

By: Representative Johnson

To: Corrections;
Appropriations

HOUSE BILL NO. 210

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO CONVERT
 2 THE THREE RESTITUTION CENTERS IN THE STATE TO POST-RELEASE REENTRY
 3 CENTERS; TO PROVIDE THAT THE POST-RELEASE REENTRY CENTERS SHALL BE
 4 FOR INDIVIDUALS WHO ARE ELIGIBLE FOR RELEASE, INCLUDING THOSE
 5 ELIGIBLE FOR PAROLE AND EARLY RELEASE SUPERVISION, IF SUCH
 6 INDIVIDUALS DO NOT HAVE IMMEDIATE ACCESS TO HOUSING UPON RELEASE;
 7 TO REQUIRE THE DEPARTMENT TO ADMINISTER SERVICES IN THE
 8 POST-RELEASE REENTRY CENTERS AS WELL AS OTHER FACILITIES THAT
 9 PROVIDE POST-RELEASE REENTRY SERVICES; TO REQUIRE THE DEPARTMENT
 10 TO ASSIST RESIDENTS OF THE CENTERS IN OBTAINING CERTAIN REENTRY
 11 NECESSITIES SUCH AS HOUSING, JOB SKILLS TRAINING AND DRIVER'S
 12 LICENSES; TO AMEND SECTIONS 45-33-35 AND 47-5-110, MISSISSIPPI
 13 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO REPEAL
 14 SECTION 99-37-19, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
 15 DEPARTMENT OF CORRECTIONS TO OPERATE RESTITUTION CENTERS; TO
 16 REPEAL SECTION 99-37-21, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
 17 CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF CORRECTIONS AND THE
 18 DEPARTMENT OF HUMAN SERVICES REGARDING RESTITUTION CENTERS; AND
 19 FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) The Department of Corrections shall convert
 22 the Greenwood Restitution Center, Flowood Restitution Center, and
 23 the Pascagoula Restitution Center to post-release reentry centers.

24 (2) Any person who is eligible for release, including parole
 25 and early release supervision, shall be eligible for placement in
 26 a post-release reentry center. Participation in a post-release



27 reentry center is intended for those who do not have immediate
28 access to housing or other support services upon release from
29 incarceration. Residents of post-release reentry centers shall
30 remain at a center for ninety (90) days or until other housing
31 becomes available, whichever period is shorter. A person
32 otherwise eligible for release from incarceration may not be
33 detained due to their refusal to accept placement in a
34 post-release reentry center. The residence restrictions provided
35 in Section 45-33-25 shall not apply to post-release reentry
36 centers regardless of the location of the center.

37 **SECTION 2.** (1) The Department of Corrections shall
38 institute and administer services in post-release reentry centers
39 at the facilities identified under Section 1 of this act and at
40 other facilities which provide post-release reentry services.

41 (2) The Department of Corrections shall:

42 (a) Seek funding from federal or other sources to
43 provide the maximum supportive services for residents and the
44 families of residents who are participating in a post-release
45 reentry program;

46 (b) Develop programs at post-release reentry centers
47 through which residents are provided support, training, and
48 connection to services necessary to contribute to society and the
49 support of themselves and their families upon returning to local
50 communities following incarceration; and



51 (c) Develop evidence-based pilot programs in
52 furtherance of aiding personal growth and development, overcoming
53 problematic behaviors, establishing a verified residency plan, and
54 teaching skills to enhance the resident's quality of life and
55 successful reentry into the community. The programs may be
56 residential or nonresidential as appropriate.

57 (3) The Department of Corrections shall assist residents in
58 obtaining:

- 59 (a) Counseling/case management services;
- 60 (b) Housing;
- 61 (c) Employment or job skills training;
- 62 (d) State-issued driver's licenses or a state-issued
63 IDs should a driver's license be unobtainable;
- 64 (e) Health care services;
- 65 (f) Educational services;
- 66 (g) Cognitive behavioral programs;
- 67 (h) Drug and alcohol treatment and recovery services;

68 and

- 69 (i) Other community support services.

70 **SECTION 3.** Section 45-33-35, Mississippi Code of 1972, is
71 amended as follows:

72 45-33-35. (1) The Mississippi Department of Public Safety
73 shall maintain a central registry of sex offender information as
74 defined in Section 45-33-25 and shall adopt rules and regulations
75 necessary to carry out this section. The responsible agencies



76 shall provide the information required in Section 45-33-25 on a
77 form developed by the department to ensure accurate information is
78 maintained.

79 (2) Upon conviction, adjudication or acquittal by reason of
80 insanity of any sex offender, if the sex offender is not
81 immediately confined or not sentenced to a term of imprisonment,
82 the clerk of the court which convicted and sentenced the sex
83 offender shall inform the person of the duty to register,
84 including the duty to personally appear at a facility designated
85 by the Department of Public Safety, or in a manner of the
86 Department of Public Safety's choosing, including by electronic
87 means, and shall perform the registration duties as described in
88 Section 45-33-23 and forward the information to the department.

89 (3) Before release from prison or placement on parole,
90 supervised release or in a work center * * *, the Department of
91 Corrections shall inform the person of the duty to register,
92 including the duty to personally appear at a facility designated
93 by the Department of Public Safety, or in a manner of the
94 Department of Public Safety's choosing, including by electronic
95 means, and shall perform the registration duties as described in
96 Section 45-33-23 and forward the information to the Department of
97 Public Safety.

98 (4) Before release from a community regional mental health
99 center or from confinement in a mental institution following an
100 acquittal by reason of insanity, the director of the facility



101 shall inform the offender of the duty to register, including the
102 duty to personally appear at a facility designated by the
103 Department of Public Safety, or in a manner of the Department of
104 Public Safety's choosing, including by electronic means, and shall
105 perform the registration duties as described in Section 45-33-23
106 and forward the information to the Department of Public Safety.

107 (5) Before release from a youthful offender facility, the
108 director of the facility shall inform the person of the duty to
109 register, including the duty to personally appear at a facility
110 designated by the Department of Public Safety, or in a manner of
111 the Department of Public Safety's choosing, including by
112 electronic means, and shall perform the registration duties as
113 described in Section 45-33-23 and forward the information to the
114 Department of Public Safety.

115 (6) In addition to performing the registration duties, the
116 responsible agency shall:

117 (a) Inform the person having a duty to register that:

118 (i) The person is required to personally appear at
119 a facility designated by the Department of Public Safety, or in a
120 manner of the Department of Public Safety's choosing, including by
121 electronic means, at least ten (10) days before changing address.

122 (ii) Any change of address to another jurisdiction
123 shall be reported to the department by personally appearing at a
124 facility designated by the Department of Public Safety, or in a
125 manner of the Department of Public Safety's choosing, including by



126 electronic means, not less than ten (10) days before the change of
127 address. The offender shall comply with any registration
128 requirement in the new jurisdiction.

129 (iii) The person must register in any jurisdiction
130 where the person is employed, carries on a vocation, is stationed
131 in the military or is a student.

132 (iv) Address verifications shall be made by
133 personally appearing at a facility designated by the Department of
134 Public Safety, or in a manner of the Department of Public Safety's
135 choosing, including by electronic means, within the required time
136 period.

137 (v) Notification or verification of a change in
138 status of a registrant's enrollment, employment or vocation at any
139 public or private educational institution, including any secondary
140 school, trade or professional institution, or institution of
141 higher education shall be reported to the department by personally
142 appearing at a facility designated by the Department of Public
143 Safety, or in a manner of the Department of Public Safety's
144 choosing, including by electronic means, within three (3) business
145 days of the change.

146 (vi) If the person has been convicted of a sex
147 offense, the person shall notify any organization for which the
148 person volunteers in which volunteers have direct, private or
149 unsupervised contact with minors that the person has been
150 convicted of a sex offense as provided in Section 45-33-32(1).



151 (vii) Upon any change of name or employment, a
152 registrant is required to personally appear at a facility
153 designated by the Department of Public Safety, or in a manner of
154 the Department of Public Safety's choosing, including by
155 electronic means, within three (3) business days of the change.

156 (viii) Upon any change of vehicle information, a
157 registrant is required to report the change on an appropriate form
158 supplied by the department within three (3) business days of the
159 change.

160 (ix) Upon any change of e-mail address or
161 addresses, instant message address or addresses or any other
162 designation used in Internet communications, postings or telephone
163 communications, a registrant is required to report the change on
164 an appropriate form supplied by the department within three (3)
165 business days of the change.

166 (x) Upon any change of information deemed to be
167 necessary to the state's policy to assist local law enforcement
168 agencies' efforts to protect their communities, a registrant is
169 required to report the change on an appropriate form supplied by
170 the department within three (3) business days of the change.

171 (b) Require the person to read and sign a form stating
172 that the duty of the person to register under this chapter has
173 been explained.

174 (c) Obtain or facilitate the obtaining of a biological
175 sample from every registrant as required by this chapter if such



176 biological sample has not already been provided to the Mississippi
177 Forensics Laboratory.

178 (d) Provide a copy of the order of conviction or
179 sentencing order to the department at the time of registration.

180 **SECTION 4.** Section 47-5-110, Mississippi Code of 1972, is
181 amended as follows:

182 47-5-110. (1) Commitment to any institution or facility
183 within the jurisdiction of the department shall be to the
184 department, not to a particular institution or facility. The
185 commissioner shall assign a newly committed offender to an
186 appropriate facility consistent with public safety; provided,
187 however, that any offender who, in the opinion of the sentencing
188 judge, requires confinement in a maximum security unit shall be
189 assigned, upon initial commitment, to the Parchman facility. The
190 commissioner may extend the place of confinement of eligible
191 offenders as provided under subsection (2) of this section. He
192 may transfer an offender from one (1) institution to another,
193 consistent with the commitment and in accordance with treatment,
194 training and security needs. The commissioner shall have the
195 authority to transfer inmates from the various correctional
196 facilities of the department to restitution centers * * *. The
197 commissioner shall prepare appropriate standards of eligibility
198 for such transfers of offenders from one (1) institution to
199 another institution and transfers of offenders who meet the
200 qualifications for placement in restitution centers. The



201 commissioner shall have the authority to remove the offenders from
202 restitution centers and to transfer them to other facilities of
203 the department. The commissioner shall obtain the approval of the
204 sentencing court before transferring an offender committed to the
205 department to a restitution center. On the request of the chief
206 executive officer of the affected unit of local government, the
207 commissioner may transfer a person detained in a local facility to
208 a state facility. The commissioner shall determine the cost of
209 care for that person to be borne by the unit of local government.
210 The commissioner may assign to a community work center, any
211 offender who is convicted under the Mississippi Implied Consent
212 Law and who is sentenced to the custody of the Department of
213 Corrections, except that if a death or a serious maiming has
214 occurred during the commission of the violation of the Mississippi
215 Implied Consent Law, then the offender so convicted may not be
216 assigned to a community work center.

217 (2) The department may establish by rule or policy and
218 procedure a community prerelease program which shall be subject to
219 the following requirements:

220 (a) The commissioner may extend the limits of
221 confinement of offenders serving sentences for violent or
222 nonviolent crimes who have six (6) months or less remaining before
223 release on parole, conditional release or discharge to participate
224 in the program. Parole violators may be allowed to participate in
225 the program.



226 (b) Any offender who is referred to the program shall
227 remain an offender of the department and shall be subject to rules
228 and regulations of the department pertaining to offenders of the
229 department until discharged or released on parole or conditional
230 release by the State Parole Board.

231 (c) The department shall require the offender to
232 participate in work or educational or vocational programs and
233 other activities that may be necessary for the supervision and
234 treatment of the offender.

235 (d) An offender assigned to the program shall be
236 authorized to leave a community prerelease center only for the
237 purpose and time necessary to participate in the program and
238 activities authorized in paragraph (c) of this subsection.

239 (3) The commissioner shall have absolute immunity from
240 liability for any injury resulting from a determination by the
241 commissioner that an offender shall be allowed to participate in
242 the community prerelease program.

243 (4) (a) The department may by rule or policy and procedure
244 provide evidence-based programs for the benefit of inmates, with
245 emphasis on those that are targeted at reducing inmate recidivism
246 and prerelease service for offenders at each of its major
247 correctional facilities: Mississippi State Penitentiary, Central
248 Mississippi Correctional Institution and South Mississippi
249 Correctional Institution and other facilities where the department
250 confines state inmates.



251 (b) The commissioner may establish prerelease programs
252 at the South Mississippi Correctional Institution. The prerelease
253 program may be located on the grounds of this facility or another
254 facility designated by the commissioner.

255 (c) For purposes of this subsection, the term
256 "evidence-based programs" shall have ascribed to it the meaning in
257 Section 27-103-159.

258 **SECTION 5.** The term "restitution center" appearing in the
259 laws of this state shall mean "post-release reentry center"
260 whenever it appears in Sections 25-3-25, 45-33-27, 45-44-35,
261 47-5-10, 47-5-26, 47-5-110, 47-5-194 and 47-7-37.

262 **SECTION 6.** Section 99-37-19, Mississippi Code of 1972, which
263 authorizes the Department of Corrections to operate restitution
264 centers, is hereby repealed.

265 **SECTION 7.** Section 99-37-21, Mississippi Code of 1972, which
266 provides certain powers and duties of the Department of Human
267 Services and the Department of Corrections regarding restitution
268 centers, is hereby repealed.

269 **SECTION 8.** This act shall take effect and be in force from
270 and after July 1, 2022.

