employment upon their release.
446 The programs shall incorporate a moral component focused on
447 providing offenders with an opportunity to make positive changes
448 while incarcerated that will enable them to be productive members
449 of society upon their release. Such deputy commissioner shall
450 possess either:

451 (i) A master's degree in counseling, corrections,
452 psychology, guidance, social work, criminal justice or some
453 related field and at least four (4) years' full-time experience in



454 such field, including at least one (1) year of supervisory
455 experience; or

456 (ii) A bachelor's degree in a field described in
457 subparagraph (i) of this paragraph and at least six (6) years
458 full-time work in corrections, one (1) year of which shall have
459 been at the supervisory level.

460 (2) The commissioner shall employ an administrative
461 assistant for parole matters who shall be selected by the State
462 Parole Board, who shall be an employee of the department assigned
463 to the State Parole Board and who shall be located at the office
464 of the State Parole Board, and who shall work under the guidance,
465 supervision and direction of the board. From and after July 1,
466 2022, the Mississippi Department of Reentry and Supervision shall
467 perform the functions of the Division of Community Corrections
468 pursuant to Section 1 of this act.

469 (3) The administrative assistant for parole matters shall
470 receive an annual salary to be established by the Legislature.
471 The salaries of department employees not established by the
472 Legislature shall receive an annual salary established by the
473 State Personnel Board. From and after July 1, 2022, the
474 Mississippi Department of Reentry and Supervision shall perform
475 the functions of the Division of Community Corrections pursuant to
476 Section 1 of this act.

477 (4) The commissioner shall employ a superintendent for the
478 Parchman facility, Central Mississippi Correctional Facility and



479 South Mississippi Correctional Institution of the Department of
480 Corrections. The Superintendent of the Mississippi State
481 Penitentiary shall reside on the grounds of the Parchman facility.
482 Each superintendent shall appoint an officer in charge when he is
483 absent.

484 Each superintendent shall develop and implement a plan for
485 the prevention and control of an inmate riot and shall file a
486 report with the Chairman of the Senate Corrections Committee and
487 the Chairman of the House Penitentiary Committee on the first day
488 of each regular session of the Legislature regarding the status of
489 the plan.

490 In order that the grievances and complaints of inmates,
491 employees and visitors at each facility may be heard in a timely
492 and orderly manner, each superintendent shall appoint or designate
493 an employee at the facility to hear grievances and complaints and
494 to report grievances and complaints to the superintendent. Each
495 superintendent shall institute procedures as are necessary to
496 provide confidentiality to those who file grievances and
497 complaints.

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

502 **SECTION 7.** Section 47-5-28, Mississippi Code of 1972, is
503 amended as follows:



504 47-5-28. The commissioner shall have the following powers
505 and duties:

506 (a) To implement and administer laws and policy
507 relating to corrections and coordinate the efforts of the
508 department with those of the federal government and other state
509 departments and agencies, county governments, municipal
510 governments, and private agencies concerned with providing
511 offender services;

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

517 (c) To promulgate and publish such rules, regulations
518 and policies of the department as are needed for the efficient
519 government and maintenance of all facilities and programs in
520 accord insofar as possible with currently accepted standards of
521 adult offender care and treatment;

522 (d) To provide the Parole Board with suitable and
523 sufficient office space and support resources and staff necessary
524 to * * * conduct Parole Board business under the guidance of the
525 Chairman of the Parole Board;

526 (e) To contract for transitional reentry center beds
527 that will be used as noncorrections housing for offenders released
528 from the department on parole, probation or post-release



529 supervision but do not have appropriate housing available upon
530 release. At least one hundred (100) but no more than eight
531 hundred (800) transitional reentry center beds contracted by the
532 department and chosen by the Parole Board shall be available for
533 the Parole Board to place parolees without appropriate housing;

534 (f) To designate deputy commissioners while performing
535 their officially assigned duties relating to the custody, control,
536 transportation, recapture or arrest of any offender within the
537 jurisdiction of the department or any offender of any jail,
538 penitentiary, public workhouse or overnight lockup of the state or
539 any political subdivision thereof not within the jurisdiction of
540 the department, to the status of peace officers anywhere in the
541 state in any matter relating to the custody, control,
542 transportation or recapture of such offender, and shall have the
543 status of law enforcement officers and peace officers as
544 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

545 For the purpose of administration and enforcement of this
546 chapter, deputy commissioners of the Mississippi Department of
547 Corrections, who are certified by the Mississippi Board on Law
548 Enforcement Officer Standards and Training, have the powers of a
549 law enforcement officer of this state. Such powers shall include
550 to make arrests and to serve and execute search warrants and other
551 valid legal process anywhere within the State of Mississippi while
552 performing their officially assigned duties relating to the
553 custody, control, transportation, recapture or arrest of any



554 offender within the jurisdiction of the department or any offender
555 of any jail, penitentiary, public workhouse or overnight lockup of
556 the state or any political subdivision thereof not within the
557 jurisdiction of the department in any matter relating to the
558 custody, control, transportation or recapture of such
559 offender * * *;

560 (g) To make an annual report to the Governor and the
561 Legislature reflecting the activities of the department and make
562 recommendations for improvement of the services to be performed by
563 the department;

564 (h) To cooperate fully with periodic independent
565 internal investigations of the department and to file the report
566 with the Governor and the Legislature;

567 (i) To make personnel actions for a period of one (1)
568 year beginning July 1, 2016, that are exempt from State Personnel
569 Board rules, regulations and procedures in order to give the
570 commissioner flexibility in making an orderly, effective and
571 timely reorganization and realignment of the department; and

572 (j) To perform such other duties necessary to
573 effectively and efficiently carry out the purposes of the
574 department as may be directed by the Governor.

575 From and after July 1, 2022, the Mississippi Department of
576 Reentry and Supervision shall perform the functions of the
577 Division of Community Corrections pursuant to Section 1 of this
578 act.



579 **SECTION 8.** Section 47-5-110, Mississippi Code of 1972, is
580 amended as follows:

581 47-5-110. (1) Commitment to any institution or facility
582 within the jurisdiction of the department shall be to the
583 department, not to a particular institution or facility. The
584 commissioner shall assign a newly committed offender to an
585 appropriate facility consistent with public safety; provided,
586 however, that any offender who, in the opinion of the sentencing
587 judge, requires confinement in a maximum security unit shall be
588 assigned, upon initial commitment, to the Parchman facility. The
589 commissioner may extend the place of confinement of eligible
590 offenders as provided under subsection (2) of this section. He
591 may transfer an offender from one (1) institution to another,
592 consistent with the commitment and in accordance with treatment,
593 training and security needs. The commissioner shall have the
594 authority to transfer inmates from the various correctional
595 facilities of the department to restitution centers if such
596 inmates meet the qualifications prescribed in Section 99-37-19.
597 The commissioner shall prepare appropriate standards of
598 eligibility for such transfers of offenders from one (1)
599 institution to another institution and transfers of offenders who
600 meet the qualifications for placement in restitution centers. The
601 commissioner shall have the authority to remove the offenders from
602 restitution centers and to transfer them to other facilities of
603 the department. The commissioner shall obtain the approval of the



604 sentencing court before transferring an offender committed to the
605 department to a restitution center. On the request of the chief
606 executive officer of the affected unit of local government, the
607 commissioner may transfer a person detained in a local facility to
608 a state facility. The commissioner shall determine the cost of
609 care for that person to be borne by the unit of local government.
610 The commissioner may assign to a community work center, any
611 offender who is convicted under the Mississippi Implied Consent
612 Law and who is sentenced to the custody of the Department of
613 Corrections, except that if a death or a serious maiming has
614 occurred during the commission of the violation of the Mississippi
615 Implied Consent Law, then the offender so convicted may not be
616 assigned to a community work center.

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

620 (a) The commissioner may extend the limits of
621 confinement of offenders serving sentences for violent or
622 nonviolent crimes who have six (6) months or less remaining before
623 release on parole, conditional release or discharge to participate
624 in the program. Parole violators may be allowed to participate in
625 the program.

626 (b) Any offender who is referred to the program shall
627 remain an offender of the department and shall be subject to rules
628 and regulations of the department pertaining to offenders of the



629 department until discharged or released on parole or conditional
630 release by the State Parole Board.

631 (c) The department shall require the offender to
632 participate in work or educational or vocational programs and
633 other activities that may be necessary for the supervision and
634 treatment of the offender.

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

639 (3) The commissioner shall have absolute immunity from
640 liability for any injury resulting from a determination by the
641 commissioner that an offender shall be allowed to participate in
642 the community prerelease program.

643 (4) (a) The department may by rule or policy and procedure
644 provide evidence-based programs for the benefit of inmates, with
645 emphasis on those that are targeted at reducing inmate recidivism
646 and prerelease service for offenders at each of its major
647 correctional facilities: Mississippi State Penitentiary, Central
648 Mississippi Correctional Institution and South Mississippi
649 Correctional Institution and other facilities where the department
650 confines state inmates.

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



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

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

658 (5) From and after July 1, 2022, the Mississippi Department
659 of Reentry and Supervision shall perform the functions of the
660 Division of Community Corrections pursuant to Section 1 of this
661 act.

662 **SECTION 9.** Section 47-5-138, Mississippi Code of 1972, is
663 amended as follows:

664 47-5-138. (1) The department may promulgate rules and
665 regulations to carry out an earned-time allowance program based on
666 the good conduct and performance of an inmate. An inmate is
667 eligible to receive an earned-time allowance of one-half (1/2) of
668 the period of confinement imposed by the court except those
669 inmates excluded by law. When an inmate is committed to the
670 custody of the department, the department shall determine a
671 conditional earned-time release date by subtracting the
672 earned-time allowance from an inmate's term of sentence. This
673 subsection does not apply to any sentence imposed after June 30,
674 1995.

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



678 the commissioner, or his designee, and forfeited earned time may
679 not be restored.

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

685 (b) On receipt of a final order, the department shall
686 forfeit:

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

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

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

696 (c) The department may not restore earned time
697 forfeited under this subsection.

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

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



703 days for each thirty (30) days served if the department determines
704 that the inmate has complied with the good conduct and performance
705 requirements of the earned_time allowance program. The
706 earned_time allowance under this subsection shall not exceed
707 fifteen percent (15%) of an inmate's term of sentence; however,
708 beginning July 1, 2006, no person under the age of twenty-one (21)
709 who has committed a nonviolent offense, and who is under the
710 jurisdiction of the Department of Corrections, shall be subject to
711 the fifteen percent (15%) limitation for earned_time allowances as
712 described in this subsection (5).

713 (6) Any inmate, who is released before the expiration of his
714 term of sentence under this section, shall be placed under
715 earned-release supervision until the expiration of the term of
716 sentence. The inmate shall retain inmate status and remain under
717 the jurisdiction of the department. The period of earned-release
718 supervision shall be conducted in the same manner as a period of
719 supervised parole. The department shall develop rules, terms and
720 conditions for the earned-release supervision program. The
721 commissioner shall designate the appropriate hearing officer
722 within the department to conduct revocation hearings for inmates
723 violating the conditions of earned-release supervision.

724 (7) If the earned-release supervision is revoked, the inmate
725 shall serve the remainder of the sentence, but the time the inmate
726 served on earned-release supervision before revocation * * * shall
727 be applied to reduce his sentence.



728 (8) From and after July 1, 2022, the Mississippi Department
729 of Reentry and Supervision shall perform the functions of the
730 Division of Community Corrections pursuant to Section 1 of this
731 act.

732 **SECTION 10.** Section 47-5-601, Mississippi Code of 1972, is
733 amended as follows:

734 47-5-601. The Mississippi Department of Corrections is
735 authorized to establish a drug identification program and shall
736 have the power and duty to adopt rules not inconsistent with law
737 as it may deem proper and necessary with respect to the
738 establishment, administration and operation of the program.

739 From and after July 1, 2022, 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 11.** Section 47-5-603, Mississippi Code of 1972, is
744 amended as follows:

745 47-5-603. Any offender on probation or released from a
746 facility of the Department of Corrections on parole or earned
747 probation who remains under the supervision of the Department of
748 Corrections or any offender who is incarcerated in a state
749 correctional facility may be required to participate in the
750 Mississippi Department of Corrections drug identification program.
751 Participation by an offender would consist of submission by the
752 offender, from time to time and upon the request of a parole or



753 probation supervisor, or authorized personnel of the department to
754 any type of breath, saliva or urine chemical analysis test, the
755 purpose of which is to detect the possible presence of alcohol or
756 a substance prohibited or controlled by any law of the State of
757 Mississippi or the United States.

758 From and after July 1, 2022, the Mississippi Department of
759 Reentry and Supervision shall perform the functions of the
760 Division of Community Corrections pursuant to Section 1 of this
761 act.

762 **SECTION 12.** Section 47-5-605, Mississippi Code of 1972, is
763 amended as follows:

764 47-5-605. Each time the results of such a chemical analysis
765 test indicate the unauthorized presence of alcohol or a controlled
766 substance in the parolee or probationer, he or she shall be
767 required to pay a fee of Ten Dollars (\$10.00) to the Mississippi
768 Department of Corrections drug identification program, which fee
769 shall be used to pay for the cost of administering that particular
770 test. All other costs of the program, including the costs of
771 administering such tests in cases in which the presence of alcohol
772 or a controlled substance is not found, will be paid by
773 expenditures from the Community Service Revolving Fund as
774 described in Section 47-7-49.

775 From and after July 1, 2022, the Mississippi Department of
776 Reentry and Supervision shall perform the functions of the



777 Division of Community Corrections pursuant to Section 1 of this
778 act.

779 **SECTION 13.** Section 47-5-1001, Mississippi Code of 1972, is
780 amended as follows:

781 47-5-1001. For purposes of Sections 47-5-1001 through
782 47-5-1015, the following words shall have the meaning ascribed
783 herein unless the context shall otherwise require:

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

788 (b) "Correctional field officer" means the supervising
789 probation and parole officer in charge of supervising the
790 offender.

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

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

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

797 (f) "Operating capacity" means the total number of
798 state offenders which can be safely and reasonably housed in
799 facilities operated by the department and in local or county jails
800 or other facilities authorized to house state offenders as



801 certified by the department, subject to applicable federal and
802 state laws and rules and regulations.

803 (g) "Participant" means an offender placed into an
804 intensive supervision program.

805 From and after July 1, 2022, the Mississippi Department of
806 Reentry and Supervision shall perform the functions of the
807 Division of Community Corrections pursuant to Section 1 of this
808 act.

809 **SECTION 14.** Section 47-5-1003, Mississippi Code of 1972, is
810 amended as follows:

811 47-5-1003. (1) An intensive supervision program may be used
812 as an alternative to incarceration for offenders who are not
813 convicted of a crime of violence pursuant to Section 97-3-2 as
814 selected by the court and for juvenile offenders as provided in
815 Section 43-21-605. Any offender convicted of a sex crime shall
816 not be placed in the program.

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

820 (3) To protect and to ensure the safety of the state's
821 citizens, any offender who violates an order or condition of the
822 intensive supervision program may be arrested by the correctional
823 field officer and placed in the actual custody of the Department
824 of Corrections. Such offender is under the full and complete



825 jurisdiction of the department and subject to removal from the
826 program by the classification hearing officer.

827 (4) When any circuit or county court places an offender in
828 an intensive supervision program, the court shall give notice to
829 the Mississippi Department of Corrections within fifteen (15) days
830 of the court's decision to place the offender in an intensive
831 supervision program. Notice shall be delivered to the central
832 office of the Mississippi Department of Corrections and to the
833 regional office of the department which will be providing
834 supervision to the offender in an intensive supervision program.

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

838 (5) The Department of Corrections shall provide to the
839 Oversight Task Force all relevant data regarding the offenders
840 participating in the intensive supervision program, including the
841 number of offenders admitted to the program annually, the number
842 of offenders who leave the program annually and why they leave,
843 the number of offenders who are arrested or convicted annually and
844 the circumstances of the arrest and any other information
845 requested.

846 (6) From and after July 1, 2022, the Mississippi Department
847 of Reentry and Supervision shall perform the functions of the
848 Division of Community Corrections pursuant to Section 1 of this
849 act.



850 **SECTION 15.** Section 47-5-1005, Mississippi Code of 1972, is
851 amended as follows:

852 47-5-1005. (1) The department shall promulgate rules that
853 prescribe reasonable guidelines under which an intensive
854 supervision program shall operate. These rules shall include, but
855 not be limited to, the following:

856 (a) The participant shall remain within the interior
857 premises or within the property boundaries of his or her residence
858 at all times during the hours designated by the correctional field
859 officer.

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

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

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

866 (iii) Undergoing medical, psychiatric, mental
867 health treatment, counseling or other treatment programs approved
868 for the participant by the court or department;

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

871 (v) Participating in community work release or a
872 community service program approved for the participant by the
873 court or department; or



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

876 (c) Except in case of a medical emergency and approval
877 by the Commissioner of the Department of Corrections, or his
878 designee, or by circuit court order for medical purposes, no
879 participant in the intensive supervision program may leave the
880 jurisdiction of the State of Mississippi.

881 (2) The department shall select and approve all electronic
882 monitoring devices used under Sections 47-5-1001 through
883 47-5-1015.

884 (3) The department may lease the equipment necessary to
885 implement the intensive supervision program and to contract for
886 the monitoring of such devices. The department is authorized to
887 select the lowest price and best source in contracting for these
888 services.

889 (4) From and after July 1, 2022, the Mississippi Department
890 of Reentry and Supervision shall perform the functions of the
891 Division of Community Corrections pursuant to Section 1 of this
892 act.

893 **SECTION 16.** Section 47-5-1007, Mississippi Code of 1972, is
894 amended as follows:

895 47-5-1007. (1) Any participant in the intensive supervision
896 program who engages in employment shall pay a monthly fee to the
897 department for each month such person is enrolled in the program.
898 The department may waive the monthly fee if the offender is a



899 full-time student or is engaged in vocational training. Juvenile
900 offenders shall pay a monthly fee of not less than Ten Dollars
901 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a
902 sliding scale using the standard of need for each family that is
903 used to calculate TANF benefits. Money received by the department
904 from participants in the program shall be deposited into a special
905 fund which is hereby created in the State Treasury. It shall be
906 used, upon appropriation by the Legislature, for the purpose of
907 helping to defray the costs involved in administering and
908 supervising such program. Unexpended amounts remaining in such
909 special fund at the end of a fiscal year shall not lapse into the
910 State General Fund, and any interest earned on amounts in such
911 special fund shall be deposited to the credit of the special fund.

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

915 (3) The participant shall make the necessary arrangements to
916 allow for correctional officers to visit the participant's place
917 of education or employment at any time, based upon the approval of
918 the educational institution or employer, for the purpose of
919 verifying the participant's compliance with the conditions of his
920 detention.

921 (4) The participant shall acknowledge and participate with
922 the approved electronic monitoring device as designated by the



923 department at any time for the purpose of verifying the
924 participant's compliance with the conditions of his detention.

925 (5) The participant shall be responsible for and shall
926 maintain the following:

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

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

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

932 (6) The participant shall obtain approval from the
933 correctional field officer before the participant changes
934 residence.

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

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

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

942 (10) From and after July 1, 2022, the Mississippi Department
943 of Reentry and Supervision shall perform the functions of the
944 Division of Community Corrections pursuant to Section 1 of this
945 act.

946 **SECTION 17.** Section 47-5-1009, Mississippi Code of 1972, is
947 amended as follows:



948 47-5-1009. (1) The department shall have absolute immunity
949 from liability for any injury resulting from a determination by a
950 judge or correctional officer that an offender shall be allowed to
951 participate in the electronic home detention program.

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

955 (3) From and after July 1, 2022, the Mississippi Department
956 of Reentry and Supervision shall perform the functions of the
957 Division of Community Corrections pursuant to Section 1 of this
958 act.

959 **SECTION 18.** Section 47-5-1011, Mississippi Code of 1972, is
960 amended as follows:

961 47-5-1011. (1) Before entering an order for commitment for
962 electronic house arrest, the department shall inform the
963 participant and other persons residing in the home of the nature
964 and extent of the approved electronic monitoring devices by doing
965 the following:

966 (a) Securing the written consent of the participant in
967 the program to comply with the rules and regulations of the
968 program.

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



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

977 (2) The participant shall be responsible for the cost of
978 equipment and any damage to such equipment. Any intentional
979 damage, any attempt to defeat monitoring, any committing of a
980 criminal offense or any associating with felons or known
981 criminals, shall constitute a violation of the program.

982 (3) Any person whose residence is utilized in the program
983 shall agree to keep the home drug and alcohol free and to exclude
984 known felons and criminals in order to provide a noncriminal
985 environment.

986 (4) From and after July 1, 2022, the Mississippi Department
987 of Reentry and Supervision shall perform the functions of the
988 Division of Community Corrections pursuant to Section 1 of this
989 act.

990 **SECTION 19.** Section 47-5-1013, Mississippi Code of 1972, is
991 amended as follows:

992 47-5-1013. Participants enrolled in an intensive supervision
993 program shall be required to:

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



998 (b) Pay restitution and program fees as directed by the
999 department. Program fees shall not be less than Eighty-eight
1000 Dollars (\$88.00) per month. The sentencing judge may charge a
1001 program fee of less than Eighty-eight Dollars (\$88.00) per month
1002 in cases of extreme financial hardship, when such judge determines
1003 that the offender's participation in the program would provide a
1004 benefit to his community. Juvenile offenders shall not pay a
1005 program fee but shall pay a monthly fee as provided in Section
1006 47-5-1007. Program fees shall be deposited in the special fund
1007 created in Section 47-5-1007.

1008 (c) Establish a place of residence at a place approved
1009 by the correctional field officer, and not change his residence
1010 without the officer's approval. The correctional officer shall be
1011 allowed to inspect the place of residence for alcoholic beverages,
1012 controlled substances and drug paraphernalia.

1013 (d) Remain at his place of residence at all times
1014 except to go to work, to attend school, to perform community
1015 service and as specifically allowed in each instance by the
1016 correctional field officer.

1017 (e) Allow administration of drug and alcohol tests as
1018 requested by the field officer.

1019 (f) Perform not less than ten (10) hours of community
1020 service each month.



1021 (g) Meet any other conditions imposed by the court to
1022 meet the needs of the offender and limit the risks to the
1023 community.

1024 From and after July 1, 2022, the Mississippi Department of
1025 Reentry and Supervision shall perform the functions of the
1026 Division of Community Corrections pursuant to Section 1 of this
1027 act.

1028 **SECTION 20.** Section 47-5-1014, Mississippi Code of 1972, is
1029 amended as follows:

1030 47-5-1014. (1) Participants who have been in the intensive
1031 supervision program since July 1, 2004, whether placed into the
1032 program before or after July 1, 2004, shall pay a Fifty Dollar
1033 (\$50.00) monthly supervision fee to the Mississippi Department of
1034 Corrections for their supervision from July 1, 2004, or from the
1035 date the participant entered the program after July 1, 2004, until
1036 completion of the program, or April 6, 2005, or whichever occurs
1037 first. From and after April 6, 2005, all participants of the
1038 intensive supervision program shall pay the fee as established in
1039 Section 47-5-1013.

1040 (2) The Department of Corrections shall use its best effort
1041 to collect the monthly supervision fees in arrearage under this
1042 section.

1043 (3) A participant's failure to pay the monthly fees in
1044 arrearage shall not be deemed a violation of a condition of the



1045 program, and the participant shall not be removed from the program
1046 for failure to pay the monthly fees in arrearage.

1047 (4) This section shall not apply to any fees incurred after
1048 April 6, 2005.

1049 (5) Any arrearage remaining under this section at the end of
1050 the offender's participation in the program shall automatically be
1051 reduced to a civil judgment and upon notice by the Department of
1052 Corrections shall be recorded with the circuit court clerk in the
1053 county wherein the participant resides. The Department of
1054 Corrections and/or the district attorney shall use best efforts to
1055 collect the judgment.

1056 (6) From and after July 1, 2022, the Mississippi Department
1057 of Reentry and Supervision shall perform the functions of the
1058 Division of Community Corrections pursuant to Section 1 of this
1059 act.

1060 **SECTION 21.** Section 47-7-2, Mississippi Code of 1972, is
1061 amended as follows:

1062 47-7-2. For purposes of this chapter, the following words
1063 shall have the meaning ascribed herein unless the context shall
1064 otherwise require:

1065 (a) "Adult" means a person who is seventeen (17) years
1066 of age or older, or any person convicted of any crime not subject
1067 to the provisions of the youth court law, or any person
1068 "certified" to be tried as an adult by any youth court in the
1069 state.



1070 (b) "Board" means the State Parole Board.

1071 (c) "Parole case plan" means an individualized, written
1072 accountability and behavior change strategy developed by the
1073 department in collaboration with the parole board to prepare
1074 offenders for release on parole at the parole eligibility date.
1075 The case plan shall focus on the offender's criminal risk factors
1076 that, if addressed, reduce the likelihood of reoffending.

1077 (d) "Commissioner" means the Commissioner of
1078 Corrections.

1079 (e) "Correctional system" means the facilities,
1080 institutions, programs and personnel of the department utilized
1081 for adult offenders who are committed to the custody of the
1082 department.

1083 (f) "Criminal risk factors" means characteristics that
1084 increase a person's likelihood of reoffending. These
1085 characteristics include: antisocial behavior; antisocial
1086 personality; criminal thinking; criminal associates; dysfunctional
1087 family; low levels of employment or education; poor use of leisure
1088 and recreation; and substance abuse.

1089 (g) "Department" means the Mississippi Department of
1090 Corrections.

1091 (h) "Detention" means the temporary care of juveniles
1092 and adults who require secure custody for their own or the
1093 community's protection in a physically restricting facility prior
1094 to adjudication, or retention in a physically restricting facility



1095 upon being taken into custody after an alleged parole or probation
1096 violation.

1097 (i) "Discharge plan" means an individualized written
1098 document that provides information to support the offender in
1099 meeting the basic needs identified in the pre-release assessment.
1100 This information shall include, but is not limited to: contact
1101 names, phone numbers, and addresses of referrals and resources.

1102 (j) "Evidence-based practices" means supervision
1103 policies, procedures, and practices that scientific research
1104 demonstrates reduce recidivism.

1105 (k) "Facility" or "institution" means any facility for
1106 the custody, care, treatment and study of offenders which is under
1107 the supervision and control of the department.

1108 (l) "Juvenile," "minor" or "youthful" means a person
1109 less than seventeen (17) years of age.

1110 (m) "Offender" means any person convicted of a crime or
1111 offense under the laws and ordinances of the state and its
1112 political subdivisions.

1113 (n) "Pre-release assessment" means a determination of
1114 an offender's ability to attend to basic needs, including, but not
1115 limited to, transportation, clothing and food, financial
1116 resources, personal identification documents, housing, employment,
1117 education, and health care, following release.



1118 (o) "Special meetings" means those meetings called by
1119 the chairman with at least twenty-four (24) hours' notice or a
1120 unanimous waiver of notice.

1121 (p) "Supervision plan" means a plan developed by the
1122 community corrections department to manage offenders on probation
1123 and parole in a way that reduces the likelihood they will commit a
1124 new criminal offense or violate the terms of supervision and that
1125 increases the likelihood of obtaining stable housing, employment
1126 and skills necessary to sustain positive conduct.

1127 (q) "Technical violation" means an act or omission by
1128 the probationer that violates a condition or conditions of
1129 probation placed on the probationer by the court or the probation
1130 officer.

1131 (r) "Transitional reentry center" means a
1132 state-operated or state-contracted facility used to house
1133 offenders leaving the physical custody of the Department of
1134 Corrections on parole, probation or post-release supervision who
1135 are in need of temporary housing and services that reduce their
1136 risk to reoffend.

1137 (s) "Unit of local government" means a county, city,
1138 town, village or other general purpose political subdivision of
1139 the state.

1140 (t) "Risk and needs assessment" means the determination
1141 of a person's risk to reoffend using an actuarial assessment tool



1142 validated on Mississippi corrections populations and the needs
1143 that, when addressed, reduce the risk to reoffend.

1144 From and after July 1, 2022, the Mississippi Department of
1145 Reentry and Supervision shall perform the functions of the
1146 Division of Community Corrections pursuant to Section 1 of this
1147 act.

1148 **SECTION 22.** Section 47-7-3, Mississippi Code of 1972, is
1149 amended as follows:

1150 47-7-3. (1) Every prisoner who has been convicted of any
1151 offense against the State of Mississippi, and is confined in the
1152 execution of a judgment of such conviction in the Mississippi
1153 Department of Corrections for a definite term or terms of one (1)
1154 year or over, or for the term of his or her natural life, whose
1155 record of conduct shows that such prisoner has observed the rules
1156 of the department, and who has served not less than one-fourth
1157 (1/4) of the total of such term or terms for which such prisoner
1158 was sentenced, or, if sentenced to serve a term or terms of thirty
1159 (30) years or more, or, if sentenced for the term of the natural
1160 life of such prisoner, has served not less than ten (10) years of
1161 such life sentence, may be released on parole as hereinafter
1162 provided, except that:

1163 (a) No prisoner convicted as a confirmed and habitual
1164 criminal under the provisions of Sections 99-19-81 through
1165 99-19-87 shall be eligible for parole;



1166 (b) Any person who shall have been convicted of a sex
1167 crime shall not be released on parole except for a person under
1168 the age of nineteen (19) who has been convicted under Section
1169 97-3-67;

1170 (c) (i) No person shall be eligible for parole who
1171 shall, on or after January 1, 1977, be convicted of robbery or
1172 attempted robbery through the display of a firearm until he shall
1173 have served ten (10) years if sentenced to a term or terms of more
1174 than ten (10) years or if sentenced for the term of the natural
1175 life of such person. If such person is sentenced to a term or
1176 terms of ten (10) years or less, then such person shall not be
1177 eligible for parole. The provisions of this paragraph (c)(i)
1178 shall also apply to any person who shall commit robbery or
1179 attempted robbery on or after July 1, 1982, through the display of
1180 a deadly weapon. This paragraph (c)(i) shall not apply to persons
1181 convicted after September 30, 1994;

1182 (ii) No person shall be eligible for parole who
1183 shall, on or after October 1, 1994, be convicted of robbery,
1184 attempted robbery or carjacking as provided in Section 97-3-115 et
1185 seq., through the display of a firearm or drive-by shooting as
1186 provided in Section 97-3-109. The provisions of this paragraph
1187 (c)(ii) shall also apply to any person who shall commit robbery,
1188 attempted robbery, carjacking or a drive-by shooting on or after
1189 October 1, 1994, through the display of a deadly weapon. This



1190 paragraph (c)(ii) shall not apply to persons convicted after July
1191 1, 2014;

1192 (d) No person shall be eligible for parole who, on or
1193 after July 1, 1994, is charged, tried, convicted and sentenced to
1194 life imprisonment without eligibility for parole under the
1195 provisions of Section 99-19-101;

1196 (e) No person shall be eligible for parole who is
1197 charged, tried, convicted and sentenced to life imprisonment under
1198 the provisions of Section 99-19-101;

1199 (f) No person shall be eligible for parole who is
1200 convicted or whose suspended sentence is revoked after June 30,
1201 1995, except that an offender convicted of only nonviolent crimes
1202 after June 30, 1995, may be eligible for parole if the offender
1203 meets the requirements in this subsection (1) and this paragraph.
1204 In addition to other requirements, if an offender is convicted of
1205 a drug or driving under the influence felony, the offender must
1206 complete a drug and alcohol rehabilitation program prior to parole
1207 or the offender may be required to complete a post-release drug
1208 and alcohol program as a condition of parole. For purposes of
1209 this paragraph, "nonviolent crime" means a felony other than
1210 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
1211 occupied dwelling, aggravated assault, kidnapping, felonious abuse
1212 of vulnerable adults, felonies with enhanced penalties, except
1213 enhanced penalties for the crime of possession of a controlled
1214 substance under Section 41-29-147, the sale or manufacture of a



1215 controlled substance under the Uniform Controlled Substances Law,
1216 felony child abuse, or exploitation or any crime under Section
1217 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a
1218 violation of Section 63-11-30(5). In addition, an offender
1219 incarcerated for committing the crime of possession of a
1220 controlled substance under the Uniform Controlled Substances Law
1221 after July 1, 1995, including an offender who receives an enhanced
1222 penalty under the provisions of Section 41-29-147 for such
1223 possession, shall be eligible for parole. An offender
1224 incarcerated for committing the crime of sale or manufacture of a
1225 controlled substance shall be eligible for parole after serving
1226 one-fourth (1/4) of the sentence imposed by the trial court. This
1227 paragraph (f) shall not apply to persons convicted on or after
1228 July 1, 2014;

1229 (g) (i) No person who, on or after July 1, 2014, is
1230 convicted of a crime of violence pursuant to Section 97-3-2, a sex
1231 crime or an offense that specifically prohibits parole release
1232 shall be eligible for parole. All persons convicted of any other
1233 offense on or after July 1, 2014, are eligible for parole after
1234 they have served one-fourth (1/4) of the sentence or sentences
1235 imposed by the trial court.

1236 (ii) Notwithstanding the provisions in
1237 subparagraph (i) of this paragraph (g), a person serving a
1238 sentence who has reached the age of sixty (60) or older and who
1239 has served no less than ten (10) years of the sentence or



1240 sentences imposed by the trial court shall be eligible for parole.
1241 Any person eligible for parole under this subsection shall be
1242 required to have a parole hearing before the board prior to parole
1243 release. No inmate shall be eligible for parole under this
1244 subparagraph (ii) of this paragraph (g) if:

1245 1. The inmate is sentenced as a habitual
1246 offender under Sections 99-19-81 through 99-19-87;

1247 2. The inmate is sentenced for a crime of
1248 violence under Section 97-3-2;

1249 3. The inmate is sentenced for an offense
1250 that specifically prohibits parole release;

1251 4. The inmate is sentenced for trafficking in
1252 controlled substances under Section 41-29-139(f);

1253 5. The inmate is sentenced for a sex crime;
1254 or

1255 6. The inmate has not served one-fourth (1/4)
1256 of the sentence imposed by the court.

1257 (iii) Notwithstanding the provisions of paragraph
1258 (a) of this subsection, any offender who has not committed a crime
1259 of violence under Section 97-3-2 and has served twenty-five
1260 percent (25%) or more of his sentence may be paroled by the parole
1261 board if, after the sentencing judge or if the sentencing judge is
1262 retired, disabled or incapacitated, the senior circuit judge
1263 authorizes the offender to be eligible for parole consideration;
1264 or if that senior circuit judge must be recused, another circuit



1265 judge of the same district or a senior status judge may hear and
1266 decide the matter;

1267 (h) Notwithstanding any other provision of law, an
1268 inmate who has not been convicted as a habitual offender under
1269 Sections 99-19-81 through 99-19-87, has not been convicted of
1270 committing a crime of violence, as defined under Section 97-3-2,
1271 has not been convicted of a sex crime or any other crime that
1272 specifically prohibits parole release, and has not been convicted
1273 of drug trafficking under Section 41-29-139 is eligible for parole
1274 if the inmate has served twenty-five percent (25%) or more of his
1275 or her sentence, but is otherwise ineligible for parole.

1276 (2) Notwithstanding any other provision of law, an inmate
1277 shall not be eligible to receive earned time, good time or any
1278 other administrative reduction of time which shall reduce the time
1279 necessary to be served for parole eligibility as provided in
1280 subsection (1) of this section.

1281 (3) The State Parole Board shall, by rules and regulations,
1282 establish a method of determining a tentative parole hearing date
1283 for each eligible offender taken into the custody of the
1284 Department of Corrections. The tentative parole hearing date
1285 shall be determined within ninety (90) days after the department
1286 has assumed custody of the offender. The parole hearing date
1287 shall occur when the offender is within thirty (30) days of the
1288 month of his parole eligibility date. The parole eligibility date



1289 shall not be earlier than one-fourth (1/4) of the prison sentence
1290 or sentences imposed by the court.

1291 (4) Any inmate within twenty-four (24) months of his parole
1292 eligibility date and who meets the criteria established by the
1293 classification board shall receive priority for placement in any
1294 educational development and job-training programs that are part of
1295 his or her parole case plan. Any inmate refusing to participate
1296 in an educational development or job-training program that is part
1297 of the case plan may be in jeopardy of noncompliance with the case
1298 plan and may be denied parole.

1299 (5) From and after July 1, 2022, the Mississippi Department
1300 of Reentry and Supervision shall perform the functions of the
1301 Division of Community Corrections pursuant to Section 1 of this
1302 act.

1303 **SECTION 23.** Section 47-7-3.1, Mississippi Code of 1972, is
1304 amended as follows:

1305 47-7-3.1. (1) In consultation with the Parole Board, the
1306 department shall develop a case plan for all parole-eligible
1307 inmates to guide an inmate's rehabilitation while in the
1308 department's custody and to reduce the likelihood of recidivism
1309 after release.

1310 (2) Within ninety (90) days of admission, the department
1311 shall complete a case plan on all inmates which shall include, but
1312 not limited to:



1313 (a) Programming and treatment requirements based on the
1314 results of a risk and needs assessment;

1315 (b) Any programming or treatment requirements contained
1316 in the sentencing order; and

1317 (c) General behavior requirements in accordance with
1318 the rules and policies of the department.

1319 (3) The department shall provide the inmate with a written
1320 copy of the case plan and the inmate's caseworker shall explain
1321 the conditions set forth in the case plan.

1322 (a) Within ninety (90) days of admission, the
1323 caseworker shall notify the inmate of their parole eligibility
1324 date as calculated in accordance with Section 47-7-3(3);

1325 (b) At the time a parole-eligible inmate receives the
1326 case plan, the department shall send the case plan to the Parole
1327 Board for approval.

1328 (4) The department shall ensure that the case plan is
1329 achievable prior to inmate's parole eligibility date.

1330 (5) The caseworker shall meet with the inmate every eight
1331 (8) weeks from the date the offender received the case plan to
1332 review the inmate's case plan progress.

1333 (6) Every four (4) months the department shall
1334 electronically submit a progress report on each parole-eligible
1335 inmate's case plan to the Parole Board. The board may meet to
1336 review an inmate's case plan and may provide written input to the



1337 caseworker on the inmate's progress toward completion of the case
1338 plan.

1339 (7) The Parole Board shall provide semiannually to the
1340 Oversight Task Force the number of parole hearings held, the
1341 number of prisoners released to parole without a hearing and the
1342 number of parolees released after a hearing.

1343 (8) From and after July 1, 2022, the Mississippi Department
1344 of Reentry and Supervision shall perform the functions of the
1345 Division of Community Corrections pursuant to Section 1 of this
1346 act.

1347 **SECTION 24.** Section 47-7-3.2, Mississippi Code of 1972, is
1348 amended as follows:

1349 47-7-3.2. (1) Notwithstanding * * * Section 47-5-138,
1350 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a
1351 criminal offense on or after July 1, 2014, shall be released by
1352 the department until he or she has served no less than fifty
1353 percent (50%) of a sentence for a crime of violence pursuant to
1354 Section 97-3-2 or twenty-five percent (25%) of any other sentence
1355 imposed by the court.

1356 (2) This section shall not apply to:

1357 (a) Offenders sentenced to life imprisonment;

1358 (b) Offenders convicted as habitual offenders pursuant
1359 to Sections 99-19-81 through 99-19-87;

1360 (c) Offenders serving a sentence for a sex offense; or



1361 (d) Offenders serving a sentence for trafficking
1362 pursuant to Section 41-29-139(f).

1363 (3) From and after July 1, 2022, the Mississippi Department
1364 of Reentry and Supervision shall perform the functions of the
1365 Division of Community Corrections pursuant to Section 1 of this
1366 act.

1367 **SECTION 25.** Section 47-7-4, Mississippi Code of 1972, is
1368 amended as follows:

1369 47-7-4. The commissioner and the medical director of the
1370 department may place an offender who has served not less than one
1371 (1) year of his or her sentence, except an offender convicted of a
1372 sex crime, on conditional medical release. However, a nonviolent
1373 offender who is bedridden may be placed on conditional medical
1374 release regardless of the time served on his or her sentence.
1375 Upon the release of a nonviolent offender who is bedridden, the
1376 state shall not be responsible or liable for any medical costs
1377 that may be incurred if such costs are acquired after the offender
1378 is no longer incarcerated due to his or her placement on
1379 conditional medical release. The commissioner shall not place an
1380 offender on conditional medical release unless the medical
1381 director of the department certifies to the commissioner that (a)
1382 the offender is suffering from a significant permanent physical
1383 medical condition with no possibility of recovery; (b) that his or
1384 her further incarceration will serve no rehabilitative purposes;
1385 and (c) that the state would incur unreasonable expenses as a



1386 result of his or her continued incarceration. Any offender placed
1387 on conditional medical release shall be supervised by the Division
1388 of Community Corrections of the department for the remainder of
1389 his or her sentence. An offender's conditional medical release
1390 may be revoked and the offender returned and placed in actual
1391 custody of the department if the offender violates an order or
1392 condition of his or her conditional medical release. An offender
1393 who is no longer bedridden shall be returned and placed in the
1394 actual custody of the department.

1395 From and after July 1, 2022, the Mississippi Department of
1396 Reentry and Supervision shall perform the functions of the
1397 Division of Community Corrections pursuant to Section 1 of this
1398 act.

1399 **SECTION 26.** Section 47-7-5, Mississippi Code of 1972, is
1400 amended as follows:

1401 47-7-5. (1) The State Parole Board, created under former
1402 Section 47-7-5, is hereby created, continued and reconstituted and
1403 shall be composed of five (5) members. The Governor shall appoint
1404 the members with the advice and consent of the Senate. All terms
1405 shall be at the will and pleasure of the Governor. Any vacancy
1406 shall be filled by the Governor, with the advice and consent of
1407 the Senate. The Governor shall appoint a chairman of the board.

1408 (2) Any person who is appointed to serve on the board shall
1409 possess at least a bachelor's degree or a high school diploma and
1410 four (4) years' work experience. Each member shall devote his



1411 full time to the duties of his office and shall not engage in any
1412 other business or profession or hold any other public office. A
1413 member shall not receive compensation or per diem in addition to
1414 his salary as prohibited under Section 25-3-38. Each member shall
1415 keep such hours and workdays as required of full-time state
1416 employees under Section 25-1-98. Individuals shall be appointed
1417 to serve on the board without reference to their political
1418 affiliations. Each board member, including the chairman, may be
1419 reimbursed for actual and necessary expenses as authorized by
1420 Section 25-3-41. Each member of the board shall complete annual
1421 training developed based on guidance from the National Institute
1422 of Corrections, the Association of Paroling Authorities
1423 International, or the American Probation and Parole Association.
1424 Each first-time appointee of the board shall, within sixty (60)
1425 days of appointment, or as soon as practical, complete training
1426 for first-time Parole Board members developed in consideration of
1427 information from the National Institute of Corrections, the
1428 Association of Paroling Authorities International, or the American
1429 Probation and Parole Association.

1430 (3) The board shall have exclusive responsibility for the
1431 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1432 shall have exclusive authority for revocation of the same. The
1433 board shall have exclusive responsibility for investigating
1434 clemency recommendations upon request of the Governor.



1435 (4) The board, its members and staff, shall be immune from
1436 civil liability for any official acts taken in good faith and in
1437 exercise of the board's legitimate governmental authority.

1438 (5) The budget of the board shall be funded through a
1439 separate line item within the general appropriation bill for the
1440 support and maintenance of the department. Employees of the
1441 department which are employed by or assigned to the board shall
1442 work under the guidance and supervision of the board. There shall
1443 be an executive secretary to the board who shall be responsible
1444 for all administrative and general accounting duties related to
1445 the board. The executive secretary shall keep and preserve all
1446 records and papers pertaining to the board.

1447 (6) The board shall have no authority or responsibility for
1448 supervision of offenders granted a release for any reason,
1449 including, but not limited to, probation, parole or executive
1450 clemency or other offenders requiring the same through interstate
1451 compact agreements. The supervision shall be provided exclusively
1452 by the staff of the Division of Community Corrections of the
1453 department. From and after July 1, 2022, the Mississippi
1454 Department of Reentry and Supervision shall perform the functions
1455 of the Division of Community Corrections pursuant to Section 1 of
1456 this act.

1457 (7) (a) The Parole Board is authorized to select and place
1458 offenders in an electronic monitoring program under the conditions
1459 and criteria imposed by the Parole Board. The conditions,



1460 restrictions and requirements of Section 47-7-17 and Sections
1461 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
1462 any offender placed in an electronic monitoring program by the
1463 Parole Board.

1464 (b) Any offender placed in an electronic monitoring
1465 program under this subsection shall pay the program fee provided
1466 in Section 47-5-1013. The program fees shall be deposited in the
1467 special fund created in Section 47-5-1007.

1468 (c) The department shall have absolute immunity from
1469 liability for any injury resulting from a determination by the
1470 Parole Board that an offender be placed in an electronic
1471 monitoring program.

1472 (8) (a) The Parole Board shall maintain a central registry
1473 of paroled inmates. The Parole Board shall place the following
1474 information on the registry: name, address, photograph, crime for
1475 which paroled, the date of the end of parole or flat-time date and
1476 other information deemed necessary. The Parole Board shall
1477 immediately remove information on a parolee at the end of his
1478 parole or flat-time date.

1479 (b) When a person is placed on parole, the Parole Board
1480 shall inform the parolee of the duty to report to the parole
1481 officer any change in address ten (10) days before changing
1482 address.

1483 (c) The Parole Board shall utilize an internet website
1484 or other electronic means to release or publish the information.



1485 (d) Records maintained on the registry shall be open to
1486 law enforcement agencies and the public and shall be available no
1487 later than July 1, 2003.

1488 (9) An affirmative vote of at least four (4) members of the
1489 Parole Board shall be required to grant parole to an inmate
1490 convicted of capital murder or a sex crime.

1491 (10) This section shall stand repealed on July 1, 2022.

1492 **SECTION 27.** Section 47-7-6, Mississippi Code of 1972, is
1493 amended as follows:

1494 47-7-6. (1) The Parole Board, with the assistance of the
1495 Department of Corrections, shall collect the following
1496 information:

1497 (a) The number of offenders supervised on parole;

1498 (b) The number of offenders released on parole;

1499 (c) The number of parole hearings held;

1500 (d) The parole grant rate for parolees released with
1501 and without a hearing;

1502 (e) The average length of time offenders spend on
1503 parole;

1504 (f) The number and percentage of parolees revoked for a
1505 technical violation and returned for a term of imprisonment in a
1506 technical violation center;

1507 (g) The number and percentage of parolees revoked for a
1508 technical violation and returned for a term of imprisonment in
1509 another type of department of corrections * * * facility;



1510 (h) The number and percentage of parolees who are
1511 convicted of a new offense and returned for a term of imprisonment
1512 on their current crime as well as the new crime;

1513 (i) The number of parolees held on a violation in
1514 county jail awaiting a revocation hearing; and

1515 (j) The average length of stay in a county jail for
1516 parolees awaiting a revocation hearing.

1517 (2) The Parole Board shall semiannually report information
1518 required in subsection (1) of this section to the Oversight Task
1519 Force, and upon request, shall report such information to the PEER
1520 Committee.

1521 (3) From and after July 1, 2022, the Mississippi Department
1522 of Reentry and Supervision shall perform the functions of the
1523 Division of Community Corrections pursuant to Section 1 of this
1524 act.

1525 **SECTION 28.** Section 47-7-9, Mississippi Code of 1972, is
1526 amended as follows:

1527 47-7-9. (1) The circuit judges and county judges in the
1528 districts to which Division of Community Corrections personnel
1529 have been assigned shall have the power to request of the
1530 department transfer or removal of the division personnel from
1531 their court. From and after July 1, 2022, the Mississippi
1532 Department of Reentry and Supervision shall perform the functions
1533 of the Division of Community Corrections pursuant to Section 1 of
1534 this act.



1535 (2) (a) Division personnel shall investigate all cases
1536 referred to them for investigation by the board, the division or
1537 by any court in which they are authorized to serve. They shall
1538 furnish to each person released under their supervision a written
1539 statement of the conditions of probation, parole, earned-release
1540 supervision, post-release supervision or suspension and shall
1541 instruct the person regarding the same. They shall administer a
1542 risk and needs assessment on each person under their supervision
1543 to measure criminal risk factors and individual needs. They shall
1544 use the results of the risk and needs assessment to guide
1545 supervision responses consistent with evidence-based practices as
1546 to the level of supervision and the practices used to reduce
1547 recidivism. They shall develop a supervision plan for each person
1548 assessed as moderate to high risk to reoffend. They shall keep
1549 informed concerning the conduct and conditions of persons under
1550 their supervision and use all suitable methods that are consistent
1551 with evidence-based practices to aid and encourage them and to
1552 bring about improvements in their conduct and condition and to
1553 reduce the risk of recidivism. They shall keep detailed records
1554 of their work and shall make such reports in writing as the court
1555 or the board may require.

1556 (b) Division personnel shall complete annual training
1557 on evidence-based practices and criminal risk factors, as well as
1558 instructions on how to target these factors to reduce recidivism.



1559 (c) The division personnel duly assigned to court
1560 districts are hereby vested with all the powers of police officers
1561 or sheriffs to make arrests or perform any other duties required
1562 of policemen or sheriffs which may be incident to the division
1563 personnel responsibilities. All probation and parole officers
1564 hired on or after July 1, 1994, will be placed in the Law
1565 Enforcement Officers Training Program and will be required to meet
1566 the standards outlined by that program.

1567 (d) It is the intention of the Legislature that insofar
1568 as practicable the case load of each division personnel
1569 supervising offenders in the community (hereinafter field
1570 supervisor) shall not exceed the number of cases that may be
1571 adequately handled.

1572 (3) (a) Division personnel shall be provided to perform
1573 investigation for the court as provided in this subsection.
1574 Division personnel shall conduct presentence investigations on all
1575 persons convicted of a felony in any circuit court of the state,
1576 prior to sentencing and at the request of the circuit court judge
1577 of the court of conviction. The presentence evaluation report
1578 shall consist of a complete record of the offender's criminal
1579 history, educational level, employment history, psychological
1580 condition and such other information as the department or judge
1581 may deem necessary. Division personnel shall also prepare written
1582 victim impact statements at the request of the sentencing judge as
1583 provided in Section 99-19-157.



1584 (b) In order that offenders in the custody of the
1585 department on July 1, 1976, may benefit from the kind of
1586 evaluations authorized in this section, an evaluation report to
1587 consist of the information required hereinabove, supplemented by
1588 an examination of an offender's record while in custody, shall be
1589 compiled by the division upon all offenders in the custody of the
1590 department on July 1, 1976. After a study of such reports by the
1591 State Parole Board those cases which the board believes would
1592 merit some type of executive clemency shall be submitted by the
1593 board to the Governor with its recommendation for the appropriate
1594 executive action.

1595 (c) The department is authorized to accept gifts,
1596 grants and subsidies to conduct this activity.

1597 **SECTION 29.** Section 47-7-13, Mississippi Code of 1972, is
1598 amended as follows:

1599 47-7-13. A majority of the board shall constitute a quorum
1600 for the transaction of all business. A decision to parole an
1601 offender convicted of murder or a sex-related crime shall require
1602 the affirmative vote of three (3) members. The board shall
1603 maintain, in minute book form, a copy of each of its official
1604 actions with the reasons therefor. Suitable and sufficient office
1605 space and support resources and staff necessary to conducting
1606 Parole Board business shall be provided by the Department of
1607 Corrections. However, the principal place for conducting parole
1608 hearings shall be the State Penitentiary at Parchman.



1609 From and after July 1, 2022, the Mississippi Department of
1610 Reentry and Supervision shall perform the functions of the
1611 Division of Community Corrections pursuant to Section 1 of this
1612 act.

1613 **SECTION 30.** Section 47-7-17, Mississippi Code of 1972, is
1614 amended as follows:

1615 47-7-17. Within one (1) year after his admission and at such
1616 intervals thereafter as it may determine, the board shall secure
1617 and consider all pertinent information regarding each offender,
1618 except any under sentence of death or otherwise ineligible for
1619 parole, including the circumstances of his offense, his previous
1620 social history, his previous criminal record, including any
1621 records of law enforcement agencies or of a youth court regarding
1622 that offender's juvenile criminal history, his conduct, employment
1623 and attitude while in the custody of the department, the case plan
1624 created to prepare the offender for parole, and the reports of
1625 such physical and mental examinations as have been made. The
1626 board shall furnish at least three (3) months' written notice to
1627 each such offender of the date on which he is eligible for parole.

1628 Before ruling on the application for parole of any offender,
1629 the board may require a parole-eligible offender to have a hearing
1630 as required in this chapter before the board and to be
1631 interviewed. The hearing shall be held no later than thirty (30)
1632 days prior to the month of eligibility. No application for parole
1633 of a person convicted of a capital offense shall be considered by



1634 the board unless and until notice of the filing of such
1635 application shall have been published at least once a week for two
1636 (2) weeks in a newspaper published in or having general
1637 circulation in the county in which the crime was committed. The
1638 board shall, within thirty (30) days prior to the scheduled
1639 hearing, also give notice of the filing of the application for
1640 parole to the victim of the offense for which the prisoner is
1641 incarcerated and being considered for parole or, in case the
1642 offense be homicide, a designee of the immediate family of the
1643 victim, provided the victim or designated family member has
1644 furnished in writing a current address to the board for such
1645 purpose. Parole release shall, at the hearing, be ordered only
1646 for the best interest of society, not as an award of clemency; it
1647 shall not be considered to be a reduction of sentence or pardon.
1648 An offender shall be placed on parole only when arrangements have
1649 been made for his proper employment or for his maintenance and
1650 care, and when the board believes that he is able and willing to
1651 fulfill the obligations of a law-abiding citizen. When the board
1652 determines that the offender will need transitional housing upon
1653 release in order to improve the likelihood of * * * the offender
1654 becoming a law-abiding citizen, the board may parole the offender
1655 with the condition that the inmate spends no more than six (6)
1656 months in a transitional reentry center. At least fifteen (15)
1657 days prior to the release of an offender on parole, the director
1658 of records of the department shall give the written notice which



1659 is required pursuant to Section 47-5-177. Every offender while on
1660 parole shall remain in the legal custody of the department from
1661 which he was released and shall be amenable to the orders of the
1662 board. Upon determination by the board that an offender is
1663 eligible for release by parole, notice shall also be given within
1664 at least fifteen (15) days before release, by the board to the
1665 victim of the offense or the victim's family member, as indicated
1666 above, regarding the date when the offender's release shall occur,
1667 provided a current address of the victim or the victim's family
1668 member has been furnished in writing to the board for such
1669 purpose.

1670 Failure to provide notice to the victim or the victim's
1671 family member of the filing of the application for parole or of
1672 any decision made by the board regarding parole shall not
1673 constitute grounds for vacating an otherwise lawful parole
1674 determination nor shall it create any right or liability, civilly
1675 or criminally, against the board or any member thereof.

1676 A letter of protest against granting an offender parole shall
1677 not be treated as the conclusive and only reason for not granting
1678 parole.

1679 The board may adopt such other rules not inconsistent with
1680 law as it may deem proper or necessary with respect to the
1681 eligibility of offenders for parole, the conduct of parole
1682 hearings, or conditions to be imposed upon parolees, including a
1683 condition that the parolee submit, as provided in Section 47-5-601



1684 to any type of breath, saliva or urine chemical analysis test, the
1685 purpose of which is to detect the possible presence of alcohol or
1686 a substance prohibited or controlled by any law of the State of
1687 Mississippi or the United States. The board shall have the
1688 authority to adopt rules related to the placement of certain
1689 offenders on unsupervised parole and for the operation of
1690 transitional reentry centers. However, in no case shall an
1691 offender be placed on unsupervised parole before he has served a
1692 minimum of fifty percent (50%) of the period of supervised parole.

1693 From and after July 1, 2022, the Mississippi Department of
1694 Reentry and Supervision shall perform the functions of the
1695 Division of Community Corrections pursuant to Section 1 of this
1696 act.

1697 **SECTION 31.** Section 47-7-18, Mississippi Code of 1972, is
1698 amended as follows:

1699 47-7-18 (1) Each inmate eligible for parole pursuant to
1700 Section 47-7-3, shall be released from incarceration to parole
1701 supervision on the inmate's parole eligibility date, without a
1702 hearing before the board, if:

1703 (a) The inmate has met the requirements of the parole
1704 case plan established pursuant to Section 47-7-3.1;

1705 (b) A victim of the offense has not requested the board
1706 conduct a hearing;

1707 (c) The inmate has not received a serious or major
1708 violation report within the past six (6) months;



1709 (d) The inmate has agreed to the conditions of
1710 supervision; and

1711 (e) The inmate has a discharge plan approved by the
1712 board.

1713 (2) At least thirty (30) days prior to an inmate's parole
1714 eligibility date, the department shall notify the board in writing
1715 of the inmate's compliance or noncompliance with the case plan.
1716 If an inmate fails to meet a requirement of the case plan, prior
1717 to the parole eligibility date, he or she shall have a hearing
1718 before the board to determine if completion of the case plan can
1719 occur while in the community.

1720 (3) Any inmate for whom there is insufficient information
1721 for the department to determine compliance with the case plan
1722 shall have a hearing with the board.

1723 (4) A hearing shall be held with the board if requested by
1724 the victim following notification of the inmate's parole release
1725 date pursuant to Section 47-7-17.

1726 (5) A hearing shall be held by the board if a law
1727 enforcement official from the community to which the inmate will
1728 return contacts the board or the department and requests a hearing
1729 to consider information relevant to public safety risks posed by
1730 the inmate if paroled at the initial parole eligibility date. The
1731 law enforcement official shall submit an explanation documenting
1732 these concerns for the board to consider.



1733 (6) If a parole hearing is held, the board may determine the
1734 inmate has sufficiently complied with the case plan or that the
1735 incomplete case plan is not the fault of the inmate and that
1736 granting parole is not incompatible with public safety, the board
1737 may then parole the inmate with appropriate conditions. If the
1738 board determines that the inmate has sufficiently complied with
1739 the case plan but the discharge plan indicates that the inmate
1740 does not have appropriate housing immediately upon release, the
1741 board may parole the inmate to a transitional reentry center with
1742 the condition that the inmate spends no more than six (6) months
1743 in the center. If the board determines that the inmate has not
1744 substantively complied with the requirement(s) of the case plan it
1745 may deny parole. If the board denies parole, the board may
1746 schedule a subsequent parole hearing and, if a new date is
1747 scheduled, the board shall identify the corrective action the
1748 inmate will need to take in order to be granted parole. Any
1749 inmate not released at the time of the inmate's initial parole
1750 date shall have a parole hearing at least every year.

1751 From and after July 1, 2022, the Mississippi Department of
1752 Reentry and Supervision shall perform the functions of the
1753 Division of Community Corrections pursuant to Section 1 of this
1754 act.

1755 **SECTION 32.** Section 47-7-19, Mississippi Code of 1972, is
1756 amended as follows:



1757 47-7-19. It shall be the duty of all correctional system
1758 officials to grant to the members of the board or its properly
1759 accredited representatives, access at all reasonable times to any
1760 person over whom the board may have jurisdiction under this
1761 chapter; to provide for the board or such representatives
1762 facilities for communicating with and observing the offender; and
1763 to furnish to the board such reports as the board shall require
1764 concerning the conduct and character of any offender in the
1765 Department of Corrections custody and any other facts deemed by
1766 the board pertinent in determining whether such offender shall be
1767 paroled.

1768 It shall be the duty of any judge, district attorney, county
1769 attorney, police officer, or other public official of the state,
1770 having information with reference to any person eligible for
1771 parole, to send such information as may be in his possession or
1772 under his control to the board, in writing, upon request of any
1773 member or employee thereof.

1774 From and after July 1, 2022, the Mississippi Department of
1775 Reentry and Supervision shall perform the functions of the
1776 Division of Community Corrections pursuant to Section 1 of this
1777 act.

1778 **SECTION 33.** Section 47-7-21, Mississippi Code of 1972, is
1779 amended as follows:

1780 47-7-21. All information obtained in the discharge of
1781 official duty by a field officer as an employee of the Department



1782 of Corrections shall be privileged and shall not be disclosed
1783 directly or indirectly to anyone other than to (a) the State
1784 Parole Board, (b) a judge, or (c) law enforcement agencies when
1785 such information is relevant to criminal activity.

1786 From and after July 1, 2022, the Mississippi Department of
1787 Reentry and Supervision shall perform the functions of the
1788 Division of Community Corrections pursuant to Section 1 of this
1789 act.

1790 **SECTION 34.** Section 47-7-23, Mississippi Code of 1972, is
1791 amended as follows:

1792 47-7-23. Except as otherwise provided by law, the Department
1793 of Corrections shall have the power and duty to make rules for the
1794 conduct of persons heretofore or hereafter placed on parole under
1795 the supervision of the Department of Corrections and for the
1796 investigation and supervision of such persons, which supervision
1797 may include a condition that such persons submit, as provided in
1798 Section 47-5-601, to any type of breath, saliva or urine chemical
1799 analysis test, the purpose of which is to detect the possible
1800 presence of alcohol or a substance prohibited or controlled by any
1801 law of the State of Mississippi or the United States. The
1802 department shall not make any rules which shall be inconsistent
1803 with the rules imposed by the State Parole Board pursuant to
1804 Section 47-7-17 on offenders who are placed on unsupervised
1805 parole.



1806 From and after July 1, 2022, the Mississippi Department of
1807 Reentry and Supervision shall perform the functions of the
1808 Division of Community Corrections pursuant to Section 1 of this
1809 act.

1810 **SECTION 35.** Section 47-7-25, Mississippi Code of 1972, is
1811 amended as follows:

1812 47-7-25. When an offender is placed on parole he shall
1813 receive, if needed, from the state, civilian clothing and
1814 transportation to the place in which he is to reside. At the
1815 discretion of the board the offender may be advanced such sum for
1816 his temporary maintenance as the board may allow. The aforesaid
1817 gratuities are to be furnished by the Commissioner of Corrections
1818 who is authorized to charge the actual cost of same in his account
1819 as Commissioner of Corrections.

1820 From and after July 1, 2022, the Mississippi Department of
1821 Reentry and Supervision shall perform the functions of the
1822 Division of Community Corrections pursuant to Section 1 of this
1823 act.

1824 **SECTION 36.** Section 47-7-27, Mississippi Code of 1972, is
1825 amended as follows:

1826 47-7-27. (1) The board may, at any time and upon a showing
1827 of probable violation of parole, issue a warrant for the return of
1828 any paroled offender to the custody of the department. The
1829 warrant shall authorize all persons named therein to return the



1830 paroled offender to actual custody of the department from which he
1831 was paroled.

1832 (2) Any field supervisor may arrest an offender without a
1833 warrant or may deputize any other person with power of arrest by
1834 giving him a written statement setting forth that the offender
1835 has, in the judgment of that field supervisor, violated the
1836 conditions of his parole or earned-release supervision. The
1837 written statement delivered with the offender by the arresting
1838 officer to the official in charge of the department facility from
1839 which the offender was released or other place of detention
1840 designated by the department shall be sufficient warrant for the
1841 detention of the offender.

1842 (3) The field supervisor, after making an arrest, shall
1843 present to the detaining authorities a similar statement of the
1844 circumstances of violation. The field supervisor shall at once
1845 notify the board or department of the arrest and detention of the
1846 offender and shall submit a written report showing in what manner
1847 the offender has violated the conditions of parole or
1848 earned-release supervision. An offender for whose return a
1849 warrant has been issued by the board shall, after the issuance of
1850 the warrant, be deemed a fugitive from justice.

1851 (4) Whenever an offender is arrested on a warrant for an
1852 alleged violation of parole as herein provided, the board shall
1853 hold an informal preliminary hearing within seventy-two (72) hours
1854 to determine whether there is reasonable cause to believe the



1855 person has violated a condition of parole. A preliminary hearing
1856 shall not be required when the offender is not under arrest on a
1857 warrant or the offender signed a waiver of a preliminary hearing.
1858 The preliminary hearing may be conducted electronically.

1859 (5) The right of the State of Mississippi to extradite
1860 persons and return fugitives from justice, from other states to
1861 this state, shall not be impaired by this chapter and shall remain
1862 in full force and effect. An offender convicted of a felony
1863 committed while on parole, whether in the State of Mississippi or
1864 another state, shall immediately have his parole revoked upon
1865 presentment of a certified copy of the commitment order to the
1866 board. If an offender is on parole and the offender is convicted
1867 of a felony for a crime committed prior to the offender being
1868 placed on parole, whether in the State of Mississippi or another
1869 state, the offender may have his parole revoked upon presentment
1870 of a certified copy of the commitment order to the board.

1871 (6) (a) The board shall hold a hearing for any parolee who
1872 is detained as a result of a warrant or a violation report within
1873 twenty-one (21) days of the parolee's admission to detention. The
1874 board may, in its discretion, terminate the parole or modify the
1875 terms and conditions thereof. If the board revokes parole for one
1876 or more technical violations the board shall impose a period of
1877 imprisonment to be served in a technical violation center operated
1878 by the department not to exceed ninety (90) days for the first
1879 revocation and not to exceed one hundred twenty (120) days for the



1880 second revocation. For the third revocation, the board may impose
1881 a period of imprisonment to be served in a technical violation
1882 center for up to one hundred * * * eighty (180) days or the board
1883 may impose the remainder of the suspended portion of the sentence.
1884 For the fourth and any subsequent revocation, the board may impose
1885 up to the remainder of the suspended portion of the sentence. The
1886 period of imprisonment in a technical violation center imposed
1887 under this section shall not be reduced in any manner.

1888 (b) If the board does not hold a hearing or does not
1889 take action on the violation within the twenty-one-day time frame
1890 in paragraph (a) of this subsection, the parolee shall be released
1891 from detention and shall return to parole status. The board may
1892 subsequently hold a hearing and may revoke parole or may continue
1893 parole and modify the terms and conditions of parole. If the
1894 board revokes parole for one or more technical violations the
1895 board shall impose a period of imprisonment to be served in a
1896 technical violation center operated by the department not to
1897 exceed ninety (90) days for the first revocation and not to exceed
1898 one hundred twenty (120) days for the second revocation. For the
1899 third revocation, the board may impose a period of imprisonment to
1900 be served in a technical violation center for up to one hundred
1901 eighty (180) days or the board may impose the remainder of the
1902 suspended portion of the sentence. For the fourth and any
1903 subsequent revocation, the board may impose up to the remainder of
1904 the suspended portion of the sentence. The period of imprisonment



1905 in a technical violation center imposed under this section shall
1906 not be reduced in any manner.

1907 (c) For a parolee charged with one or more technical
1908 violations who has not been detained awaiting the revocation
1909 hearing, the board may hold a hearing within a reasonable time.
1910 The board may revoke parole or may continue parole and modify the
1911 terms and conditions of parole. If the board revokes parole for
1912 one or more technical violations the board shall impose a period
1913 of imprisonment to be served in a technical violation center
1914 operated by the department not to exceed ninety (90) days for the
1915 first revocation and not to exceed one hundred twenty (120) days
1916 for the second revocation. For the third revocation, the board
1917 may impose a period of imprisonment to be served in a technical
1918 violation center for up to one hundred eighty (180) days or the
1919 board may impose the remainder of the suspended portion of the
1920 sentence. For the fourth and any subsequent revocation, the board
1921 may impose up to the remainder of the suspended portion of the
1922 sentence. The period of imprisonment in a technical violation
1923 center imposed under this section shall not be reduced in any
1924 manner.

1925 (7) Unless good cause for the delay is established in the
1926 record of the proceeding, the parole revocation charge shall be
1927 dismissed if the revocation hearing is not held within the thirty
1928 (30) days of the issuance of the warrant.



1929 (8) The chairman and each member of the board and the
1930 designated parole revocation hearing officer may, in the discharge
1931 of their duties, administer oaths, summon and examine witnesses,
1932 and take other steps as may be necessary to ascertain the truth of
1933 any matter about which they have the right to inquire.

1934 (9) The board shall provide semiannually to the Oversight
1935 Task Force the number of warrants issued for an alleged violation
1936 of parole, the average time between detention on a warrant and
1937 preliminary hearing, the average time between detention on a
1938 warrant and revocation hearing, the number of ninety-day sentences
1939 in a technical violation center issued by the board, the number of
1940 one-hundred-twenty-day sentences in a technical violation center
1941 issued by the board, the number of one-hundred-eighty-day
1942 sentences issued by the board, and the number and average length
1943 of the suspended sentences imposed by the board in response to a
1944 violation.

1945 (10) From and after July 1, 2022, the Mississippi Department
1946 of Reentry and Supervision shall perform the functions of the
1947 Division of Community Corrections pursuant to Section 1 of this
1948 act.

1949 **SECTION 37.** Section 47-7-29, Mississippi Code of 1972, is
1950 amended as follows:

1951 47-7-29. Any prisoner who commits a felony while at large
1952 upon parole or earned-release supervision and who is convicted and



1953 sentenced therefor shall be required to serve such sentence after
1954 the original sentence has been completed.

1955 From and after July 1, 2022, the Mississippi Department of
1956 Reentry and Supervision shall perform the functions of the
1957 Division of Community Corrections pursuant to Section 1 of this
1958 act.

1959 **SECTION 38.** Section 47-7-33, Mississippi Code of 1972, is
1960 amended as follows:

1961 47-7-33. (1) When it appears to the satisfaction of any
1962 circuit court or county court in the State of Mississippi having
1963 original jurisdiction over criminal actions, or to the judge
1964 thereof, that the ends of justice and the best interest of the
1965 public, as well as the defendant, will be served thereby, such
1966 court, in termtime or in vacation, shall have the power, after
1967 conviction or a plea of guilty, except in a case where a death
1968 sentence or life imprisonment is the maximum penalty which may be
1969 imposed, to suspend the imposition or execution of sentence, and
1970 place the defendant on probation as herein provided, except that
1971 the court shall not suspend the execution of a sentence of
1972 imprisonment after the defendant shall have begun to serve such
1973 sentence. In placing any defendant on probation, the court, or
1974 judge, shall direct that such defendant be under the supervision
1975 of the Department of Corrections.

1976 (2) When any circuit or county court places an offender on
1977 probation, the court shall give notice to the Mississippi



1978 Department of Corrections within fifteen (15) days of the court's
1979 decision to place the offender on probation. Notice shall be
1980 delivered to the central office of the Mississippi Department of
1981 Corrections and to the regional office of the department which
1982 will be providing supervision to the offender on probation.

1983 (3) When any circuit court or county court places a person
1984 on probation in accordance with the provisions of this section and
1985 that person is ordered to make any payments to his family, if any
1986 member of his family whom he is ordered to support is receiving
1987 public assistance through the State Department of Human Services,
1988 the court shall order him to make such payments to the county
1989 welfare officer of the county rendering public assistance to his
1990 family, for the sole use and benefit of said family.

1991 (4) From and after July 1, 2022, the Mississippi Department
1992 of Reentry and Supervision shall perform the functions of the
1993 Division of Community Corrections pursuant to Section 1 of this
1994 act.

1995 **SECTION 39.** Section 47-7-33.1, Mississippi Code of 1972, is
1996 amended as follows:

1997 47-7-33.1. (1) The department shall create a discharge plan
1998 for any offender returning to the community, regardless of whether
1999 the person will discharge from the custody of the department, or
2000 is released on parole, pardon, or otherwise. At least ninety (90)
2001 days prior to an offender's earliest release date, the
2002 commissioner shall conduct a pre-release assessment and complete a



2003 written discharge plan based on the assessment results. The
2004 discharge plan for parole-eligible offenders shall be sent to the
2005 parole board at least thirty (30) days prior to the offender's
2006 parole eligibility date for approval. The board may suggest
2007 changes to the plan that it deems necessary to ensure a successful
2008 transition.

2009 (2) The pre-release assessment shall identify whether an
2010 inmate requires assistance obtaining the following basic needs
2011 upon release: transportation, clothing and food, financial
2012 resources, identification documents, housing, employment,
2013 education, health care and support systems. The discharge plan
2014 shall include information necessary to address these needs and the
2015 steps being taken by the department to assist in this process.

2016 Based on the findings of the assessment, the commissioner shall:

2017 (a) Arrange transportation for inmates from the
2018 correctional facility to their release destination;

2019 (b) Ensure inmates have clean, seasonally appropriate
2020 clothing, and provide inmates with a list of food providers and
2021 other basic resources immediately accessible upon release;

2022 (c) Ensure inmates have a driver's license or a
2023 state-issued identification card that is not a Department of
2024 Corrections identification card;

2025 (d) Assist inmates in identifying safe, affordable
2026 housing upon release. If accommodations are not available,
2027 determine whether temporary housing is available for at least ten



2028 (10) days after release. If temporary housing is not available,
2029 the discharge plan shall reflect that satisfactory housing has not
2030 been established and the person may be a candidate for
2031 transitional reentry center placement;

2032 (e) Refer inmates without secured employment to
2033 employment opportunities;

2034 (f) Provide inmates with contact information of a
2035 health care facility/provider in the community in which they plan
2036 to reside;

2037 (g) Notify family members of the release date and
2038 release plan, if the inmate agrees; and

2039 (h) Refer inmates to a community or a faith-based
2040 organization that can offer support within the first twenty-four
2041 (24) hours of release;

2042 (3) A written discharge plan shall be provided to the
2043 offender and supervising probation officer or parole officer, if
2044 applicable.

2045 (4) A discharge plan created for a parole-eligible offender
2046 shall also include supervision conditions and the intensity of
2047 supervision based on the assessed risk to recidivate and whether
2048 there is a need for transitional housing. The board shall approve
2049 discharge plans before an offender is released on parole pursuant
2050 to this chapter.

2051 (5) From and after July 1, 2022, the Mississippi Department
2052 of Reentry and Supervision shall perform the functions of the



2053 Division of Community Corrections pursuant to Section 1 of this
2054 act.

2055 **SECTION 40.** Section 47-7-34, Mississippi Code of 1972, is
2056 amended as follows:

2057 47-7-34. (1) When a court imposes a sentence upon a
2058 conviction for any felony committed after June 30, 1995, the
2059 court, in addition to any other punishment imposed if the other
2060 punishment includes a term of incarceration in a state or local
2061 correctional facility, may impose a term of post-release
2062 supervision. However, the total number of years of incarceration
2063 plus the total number of years of post-release supervision shall
2064 not exceed the maximum sentence authorized to be imposed by law
2065 for the felony committed. The defendant shall be placed under
2066 post-release supervision upon release from the term of
2067 incarceration. The period of supervision shall be established by
2068 the court.

2069 (2) The period of post-release supervision shall be
2070 conducted in the same manner as a like period of supervised
2071 probation, including a requirement that the defendant shall abide
2072 by any terms and conditions as the court may establish. Failure
2073 to successfully abide by the terms and conditions shall be grounds
2074 to terminate the period of post-release supervision and to
2075 recommit the defendant to the correctional facility from which he
2076 was previously released. Procedures for termination and
2077 recommitment shall be conducted in the same manner as procedures



2078 for the revocation of probation and imposition of a suspended
2079 sentence as required pursuant to Section 47-7-37.

2080 (3) Post-release supervision programs shall be operated
2081 through the probation and parole unit of the Division of Community
2082 Corrections of the department. The maximum amount of time that
2083 the Mississippi Department of Corrections may supervise an
2084 offender on the post-release supervision program is five (5)
2085 years.

2086 (4) From and after July 1, 2022, the Mississippi Department
2087 of Reentry and Supervision shall perform the functions of the
2088 Division of Community Corrections pursuant to Section 1 of this
2089 act.

2090 **SECTION 41.** Section 47-7-35, Mississippi Code of 1972, is
2091 amended as follows:

2092 47-7-35. (1) The courts referred to in Section 47-7-33 or
2093 47-7-34 shall determine the terms and conditions of probation or
2094 post-release supervision and may alter or modify, at any time
2095 during the period of probation or post-release supervision, the
2096 conditions and may include among them the following or any other:

2097 That the offender shall:

2098 (a) Commit no offense against the laws of this or any
2099 other state of the United States, or of any federal, territorial
2100 or tribal jurisdiction of the United States;

2101 (b) Avoid injurious or vicious habits;



2102 (c) Avoid persons or places of disreputable or harmful
2103 character;
2104 (d) Report to the probation and parole officer as
2105 directed;
2106 (e) Permit the probation and parole officer to visit
2107 him at home or elsewhere;
2108 (f) Work faithfully at suitable employment so far as
2109 possible;
2110 (g) Remain within a specified area;
2111 (h) Pay his fine in one (1) or several sums;
2112 (i) Support his dependents;
2113 (j) Submit, as provided in Section 47-5-601, to any
2114 type of breath, saliva or urine chemical analysis test, the
2115 purpose of which is to detect the possible presence of alcohol or
2116 a substance prohibited or controlled by any law of the State of
2117 Mississippi or the United States;
2118 (k) Register as a sex offender if so required under
2119 Title 45, Chapter 33.
2120 (2) When any court places a defendant on misdemeanor
2121 probation, the court must cause to be conducted a search of the
2122 probationer's name or other identifying information against the
2123 registration information regarding sex offenders maintained under
2124 Title 45, Chapter 33. The search may be conducted using the
2125 Internet site maintained by the Department of Public Safety Sex
2126 Offender Registry.



2127 (3) From and after July 1, 2022, the Mississippi Department
2128 of Reentry and Supervision shall perform the functions of the
2129 Division of Community Corrections pursuant to Section 1 of this
2130 act.

2131 **SECTION 42.** Section 47-7-36, Mississippi Code of 1972, is
2132 amended as follows:

2133 47-7-36. Any person who supervises an individual placed on
2134 parole by the Parole Board or placed on probation by the court
2135 shall set the times and locations for meetings that are required
2136 for parole or probation at such times and locations that are
2137 reasonably designed to accommodate the work schedule of an
2138 individual on parole or probation who is employed by another
2139 person or entity. To effectuate the provisions of this section,
2140 the parole officer or probation officer may utilize technology
2141 portals such as Skype, FaceTime or Google video chat, or any other
2142 technology portal that allows communication between the individual
2143 on parole or probation and the parole or probation officer, as
2144 applicable, to occur simultaneously in real time by voice and
2145 video in lieu of requiring a face-to-face in person meeting of
2146 such individual and the parole or probation officer, as
2147 applicable. For individuals who are self-employed, the provisions
2148 of this section shall only apply with the agreement of their
2149 supervising parole or probation officer.

2150 From and after July 1, 2022, the Mississippi Department of
2151 Reentry and Supervision shall perform the functions of the



2152 Division of Community Corrections pursuant to Section 1 of this
2153 act.

2154 **SECTION 43.** Section 47-7-37, Mississippi Code of 1972, is
2155 amended as follows:

2156 47-7-37. (1) The period of probation shall be fixed by the
2157 court, and may at any time be extended or terminated by the court,
2158 or judge in vacation. Such period with any extension thereof
2159 shall not exceed five (5) years, except that in cases of desertion
2160 and/or failure to support minor children, the period of probation
2161 may be fixed and/or extended by the court for so long as the duty
2162 to support such minor children exists. The time served on
2163 probation or post-release supervision may be reduced pursuant to
2164 Section 47-7-40.

2165 (2) At any time during the period of probation, the court,
2166 or judge in vacation, may issue a warrant for violating any of the
2167 conditions of probation or suspension of sentence and cause the
2168 probationer to be arrested. Any probation and parole officer may
2169 arrest a probationer without a warrant, or may deputize any other
2170 officer with power of arrest to do so by giving him a written
2171 statement setting forth that the probationer has, in the judgment
2172 of the probation and parole officer, violated the conditions of
2173 probation. Such written statement delivered with the probationer
2174 by the arresting officer to the official in charge of a county
2175 jail or other place of detention shall be sufficient warrant for
2176 the detention of the probationer.



2177 (3) Whenever an offender is arrested on a warrant for an
2178 alleged violation of probation as herein provided, the department
2179 shall hold an informal preliminary hearing within seventy-two (72)
2180 hours of the arrest to determine whether there is reasonable cause
2181 to believe the person has violated a condition of probation. A
2182 preliminary hearing shall not be required when the offender is not
2183 under arrest on a warrant or the offender signed a waiver of a
2184 preliminary hearing. The preliminary hearing may be conducted
2185 electronically. If reasonable cause is found, the offender may be
2186 confined no more than twenty-one (21) days from the admission to
2187 detention until a revocation hearing is held. If the revocation
2188 hearing is not held within twenty-one (21) days, the probationer
2189 shall be released from custody and returned to probation status.

2190 (4) If a probationer or offender is subject to registration
2191 as a sex offender, the court must make a finding that the
2192 probationer or offender is not a danger to the public prior to
2193 release with or without bail. In determining the danger posed by
2194 the release of the offender or probationer, the court may consider
2195 the nature and circumstances of the violation and any new offenses
2196 charged; the offender or probationer's past and present conduct,
2197 including convictions of crimes and any record of arrests without
2198 conviction for crimes involving violence or sex crimes; any other
2199 evidence of allegations of unlawful sexual conduct or the use of
2200 violence by the offender or probationer; the offender or
2201 probationer's family ties, length of residence in the community,



2202 employment history and mental condition; the offender or
2203 probationer's history and conduct during the probation or other
2204 supervised release and any other previous supervisions, including
2205 disciplinary records of previous incarcerations; the likelihood
2206 that the offender or probationer will engage again in a criminal
2207 course of conduct; the weight of the evidence against the offender
2208 or probationer; and any other facts the court considers relevant.

2209 (5) (a) The probation and parole officer after making an
2210 arrest shall present to the detaining authorities a similar
2211 statement of the circumstances of violation. The probation and
2212 parole officer shall at once notify the court of the arrest and
2213 detention of the probationer and shall submit a report in writing
2214 showing in what manner the probationer has violated the conditions
2215 of probation. Within twenty-one (21) days of arrest and detention
2216 by warrant as herein provided, the court shall cause the
2217 probationer to be brought before it and may continue or revoke all
2218 or any part of the probation or the suspension of sentence. If
2219 the court revokes probation for one or more technical violations,
2220 the court shall impose a period of imprisonment to be served in
2221 either a technical violation center or a restitution center not to
2222 exceed ninety (90) days for the first revocation and not to exceed
2223 one hundred twenty (120) days for the second revocation. For the
2224 third revocation, the court may impose a period of imprisonment to
2225 be served in either a technical violation center or a restitution
2226 center for up to one hundred eighty (180) days or the court may



2227 impose the remainder of the suspended portion of the sentence.
2228 For the fourth and any subsequent revocation, the court may impose
2229 up to the remainder of the suspended portion of the sentence. The
2230 period of imprisonment in a technical violation center imposed
2231 under this section shall not be reduced in any manner.

2232 (b) If the offender is not detained as a result of the
2233 warrant, the court shall cause the probationer to be brought
2234 before it within a reasonable time and may continue or revoke all
2235 or any part of the probation or the suspension of sentence, and
2236 may cause the sentence imposed to be executed or may impose any
2237 part of the sentence which might have been imposed at the time of
2238 conviction. If the court revokes probation for one or more
2239 technical violations, the court shall impose a period of
2240 imprisonment to be served in either a technical violation center
2241 or a restitution center not to exceed ninety (90) days for the
2242 first revocation and not to exceed one hundred twenty (120) days
2243 for the second revocation. For the third revocation, the court
2244 may impose a period of imprisonment to be served in either a
2245 technical violation center or a restitution center for up to one
2246 hundred eighty (180) days or the court may impose the remainder of
2247 the suspended portion of the sentence. For the fourth and any
2248 subsequent revocation, the court may impose up to the remainder of
2249 the suspended portion of the sentence. The period of imprisonment
2250 in a technical violation center imposed under this section shall
2251 not be reduced in any manner.



2252 (c) If the court does not hold a hearing or does not
2253 take action on the violation within the twenty-one-day period, the
2254 offender shall be released from detention and shall return to
2255 probation status. The court may subsequently hold a hearing and
2256 may revoke probation or may continue probation and modify the
2257 terms and conditions of probation. If the court revokes probation
2258 for one or more technical violations, the court shall impose a
2259 period of imprisonment to be served in either a technical
2260 violation center operated by the department or a restitution
2261 center not to exceed ninety (90) days for the first revocation and
2262 not to exceed one hundred twenty (120) days for the second
2263 revocation. For the third revocation, the court may impose a
2264 period of imprisonment to be served in either a technical
2265 violation center or a restitution center for up to one hundred
2266 eighty (180) days or the court may impose the remainder of the
2267 suspended portion of the sentence. For the fourth and any
2268 subsequent revocation, the court may impose up to the remainder of
2269 the suspended portion of the sentence. The period of imprisonment
2270 in a technical violation center imposed under this section shall
2271 not be reduced in any manner.

2272 (d) For an offender charged with a technical violation
2273 who has not been detained awaiting the revocation hearing, the
2274 court may hold a hearing within a reasonable time. The court may
2275 revoke probation or may continue probation and modify the terms
2276 and conditions of probation. If the court revokes probation for



2277 one or more technical violations the court shall impose a period
2278 of imprisonment to be served in either a technical violation
2279 center operated by the department or a restitution center not to
2280 exceed ninety (90) days for the first revocation and not to exceed
2281 one hundred twenty (120) days for the second revocation. For the
2282 third revocation, the court may impose a period of imprisonment to
2283 be served in either a technical violation center or a restitution
2284 center for up to one hundred eighty (180) days or the court may
2285 impose the remainder of the suspended portion of the sentence.
2286 For the fourth and any subsequent revocation, the court may impose
2287 up to the remainder of the suspended portion of the sentence. The
2288 period of imprisonment in a technical violation center imposed
2289 under this section shall not be reduced in any manner.

2290 (6) If the probationer is arrested in a circuit court
2291 district in the State of Mississippi other than that in which he
2292 was convicted, the probation and parole officer, upon the written
2293 request of the sentencing judge, shall furnish to the circuit
2294 court or the county court of the county in which the arrest is
2295 made, or to the judge of such court, a report concerning the
2296 probationer, and such court or the judge in vacation shall have
2297 authority, after a hearing, to continue or revoke all or any part
2298 of probation or all or any part of the suspension of sentence, and
2299 may in case of revocation proceed to deal with the case as if
2300 there had been no probation. In such case, the clerk of the court
2301 in which the order of revocation is issued shall forward a



2302 transcript of such order to the clerk of the court of original
2303 jurisdiction, and the clerk of that court shall proceed as if the
2304 order of revocation had been issued by the court of original
2305 jurisdiction. Upon the revocation of probation or suspension of
2306 sentence of any offender, such offender shall be placed in the
2307 legal custody of the State Department of Corrections and shall be
2308 subject to the requirements thereof.

2309 (7) Any probationer who removes himself from the State of
2310 Mississippi without permission of the court placing him on
2311 probation, or the court to which jurisdiction has been
2312 transferred, shall be deemed and considered a fugitive from
2313 justice and shall be subject to extradition as now provided by
2314 law. No part of the time that one is on probation shall be
2315 considered as any part of the time that he shall be sentenced to
2316 serve.

2317 (8) The arresting officer, except when a probation and
2318 parole officer, shall be allowed the same fees as now provided by
2319 law for arrest on warrant, and such fees shall be taxed against
2320 the probationer and paid as now provided by law.

2321 (9) The arrest, revocation and recommitment procedures of
2322 this section also apply to persons who are serving a period of
2323 post-release supervision imposed by the court.

2324 (10) Unless good cause for the delay is established in the
2325 record of the proceeding, the probation revocation charge shall be



2326 dismissed if the revocation hearing is not held within thirty (30)
2327 days of the warrant being issued.

2328 (11) The Department of Corrections shall provide
2329 semiannually to the Oversight Task Force the number of warrants
2330 issued for an alleged violation of probation or post-release
2331 supervision, the average time between detention on a warrant and
2332 preliminary hearing, the average time between detention on a
2333 warrant and revocation hearing, the number of ninety-day sentences
2334 in a technical violation center issued by the court, the number of
2335 one-hundred-twenty-day sentences in a technical violation center
2336 issued by the court, the number of one-hundred-eighty-day
2337 sentences issued by the court, and the number and average length
2338 of the suspended sentences imposed by the court in response to a
2339 violation.

2340 (12) From and after July 1, 2022, the Mississippi Department
2341 of Reentry and Supervision shall perform the functions of the
2342 Division of Community Corrections pursuant to Section 1 of this
2343 act.

2344 **SECTION 44.** Section 47-7-37.1, Mississippi Code of 1972, is
2345 amended as follows:

2346 47-7-37.1. Notwithstanding any other provision of law to the
2347 contrary, if a court finds by a preponderance of the evidence,
2348 that a probationer or a person under post-release supervision has
2349 committed a felony or absconded, the court may revoke his
2350 probation and impose any or all of the sentence. For purposes of



2351 this section, "absconding from supervision" means the failure of a
2352 probationer to report to his supervising officer for six (6) or
2353 more consecutive months.

2354 From and after July 1, 2022, the Mississippi Department of
2355 Reentry and Supervision shall perform the functions of the
2356 Division of Community Corrections pursuant to Section 1 of this
2357 act.

2358 **SECTION 45.** Section 47-7-38, Mississippi Code of 1972, is
2359 amended as follows:

2360 47-7-38. (1) The department shall have the authority to
2361 impose graduated sanctions as an alternative to judicial
2362 modification or revocation, as provided in Sections 47-7-27 and
2363 47-7-37, for offenders on probation, parole, or post-release
2364 supervision who commit technical violations of the conditions of
2365 supervision as defined by Section 47-7-2.

2366 (2) The commissioner shall develop a standardized graduated
2367 sanctions system, which shall include a grid to guide field
2368 officers in determining the suitable response to a technical
2369 violation. The commissioner shall promulgate rules and
2370 regulations for the development and application of the system of
2371 sanctions. Field officers shall be required to conform to the
2372 sanction grid developed.

2373 (3) The system of sanctions shall include a list of
2374 sanctions for the most common types of violations. When
2375 determining the sanction to impose, the field officer shall take



2376 into account the offender's assessed risk level, previous
2377 violations and sanctions, and severity of the current and prior
2378 violations.

2379 (4) Field officers shall notify the sentencing court when a
2380 probationer has committed a technical violation or the parole
2381 board when a parolee has committed a technical violation of the
2382 type of violation and the sanction imposed. When the technical
2383 violation is an arrest for a new criminal offense, the field
2384 officer shall notify the court within forty-eight (48) hours of
2385 becoming aware of the arrest.

2386 (5) The graduated sanctions that the department may impose
2387 include, but shall not be limited to:

2388 (a) Verbal warnings;

2389 (b) Increased reporting;

2390 (c) Increased drug and alcohol testing;

2391 (d) Mandatory substance abuse treatment;

2392 (e) Loss of earned-discharge credits; and

2393 (f) Incarceration in a county jail for no more than two

2394 (2) days. Incarceration as a sanction shall not be used more than
2395 two (2) times per month for a total period incarcerated of no more
2396 than four (4) days.

2397 (6) The system shall also define positive reinforcements
2398 that offenders will receive for compliance with conditions of
2399 supervision. These positive reinforcements shall include, but not
2400 limited to:



2401 (a) Verbal recognition;
2402 (b) Reduced reporting; and
2403 (c) Credits for earned discharge which shall be awarded
2404 pursuant to Section 47-7-40.

2405 (7) The Department of Corrections shall provide semiannually
2406 to the Oversight Task Force the number and percentage of offenders
2407 who have one or more violations during the year, the average
2408 number of violations per offender during the year and the total
2409 and average number of incarceration sanctions as defined in
2410 subsection (5) of this section imposed during the year.

2411 (8) From and after July 1, 2022, the Mississippi Department
2412 of Reentry and Supervision shall perform the functions of the
2413 Division of Community Corrections pursuant to Section 1 of this
2414 act.

2415 **SECTION 46.** Section 47-7-38.1, Mississippi Code of 1972, is
2416 amended as follows:

2417 47-7-38.1. (1) The Department of Corrections shall
2418 establish technical violation centers to detain probation and
2419 parole violators revoked by the court or parole board.

2420 (2) The department shall place an offender in a violation
2421 center for a technical violation as ordered by the board pursuant
2422 to Section 47-7-27 and the sentencing court pursuant to Section
2423 47-7-37.

2424 (3) The violation centers shall be equipped to address the
2425 underlying factors that led to the offender's violation as



2426 identified based on the results of a risk and needs assessment.
2427 At a minimum each violation center shall include substance abuse
2428 services shown to reduce recidivism and a reduction in the use of
2429 illicit substances or alcohol, education programs, employment
2430 preparation and training programs and behavioral programs.

2431 (4) As required by Section 47-5-20(b), the department shall
2432 notify, by certified mail, each member of the board of supervisors
2433 of the county in which the violation center shall be located of
2434 the department's intent to convert an existing department facility
2435 to a technical violation center.

2436 (5) The department shall establish rules and regulations for
2437 the implementation and operation of the technical violation
2438 centers.

2439 (6) The Department of Corrections shall provide to the
2440 Oversight Task Force semiannually the average daily population of
2441 the technical violation centers, the number of admissions to the
2442 technical violation centers, and the average time served in the
2443 technical violation centers.

2444 (7) From and after July 1, 2022, the Mississippi Department
2445 of Reentry and Supervision shall perform the functions of the
2446 Division of Community Corrections pursuant to Section 1 of this
2447 act.

2448 **SECTION 47.** Section 47-7-39, Mississippi Code of 1972, is
2449 amended as follows:



2450 47-7-39. If, for good and sufficient reasons, a probationer
2451 desires to change his residence within or without the state, such
2452 transfer may be effected by application to his field supervisor
2453 which transfer shall be subject to the court's consent and subject
2454 to such regulations as the court, or judge, may require.

2455 From and after July 1, 2022, the Mississippi Department of
2456 Reentry and Supervision shall perform the functions of the
2457 Division of Community Corrections pursuant to Section 1 of this
2458 act.

2459 **SECTION 48.** Section 47-7-40, Mississippi Code of 1972, is
2460 amended as follows:

2461 47-7-40. (1) The commissioner shall establish rules and
2462 regulations for implementing the earned-discharge program that
2463 allows offenders on probation and parole to reduce the period of
2464 supervision for complying with conditions of probation. The
2465 department shall have the authority to award earned-discharge
2466 credits to all offenders placed on probation, parole, or
2467 post-release supervision who are in compliance with the terms and
2468 conditions of supervision. An offender serving a Mississippi
2469 sentence for an eligible offense in any jurisdiction under the
2470 Interstate Compact for Adult Offender Supervision shall be
2471 eligible for earned-discharge credits under this section.
2472 Offenders shall not be denied earned-discharge credits solely
2473 based on nonpayment of fees or fines if a hardship waiver has been
2474 granted as provided in Section 47-7-49.



2475 (2) For each full calendar month of compliance with the
2476 conditions of supervision, earned-discharge credits equal to the
2477 number of days in that month shall be deducted from the offender's
2478 sentence discharge date. Credits begin to accrue for eligible
2479 offenders after the first full calendar month of compliance
2480 supervision conditions. For the purposes of this section, an
2481 offender is deemed to be in compliance with the conditions of
2482 supervision if there was no violation of the conditions of
2483 supervision.

2484 (3) No earned-discharge credits may accrue for a calendar
2485 month in which a violation report has been submitted, the offender
2486 has absconded from supervision, the offender is serving a term of
2487 imprisonment in a technical violation center, or for the months
2488 between the submission of the violation report and the final
2489 action on the violation report by the court or the board.

2490 (4) Earned-discharge credits shall be applied to the
2491 sentence within thirty (30) days of the end of the month in which
2492 the credits were earned. At least every six (6) months, an
2493 offender who is serving a sentence eligible for earned-discharge
2494 credits shall be notified of the current sentence discharge date.

2495 (5) Once the combination of time served on probation, parole
2496 or post-release supervision, and earned-discharge credits satisfy
2497 the term of probation, parole, or post-release supervision, the
2498 board or sentencing court shall order final discharge of the
2499 offender. No less than sixty (60) days prior to the date of final



2500 discharge, the department shall notify the sentencing court and
2501 the board of the impending discharge.

2502 (6) The department shall provide semiannually to the
2503 Oversight Task Force the number and percentage of offenders who
2504 qualify for earned discharge in one or more months of the year and
2505 the average amount of credits earned within the year.

2506 (7) From and after July 1, 2022, the Mississippi Department
2507 of Reentry and Supervision shall perform the functions of the
2508 Division of Community Corrections pursuant to Section 1 of this
2509 act.

2510 **SECTION 49.** Section 47-7-41, Mississippi Code of 1972, is
2511 amended as follows:

2512 47-7-41. When a probationer shall be discharged from
2513 probation by the court of original jurisdiction, the field
2514 supervisor, upon receiving a written request from the probationer,
2515 shall forward a written report of the record of the probationer to
2516 the Division of Community Corrections of the department, which
2517 shall present a copy of this report to the Governor. The Governor
2518 may, in his discretion, at any time thereafter by appropriate
2519 executive order restore any civil rights lost by the probationer
2520 by virtue of his conviction or plea of guilty in the court of
2521 original jurisdiction.

2522 From and after July 1, 2022, the Mississippi Department of
2523 Reentry and Supervision shall perform the functions of the



2524 Division of Community Corrections pursuant to Section 1 of this
2525 act.

2526 **SECTION 50.** Section 47-7-43, Mississippi Code of 1972, is
2527 amended as follows:

2528 47-7-43. The provisions of this chapter are hereby extended
2529 to all persons who, at the effective date thereof, may be on
2530 parole, or eligible to be placed on parole under existing laws,
2531 with the same force and effect as if this chapter had been in
2532 operation at the time such persons were placed on parole or become
2533 eligible to be placed thereon, as the case may be.

2534 From and after July 1, 2022, the Mississippi Department of
2535 Reentry and Supervision shall perform the functions of the
2536 Division of Community Corrections pursuant to Section 1 of this
2537 act.

2538 **SECTION 51.** Section 47-7-47, Mississippi Code of 1972, is
2539 amended as follows:

2540 47-7-47. (1) The judge of any circuit court may place an
2541 offender on a program of earned probation after a period of
2542 confinement as set out herein and the judge may seek the advice of
2543 the commissioner and shall direct that the defendant be under the
2544 supervision of the department.

2545 (2) (a) Any circuit court or county court may, upon its own
2546 motion, acting upon the advice and consent of the commissioner not
2547 earlier than thirty (30) days nor later than one (1) year after
2548 the defendant has been delivered to the custody of the department,



2549 to which he has been sentenced, suspend the further execution of
2550 the sentence and place the defendant on earned probation, except
2551 when a death sentence or life imprisonment is the maximum penalty
2552 which may be imposed or if the defendant has been confined two (2)
2553 or more times for the conviction of a felony on a previous
2554 occasion in any court or courts of the United States and of any
2555 state or territories thereof or has been convicted of a felony
2556 involving the use of a deadly weapon.

2557 (b) The authority granted in this subsection shall be
2558 exercised by the judge who imposed sentence on the defendant, or
2559 his successor.

2560 (c) The time limit imposed by paragraph (a) of this
2561 subsection is not applicable to those defendants sentenced to the
2562 custody of the department prior to April 14, 1977. Persons who
2563 are convicted of crimes that carry mandatory sentences shall not
2564 be eligible for earned probation.

2565 (3) When any circuit or county court places an offender on
2566 earned probation, the court shall give notice to the Mississippi
2567 Department of Corrections within fifteen (15) days of the court's
2568 decision to place the offender on earned probation. Notice shall
2569 be delivered to the central office of the Mississippi Department
2570 of Corrections and to the regional office of the department which
2571 will be providing supervision to the offender on earned probation.

2572 (4) If the court places any person on probation or earned
2573 probation, the court may order the person, as a condition of



2574 probation, to a period of confinement and treatment at a private
2575 or public agency or institution, either within or without the
2576 state, which treats emotional, mental or drug-related problems.
2577 Any person who, as a condition of probation, is confined for
2578 treatment at an out-of-state facility shall be supervised pursuant
2579 to Section 47-7-71, and any person confined at a private agency
2580 shall not be confined at public expense. Time served in any such
2581 agency or institution may be counted as time required to meet the
2582 criteria of subsection (2) (a).

2583 (5) If the court places any person on probation or earned
2584 probation, the court may order the person to make appropriate
2585 restitution to any victim of his crime or to society through the
2586 performance of reasonable work for the benefit of the community.

2587 (6) If the court places any person on probation or earned
2588 probation, the court may order the person, as a condition of
2589 probation, to submit, as provided in Section 47-5-601, to any type
2590 of breath, saliva or urine chemical analysis test, the purpose of
2591 which is to detect the possible presence of alcohol or a substance
2592 prohibited or controlled by any law of the State of Mississippi or
2593 the United States.

2594 (7) From and after July 1, 2022, the Mississippi Department
2595 of Reentry and Supervision shall perform the functions of the
2596 Division of Community Corrections pursuant to Section 1 of this
2597 act.



2598 **SECTION 52.** Section 47-7-101, Mississippi Code of 1972, is
2599 amended as follows:

2600 47-7-101. (1) There is created the Mississippi Re-Entry
2601 Council. The purpose of the council is to create effective
2602 strategies to assist former inmates in their return to the general
2603 population, to reduce the recidivism rates of inmates, to increase
2604 public safety, and to reduce budgetary constraints presently
2605 created by prison-related costs. The Re-Entry Council shall be
2606 led by a steering committee.

2607 (2) The Re-Entry Council Steering Committee shall be
2608 composed of the following twelve (12) members, who shall serve for
2609 two-year terms:

2610 (a) A Mississippi United States Attorney, or a designee
2611 appointed by the Governor;

2612 (b) The Commissioner of the Mississippi Department of
2613 Corrections, or a designee;

2614 (c) The Attorney General of the State of Mississippi,
2615 or a designee;

2616 (d) The director of a faith-based organization involved
2617 in re-entry programs, or a designee appointed by the Lieutenant
2618 Governor;

2619 (e) The Chief Probation Officer of the United States
2620 District Courts of Mississippi, or a designee;

2621 (f) A Mississippi United States District Judge, or a
2622 designee appointed by the Speaker of the House of Representatives;



2623 (g) The Chief Justice of the Mississippi Supreme Court,
2624 or a designee;

2625 (h) The Executive Director for the Mississippi
2626 Department of Mental Health, or a designee;

2627 (i) The Executive Director for the Mississippi Division
2628 of Medicaid, or a designee;

2629 (j) The Chairman of the Parole Board, or a designee;

2630 (k) A person who is a former offender appointed by the
2631 Chairman of the Parole Board; * * *

2632 (l) The Director of the Mississippi Department of
2633 Employment Security, or a designee * * *; and

2634 (m) The Director of the Mississippi Department of
2635 Reentry and Supervision.

2636 (3) The Re-Entry Council Steering Committee shall have the
2637 following duties:

2638 (a) To consider development of a statewide approach to
2639 assist re-entry of former inmates into the general population of
2640 this state;

2641 (b) To provide recommendations regarding evidence-based
2642 approaches that equip inmates with the requisite, individualized
2643 resources to promote their successful return to the general
2644 population of this state;

2645 (c) To review reports, studies, and materials as it
2646 deems appropriate;

2647 (d) To appoint such subcommittees as it finds proper;



2648 (e) To study proposed legislation that seeks to resolve
2649 recidivism;

2650 (f) To submit recommendations from its findings to the
2651 Legislature, the Governor and the Mississippi Supreme Court. In
2652 making such recommendations, the Re-Entry Council Steering
2653 Committee will seek input from all branches of state and local
2654 government, governmental agencies, businesses and nonprofit
2655 organizations throughout this state;

2656 (g) To seek and receive grants;

2657 (h) To hire contract personnel and/or staff using any
2658 grants received; and

2659 (i) To collaborate with the coordinator of the
2660 transitional re-entry center, under the supervision of the
2661 Mississippi Department of * * * Reentry and Supervision, which
2662 shall provide administrative support to the council.

2663 (4) The Chief Justice of the Mississippi Supreme Court shall
2664 call the first meeting of the steering committee. At its first
2665 meeting, the steering committee shall elect a chairman and vice
2666 chairman from its membership and adopt rules for transacting its
2667 business and keeping records. Officers shall serve one-year terms
2668 or until such time as a successor is elected.

2669 **SECTION 53.** The following shall be codified as Section
2670 47-5-36, Mississippi Code of 1972:



2671 47-5-36. **Office of the Department of Corrections Ombudsman.**

2672 (1) Creation of Office of the Department of Corrections
2673 Ombudsman:

2674 (a) Within two hundred seventy (270) days of the
2675 enactment date, there shall be established an Office of the
2676 Department of Corrections Ombudsman (referred to in this section
2677 as the "Office").

2678 (b) The office shall consist of two (2) sections:
2679 Inspections Section and Complaints Investigation Section.

2680 (c) The office shall:

2681 (i) Provide information, as appropriate, to
2682 inmates, family members, representatives of inmates, Department of
2683 Corrections employees and contractors, and others regarding the
2684 rights of inmates;

2685 (ii) Monitor conditions of confinement and assess
2686 Department of Corrections compliance with applicable federal,
2687 state, and local rules, regulations, policies, and best practices
2688 as related to the health, safety, welfare, and rehabilitation of
2689 inmates;

2690 (iii) Provide technical assistance to support
2691 inmate participation in self-advocacy;

2692 (iv) Provide technical assistance to local
2693 governments in the creation of jail oversight bodies, as
2694 requested;



2695 (v) Establish a statewide uniform reporting system
2696 to collect and analyze data related to complaints received by the
2697 Department of Corrections, and data related to the following:
2698 a. Deaths, suicides, and suicide attempts in
2699 custody;
2700 b. Physical and sexual assaults in custody;
2701 c. Number of people placed in administrative
2702 segregation or solitary confinement, and duration of stay in such
2703 confinement;
2704 d. Number of facility lockdowns lasting
2705 longer than twenty-four (24) hours;
2706 e. Number of staff vacancies at each
2707 facility;
2708 f. Inmate to staff ratios at each facility;
2709 g. Staff tenure and turnover;
2710 h. Numbers of in-person visits to inmates
2711 that were made and denied at each facility;
2712 i. Establish procedures to gather stakeholder
2713 input into the office's activities and priorities, which must
2714 include, at a minimum, an annual thirty-day period for receipt of
2715 and office response to public comment;
2716 j. Inspect each Department of Corrections'
2717 facility at least once every three (3) years, and at least once
2718 each year for each maximum security facility and each facility



2719 where the office has found cause for more frequent inspection or
2720 monitoring;

2721 k. Publicly issue periodic facility
2722 inspection reports and an annual report with recommendations on
2723 the state of Department of Corrections' facilities and a summary
2724 of data and recommendations arising from any complaints
2725 investigated and resolved pursuant to this section and Section
2726 47-5-36.1, Mississippi Code of 1972, as added by this act, and any
2727 other thematic reports covering any topic the office finds
2728 relevant to running a safe, secure and humane corrections
2729 department.

2730 (d) The office shall be directed by an ombudsman, who
2731 shall be selected by the Department of Corrections Oversight
2732 Committee established in paragraph (b) of this subsection, and
2733 shall serve a term of six (6) years, during which term the
2734 ombudsman may be removed only by the Governor and only for good
2735 cause. The ombudsman shall not be a current or former employee or
2736 contractor of the Department of Corrections, and the ombudsman's
2737 spouse or domestic partner, parents, grandparents, children or
2738 siblings shall not be a current employees or contractors of the
2739 Department of Corrections.

2740 (e) The ombudsman shall have authority:

2741 (i) To hire staff, contractors, and unpaid
2742 volunteers and secure office space, equipment and other services
2743 necessary to carry out the duties of the office pursuant to this



2744 section and Section 47-5-36.1, Mississippi Code of 1972, as added
2745 by this act. Any employee, contractor or unpaid volunteer hired
2746 or retained by the office shall have the same authority and powers
2747 of the office as described in this section and Section 47-5-36.1,
2748 Mississippi Code of 1972, as added by this act; and

2749 (ii) To contract with experts as needed to assist
2750 in the monitoring and inspection of facilities, the assessment of
2751 data, and the review, investigation, or resolution of complaints.

2752 (2) **Corrections Oversight Committee.** Within one hundred
2753 eighty (180) days of the enactment date, there shall be
2754 established a Corrections Oversight Committee that shall consist
2755 of the following members:

2756 (a) Two (2) members of the Senate who are appointed by
2757 the President of the Senate and who are not members of the same
2758 political party. The President shall select one (1) of these
2759 members to serve as a co-chairperson.

2760 (b) Two (2) members of the House of Representatives who
2761 are appointed by the Speaker of the House of Representatives and
2762 who are not members of the same political party. The Speaker
2763 shall select one (1) of these members to serve as co-chairperson.

2764 (c) The following members, who are appointed by the
2765 Governor:

2766 (i) One (1) representative of a prisoner advocacy
2767 organization.



2768 (ii) One (1) representative of an organization
2769 that provides training or rehabilitation programs for incarcerated
2770 inmates.

2771 (iii) One (1) man who was formerly incarcerated in
2772 the Mississippi Department of Corrections.

2773 (iv) One (1) woman who was formerly incarcerated
2774 in the Mississippi Department of Corrections.

2775 (v) One (1) physician who is licensed pursuant to
2776 Title 73, Chapter 25, and who specializes in family medicine or
2777 internal medicine.

2778 (vi) One (1) mental or behavioral health
2779 professional who is licensed pursuant to Title 73, Chapters 30 or
2780 31, and who has a history of providing mental health services or
2781 counseling to adults.

2782 (vii) One (1) person who is a grandparent, parent,
2783 child, sibling, or spouse or domestic partner of a person
2784 currently incarcerated in a Department of Corrections' facility.

2785 (d) Members appointed pursuant to this subsection shall
2786 serve three-year terms.

2787 (e) Members appointed pursuant to this subsection shall
2788 not be current employees or contractors of the Department of
2789 Corrections, shall not have parents, children, or spouses or
2790 domestic partners who are current employees or contractors of the
2791 Department of Corrections, and shall not have been an employee or



2792 contractor of the Department of Corrections at any time during the
2793 10 years prior to their appointment to the committee.

2794 (f) The committee shall meet whenever there is a
2795 vacancy in the ombudsman position, or as the co-chairpersons deem
2796 necessary, or on the call of the majority of the members.

2797 (g) Committee members are not eligible to receive
2798 compensation but are eligible for reimbursement of expenses.

2799 (h) The committee shall announce the ombudsman nominee
2800 publicly and shall vote to appoint the nominee after holding a
2801 public hearing, during which the committee shall hear and consider
2802 oral or written testimony from the ombudsman nominee, any
2803 witnesses the ombudsman nominee presents on his or her behalf, and
2804 any members of the public. The ombudsman shall take office upon a
2805 majority vote of the committee in his or her favor.

2806 (i) Initial terms of committee members:

2807 (i) Notwithstanding Section 47-5-36, Mississippi
2808 Code of 1972, as added by this act, the initial terms of committee
2809 members who are appointed pursuant to this subsection (2), as
2810 added by this act, are:

- 2811 a. One (1) term ending January 1, 2022.
2812 b. Two (2) terms ending January 1, 2023.
2813 c. Two (2) terms ending January 1, 2024.

2814 (ii) The Governor shall make all subsequent
2815 appointments as prescribed by statute.



2816 (j) The committee shall hold at least one (1) public
2817 hearing each year to present, review, and discuss the office's
2818 inspections, findings, reports and recommendations set forth in
2819 the office's annual report, as described in this section and
2820 Section 47-5-36.1, Mississippi Code of 1972, as added by this act,
2821 and shall hold quarterly public hearings to present, review, and
2822 discuss any other data, reports, or findings of the office that
2823 the committee feels are relevant.

2824 (3) **Access to facilities and records.**

2825 (a) The office shall have reasonable access, upon
2826 demand in person or in writing and with or without prior notice,
2827 to all Department of Corrections' facilities, including all areas
2828 which are used by inmates, all areas which are accessible to
2829 inmates, and to programs for inmates at reasonable times, which at
2830 a minimum must include normal working hours and visiting hours.
2831 This authority includes the opportunity to conduct an interview
2832 with any inmate, Department of Corrections' employee or
2833 contractor, or other person. This access is for the purposes of:

2834 (i) Providing information about individual rights
2835 and the services available from the office, including the name,
2836 address and telephone number of the office facilities or staff;

2837 (ii) Conducting official inspections as defined in
2838 subsection (5) of this section;



2839 (iii) Conducting an official investigation as
2840 defined in subsection (6) of this section and as described in
2841 Section 47-5-36.1, Mississippi Code of 1972, as added by this act;

2842 (iv) Inspecting, viewing, photographing, and video
2843 recording all areas of the facility that are used by inmates or
2844 are accessible to inmates.

2845 (b) Access to inmates includes the opportunity to meet
2846 and communicate privately and confidentially with individuals
2847 regularly, with or without prior notice, both formally and
2848 informally, by telephone, mail, electronic communication, and in
2849 person. In the case of communications with inmates, these
2850 communications shall not be monitored by, recorded, or conducted
2851 in the presence of Department of Corrections employees or
2852 contractors.

2853 (c) The office has the right to access, inspect and
2854 copy all relevant information, records or documents in the
2855 possession or control of the Department of Corrections that the
2856 office considers necessary in an investigation of a complaint
2857 filed under this section, and the department must assist the
2858 office in obtaining the necessary releases for those documents
2859 which are specifically restricted or privileged for use by the
2860 office.

2861 (d) Following notification from the office with a
2862 written demand for access to department records, the designated
2863 department staff must provide the office with access to the



2864 requested documentation not later than twenty (20) business days
2865 after the office's written request for the records. Where the
2866 records requested by the office pertain to an inmate death,
2867 threats of bodily harm, including, but not limited to, sexual or
2868 physical assaults, or the denial of necessary medical treatment,
2869 the records shall be provided within five (5) days unless the
2870 office consents to an extension of that time frame.

2871 (e) The office must work with the department to
2872 minimize disruption to the operations of the department due to
2873 office activities and must comply with the department's security
2874 clearance processes, provided these processes do not impede the
2875 activities outlined in this section.

2876 (4) **Confidential communications.**

2877 (a) Correspondence and communication with the office,
2878 including that made pursuant to Section 47-5-36.1, Mississippi
2879 Code of 1972, as created by this act, is confidential and must be
2880 protected as privileged correspondence in the same manner as legal
2881 correspondence or communication.

2882 (b) The office shall establish confidentiality rules
2883 and procedures for all information maintained by the office to
2884 ensure that:

2885 (i) Department of Corrections staff are not aware
2886 of the identity of a complainant before, during, and after an
2887 investigation to the greatest extent practicable. The office may



2888 disclose identifying information for the sole purpose of carrying
2889 out an investigation.

2890 (ii) Other Department of Corrections' inmates are
2891 not aware of the identity of a complainant before, during, and
2892 after an investigation to the greatest extent practicable. The
2893 office may disclose identifying information for the sole purpose
2894 of carrying out an investigation.

2895 (5) (a) **Inspection authority.** The office shall conduct
2896 periodic inspections of each Department of Corrections facility.

2897 (b) **Initial inspection.** The office shall conduct an
2898 inspection of each Department of Corrections prison facility and
2899 release a public report within three (3) years of the date of
2900 enactment of this section.

2901 (c) **Subsequent inspection.** Subsequent inspections of
2902 each facility shall be conducted on a staggered schedule dependent
2903 on the facility's safety and compliance classification.

2904 (d) **Inspection assessment.** An inspection of a
2905 Department of Corrections facility shall include an assessment of
2906 all of the following:

2907 (i) All policies and procedures in place by the
2908 facility related to care of inmates;

2909 (ii) Conditions of confinement;

2910 (iii) Availability of educational and
2911 rehabilitative programming, drug and mental health treatment, and
2912 inmate jobs and vocational training;



2913 (iv) All policies and procedures related to
2914 visitation;

2915 (v) All medical facilities and medical procedures
2916 and policies;

2917 (vi) Review of lockdowns at the facility in the
2918 time since the last audit. In the instance of an initial
2919 assessment the office shall review lockdowns from the last three
2920 (3) years;

2921 (vii) Review of staffing at the facility,
2922 including the number and job assignments of correctional staff,
2923 the ratio of staff to inmates at the facility, and the staff
2924 position vacancy rate at the facility;

2925 (viii) Review of physical and sexual assaults at
2926 the facility in the time since the last inspection. In the
2927 instance of an initial assessment, the office shall review
2928 assaults from the last three (3) years;

2929 (ix) Review of any inmate or staff deaths that
2930 occurred at the facility in the time since the last inspection.
2931 In the instance of an initial assessment the office shall review
2932 inmate and staff deaths from the last three (3) years;

2933 (x) Review of department staff recruitment,
2934 training, supervision and discipline;

2935 (xi) Any other aspect of the operation of the
2936 facility that the office deems necessary over the course of an
2937 inspection.



2938 (e) **Report.** Upon completion of an inspection, the
2939 office shall produce a report to be made available to the public
2940 on the internet, and to be delivered to the Governor, the Attorney
2941 General, the Senate Corrections Committee, the House Corrections
2942 Committee, the Criminal Justice and Corrections Oversight Task
2943 Force, and the Director of the Department of Corrections. The
2944 report shall include:

2945 (i) A summary of the facility's policies and
2946 procedures related to care of the inmates;

2947 (ii) A characterization of the conditions of
2948 confinement;

2949 (iii) A catalogue of available educational and
2950 rehabilitative programming, drug and mental health treatment, and
2951 inmate jobs and vocational training;

2952 (iv) A summary of visitation policies and
2953 procedures;

2954 (v) A summary of medical facilities and medical
2955 procedures and policies;

2956 (vi) A summary of the lockdowns reviewed by the
2957 office;

2958 (vii) A summary of the staffing at the facility,
2959 including policies relating to staff recruitment, training,
2960 supervision, and discipline;

2961 (viii) A summary of physical and sexual assaults
2962 reviewed by the office;



2963 (ix) A summary of any inmate or staff deaths that
2964 occurred at the facility;

2965 (x) Recommendations made to the facility to
2966 improve conditions to improve safety and conditions within the
2967 facility;

2968 (xi) Safety and compliance classification with
2969 recommended timeline for the next inspection.

2970 (f) **Safety and compliance classification.** Upon
2971 completion of an inspection, the office shall assign the facility
2972 a safety and compliance classification. This classification
2973 system will be divided into three (3) tiers and will be determined
2974 based on the factors described in paragraph (d) of this
2975 subsection. The tiers are as follows:

2976 (i) Tier 1 requires subsequent inspection within
2977 twelve (12) months. Used for maximum security facilities and
2978 facilities that present clear violations of rights, risks to the
2979 safety of prisoners, or severe lack of quality programming for the
2980 successful rehabilitation of individuals;

2981 (ii) Tier 2 requires subsequent inspection between
2982 eighteen (18) months and thirty-six (36) months. Used for
2983 facilities that may have violations of rights, substandard
2984 conditions of confinement, or substandard programming options;

2985 (iii) Tier 3 requires subsequent inspection within
2986 thirty-six (36) months. Used for facilities with adequate
2987 conditions of confinement and programming options.



2988 (g) The Department of Corrections shall respond in
2989 writing to each inspection report issued by the office within
2990 twenty (20) business days of the issuance of the report, and its
2991 response shall include a corrective action plan. The office shall
2992 monitor the department's compliance with the corrective action
2993 plan and may conduct further inspections or investigations as
2994 necessary to ensure such compliance.

2995 (6) **Complaint investigation authority.**

2996 (a) The office may initiate and attempt to resolve an
2997 investigation upon its own initiative, or upon receipt of a
2998 complaint from an inmate, a family member, a representative of an
2999 inmate, a Department of Corrections' employee or contractor, or
3000 others, regarding any of the following that may adversely affect
3001 the health, safety, welfare and rights of inmates:

3002 (i) Abuse or neglect;

3003 (ii) Conditions of confinement;

3004 (iii) Department of Corrections' decisions or
3005 administrative actions;

3006 (iv) Department of Corrections' inactions or
3007 omissions;

3008 (v) Department of Corrections' policies, rules, or
3009 procedures; or

3010 (vi) Alleged violations of law by the Department
3011 of Corrections' staff that may adversely affect the health,
3012 safety, welfare and rights of inmates.



3013 (b) The office may decline to investigate any
3014 complaint, and shall decline to investigate a complaint if the
3015 inmate has failed to first utilize the Department of Corrections'
3016 policies and procedures regarding resolution of inmate grievances.
3017 If the office does not investigate a complaint, the office shall
3018 notify the complainant in writing of the decision not to
3019 investigate and the reasons for the decision.

3020 (c) Any action or lack of action on a complaint by the
3021 office shall not be deemed an administrative procedure required
3022 for exhaustion of remedies prior to bringing an action pursuant to
3023 the Prison Litigation Reform Act, 42 USC Section 1997e et seq.

3024 (d) The office may not investigate any complaints
3025 relating to an inmate's underlying criminal conviction.

3026 (e) The office may not investigate a complaint from a
3027 Department of Corrections' employee or contractor that relates to
3028 the employee or contractor's employment relationship with the
3029 department unless the complaint is related to the health, safety,
3030 welfare and rehabilitation of inmates.

3031 (f) The office may refer the complainant and others to
3032 appropriate resources or state, Tribal or federal agencies.

3033 (g) The office may not levy any fees for the submission
3034 or investigation of complaints.

3035 (h) At the conclusion of an investigation of a
3036 complaint, the office must render a public decision on the merits
3037 of each complaint, except that the documents supporting the



3038 decision are subject to the confidentiality provision of this
3039 section. The office must communicate the decision to the inmate,
3040 if any, and to the Department of Corrections. The office must
3041 state its recommendations and reasoning if, in the office's
3042 opinion, the department or any employee or contractor thereof
3043 should:

3044 (i) Consider the matter further;
3045 (ii) Modify or cancel any action;
3046 (iii) Alter a rule, practice, or ruling;
3047 (iv) Explain in detail the administrative action
3048 in question; or

3049 (v) Rectify an omission.
3050 (i) If the office so requests, the department must,
3051 within the time specified, inform the office in writing about any
3052 action taken on the recommendations or the reasons for not
3053 complying with the recommendations.

3054 (j) If the office believes, based on the investigation,
3055 that there has been or continues to be a significant inmate
3056 health, safety, welfare, or rehabilitation issue, the office must
3057 report the finding to the Governor, the Attorney General, the
3058 Senate Committee on the Judiciary, and the House Committee on the
3059 Judiciary, and the Director of the Department of Corrections.

3060 (k) In the event that the department conducts an
3061 internal disciplinary investigation and review of one or more of
3062 its staff members as a result of an office investigation, the



3063 department's disciplinary review may be subject to additional
3064 review and investigation by the office to ensure a fair and
3065 objective process.

3066 (l) Before announcing a conclusion or recommendation
3067 that expressly, or by implication, criticizes a person or the
3068 department, the office shall consult with that person or the
3069 department. The office may request to be notified by the
3070 department, within a specified time, of any action taken on any
3071 recommendation presented.

3072 (m) The department and its employees and contractors
3073 shall not discharge, discipline, retaliate against, or in any
3074 manner discriminate against or threaten any person because such
3075 person has filed any complaint or instituted or caused to be
3076 instituted any proceeding under or related to this section. Any
3077 alleged discharge, discipline, retaliation against, or
3078 discrimination or threats against a complainant may be considered
3079 by the office as an appropriate subject of an investigation.

3080 (7) **Annual report.**

3081 (a) By December 31 of each calendar year, the office
3082 shall produce an annual report to be made available to the public
3083 on the internet, and to be delivered to the Governor, the Attorney
3084 General, the Senate Judiciary Committee, the House Judiciary
3085 Committee, and the Director of the Department of Corrections. The
3086 report shall include:



3087 (i) A summary of the office's inspections and
3088 complaint investigations conducted that calendar year, including
3089 the office's findings and recommendations and the Department of
3090 Corrections' responses and corrective actions;

3091 (ii) A characterization of the conditions of
3092 confinement;

3093 (iii) A summary of available educational and
3094 rehabilitative programming, drug and mental health treatment, and
3095 inmate jobs and vocational training;

3096 (iv) A summary of visitation policies and
3097 procedures;

3098 (v) A summary of medical facilities and medical
3099 procedures and policies;

3100 (vi) A summary of the lockdowns reviewed by the
3101 office;

3102 (vii) A summary of the staffing at each facility
3103 and in the department overall;

3104 (viii) A summary of physical and sexual assaults
3105 reviewed by the office;

3106 (ix) A summary of any inmate or staff deaths that
3107 occurred at a facility;

3108 (x) A summary of the office's investigations,
3109 findings, and resolutions of any complaints submitted pursuant to
3110 this section or Section 47-5-36.1, Mississippi Code of 1972, as
3111 added by this act;



3112 (xi) Recommendations to the Legislature and the
3113 department regarding, but not limited to, the following:
3114 1. How the office and the department are
3115 funded and staffed;
3116 2. Improving staff retention, training,
3117 working conditions, compensation, benefits, morale and safety;
3118 3. Improving inmate health, safety,
3119 conditions of confinement, and medical care;
3120 4. Improving visitation and limiting use of
3121 lockdowns and administrative segregation or solitary confinement;
3122 5. Improving complaint investigation and
3123 resolution;
3124 6. Improving access to and quality and
3125 availability of educational and rehabilitative programming, drug
3126 and mental health treatment, and inmate jobs and vocational
3127 training;
3128 7. Improving transparency about conditions in
3129 the facilities and the department overall;
3130 8. Improving the disciplinary process to hold
3131 staff accountable for mistreatment of inmates;
3132 9. Preventing future violations of inmate
3133 rights as protected under state and federal law.
3134 (b) If the office so requests, the department must,
3135 within the time specified, inform the office in writing about any



3136 action taken on the recommendations or the reasons for not
3137 complying with the recommendations.

3138 (c) **Definition of "family member."** As used in this
3139 section, "family member" includes a grandparent, parent, sibling,
3140 spouse or domestic partner, child, aunt, uncle, cousin, niece,
3141 nephew, grandchild, or any other person related to an individual
3142 by blood, adoption, marriage, or a fostering relationship.

3143 **SECTION 54.** The following shall be codified as Section
3144 47-5-36.1, Mississippi Code of 1972:

3145 47-5-36.1. **Inmate and Family Support Services; function of**
3146 **Office of the Department of Corrections Ombudsman. (1) Family**
3147 **Advocacy and Support Services Online Form.** The Office of the
3148 Department of Corrections Ombudsman (referred to in this section
3149 as the "office") shall create a secure online form (referred to in
3150 this section as the "Family Form") to be made available on the
3151 office's website wherein family members, friends, and advocates
3152 can submit complaints and inquiries regarding covered issues on
3153 behalf of an individual incarcerated within the Department of
3154 Corrections. Upon receipt of a Family Form, the office shall:

3155 (a) Confirm receipt of the complaint or inquiry within
3156 five (5) business days;

3157 (b) Make a determination as to whether an investigation
3158 is warranted within seven (7) business days of the confirmation of
3159 receipt of complaint and notify the complainant;



3160 (c) If the office has determined an investigation is
3161 unwarranted, the office must provide a written statement regarding
3162 its decision to the complainant.

3163 (2) **Inmate Advocacy and Support Services Online Form.** The
3164 office shall create a secure online form (referred to in this
3165 subsection as the "Inmate Form") to be made available on the
3166 Department of Corrections' secure internet website wherein inmates
3167 may submit complaints and inquiries regarding covered issues on
3168 their behalf.

3169 (a) **Availability.** The Director of the Department of
3170 Corrections shall ensure that the Inmate Form is available and
3171 operating on at least twelve (12) computers within each facility
3172 and accessible to all inmates from 7:00 a.m. to 7:00 p.m. each
3173 day. For inmates in administrative segregation or solitary
3174 confinement, the Department of Corrections shall ensure that
3175 employees and contractors provide inmates with access to the
3176 Inmate Form on a computer or computer tablet upon the inmate's
3177 request. The department shall also make paper copies of the
3178 Inmate Form available, at no cost to inmates, in each facility's
3179 library, law library, and recreational and medical facilities.

3180 (b) **Confidentiality.** The office shall create the
3181 Inmate Form in a secure format that excludes any electronic
3182 monitoring or reproduction by the Department of Corrections and
3183 its employees and contractors. Any inmate submissions of paper
3184 copies of the Inmate Form shall be treated as confidential and



3185 privileged by Department of Corrections' employees and contractors
3186 in the same manner as legal correspondence or communication.

3187 (c) **Requirements.** The office shall:

3188 (i) Confirm receipt of the complaint or inquiry
3189 within five (5) business days;

3190 (ii) Make a determination as to whether an
3191 investigation is warranted within seven (7) business days of the
3192 confirmation of receipt of complaint and notify the complainant;

3193 (iii) If the office has determined an
3194 investigation is unwarranted, the office must provide a written
3195 statement regarding its decision to the complainant.

3196 (3) **Family Advocacy and Support Services Hotline.** The
3197 office shall create a telephone hotline through which family
3198 members, friends and advocates of inmates can call to file
3199 complaints and inquiries regarding covered issues on behalf of an
3200 individual incarcerated within the Department of Corrections. The
3201 office shall:

3202 (i) Confirm receipt of the complaint or inquiry
3203 within five (5) business days;

3204 (ii) Make a determination as to whether an
3205 investigation is warranted within seven (7) business days of the
3206 confirmation of receipt of complaint and notify the complainant;

3207 (iii) If the office has determined an
3208 investigation is unwarranted, the office must provide a written
3209 statement regarding its decision to the complainant.



3210 (4) **Inmate Advocacy and Support Service Hotline.** The office
3211 shall create a secure telephone hotline to be made available to
3212 all Department of Corrections' employees and contractors and
3213 inmates to file complaints and inquiries regarding covered issues
3214 on their behalf.

3215 (a) **Prohibition on phone call fees.** The director of
3216 the department shall ensure that the hotline and its use are made
3217 available to all inmates free of charge.

3218 (b) **Confidentiality.** The office and the director of
3219 the department shall ensure that calls to the hotline are not
3220 monitored or recorded by department employees or contractors.

3221 (c) **Requirements.** The office shall:

3222 (i) Confirm receipt of the complaint or inquiry
3223 within five (5) business days;

3224 (ii) Make a determination as to whether an
3225 investigation is warranted within seven (7) business days of the
3226 confirmation of receipt of complaint and notify the complainant;

3227 (iii) If the office has determined an
3228 investigation is unwarranted, the office must provide a written
3229 statement regarding their decision to the complainant.

3230 (5) The department and its employees and contractors shall
3231 not discharge, discipline, retaliate against, or in any manner
3232 discriminate against or threaten any person because such person
3233 has filed any complaint or instituted or caused to be instituted
3234 any proceeding under or related to this section. Any alleged



3235 discharge, discipline, retaliation against, or discrimination or
3236 threats against a complainant may be considered by the office as
3237 an appropriate subject of an investigation.

3238 (6) Any action or lack of action by the office on a
3239 complaint made pursuant to this section shall not be deemed an
3240 administrative procedure required for exhaustion of remedies prior
3241 to bringing an action pursuant to the Prison Litigation Reform
3242 Act, 42 USC Section 1997e et seq.

3243 (7) **Definitions.** In this section the following definitions
3244 apply:

3245 (a) "Covered issues" may include, but are not limited
3246 to:

3247 (i) Sanitation in prison facilities;

3248 (ii) Access to proper nutrition;

3249 (iii) Livable temperatures in prison facilities;

3250 (iv) Physical or sexual abuse from fellow inmates;

3251 (v) Physical or sexual abuse from department staff
3252 or contractors;

3253 (vi) Credible threats against self from other
3254 inmates, staff or contractors;

3255 (vii) Neglect of prison staff or contractors that
3256 results in physical or sexual trauma;

3257 (viii) Denial of rights afforded to inmates under
3258 federal or state law;



3259 (ix) Access to visitation and communication with
3260 family;

3261 (x) Any instance in which the office determines an
3262 action or behavior to be such that it constitutes abuse or neglect
3263 against an inmate;

3264 (xi) Access to medical or mental health care or
3265 substance abuse treatment;

3266 (xii) Access to educational and rehabilitative
3267 programming, drug and mental health treatment, and inmate jobs and
3268 vocational training.

3269 (b) "Family member" includes a grandparent, parent,
3270 sibling, spouse or domestic partner, child, aunt, uncle, cousin,
3271 niece, nephew, grandchild, or any other person related to an
3272 individual by blood, adoption, marriage, or a fostering
3273 relationship.

3274 (8) From and after July 1, 2021, the Mississippi Department
3275 of Reentry and Supervision shall perform the functions of the
3276 Division of Community Corrections pursuant to Section 1 of this
3277 act.

3278 **SECTION 55.** Section 47-7-49, Mississippi Code of 1972, is
3279 amended as follows:

3280 47-7-49. (1) Any offender on probation, parole,
3281 earned-release supervision, post-release supervision, earned
3282 probation or any other offender under the field supervision of the
3283 Community Services Division of the department shall pay to the



3284 department the sum of Fifty-five Dollars (\$55.00) per month by
3285 certified check or money order unless a hardship waiver is
3286 granted. An offender shall make the initial payment within sixty
3287 (60) days after being released from imprisonment unless a hardship
3288 waiver is granted. A hardship waiver may be granted by the
3289 sentencing court or the Department of Corrections. A hardship
3290 waiver may not be granted for a period of time exceeding ninety
3291 (90) days. The commissioner or his designee shall deposit * * *
3292 each payment received into * * * the State General Fund.

3293 * * * When a person is convicted of a felony in this state,
3294 in addition to any other sentence it may impose, the court may, in
3295 its discretion, order the offender to pay a state assessment not
3296 to exceed the greater of One Thousand Dollars (\$1,000.00) or the
3297 maximum fine that may be imposed for the offense, into the Crime
3298 Victims' Compensation Fund created pursuant to Section 99-41-29.

3299 Any federal funds made available to the department for
3300 training or for training facilities, equipment or services shall
3301 be deposited into the Correctional Training Revolving Fund created
3302 in Section 47-7-51. The funds deposited in this account shall be
3303 used to support an expansion of the department's training program
3304 to include the renovation of facilities for training purposes,
3305 purchase of equipment and contracting of training services with
3306 community colleges in the state.

3307 No offender shall be required to make this payment for a
3308 period of time longer than ten (10) years.



3309 (2) The offender may be imprisoned until the payments are
3310 made if the offender is financially able to make the payments and
3311 the court in the county where the offender resides so finds,
3312 subject to the limitations hereinafter set out. The offender
3313 shall not be imprisoned if the offender is financially unable to
3314 make the payments and so states to the court in writing, under
3315 oath, and the court so finds.

3316 (3) This section shall stand repealed from and after June
3317 30, * * * 2023.

3318 **SECTION 56.** This act shall take effect and be in force from
3319 and after July 1, 2021.

