

Senate Amendments to House Bill No. 551

TO THE CLERK OF THE HOUSE:

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

AMENDMENT NO. 1

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

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

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

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

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

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

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

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

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

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

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

45 (b) A place where the licensee attends school

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

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

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

54 (f) A place of religious instruction or worship.

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

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

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

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

66 **SECTION 5.** (1) The department shall:

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

69 (b) Defer payment of all fees, penalties and charges
70 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
96 community supervision or parole of the holder of the provisional
97 license to be revoked. The provisional licensee's probation or
98 parole officer shall notify the department if the supervision or
99 parole status has been revoked. The court shall notify the
100 department if the provisional licensee is charged with a new
101 felony or any moving traffic violation.

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

105 (4) The department shall, in conjunction with the Department
106 of Corrections, provide to each person admitted to the Department

107 of Corrections the person's current driver's license status, a
108 detailed driver's history and any outstanding warrant information
109 available on the National Criminal Information Center Database.

110 **SECTION 6.** The Mississippi Department of Corrections shall:

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

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

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

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

119 47-5-157. (1) When an offender is entitled to a discharge
120 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:

146 (a) If he has continuously served his sentence in one
147 (1) year or less flat time, he shall be given Fifteen Dollars
148 (\$15.00).

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

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

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

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

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

164 47-7-33.1. (1) The department shall create a discharge plan
165 for any offender returning to the community, regardless of whether
166 the person will discharge from the custody of the department, or
167 is released on parole, pardon, or otherwise. At least ninety (90)
168 days prior to an offender's earliest release date, the
169 commissioner shall conduct a pre-release assessment and complete a
170 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;

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

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

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

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

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

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

215 (4) A discharge plan created for a parole-eligible offender
216 shall also include supervision conditions and the intensity of
217 supervision based on the assessed risk to recidivate and whether
218 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, 2021.

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

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.

SS26\HB551A.J

Eugene S. Clarke
Secretary of the Senate