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To: Judiciary, Division B

SENATE BILL NO. 2561

1 AN ACT TO ENACT THE "EMPOWERING REENTRY THROUGH LICENSING
2 ACT" WHICH PROVIDES FOR A SIX-MONTH PROVISIONAL DRIVER'S LICENSE
3 ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY TO ELIGIBLE PERSONS WHO
4 HAVE BEEN RELEASED FROM INCARCERATION; TO DEFINE TERMS; TO
5 AUTHORIZE PROVISIONAL LICENSES; TO PROVIDE CERTAIN REQUIREMENTS
6 AND CERTAIN DISQUALIFICATIONS FOR ELIGIBILITY; TO REQUIRE CERTAIN
7 DUTIES OF THE DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER THE ACT;
8 TO DIRECT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO IDENTIFY
9 ELIGIBLE PERSONS TO APPLY FOR A PROVISIONAL DRIVER'S LICENSE; TO
10 AMEND SECTIONS 47-5-157 AND 47-7-33.1, MISSISSIPPI CODE OF 1972,
11 TO CONFORM; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** This act shall be known and may be cited as the
14 "Empowering Reentry Through Licensing Act."

15 **SECTION 2.** As used in Sections 1 through 6 of this act:

16 (a) "Department" means the Department of Public Safety.

17 (b) "Discharge plan" shall have the meaning provided in
18 Section 47-7-33.1.

19 (c) "Driver's license" means a Class R license as
20 authorized in Section 63-1-9.

21 (d) "Eligible person" means a person who has served a
22 term of at least one (1) year and whose driver's license will be



or has been suspended, revoked or cancelled for any reason upon the person's release. An "eligible person" must be:

(i) Within one hundred eighty (180) days of release from incarceration; or

(ii) On probation or parole, having been released from incarceration within the previous six (6) months.

An "eligible person" must not be within the category of persons described by Section 4 of this act.

(e) "Provisional license" means a license as authorized in Section 3 of this act.

(f) "Provisional licensee" means the holder of a provisional driver's license.

(g) "Release from incarceration" shall mean release from a Mississippi Department of Corrections facility or an MDOC-approved residential program.

SECTION 3. (1) A provisional license shall be valid for six (6) months from the date of a person's release from incarceration.

(2) A provisional license shall permit the provisional licensee to drive a motor vehicle directly to and directly home from his or her residence and:

(a) A place where he or she is employed or will potentially be employed;

(b) A place where the licensee attends school



(c) A place where the licensee's minor child attends school or day care, provided that there are no separate law prohibiting such travel;

(d) A scheduled meeting with the licensee's probation or parole officer or other supervisor;

(e) Any place, location or meeting that the licensee's probation or parole officer has authorized the person to travel to or attend; or

(f) A place of religious instruction or worship.

(3) This act shall not apply to any type of commercial operator's license.

SECTION 4. A person is ineligible for a provisional license under this act if:

(a) The person was convicted of vehicular homicide, or a third or subsequent violation of any other law that prohibits operating a vehicle while intoxicated or under the influence of alcohol or drugs; or

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

SECTION 5. (1) The department shall:

(a) Issue a provisional license to an eligible person upon receipt of an application;

(b) Defer payment of all fees, penalties and charges relating to the issuance of a provisional license under this



71 section that are incurred prior to or during the term of
72 incarceration and owed by the applicant to the department;

73 (c) Inform the provisional licensee that the licensee
74 has six (6) months from the date of release from incarceration to
75 clear his or her driving record of any suspensions, revocations or
76 cancellations in order to be eligible for a driver's license
77 issued under Section 63-1-9;

78 (d) Shall issue a driver's license upon the collection
79 of the standard fees and handling charges at the end of the term
80 of the provisional license if the provisional licensee qualifies
81 for full and unrestricted driving privileges and has paid any fees
82 owed under paragraph (c) of this subsection;

83 (e) Develop procedures to:

84 (i) Issue a driver's license after the collection
85 of the standard fees and handling charges to any person who, upon
86 release from incarceration, qualifies for full and unrestricted
87 driving privileges without the need of a provisional license; and

88 (ii) Renew the driver's license of an inmate after
89 the collection of the standard fees and handling charges; and

90 (f) Promulgate the rules and regulations necessary to
91 administer Sections 1 through 6 of this act.

92 (2) The department shall not assess an eligible person a fee
93 for a provisional license.

94 (3) (a) The department may revoke the provisional license
95 if the licensee commits an act or omission that causes the



community supervision or parole of the holder of the provisional license to be revoked. The provisional licensee's probation or parole officer shall notify the department if the supervision or parole status has been revoked. The court shall notify the department if the provisional licensee is charged with a new felony or any moving traffic violation.

(b) If the department revokes a provisional license issued pursuant to this section, the holder shall not be entitled to receive another provisional license.

(4) The department shall, in conjunction with the Department of Corrections, provide to each person admitted to the Department of Corrections the person's current driver's license status, a detailed driver's history and any outstanding warrant information available on the National Criminal Information Center Database.

SECTION 6. The Mississippi Department of Corrections shall:

(a) Identify eligible persons to apply for a provisional license under this section.

(b) Provide any inmate opportunity to renew the inmates driver's license under Section 5(1)(e) of this act.

(c) Promulgate any necessary rules or regulations to administer Sections 1 through 6 of this act.

SECTION 7. Section 47-5-157, Mississippi Code of 1972, is amended as follows:

47-5-157. (1) When an offender is entitled to a discharge from the custody of the department, or is released therefrom on



121 parole, pardon, or otherwise, the commissioner or his designee
122 shall prepare and deliver to him a written discharge or release,
123 as the case may be, dated and signed by him with seal annexed,
124 giving the offender's name, the name of the offense or offenses
125 for which he was convicted, the term of sentence imposed and the
126 date thereof, the county in which he was sentenced, the amount of
127 commutation received, if any, the trade he has learned, if any,
128 his proficiency in same, and such description of the offender as
129 may be practicable and the discharge plan developed as required by
130 law. At least fifteen (15) days prior to the release of an
131 offender as described herein, the director of records of the
132 department shall give the written notice which is required
133 pursuant to Section 47-5-177.

134 (2) The offender shall be furnished * * *:

135 (a) A Mississippi driver's license, if eligible;

136 (b) A provisional license under Section 3 of this act;

137 or

138 (c) A state identification card that is not a
139 department-issued identification card * * *.

140 The offender shall also be furnished all money held to his
141 credit by any official of the correctional system * * * and, if
142 needed, suitable civilian clothes.

143 (3) The amount of money which an offender is entitled to
144 receive from the State of Mississippi when he is discharged from
145 the state correctional system shall be determined as follows:



(a) If he has continuously served his sentence in one (1) year or less flat time, he shall be given Fifteen Dollars (\$15.00).

(b) If he has served his sentence in more than one (1) year flat time and in less than ten (10) years flat time, he shall be given Twenty-five Dollars (\$25.00).

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

(d) If he has continuously served his sentence in twenty (20) or more years flat time, he shall be given One Hundred Dollars (\$100.00).

(e) There shall be given in addition to the above specified monies in * * * paragraphs (a), (b), (c) and (d) of this subsection, a bus ticket to the county of conviction or to a state line of Mississippi.

SECTION 8. Section 47-7-33.1, Mississippi Code of 1972, is amended as follows:

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



171 discharge plan for parole eligible offenders shall be sent to the
172 parole board at least thirty (30) days prior to the offender's
173 parole eligibility date for approval. The board may suggest
174 changes to the plan that it deems necessary to ensure a successful
175 transition.

176 (2) The pre-release assessment shall identify whether an
177 inmate requires assistance obtaining the following basic needs
178 upon release: transportation, clothing and food, financial
179 resources, identification documents, housing, employment,
180 education, health care and support systems. The discharge plan
181 shall include information necessary to address these needs and the
182 steps being taken by the department to assist in this process,
183 including an up-to-date version of the information described in
184 Section 5(4) of this act. Based on the findings of the
185 assessment, the commissioner shall:

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

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

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



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

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

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

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

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

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

(4) A discharge plan created for a parole-eligible offender shall also include supervision conditions and the intensity of supervision based on the assessed risk to recidivate and whether there is a need for transitional housing. The board shall approve



219 discharge plans before an offender is released on parole pursuant
220 to this chapter.

221 **SECTION 9.** This act shall take effect and be in force from
222 and after July 1, 2020.

