

By: Representative Roberson

To: Corrections

HOUSE BILL NO. 534

1 AN ACT TO REENACT SECTIONS 47-5-1001 THROUGH 47-5-1014,  
 2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR AN INTENSIVE  
 3 SUPERVISION PROGRAM AND ELECTRONIC HOME DETENTION UNDER THE  
 4 MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 47-5-1015,  
 5 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON  
 6 THE INTENSIVE SUPERVISION PROGRAM AND ELECTRONIC HOME DETENTION;  
 7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-5-1001, Mississippi Code of 1972, is  
 10 reenacted as follows:

11 47-5-1001. For purposes of Sections 47-5-1001 through  
 12 47-5-1015, the following words shall have the meaning ascribed  
 13 herein unless the context shall otherwise require:

14 (a) "Approved electronic monitoring device" means a  
 15 device approved by the department which is primarily intended to  
 16 record and transmit information regarding the offender's presence  
 17 or nonpresence in the home.

18 (b) "Correctional field officer" means the supervising  
 19 probation and parole officer in charge of supervising the  
 20 offender.



21 (c) "Court" means a circuit court having jurisdiction  
22 to place an offender into the intensive supervision program.

23 (d) "Department" means the Department of Corrections.

24 (e) "House arrest" means the confinement of a person  
25 convicted or charged with a crime to his place of residence under  
26 the terms and conditions established by the department or court.

27 (f) "Operating capacity" means the total number of  
28 state offenders which can be safely and reasonably housed in  
29 facilities operated by the department and in local or county jails  
30 or other facilities authorized to house state offenders as  
31 certified by the department, subject to applicable federal and  
32 state laws and rules and regulations.

33 (g) "Participant" means an offender placed into an  
34 intensive supervision program.

35 **SECTION 2.** Section 47-5-1003, Mississippi Code of 1972, is  
36 reenacted as follows:

37 47-5-1003. (1) An intensive supervision program may be used  
38 as an alternative to incarceration for offenders who are not  
39 convicted of a crime of violence pursuant to Section 97-3-2 as  
40 selected by the court and for juvenile offenders as provided in  
41 Section 43-21-605. Any offender convicted of a sex crime shall  
42 not be placed in the program.

43 (2) The court may place the defendant on intensive  
44 supervision, except when a death sentence or life imprisonment is  
45 the maximum penalty which may be imposed by a court or judge.



46           (3) To protect and to ensure the safety of the state's  
47 citizens, any offender who violates an order or condition of the  
48 intensive supervision program may be arrested by the correctional  
49 field officer and placed in the actual custody of the Department  
50 of Corrections. Such offender is under the full and complete  
51 jurisdiction of the department and subject to removal from the  
52 program by the classification hearing officer.

53           (4) When any circuit or county court places an offender in  
54 an intensive supervision program, the court shall give notice to  
55 the Mississippi Department of Corrections within fifteen (15) days  
56 of the court's decision to place the offender in an intensive  
57 supervision program. Notice shall be delivered to the central  
58 office of the Mississippi Department of Corrections and to the  
59 regional office of the department which will be providing  
60 supervision to the offender in an intensive supervision program.

61           The courts may not require an offender to participate in the  
62 intensive supervision program during a term of probation or  
63 post-release supervision.

64           (5) The Department of Corrections shall provide to the  
65 Oversight Task Force all relevant data regarding the offenders  
66 participating in the intensive supervision program including the  
67 number of offenders admitted to the program annually, the number  
68 of offenders who leave the program annually and why they leave,  
69 the number of offenders who are arrested or convicted annually and



70 the circumstances of the arrest and any other information  
71 requested.

72 **SECTION 3.** Section 47-5-1005, Mississippi Code of 1972, is  
73 reenacted as follows:

74 47-5-1005. (1) The department shall promulgate rules that  
75 prescribe reasonable guidelines under which an intensive  
76 supervision program shall operate. These rules shall include, but  
77 not be limited to, the following:

78 (a) The participant shall remain within the interior  
79 premises or within the property boundaries of his or her residence  
80 at all times during the hours designated by the correctional field  
81 officer.

82 (b) Approved absences from the home may include, but  
83 are not limited to, the following:

84 (i) Working or employment approved by the court or  
85 department and traveling to or from approved employment;

86 (ii) Unemployed and seeking employment approved  
87 for the participant by the court or department;

88 (iii) Undergoing medical, psychiatric, mental  
89 health treatment, counseling or other treatment programs approved  
90 for the participant by the court or department;

91 (iv) Attending an educational institution or a  
92 program approved for the participant by the court or department;



93 (v) Participating in community work release or a  
94 community service program approved for the participant by the  
95 court or department; or

96 (vi) For another compelling reason consistent with  
97 the public interest, as approved by the court or department.

98 (c) Except in case of a medical emergency and approval  
99 by the Commissioner of the Department of Corrections, or his  
100 designee, or by circuit court order for medical purposes, no  
101 participant in the intensive supervision program may leave the  
102 jurisdiction of the State of Mississippi.

103 (2) The department shall select and approve all electronic  
104 monitoring devices used under Sections 47-5-1001 through  
105 47-5-1015.

106 (3) The department may lease the equipment necessary to  
107 implement the intensive supervision program and to contract for  
108 the monitoring of such devices. The department is authorized to  
109 select the lowest price and best source in contracting for these  
110 services.

111 **SECTION 4.** Section 47-5-1007, Mississippi Code of 1972, is  
112 reenacted as follows:

113 47-5-1007. (1) Any participant in the intensive supervision  
114 program who engages in employment shall pay a monthly fee to the  
115 department for each month such person is enrolled in the program.  
116 The department may waive the monthly fee if the offender is a  
117 full-time student or is engaged in vocational training. Juvenile



118 offenders shall pay a monthly fee of not less than Ten Dollars  
119 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a  
120 sliding scale using the standard of need for each family that is  
121 used to calculate TANF benefits. Money received by the department  
122 from participants in the program shall be deposited into a special  
123 fund which is hereby created in the State Treasury. It shall be  
124 used, upon appropriation by the Legislature, for the purpose of  
125 helping to defray the costs involved in administering and  
126 supervising such program. Unexpended amounts remaining in such  
127 special fund at the end of a fiscal year shall not lapse into the  
128 State General Fund, and any interest earned on amounts in such  
129 special fund shall be deposited to the credit of the special fund.

130 (2) The participant shall admit any correctional officer  
131 into his residence at any time for purposes of verifying the  
132 participant's compliance with the conditions of his detention.

133 (3) The participant shall make the necessary arrangements to  
134 allow for correctional officers to visit the participant's place  
135 of education or employment at any time, based upon the approval of  
136 the educational institution or employer, for the purpose of  
137 verifying the participant's compliance with the conditions of his  
138 detention.

139 (4) The participant shall acknowledge and participate with  
140 the approved electronic monitoring device as designated by the  
141 department at any time for the purpose of verifying the  
142 participant's compliance with the conditions of his detention.



143 (5) The participant shall be responsible for and shall  
144 maintain the following:

145 (a) A working telephone line in the participant's home;

146 (b) A monitoring device in the participant's home, or  
147 on the participant's person, or both; and

148 (c) A monitoring device in the participant's home and  
149 on the participant's person in the absence of a telephone.

150 (6) The participant shall obtain approval from the  
151 correctional field officer before the participant changes  
152 residence.

153 (7) The participant shall not commit another crime during  
154 the period of home detention ordered by the court or department.

155 (8) Notice shall be given to the participant that violation  
156 of the order of home detention shall subject the participant to  
157 prosecution for the crime of escape as a felony.

158 (9) The participant shall abide by other conditions as set  
159 by the court or the department.

160 **SECTION 5.** Section 47-5-1009, Mississippi Code of 1972, is  
161 reenacted as follows:

162 47-5-1009. (1) The department shall have absolute immunity  
163 from liability for any injury resulting from a determination by a  
164 judge or correctional officer that an offender shall be allowed to  
165 participate in the electronic home detention program.



166 (2) The Department of Audit shall annually audit the records  
167 of the department to ensure compliance with Sections 47-5-1001  
168 through 47-5-1015.

169 **SECTION 6.** Section 47-5-1011, Mississippi Code of 1972, is  
170 reenacted as follows:

171 47-5-1011. (1) Before entering an order for commitment for  
172 electronic house arrest, the department shall inform the  
173 participant and other persons residing in the home of the nature  
174 and extent of the approved electronic monitoring devices by doing  
175 the following:

176 (a) Securing the written consent of the participant in  
177 the program to comply with the rules and regulations of the  
178 program.

179 (b) Advising adult persons residing in the home of the  
180 participant at the time an order or commitment for electronic  
181 house arrest is entered and asking such persons to acknowledge the  
182 nature and extent of approved electronic monitoring devices.

183 (c) Insuring that the approved electronic devices are  
184 minimally intrusive upon the privacy of other persons residing in  
185 the home while remaining in compliance with Sections 47-5-1001  
186 through 47-5-1015.

187 (2) The participant shall be responsible for the cost of  
188 equipment and any damage to such equipment. Any intentional  
189 damage, any attempt to defeat monitoring, any committing of a





190 criminal offense or any associating with felons or known  
191 criminals, shall constitute a violation of the program.

192 (3) Any person whose residence is utilized in the program  
193 shall agree to keep the home drug and alcohol free and to exclude  
194 known felons and criminals in order to provide a noncriminal  
195 environment.

196 **SECTION 7.** Section 47-5-1013, Mississippi Code of 1972, is  
197 reenacted as follows:

198 47-5-1013. Participants enrolled in an intensive supervision  
199 program shall be required to:

200 (a) Maintain employment if physically able, or  
201 full-time student status at an approved school or vocational  
202 trade, and make progress deemed satisfactory to the correctional  
203 field officer, or both, or be involved in supervised job searches.

204 (b) Pay restitution and program fees as directed by the  
205 department. Program fees shall not be less than Eighty-eight  
206 Dollars (\$88.00) per month. The sentencing judge may charge a  
207 program fee of less than Eighty-eight Dollars (\$88.00) per month  
208 in cases of extreme financial hardship, when such judge determines  
209 that the offender's participation in the program would provide a  
210 benefit to his community. Juvenile offenders shall not pay a  
211 program fee but shall pay a monthly fee as provided in Section  
212 47-5-1007. Program fees shall be deposited in the special fund  
213 created in Section 47-5-1007.



214 (c) Establish a place of residence at a place approved  
215 by the correctional field officer, and not change his residence  
216 without the officer's approval. The correctional officer shall be  
217 allowed to inspect the place of residence for alcoholic beverages,  
218 controlled substances and drug paraphernalia.

219 (d) Remain at his place of residence at all times  
220 except to go to work, to attend school, to perform community  
221 service and as specifically allowed in each instance by the  
222 correctional field officer.

223 (e) Allow administration of drug and alcohol tests as  
224 requested by the field officer.

225 (f) Perform not less than ten (10) hours of community  
226 service each month.

227 (g) Meet any other conditions imposed by the court to  
228 meet the needs of the offender and limit the risks to the  
229 community.

230 **SECTION 8.** Section 47-5-1014, Mississippi Code of 1972, is  
231 reenacted as follows:

232 47-5-1014. (1) Participants who have been in the intensive  
233 supervision program since July 1, 2004, whether placed into the  
234 program before or after July 1, 2004, shall pay a Fifty Dollar  
235 (\$50.00) monthly supervision fee to the Mississippi Department of  
236 Corrections for their supervision from July 1, 2004, or from the  
237 date the participant entered the program after July 1, 2004, until  
238 completion of the program, or April 6, 2005, or whichever occurs



239 first. From and after April 6, 2005, all participants of the  
240 intensive supervision program shall pay the fee as established in  
241 Section 47-5-1013.

242 (2) The Department of Corrections shall use its best effort  
243 to collect the monthly supervision fees in arrearage under this  
244 section.

245 (3) A participant's failure to pay the monthly fees in  
246 arrearage shall not be deemed a violation of a condition of the  
247 program, and the participant shall not be removed from the program  
248 for failure to pay the monthly fees in arrearage.

249 (4) This section shall not apply to any fees incurred after  
250 April 6, 2005.

251 (5) Any arrearage remaining under this section at the end of  
252 the offender's participation in the program shall automatically be  
253 reduced to a civil judgment and upon notice by the Department of  
254 Corrections shall be recorded with the circuit court clerk in the  
255 county wherein the participant resides. The Department of  
256 Corrections and/or the district attorney shall use best efforts to  
257 collect the judgment.

258 **SECTION 9.** Section 47-5-1015, Mississippi Code of 1972, is  
259 amended as follows:

260 47-5-1015. Sections 47-5-1001 through 47-5-1015 shall stand  
261 repealed after June 30, \* \* \* 2025.

262 **SECTION 10.** This act shall take effect and be in force from  
263 and after June 30, 2022.

