

**Adopted
AMENDMENT NO 2 PROPOSED TO**

Senate Bill No. 2573

BY: Representative Horan

1 **AMEND** by inserting the following language after 173 and by
2 renumbering the succeeding section:

3 **SECTION 5.** (1) Whenever used in this section, the term:

4 (a) "Educational program" means a program of learning
5 recognized by the State Board of Education, Department of Mental
6 Health, Mississippi Department of Corrections, or the sheriff,
7 administrator or director of the work release program.

8 (b) "Rehabilitative program" includes an alcohol and
9 drug treatment program, mental health program, family counseling,
10 community service or other community program approved by the court
11 having jurisdiction over the offender.

12 (c) "Sheriff" means the sheriff of the jurisdiction
13 where the person charged with the criminal offense was convicted



14 and sentenced, provided that the sheriff may designate a deputy
15 sheriff or jail administrator to assign offenders to work release
16 programs under this section.

17 (d) "Mississippi Department of Corrections" means the
18 Commissioner of Mississippi Department of Corrections, provided
19 that the Commissioner or designated deputy commissioner may assign
20 offenders to work release programs administered by Mississippi
21 Prison Industries Corporation under this section.

22 (e) "Work release" means full-time or part-time
23 employment or participation in suitable career and technical
24 education programs.

25 (2) Any court having jurisdiction for the trial of a person
26 charged with a felony offense, except those charges listed in
27 Section 97-3-2 may, if the defendant is convicted and (i)
28 sentenced to confinement in jail, state or regional correctional
29 facility or (ii) being held in jail, state or regional
30 correctional facility pending completion of a presentence report,
31 and if it appears to the court that such offender is a suitable
32 candidate for work release, and such offender volunteers, assign
33 the offender to a work release program under the supervision of
34 the Mississippi Department of Corrections, Mississippi Prison
35 Industries Corporation, sheriff or a program designated by the
36 court. The court further may authorize the offender to
37 participate in educational or other rehabilitative programs
38 designed to supplement his or her work release employment. The



39 court shall be notified in writing by the director or
40 administrator of the program to which the offender is assigned of
41 the offender's place of employment and the location of any
42 educational or rehabilitative program in which the offender
43 participates.

44 (3) Any person who has been sentenced to confinement in
45 jail, a state or regional correctional facility or who has been
46 convicted of a felony, except those charges listed in Section
47 97-3-2, but is confined in jail, a state or regional correctional
48 facility, at the discretion of the Mississippi Department of
49 Corrections and sheriff to a work release program under the
50 supervision of the Mississippi Prison Industries Corporation or
51 sheriff. The Mississippi Department of Corrections or sheriff may
52 further authorize the offender to participate in educational or
53 other rehabilitative programs as defined in this section designed
54 to supplement his or her work release employment.

55 (4) The court that sentenced the offender shall be notified
56 in writing by the Mississippi Department of Corrections or sheriff
57 of any such assignment and of the offender's place of employment
58 or other rehabilitative program. The court, in its discretion,
59 may thereafter revoke the authority for such an offender to
60 participate in a work release program.

61 (5) If an offender who has been assigned to such a program
62 by the court is in violation of the rules of the program, the
63 Mississippi Department of Corrections, sheriff or jail



64 administrator may remove the offender from the work release
65 program or the Mississippi Department of Corrections, either
66 temporarily or for the duration of the offender's confinement.
67 Upon removing an offender from the work release program, the
68 sheriff or jail administrator shall notify in writing the court
69 that sentenced the offender and indicate the specific violations
70 that led to the decision.

71 (6) Any offender assigned to such a program by the court,
72 Mississippi Department of Corrections, or sheriff who, without
73 proper authority or just cause, leaves the area to which he or she
74 has been assigned to work or attend educational or other
75 rehabilitative programs, or leaves the vehicle or route of travel
76 involved in his or her going to or returning from such place, will
77 be guilty of escape as provided in Section 97-9-49. An offender
78 who is found guilty under this section shall be ineligible for
79 further participation in a work release program during his or her
80 current term of confinement.

81 (7) Any wages earned pursuant to this section by an offender
82 may, upon order of the court, be paid to the Mississippi Prison
83 Industries Corporation, director or administrator of the program
84 after standard payroll deductions required by law. In the
85 alternative, the offender may, if so approved, maintain an account
86 through Mississippi Prison Industries Corporation or a local
87 financial institution provided the offender provides a physical
88 accounting to the Mississippi Prison Industries Corporation or



89 sheriff, administrator or the court which they were sentenced.

90 Distribution of wages shall be made for the following purposes:

91 (a) To pay travel and other such expenses made
92 necessary by his or her work release employment or participation
93 in an educational or rehabilitative program;

94 (b) To pay support of dependents or to Mississippi
95 Department of Human Services on behalf of dependents as may be
96 ordered by a judge of competent jurisdiction; and

97 (c) To pay any fines, restitution or costs as ordered
98 by the court to include any fines and fees associated with
99 obtaining a valid driver's license upon release.

100 Any balance at the end of his or her sentence shall be paid
101 to the offender upon his or her release.

102 **AMEND** the title on line 9 by adding the following language
103 after the semicolon:

104 TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, ANY COURT
105 OR SHERIFF TO ASSIGN A NONVIOLENT CONVICTED OFFENDER TO A WORK
106 RELEASE PROGRAM, IF THE OFFENDER IS CONFINED IN JAIL, STATE OR
107 REGIONAL CORRECTIONAL FACILITY; TO PROVIDE THAT THE OFFENDER
108 ASSIGNED TO THE PROGRAM SHALL BE UNDER THE SUPERVISION OF THE
109 MISSISSIPPI DEPARTMENT OF CORRECTIONS, MISSISSIPPI PRISON
110 INDUSTRIES CORPORATION, THE SHERIFF OR A PROGRAM DESIGNATED BY THE
111 COURT; TO PROVIDE THAT THE OFFENDER MAY BE REMOVED FROM THE
112 PROGRAM IF RULES ARE VIOLATED; TO PROVIDE THAT WAGES EARNED BY THE
113 OFFENDER MAY, UPON ORDER OF THE COURT, BE PAID TO THE DIRECTOR OR
114 ADMINISTRATOR OF THE PROGRAM AFTER STANDARD PAYROLL DEDUCTIONS ARE
115 PAID; TO PROVIDE THAT THE OFFENDER, IF APPROVED, MAY MAINTAIN A
116 BANK ACCOUNT AS LONG AS A PHYSICAL ACCOUNTING IS PROVIDED TO THE
117 MISSISSIPPI DEPARTMENT OF CORRECTIONS, SHERIFF, ADMINISTRATOR OR
118 THE COURT; TO PROVIDE THAT THE OFFENDER'S WAGES MAY BE DISTRIBUTED
119 TO PAY CERTAIN TRAVEL EXPENSES RELATED TO HIS OR HER EMPLOYMENT,
120 TO PAY CHILD SUPPORT, FINES, RESTITUTION OR COSTS, INCLUDING FEES
121 FOR OBTAINING A DRIVER'S LICENSE UPON RELEASE;

