

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 928**

**BY: Committee**

**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.

