

Senate Amendments to House Bill No. 928

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:

12 **SECTION 1.** Section 47-5-26, Mississippi Code of 1972, is
13 amended as follows:

14 47-5-26. (1) The commissioner shall employ the following
15 personnel:

16 (a) A Deputy Commissioner for Administration and
17 Finance, who shall supervise and implement all fiscal policies and
18 programs within the department, supervise and implement all hiring
19 and personnel matters within the department, supervise the
20 department's personnel director, supervise and implement all
21 purchasing within the department and supervise and implement all
22 data processing activities within the department, and who shall
23 serve as the Chief Executive Officer of the Division of
24 Administration and Finance. He shall possess either:

25 (i) A master's degree from an accredited four-year
26 college or university in public or business administration,
27 accounting, economics or a directly related field, and four (4)
28 years of experience in work related to the above-described duties,

29 one (1) year of which must have included line or functional
30 supervision; or

31 (ii) A bachelor's degree from an accredited
32 four-year college or university in public or business
33 administration, accounting, economics or a directly related field,
34 and six (6) years of experience in work related to the
35 above-described duties, one (1) year of which must have included
36 line or functional supervision. Certification by the State of
37 Mississippi as a certified public accountant may be substituted
38 for one (1) year of the required experience.

39 (b) A Deputy Commissioner for Community Corrections,
40 who shall initiate and administer programs, including, but not
41 limited to, supervision of probationers, parolees and
42 suspensioners, counseling, community-based treatment, interstate
43 compact administration and enforcement, prevention programs,
44 halfway houses and group homes, technical violation centers,
45 restitution centers, presentence investigations, and work and
46 educational releases, and shall serve as the Chief Executive
47 Officer of the Division of Community Services. The Deputy
48 Commissioner for Community Corrections is charged with full and
49 complete cooperation with the State Parole Board and shall make
50 monthly reports to the Chairman of the Parole Board in the form
51 and type required by the chairman, in his discretion, for the
52 proper performance of the probation and parole functions. After a
53 plea or verdict of guilty to a felony is entered against a person
54 and before he is sentenced, the Deputy Commissioner for Community

55 Corrections shall procure from any available source and shall file
56 in the presentence records any information regarding any criminal
57 history of the person such as fingerprints, dates of arrests,
58 complaints, civil and criminal charges, investigative reports of
59 arresting and prosecuting agencies, reports of the National Crime
60 Information Center, the nature and character of each offense,
61 noting all particular circumstances thereof and any similar data
62 about the person. The Deputy Commissioner for Community
63 Corrections shall keep an accurate and complete duplicate record
64 of this file and shall furnish the duplicate to the department.
65 This file shall be placed in and shall constitute a part of the
66 inmate's master file. The Deputy Commissioner for Community
67 Corrections shall furnish this file to the State Parole Board when
68 the file is needed in the course of its official duties. He shall
69 possess either: (i) a master's degree in counseling, corrections
70 psychology, guidance, social work, criminal justice or some
71 related field and at least four (4) years' full-time experience in
72 such field, including at least one (1) year of supervisory
73 experience; or (ii) a bachelor's degree in a field described in
74 subparagraph (i) of this paragraph and at least six (6) years'
75 full-time work in corrections, one (1) year of which shall have
76 been at the supervisory level.

77 (c) A Deputy Commissioner for Institutions, who shall
78 administer institutions, reception and diagnostic centers,
79 prerelease centers and other facilities and programs provided
80 therein, and shall serve as the Chief Executive Officer of the

81 Division of Institutions. He shall possess either: (i) a
82 master's degree in counseling, criminal justice, psychology,
83 guidance, social work, business or some related field, and at
84 least four (4) years' full-time experience in corrections,
85 including at least one (1) year of correctional management
86 experience; or (ii) a bachelor's degree in a field described in
87 subparagraph (i) of this paragraph and at least six (6) years'
88 full-time work in corrections, four (4) years of which shall have
89 been at the correctional management level.

90 (d) A Deputy Commissioner for Programs, Education,
91 Re-entry, and Vocational Rehabilitation Services who shall
92 initiate and administer programs, including but not limited to,
93 education services, religious services, moral rehabilitation,
94 alcohol and drug rehabilitation, and court re-entry. The Deputy
95 Commissioner for Programs, Education, Re-entry, and Vocational
96 Rehabilitation may coordinate with any educational institution to
97 develop a program for moral rehabilitation with an emphasis on
98 promoting effective programs for release. The Deputy Commissioner
99 for Programs, Education, Re-entry, and Vocational Rehabilitation
100 shall focus on re-entry programs aimed at reducing recidivism and
101 adequately preparing offenders for employment upon their release.
102 The programs shall incorporate a moral component focused on
103 providing offenders with an opportunity to make positive changes
104 while incarcerated that will enable them to be productive members
105 of society upon their release. Such deputy commissioner shall
106 possess either:

107 (i) A master's degree in counseling, corrections,
108 psychology, guidance, social work, criminal justice or some
109 related field and at least four (4) years' full-time experience in
110 such field, including at least one (1) year of supervisory
111 experience; or

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

116 Out of the deputy commissioners employed under this
117 subsection (1), as provided in paragraphs (a) through (d), the
118 commissioner shall designate one (1) of the commissioners as an
119 executive deputy commissioner who shall have the duties prescribed
120 under Section 47-5-8.

121 (2) The commissioner shall employ an administrative
122 assistant for parole matters who shall be selected by the State
123 Parole Board who shall be an employee of the department assigned
124 to the State Parole Board and who shall be located at the office
125 of the State Parole Board, and who shall work under the guidance,
126 supervision and direction of the board.

127 (3) The administrative assistant for parole matters shall
128 receive an annual salary to be established by the Legislature.
129 The salaries of department employees not established by the
130 Legislature shall receive an annual salary established by the
131 State Personnel Board.

132 (4) The commissioner shall employ a superintendent for the
133 Parchman facility, Central Mississippi Correctional Facility and
134 South Mississippi Correctional Institution of the Department of
135 Corrections. The Superintendent of the Mississippi State
136 Penitentiary shall reside on the grounds of the Parchman facility.
137 Each superintendent shall appoint an officer in charge when he is
138 absent.

139 Each superintendent shall develop and implement a plan for
140 the prevention and control of an inmate riot and shall file a
141 report with the Chairman of the Senate Corrections Committee and
142 the Chairman of the House Penitentiary Committee on the first day
143 of each regular session of the Legislature regarding the status of
144 the plan.

145 In order that the grievances and complaints of inmates,
146 employees and visitors at each facility may be heard in a timely
147 and orderly manner, each superintendent shall appoint or designate
148 an employee at the facility to hear grievances and complaints and
149 to report grievances and complaints to the superintendent. Each
150 superintendent shall institute procedures as are necessary to
151 provide confidentiality to those who file grievances and
152 complaints.

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

157 **SECTION 2.** Section 47-5-8, Mississippi Code of 1972, is
158 amended as follows:

159 47-5-8. (1) There is created the Mississippi Department of
160 Corrections, which shall be under the policy direction of the
161 Governor. The chief administrative officer of the department
162 shall be the Commissioner of Corrections.

163 (2) (a) There shall be an executive deputy commissioner who
164 shall be directly responsible to the Commissioner of Corrections
165 within the department who shall serve as the Commissioner of
166 Corrections in the absence of the commissioner and shall assume
167 all duties that the Commissioner of Corrections assigns,
168 including, but not limited to, supervising all other deputy
169 commissioners. The salary of the executive deputy commissioner
170 shall not exceed the salary of the Commissioner of Corrections.

171 (* * *b) There shall be a Division of Administration
172 and Finance within the department, which shall have as its chief
173 administrative officer a Deputy Commissioner for Administration
174 and Finance who shall be appointed by the commissioner, and shall
175 be directly responsible to the commissioner.

176 (* * *c) There shall be a Division of Community
177 Corrections within the department, which shall have as its chief
178 administrative officer a Deputy Commissioner for Community
179 Corrections, who shall be appointed by the commissioner, and shall
180 be directly responsible to the commissioner. The Probation and
181 Parole Board shall continue to exercise the authority as provided
182 by law, but after July 1, 1976, the Division of Community

183 Corrections shall serve as the administrative agency for the
184 Probation and Parole Board.

185 (3) The department shall succeed to the exclusive control of
186 all records, books, papers, equipment and supplies, and all lands,
187 buildings and other real and personal property now or hereafter
188 belonging to or assigned to the use and benefit or under the
189 control of the Mississippi State Penitentiary and the Mississippi
190 Probation and Parole Board, except the records of parole process
191 and revocation and legal matters related thereto, and shall have
192 the exercise and control of the use, distribution and disbursement
193 of all funds, appropriations and taxes now or hereafter in
194 possession, levied, collected or received or appropriated for the
195 use, benefit, support and maintenance of these two (2) agencies
196 except as otherwise provided by law, and the department shall have
197 general supervision of all the affairs of the two (2) agencies
198 herein named except as otherwise provided by law, and the care and
199 conduct of all buildings and grounds, business methods and
200 arrangements of accounts and records, the organization of the
201 administrative plans of each institution, and all other matters
202 incident to the proper functioning of the two (2) agencies.

203 (4) The commissioner may lease the lands for oil, gas,
204 mineral exploration and other purposes, and contract with other
205 state agencies for the proper management of lands under such
206 leases or for the provision of other services, and the proceeds
207 thereof shall be paid into the General Fund of the state.

208 **SECTION 3.** Section 97-37-5, Mississippi Code of 1972, is
209 amended as follows:

210 97-37-5. (1) It shall be unlawful for any person who has
211 been convicted of a felony under the laws of this state, any other
212 state, or of the United States to possess any firearm or any bowie
213 knife, dirk knife, butcher knife, switchblade knife, metallic
214 knuckles, blackjack, or any muffler or silencer for any firearm
215 unless such person has received a pardon for such felony, has
216 received a relief from disability pursuant to Section 925(c) of
217 Title 18 of the United States Code, or has received a certificate
218 of rehabilitation pursuant to subsection (3) of this section.

219 (2) Any person violating this section shall be guilty of a
220 felony and, upon conviction thereof, shall be fined not more than
221 Five Thousand Dollars (\$5,000.00), or committed to the custody of
222 the State Department of Corrections for not less than one (1) year
223 nor more than ten (10) years, or both.

224 (3) A person who has been convicted of a felony under the
225 laws of this state, under the laws of another state, under federal
226 law or in state military court may apply for a certificate of
227 rehabilitation as provided in this section. If the person was
228 convicted of a felony under the laws of this state, he or she may
229 apply to the court in which he was convicted for a certificate of
230 rehabilitation. If the person was convicted of a felony under the
231 laws of another state, under federal law or in state military
232 court, he or she may apply to the court in the person's county of
233 residence for a certificate of rehabilitation. A person convicted

234 of a felony under the laws of another state, under federal law or
235 in state military court shall attach a certified copy of his or
236 her judgment and a certified copy of his or her completion of
237 sentence to the petition for a certificate of rehabilitation. The
238 court may grant such certificate in its discretion upon a showing
239 to the satisfaction of the court that the applicant has been
240 rehabilitated and has led a useful, productive and law-abiding
241 life since the completion of his or her sentence and upon the
242 finding of the court that he or she will not be likely to act in a
243 manner dangerous to public safety.

244 (4) (a) A person who is discharged from court-ordered
245 mental health treatment may petition the court which entered the
246 commitment order for an order stating that the person qualifies
247 for relief from a firearms disability.

248 (b) In determining whether to grant relief, the court
249 must hear and consider evidence about:

250 (i) The circumstances that led to imposition of
251 the firearms disability under 18 * * * USCS, Section 922(d)(4);

252 (ii) The person's mental history;

253 (iii) The person's criminal history; and

254 (iv) The person's reputation.

255 (c) A court may not grant relief unless it makes and
256 enters in the record the following affirmative findings:

257 (i) That the person is no longer likely to act in
258 a manner dangerous to public safety; and

259 (ii) Removing the person's disability to purchase
260 a firearm is not against the public interest.

261 **SECTION 4.** This act shall take effect and be in force from
262 and after July 1, 2021, and shall be repealed from and after June
263 30, 2021.

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

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS TO
3 DESIGNATE AN EXECUTIVE DEPUTY COMMISSIONER; TO AMEND SECTION
4 47-5-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EXECUTIVE
5 DEPUTY COMMISSIONER SHALL BE DIRECTLY RESPONSIBLE TO THE
6 COMMISSIONER OF CORRECTIONS; TO AMEND SECTION 97-37-5, MISSISSIPPI
7 CODE OF 1972, TO EXPAND AUTHORIZATION FOR CERTIFICATES OF
8 REHABILITATION FOR PERSONS CONVICTED OF CRIMES UNDER FEDERAL LAW,
9 IN STATE MILITARY COURT OR IN OTHER STATES; AND FOR RELATED
10 PURPOSES.

SS26\HB928A.1J

Eugene S. Clarke
Secretary of the Senate