

By: Representative Currie

To: Corrections

HOUSE BILL NO. 930

1 AN ACT TO AMEND SECTION 47-5-8, MISSISSIPPI CODE OF 1972, TO  
2 CREATE A DIVISION OF PAROLE WITHIN THE MISSISSIPPI DEPARTMENT OF  
3 CORRECTIONS AND TO TRANSFER THE PAROLE BOARD TO THE DIVISION OF  
4 PAROLE; TO AUTHORIZE THE COMMISSIONER OF THE MISSISSIPPI  
5 DEPARTMENT OF CORRECTIONS TO APPOINT A DEPUTY COMMISSIONER OF THE  
6 DIVISION OF PAROLE; TO PROVIDE THAT THE DIVISION OF PAROLE SHALL  
7 BE RESPONSIBLE FOR ALL OF THE ADMINISTRATIVE AND FISCAL FUNCTIONS  
8 OF THE BOARD; TO CREATE NEW SECTION 47-7-5.1, MISSISSIPPI CODE OF  
9 1972, TO PROVIDE THAT THE DIVISION OF PAROLE SHALL BE RESPONSIBLE  
10 FOR ALL OF THE ADMINISTRATIVE AND FISCAL FUNCTIONS OF THE BOARD  
11 UNDER CHAPTER 7, TITLE 47, MISSISSIPPI CODE OF 1972; TO REQUIRE  
12 THE DIVISION OF PAROLE TO MAINTAIN A CENTRAL REGISTRY OF PAROLED  
13 INMATES; TO REQUIRE THE DEPUTY COMMISSIONER OF THE DIVISION OF  
14 PAROLE TO HIRE HEARING OFFICERS FOR THE BOARD; TO REQUIRE THE  
15 DEPUTY COMMISSIONER OF THE DIVISION OF PAROLE AND THE BOARD TO  
16 DEFINE THE SCOPE OF DUTY OF THE HEARING OFFICERS; TO AMEND SECTION  
17 47-7-5, MISSISSIPPI CODE OF 1972, TO PLACE THE PAROLE BOARD WITHIN  
18 THE DIVISION OF PAROLE; TO PROHIBIT THE BOARD FROM EXECUTING THE  
19 ADMINISTRATIVE OR FISCAL FUNCTIONS OF THE DIVISION OF PAROLE; TO  
20 DELETE THE PROVISION THAT GOVERNS THE BUDGET OF THE PAROLE BOARD;  
21 TO AUTHORIZE THE BOARD TO CONDUCT ITS ADJUDICATORY DUTIES  
22 ELECTRONICALLY AND/OR AT THE DIVISION OF PAROLE'S CENTRAL OFFICE;  
23 TO PROVIDE THAT THE ADMINISTRATIVE AND FISCAL DUTIES OF THE BOARD  
24 SHALL BE TRANSFERRED TO THE DIVISION OF PAROLE; TO EXTEND THE DATE  
25 OF THE AUTOMATIC REPEALER ON THIS SECTION; TO AMEND SECTION  
26 47-7-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SALARIES  
27 AND EXPENSES INCURRED UNDER CHAPTER 7, TITLE 47, MISSISSIPPI CODE  
28 OF 1972, SHALL BE PAID OUT OF FUNDS APPROPRIATED BY THE  
29 LEGISLATURE TO THE DEPARTMENT FOR THE SUPPORT AND MAINTENANCE OF  
30 THE BOARD; TO DELETE THE PROVISION THAT THE BOARD SHALL APPROVE  
31 ALL ACCOUNTS AND SALARIES; TO AMEND SECTIONS 47-7-2, 47-7-3.1,  
32 47-7-6, 47-7-9, 47-7-13, 47-7-15, 47-7-27, 47-7-38, 25-41-3,  
33 41-29-110 AND 65-1-8, MISSISSIPPI CODE OF 1972, TO CONFORM; AND  
34 FOR RELATED PURPOSES.



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

36 **SECTION 1.** Section 47-5-8, Mississippi Code of 1972, is  
37 amended as follows:

38 47-5-8. (1) There is created the Mississippi Department of  
39 Corrections, which shall be under the policy direction of the  
40 Governor. The chief administrative officer of the department  
41 shall be the Commissioner of Corrections.

42 (2) (a) There shall be an Executive Deputy Commissioner who  
43 shall be directly responsible to the Commissioner of Corrections  
44 within the department who shall serve as the Commissioner of  
45 Corrections in the absence of the Commissioner and shall assume  
46 any and all duties that the Commissioner of Corrections assigns,  
47 including, but not limited to, supervising all other deputy  
48 commissioners. The salary of the Executive Deputy Commissioner  
49 shall not exceed the salary of the Commissioner of Corrections.

50 (b) There shall be a Division of Administration and  
51 Finance within the department, which shall have as its chief  
52 administrative officer a Deputy Commissioner for Administration  
53 and Finance who shall be appointed by the commissioner, and shall  
54 be directly responsible to the commissioner.

55 (c) There shall be a Division of Community Corrections  
56 within the department, which shall have as its chief  
57 administrative officer a Deputy Commissioner for Community  
58 Corrections, who shall be appointed by the commissioner, and shall  
59 be directly responsible to the commissioner. \* \* \*



60           (d) (i) There shall be a Division of Parole within the  
61 department, which shall have as its chief administrative officer a  
62 Deputy Commissioner for Parole, who shall be appointed by the  
63 commissioner, and shall be directly responsible to the  
64 commissioner.

65           (ii) The Parole Board shall be within the  
66 division, and the division shall be responsible for all of the  
67 administrative and fiscal functions of the board under Chapter 7,  
68 Title 47, Mississippi Code of 1972.

69           (3) The department shall succeed to the exclusive control of  
70 all records, books, papers, equipment and supplies, and all lands,  
71 buildings and other real and personal property now or hereafter  
72 belonging to or assigned to the use and benefit or under the  
73 control of the Mississippi State Penitentiary and the Mississippi  
74 Probation and Parole Board, except the records of parole process  
75 and revocation and legal matters related thereto, and shall have  
76 the exercise and control of the use, distribution and disbursement  
77 of all funds, appropriations and taxes now or hereafter in  
78 possession, levied, collected or received or appropriated for the  
79 use, benefit, support and maintenance of these two (2) agencies  
80 except as otherwise provided by law, and the department shall have  
81 general supervision of all the affairs of the two (2) agencies  
82 herein named except as otherwise provided by law, and the care and  
83 conduct of all buildings and grounds, business methods and  
84 arrangements of accounts and records, the organization of the



85 administrative plans of each institution, and all other matters  
86 incident to the proper functioning of the two (2) agencies.

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

92 **SECTION 2.** The following shall be codified as Section  
93 47-7-5.1, Mississippi Code of 1972:

94 47-7-5.1. (1) The Division of Parole shall be responsible  
95 for all of the administrative and fiscal functions of the board  
96 under this chapter.

97 (2) (a) The Division of Parole shall maintain a central  
98 registry of paroled inmates and shall:

99 (i) Place the following information on the  
100 registry: name, address, photograph, crime for which paroled, the  
101 date of the end of parole or flat-time date and other information  
102 deemed necessary; and

103 (ii) Immediately remove information on a parolee  
104 at the end of his parole or flat-time date.

105 (b) When a person is placed on parole, the Division of  
106 Parole shall inform the parolee of the duty to report to the  
107 parole officer any change in address ten (10) days before changing  
108 address.



109 (c) The Division of Parole shall utilize an Internet  
110 website or other electronic means to release or publish the  
111 information.

112 (d) Records maintained on the registry shall be open to  
113 law enforcement agencies and the public.

114 (3) (a) The Deputy Commissioner of the Division of Parole  
115 shall hire up to three (3) licensed attorneys to serve as hearing  
116 officers for the board.

117 (b) The Deputy Commissioner of the Division of Parole  
118 and the board shall:

119 (i) Develop policies and procedures for hiring  
120 hearing officers in compliance with state law;

121 (ii) Develop regulations defining the scope of  
122 duty and responsibilities of hearing officers; and

123 (iii) Compose policies addressing any additional  
124 relative services that hearing officers may conduct.

125 (4) Hearing officers shall:

126 (a) Conduct preliminary hearings on revocations as  
127 provided in Section 47-7-27;

128 (b) Make recommendations to the board for final actions  
129 on revocations; and

130 (c) Fulfill the scope of duty and responsibilities  
131 assigned by the Division of Parole and the board under paragraph  
132 (b) of this subsection.



133           **SECTION 3.** Section 47-7-5, Mississippi Code of 1972, is  
134 amended as follows:

135           47-7-5. (1) (a) The State Parole Board \* \* \* is hereby  
136 created, continued and reconstituted and shall be composed of five  
137 (5) members. The Governor shall appoint the members with the  
138 advice and consent of the Senate. All terms shall be at the will  
139 and pleasure of the Governor. Any vacancy shall be filled by the  
140 Governor, with the advice and consent of the Senate. The Governor  
141 shall appoint a chairman of the board.

142                   (b) On the effective date of this act, the board shall  
143 be placed within the Division of Parole within the department.

144           (2) (a) Any person who is appointed to serve on the board  
145 shall possess at least a bachelor's degree or a high school  
146 diploma and four (4) years' work experience. Individuals shall be  
147 appointed to serve on the board without reference to their  
148 political affiliations.

149                   (b) Each member shall devote his full time to the  
150 duties of his office and shall not engage in any other business or  
151 profession or hold any other public office. A member shall  
152 receive compensation or per diem in addition to his or her salary.  
153 Each member shall keep such hours and workdays as required of  
154 full-time state employees under Section 25-1-98. \* \* \* Each board  
155 member, including the chairman, may be reimbursed for actual and  
156 necessary expenses as authorized by Section 25-3-41.



157           (c) (i) Each member of the board shall complete annual  
158 training developed based on guidance from the National Institute  
159 of Corrections, the Association of Paroling Authorities  
160 International, or the American Probation and Parole Association.

161           (ii) Each first-time appointee of the board shall,  
162 within sixty (60) days of appointment, or as soon as practical,  
163 complete training for first-time \* \* \* board members developed in  
164 consideration of information from the National Institute of  
165 Corrections, the Association of Paroling Authorities  
166 International, or the American Probation and Parole Association.

167           (3) (a) The board shall:

168                   (i) Have exclusive responsibility for the granting  
169 of parole as provided by Sections 47-7-3 and 47-7-17 and shall  
170 have exclusive authority for revocation of the same \* \* \*;  
and

171                   (ii) Have exclusive responsibility for  
172 investigating clemency recommendations upon request of the  
173 Governor.

174           (b) The board shall not execute the administrative or  
175 fiscal functions of the Division of Parole created under Section  
176 47-7-5.1.

177           (4) The board, its members and staff, shall be immune from  
178 civil liability for any official acts taken in good faith and in  
179 exercise of the board's legitimate governmental authority.

180           \* \* \*



181 ( \* \* \*5) The board shall have no authority or  
182 responsibility for supervision of offenders granted a release for  
183 any reason, including, but not limited to, probation, parole or  
184 executive clemency or other offenders requiring the same through  
185 interstate compact agreements. The supervision shall be provided  
186 exclusively by the staff of the Division of Community Corrections  
187 of the department.

188 ( \* \* \*6) (a) The \* \* \* board \* \* \* may instruct the  
189 Division of Parole to \* \* \* place offenders in an electronic  
190 monitoring program under the conditions and criteria imposed by  
191 the \* \* \* board. The conditions, restrictions and requirements of  
192 Section 47-7-17 and Sections 47-5-1001 through 47-5-1015 shall  
193 apply to the \* \* \* Division of Parole and any offender placed in  
194 an electronic monitoring program by the \* \* \* Division of Parole.

195 (b) Any offender placed in an electronic monitoring  
196 program under this subsection shall pay the program fee provided  
197 in Section 47-5-1013. The program fees shall be deposited in the  
198 special fund created in Section 47-5-1007.

199 (c) The department shall have absolute immunity from  
200 liability for any injury resulting from a determination by  
201 the \* \* \* board that an offender be placed in an electronic  
202 monitoring program.

203 (7) (a) The board shall be authorized to conduct its  
204 adjudicatory duties electronically and/or at the Division of  
205 Parole's central office as designated by the department.





206           (b) The department shall provide the board with the  
207 necessary equipment to conduct its duties electronically and shall  
208 develop policies and procedures that ensure that the board shall  
209 have sufficient space to carry out its duties in a secure and  
210 effective manner.

211           (8) \* \* \* On the effective date of this act, the  
212 administrative and fiscal duties of the board shall be transferred  
213 to the Division of Parole.

214           (9) An affirmative vote of at least four (4) members of  
215 the \* \* \* board shall be required to grant parole to an inmate  
216 convicted of capital murder or a sex crime.

217           (10) This section shall stand repealed on July 1, \* \* \*  
218 2026.

219           **SECTION 4.** Section 47-7-11, Mississippi Code of 1972, is  
220 amended as follows:

221           47-7-11. All salaries and expenses incurred in the carrying  
222 out of this chapter shall be paid out of funds appropriated by the  
223 Legislature to the department for the support and maintenance of  
224 the \* \* \* board. \* \* \*

225           **SECTION 5.** Section 47-7-2, Mississippi Code of 1972, is  
226 amended as follows:

227           47-7-2. For purposes of this chapter, the following words  
228 shall have the meaning ascribed herein unless the context shall  
229 otherwise require:



230           (a) "Adult" means a person who is seventeen (17) years  
231 of age or older, or any person convicted of any crime not subject  
232 to the provisions of the youth court law, or any person  
233 "certified" to be tried as an adult by any youth court in the  
234 state.

235           (b) "Board" means the State Parole Board within the  
236 Division of Parole within the Mississippi Department of  
237 Corrections.

238           (c) "Parole case plan" means an individualized, written  
239 accountability and behavior change strategy developed by the  
240 department in collaboration with the Parole Board to prepare  
241 offenders for release on parole at the parole eligibility date.  
242 The case plan shall focus on the offender's criminal risk factors  
243 that, if addressed, reduce the likelihood of reoffending.

244           (d) "Commissioner" means the Commissioner of  
245 Corrections.

246           (e) "Correctional system" means the facilities,  
247 institutions, programs and personnel of the department utilized  
248 for adult offenders who are committed to the custody of the  
249 department.

250           (f) "Criminal risk factors" means characteristics that  
251 increase a person's likelihood of reoffending. These  
252 characteristics include: antisocial behavior; antisocial  
253 personality; criminal thinking; criminal associates; dysfunctional



254 family; low levels of employment or education; poor use of leisure  
255 and recreation; and substance abuse.

256 (g) "Department" means the Mississippi Department of  
257 Corrections.

258 (h) "Detention" means the temporary care of juveniles  
259 and adults who require secure custody for their own or the  
260 community's protection in a physically restricting facility prior  
261 to adjudication, or retention in a physically restricting facility  
262 upon being taken into custody after an alleged parole or probation  
263 violation.

264 (i) "Discharge plan" means an individualized written  
265 document that provides information to support the offender in  
266 meeting the basic needs identified in the pre-release assessment.  
267 This information shall include, but is not limited to: contact  
268 names, phone numbers, and addresses of referrals and resources.

269 (j) "Evidence-based practices" means supervision  
270 policies, procedures, and practices that scientific research  
271 demonstrates reduce recidivism.

272 (k) "Facility" or "institution" means any facility for  
273 the custody, care, treatment and study of offenders which is under  
274 the supervision and control of the department.

275 (l) "Hearing officer" means the attorney or attorneys  
276 hired by the Deputy Commissioner of the Division of Parole under  
277 Section 47-7-5.1.



278 ( \* \* \*m) "Juvenile," "minor" or "youthful" means a  
279 person less than seventeen (17) years of age.

280 ( \* \* \*n) "Offender" means any person convicted of a  
281 crime or offense under the laws and ordinances of the state and  
282 its political subdivisions.

283 ( \* \* \*o) "Pre-release assessment" means a  
284 determination of an offender's ability to attend to basic needs,  
285 including, but not limited to, transportation, clothing and food,  
286 financial resources, personal identification documents, housing,  
287 employment, education, and health care, following release.

288 ( \* \* \*p) "Special meetings" means those meetings  
289 called by the chairman with at least twenty-four (24) hours'  
290 notice or a unanimous waiver of notice.

291 ( \* \* \*q) "Supervision plan" means a plan developed by  
292 the community corrections department to manage offenders on  
293 probation and parole in a way that reduces the likelihood they  
294 will commit a new criminal offense or violate the terms of  
295 supervision and that increases the likelihood of obtaining stable  
296 housing, employment and skills necessary to sustain positive  
297 conduct.

298 ( \* \* \*r) "Technical violation" means an act or  
299 omission by the probationer that violates a condition or  
300 conditions of probation placed on the probationer by the court or  
301 the probation officer.



302 ( \* \* \*s) "Transitional reentry center" means a  
303 state-operated or state-contracted facility used to house  
304 offenders leaving the physical custody of the Department of  
305 Corrections on parole, probation or post-release supervision who  
306 are in need of temporary housing and services that reduce their  
307 risk to reoffend.

308 ( \* \* \*t) "Unit of local government" means a county,  
309 city, town, village or other general purpose political subdivision  
310 of the state.

311 ( \* \* \*u) "Risk and needs assessment" means the  
312 determination of a person's risk to reoffend using an actuarial  
313 assessment tool validated on Mississippi corrections populations  
314 and the needs that, when addressed, reduce the risk to reoffend.

315 **SECTION 6.** Section 47-7-3.1, Mississippi Code of 1972, is  
316 amended as follows:

317 47-7-3.1. (1) In consultation with the Parole Board, the  
318 department shall develop a case plan for all parole-eligible  
319 inmates to guide an inmate's rehabilitation while in the  
320 department's custody and to reduce the likelihood of recidivism  
321 after release.

322 (2) The case plan shall include, but not be limited to:

323 (a) Programming and treatment requirements based on the  
324 results of a risk and needs assessment;

325 (b) Any programming or treatment requirements contained  
326 in the sentencing order; and



327 (c) General behavior requirements in accordance with  
328 the rules and policies of the department.

329 (3) With respect to parole-eligible inmates admitted to the  
330 department's custody on or after July 1, 2021, the department  
331 shall complete the case plan within ninety (90) days of admission.  
332 With respect to parole-eligible inmates admitted to the  
333 department's custody before July 1, 2021, the department shall  
334 complete the case plan by January 1, 2022.

335 (4) The department shall provide the inmate with a written  
336 copy of the case plan and the inmate's caseworker shall explain  
337 the conditions set forth in the case plan.

338 (a) Within ninety (90) days of admission, the  
339 caseworker shall notify the inmate of their parole eligibility  
340 date as calculated in accordance with Section 47-7-3(3);

341 (b) At the time a parole-eligible inmate receives the  
342 case plan, the department shall send the case plan to the Parole  
343 Board for approval.

344 (5) With respect to parole-eligible inmates admitted to the  
345 department's custody after July 1, 2021, the department shall  
346 ensure that the case plan is achievable prior to the inmate's  
347 parole eligibility date. With respect to parole-eligible inmates  
348 admitted to the department's custody before July 1, 2021, the  
349 department shall, to the extent possible, ensure that the case  
350 plan is achievable prior to the inmate's parole eligibility date



351 or next parole hearing date, or date of release, whichever is  
352 sooner.

353 (6) The caseworker shall meet with the inmate every eight  
354 (8) weeks from the date the offender received the case plan to  
355 review the inmate's case plan progress.

356 (7) Every four (4) months the department shall  
357 electronically submit a progress report on each parole-eligible  
358 inmate's case plan to the Parole Board. The board may meet to  
359 review an inmate's case plan and may provide written input to the  
360 caseworker on the inmate's progress toward completion of the case  
361 plan.

362 (8) The \* \* \* Division of Parole shall provide semiannually  
363 to the Oversight Task Force the number of parole hearings held,  
364 the number of prisoners released to parole without a hearing and  
365 the number of parolees released after a hearing.

366 (9) If the Department of Corrections fails to adequately  
367 provide opportunity and access for the completion of such case  
368 plans, the Department of Corrections shall, to the extent  
369 possible, contract with regional jail facilities that offer  
370 educational development and job-training programs to facilitate  
371 the fulfillment of the case plans of parole-eligible inmates.

372 **SECTION 7.** Section 47-7-6, Mississippi Code of 1972, is  
373 amended as follows:

374 47-7-6. (1) The \* \* \* Division of Parole shall collect the  
375 following information:



376 (a) The number of offenders supervised on parole;  
377 (b) The number of offenders released on parole;  
378 (c) The number of parole hearings held;  
379 (d) The parole grant rate for parolees released with  
380 and without a hearing;  
381 (e) The average length of time offenders spend on  
382 parole;  
383 (f) The number and percentage of parolees revoked for a  
384 technical violation and returned for a term of imprisonment in a  
385 technical violation center;  
386 (g) The number and percentage of parolees revoked for a  
387 technical violation and returned for a term of imprisonment in  
388 another type of Department of Corrections \* \* \* facility;  
389 (h) The number and percentage of parolees who are  
390 convicted of a new offense and returned for a term of imprisonment  
391 on their current crime as well as the new crime;  
392 (i) The number of parolees held on a violation in  
393 county jail awaiting a revocation hearing; and  
394 (j) The average length of stay in a county jail for  
395 parolees awaiting a revocation hearing.  
396 (2) The \* \* \* Division of Parole shall semiannually report  
397 information required in subsection (1) of this section to the  
398 Oversight Task Force, and upon request, shall report such  
399 information to the PEER Committee.





400           **SECTION 8.** Section 47-7-9, Mississippi Code of 1972, is  
401 amended as follows:

402           47-7-9. (1) The circuit judges and county judges in the  
403 districts to which Division of Community Corrections personnel  
404 have been assigned shall have the power to request of the  
405 department transfer or removal of the division personnel from  
406 their court.

407           (2) (a) Division of Community Corrections' personnel shall  
408 investigate all cases referred to them for investigation by the  
409 board, the Division of Community Corrections or by any court in  
410 which they are authorized to serve. They shall furnish to each  
411 person released under their supervision a written statement of the  
412 conditions of probation, parole, earned-release supervision,  
413 post-release supervision or suspension and shall instruct the  
414 person regarding the same. They shall administer a risk and needs  
415 assessment on each person under their supervision to measure  
416 criminal risk factors and individual needs. They shall use the  
417 results of the risk and needs assessment to guide supervision  
418 responses consistent with evidence-based practices as to the level  
419 of supervision and the practices used to reduce recidivism. They  
420 shall develop a supervision plan for each person assessed as  
421 moderate to high risk to reoffend. They shall keep informed  
422 concerning the conduct and conditions of persons under their  
423 supervision and use all suitable methods that are consistent with  
424 evidence-based practices to aid and encourage them and to bring



425 about improvements in their conduct and condition and to reduce  
426 the risk of recidivism. They shall keep detailed records of their  
427 work and shall make such reports in writing as the court or the  
428 board may require.

429 (b) Division of Community Corrections' personnel shall  
430 complete annual training on evidence-based practices and criminal  
431 risk factors, as well as instructions on how to target these  
432 factors to reduce recidivism.

433 (c) The Division of Community Corrections' personnel  
434 duly assigned to court districts are hereby vested with all the  
435 powers of police officers or sheriffs to make arrests or perform  
436 any other duties required of policemen or sheriffs which may be  
437 incident to the Division of Community Corrections' personnel  
438 responsibilities. All probation and parole officers hired on or  
439 after July 1, 1994, will be placed in the Law Enforcement Officers  
440 Training Program and will be required to meet the standards  
441 outlined by that program.

442 (d) It is the intention of the Legislature that insofar  
443 as practicable the case load of each Division of Community  
444 Corrections' personnel supervising offenders in the community  
445 (hereinafter field supervisor) shall not exceed the number of  
446 cases that may be adequately handled.

447 (3) (a) Division of Community Corrections' personnel shall  
448 be provided to perform investigation for the court as provided in  
449 this subsection. Division of Community Corrections' personnel



450 shall conduct presentence investigations on all persons convicted  
451 of a felony in any circuit court of the state, prior to sentencing  
452 and at the request of the circuit court judge of the court of  
453 conviction. The presentence evaluation report shall consist of a  
454 complete record of the offender's criminal history, educational  
455 level, employment history, psychological condition and such other  
456 information as the department or judge may deem necessary.  
457 Division of Community Corrections' personnel shall also prepare  
458 written victim impact statements at the request of the sentencing  
459 judge as provided in Section 99-19-157.

460 (b) In order that offenders in the custody of the  
461 department on July 1, 1976, may benefit from the kind of  
462 evaluations authorized in this section, an evaluation report to  
463 consist of the information required hereinabove, supplemented by  
464 an examination of an offender's record while in custody, shall be  
465 compiled by the Division of Community Corrections upon all  
466 offenders in the custody of the department on July 1, 1976. After  
467 a study of such reports by the State Parole Board those cases  
468 which the board believes would merit some type of executive  
469 clemency shall be submitted by the board to the Governor with its  
470 recommendation for the appropriate executive action.

471 (c) The department is authorized to accept gifts,  
472 grants and subsidies to conduct this activity.

473 **SECTION 9.** Section 47-7-13, Mississippi Code of 1972, is  
474 amended as follows:



475           47-7-13. A majority of the board shall constitute a quorum  
476 for the transaction of all business. A decision to parole an  
477 offender convicted of murder or a sex-related crime shall require  
478 the affirmative vote of three (3) members. The board with the  
479 assistance of the Division of Parole shall maintain, in minute  
480 book form, a copy of each of its official actions with the reasons  
481 therefor. Suitable and sufficient office space and support  
482 resources and staff necessary to conducting Parole Board business  
483 shall be provided by the Department of Corrections. \* \* \*

484           **SECTION 10.** Section 47-7-15, Mississippi Code of 1972, is  
485 amended as follows:

486           47-7-15. The board shall adopt an official seal of which the  
487 courts shall take judicial notice. Decisions of the board shall  
488 be made by majority vote, except as provided in Section 47-7-5(9).

489           The board, with the assistance of the Division of Parole  
490 shall keep a record of its acts and shall notify each institution  
491 of its decisions relating to the persons who are or have been  
492 confined therein. At the close of each fiscal year the \* \* \*  
493 Division of Parole shall submit to the Governor and to the  
494 Legislature a report with statistical and other data of its work.

495           **SECTION 11.** Section 47-7-27, Mississippi Code of 1972, is  
496 amended as follows:

497           47-7-27. (1) The board may, at any time and upon a showing  
498 of probable violation of parole, issue a warrant for the return of  
499 any paroled offender to the custody of the department. The



500 warrant shall authorize all persons named therein to return the  
501 paroled offender to actual custody of the department from which he  
502 was paroled.

503 (2) Any field supervisor may arrest an offender without a  
504 warrant or may deputize any other person with power of arrest by  
505 giving him a written statement setting forth that the offender  
506 has, in the judgment of that field supervisor, violated the  
507 conditions of his parole or earned-release supervision. The  
508 written statement delivered with the offender by the arresting  
509 officer to the official in charge of the department facility from  
510 which the offender was released or other place of detention  
511 designated by the department shall be sufficient warrant for the  
512 detention of the offender.

513 (3) The field supervisor, after making an arrest, shall  
514 present to the detaining authorities a similar statement of the  
515 circumstances of violation. The field supervisor shall at once  
516 notify the board or department of the arrest and detention of the  
517 offender and shall submit a written report showing in what manner  
518 the offender has violated the conditions of parole or  
519 earned-release supervision. An offender for whose return a  
520 warrant has been issued by the board shall, after the issuance of  
521 the warrant, be deemed a fugitive from justice.

522 (4) Whenever an offender is arrested on a warrant for an  
523 alleged violation of parole as herein provided, \* \* \* a hearing  
524 officer shall hold an informal preliminary hearing within



525 seventy-two (72) hours to determine whether there is reasonable  
526 cause to believe the person has violated a condition of parole. A  
527 preliminary hearing shall not be required when the offender is not  
528 under arrest on a warrant or the offender signed a waiver of a  
529 preliminary hearing. The preliminary hearing may be conducted  
530 electronically.

531 (5) The right of the State of Mississippi to extradite  
532 persons and return fugitives from justice, from other states to  
533 this state, shall not be impaired by this chapter and shall remain  
534 in full force and effect. An offender convicted of a felony  
535 committed while on parole, whether in the State of Mississippi or  
536 another state, shall immediately have his parole revoked upon  
537 presentment of a certified copy of the commitment order to the  
538 board. If an offender is on parole and the offender is convicted  
539 of a felony for a crime committed prior to the offender being  
540 placed on parole, whether in the State of Mississippi or another  
541 state, the offender may have his parole revoked upon presentment  
542 of a certified copy of the commitment order to the board.

543 (6) (a) The board shall hold a hearing for any parolee who  
544 is detained as a result of a warrant or a violation report within  
545 twenty-one (21) days of the parolee's admission to detention. The  
546 board may, in its discretion, terminate the parole or modify the  
547 terms and conditions thereof. If the board revokes parole for one  
548 or more technical violations the board shall impose a period of  
549 imprisonment to be served in a technical violation center operated



550 by the department not to exceed ninety (90) days for the first  
551 revocation and not to exceed one hundred twenty (120) days for the  
552 second revocation. For the third revocation, the board may impose  
553 a period of imprisonment to be served in a technical violation  
554 center for up to one hundred \* \* \* eighty (180) days or the board  
555 may impose the remainder of the suspended portion of the sentence.  
556 For the fourth and any subsequent revocation, the board may impose  
557 up to the remainder of the suspended portion of the sentence. The  
558 period of imprisonment in a technical violation center imposed  
559 under this section shall not be reduced in any manner.

560 (b) If the board does not hold a hearing or does not  
561 take action on the violation within the twenty-one-day time frame  
562 in paragraph (a) of this subsection, the parolee shall be released  
563 from detention and shall return to parole status. The board may  
564 subsequently hold a hearing and may revoke parole or may continue  
565 parole and modify the terms and conditions of parole. If the  
566 board revokes parole for one or more technical violations the  
567 board shall impose a period of imprisonment to be served in a  
568 technical violation center operated by the department not to  
569 exceed ninety (90) days for the first revocation and not to exceed  
570 one hundred twenty (120) days for the second revocation. For the  
571 third revocation, the board may impose a period of imprisonment to  
572 be served in a technical violation center for up to one hundred  
573 eighty (180) days or the board may impose the remainder of the  
574 suspended portion of the sentence. For the fourth and any



575 subsequent revocation, the board may impose up to the remainder of  
576 the suspended portion of the sentence. The period of imprisonment  
577 in a technical violation center imposed under this section shall  
578 not be reduced in any manner.

579 (c) For a parolee charged with one or more technical  
580 violations who has not been detained awaiting the revocation  
581 hearing, the board may hold a hearing within a reasonable time.  
582 The board may revoke parole or may continue parole and modify the  
583 terms and conditions of parole. If the board revokes parole for  
584 one or more technical violations the board shall impose a period  
585 of imprisonment to be served in a technical violation center  
586 operated by the department not to exceed ninety (90) days for the  
587 first revocation and not to exceed one hundred twenty (120) days  
588 for the second revocation. For the third revocation, the board  
589 may impose a period of imprisonment to be served in a technical  
590 violation center for up to one hundred eighty (180) days or the  
591 board may impose the remainder of the suspended portion of the  
592 sentence. For the fourth and any subsequent revocation, the board  
593 may impose up to the remainder of the suspended portion of the  
594 sentence. The period of imprisonment in a technical violation  
595 center imposed under this section shall not be reduced in any  
596 manner.

597 (7) Unless good cause for the delay is established in the  
598 record of the proceeding, the parole revocation charge shall be





599 dismissed if the revocation hearing is not held within the thirty  
600 (30) days of the issuance of the warrant.

601 (8) The chairman and each member of the board and the  
602 designated parole revocation hearing officer may, in the discharge  
603 of their duties, administer oaths, summon and examine witnesses,  
604 and take other steps as may be necessary to ascertain the truth of  
605 any matter about which they have the right to inquire.

606 (9) The \* \* \* Division of Parole shall provide semiannually  
607 to the Oversight Task Force the number of warrants issued for an  
608 alleged violation of parole, the average time between detention on  
609 a warrant and preliminary hearing, the average time between  
610 detention on a warrant and revocation hearing, the number of  
611 ninety-day sentences in a technical violation center issued by the  
612 board, the number of one-hundred-twenty-day sentences in a  
613 technical violation center issued by the board, the number of  
614 one-hundred-eighty-day sentences issued by the board, and the  
615 number and average length of the suspended sentences imposed by  
616 the board in response to a violation.

617 **SECTION 12.** Section 47-7-38, Mississippi Code of 1972, is  
618 amended as follows:

619 47-7-38. (1) The department shall have the authority to  
620 impose graduated sanctions as an alternative to judicial  
621 modification or revocation, as provided in Sections 47-7-27 and  
622 47-7-37, for offenders on probation, parole, or post-release



623 supervision who commit technical violations of the conditions of  
624 supervision as defined by Section 47-7-2.

625 (2) The commissioner shall develop a standardized graduated  
626 sanctions system, which shall include a grid to guide field  
627 officers in determining the suitable response to a technical  
628 violation. The commissioner shall promulgate rules and  
629 regulations for the development and application of the system of  
630 sanctions. Field officers shall be required to conform to the  
631 sanction grid developed.

632 (3) The system of sanctions shall include a list of  
633 sanctions for the most common types of violations. When  
634 determining the sanction to impose, the field officer shall take  
635 into account the offender's assessed risk level, previous  
636 violations and sanctions, and severity of the current and prior  
637 violations.

638 (4) Field officers shall notify the sentencing court when a  
639 probationer has committed a technical violation or the \* \* \*  
640 Division of Parole when a parolee has committed a technical  
641 violation of the type of violation and the sanction imposed. When  
642 the technical violation is an arrest for a new criminal offense,  
643 the field officer shall notify the court within forty-eight (48)  
644 hours of becoming aware of the arrest.

645 (5) The graduated sanctions that the department may impose  
646 include, but shall not be limited to:

647 (a) Verbal warnings;



648 (b) Increased reporting;  
649 (c) Increased drug and alcohol testing;  
650 (d) Mandatory substance abuse treatment;  
651 (e) Loss of earned-discharge credits; and  
652 (f) Incarceration in a county jail for no more than two  
653 (2) days. Incarceration as a sanction shall not be used more than  
654 two (2) times per month for a total period incarcerated of no more  
655 than four (4) days.

656 (6) The system shall also define positive reinforcements  
657 that offenders will receive for compliance with conditions of  
658 supervision. These positive reinforcements shall include, but not  
659 limited to:

660 (a) Verbal recognition;  
661 (b) Reduced reporting; and  
662 (c) Credits for earned discharge which shall be awarded  
663 pursuant to Section 47-7-40.

664 (7) The Department of Corrections shall provide semiannually  
665 to the Oversight Task Force the number and percentage of offenders  
666 who have one or more violations during the year, the average  
667 number of violations per offender during the year and the total  
668 and average number of incarceration sanctions as defined in  
669 subsection (5) of this section imposed during the year.

670 **SECTION 13.** Section 25-41-3, Mississippi Code of 1972, is  
671 amended as follows:



672 25-41-3. For purposes of this chapter, the following words  
673 shall have the meaning ascribed herein, to wit:

674 (a) "Public body" means any executive or administrative  
675 board, commission, authority, council, department, agency, bureau  
676 or any other policymaking entity, or committee thereof, of the  
677 State of Mississippi, or any political subdivision or municipal  
678 corporation of the state, whether the entity be created by statute  
679 or executive order, which is supported wholly or in part by public  
680 funds or expends public funds, and any standing, interim or  
681 special committee of the Mississippi Legislature. The term  
682 "public body" includes the governing board of a charter school  
683 authorized by the Mississippi Charter School Authorizer Board and  
684 the board of trustees of a community hospital as defined in  
685 Section 41-13-10. The term "public body" includes the Mississippi  
686 Lottery Corporation. There shall be exempted from the provisions  
687 of this chapter:

688 (i) The judiciary, including all jury  
689 deliberations;

690 (ii) Law enforcement officials;

691 (iii) The military;

692 (iv) The State Probation and Parole Board and the  
693 hearing officers of the Division of Parole within the Mississippi  
694 Department of Corrections;

695 (v) The Workers' Compensation Commission;



696 (vi) Legislative subcommittees and legislative  
697 conference committees;

698 (vii) The arbitration council established in  
699 Section 69-3-19;

700 (viii) License revocation, suspension and  
701 disciplinary proceedings held by the Mississippi State Board of  
702 Dental Examiners; and

703 (ix) Hearings and meetings of the Board of Tax  
704 Appeals and of the hearing officers and the board of review of the  
705 Department of Revenue as provided in Section 27-77-15.

706 (b) "Meeting" means an assemblage of members of a  
707 public body at which official acts may be taken upon a matter over  
708 which the public body has supervision, control, jurisdiction or  
709 advisory power, including an assemblage through the use of video  
710 or teleconference devices that conforms to Section 25-41-5.

711 **SECTION 14.** Section 41-29-110, Mississippi Code of 1972, is  
712 amended as follows:

713 41-29-110. The Mississippi Bureau of Narcotics is hereby  
714 authorized and empowered to request and to accept the use of  
715 persons convicted of an offense, whether a felony or a  
716 misdemeanor, for work in support of the bureau. The bureau is  
717 authorized to enter into any agreements with the Department of  
718 Corrections \* \* \* any criminal court of this state, and any other  
719 proper official regarding the working, guarding, safekeeping,  
720 clothing and subsistence of such persons performing work for the



721 Mississippi Bureau of Narcotics. Such persons shall not be deemed  
722 agents, employees or involuntary servants of the bureau while  
723 performing such work or while going to and from work or other  
724 specified areas.

725 **SECTION 15.** Section 65-1-8, Mississippi Code of 1972, is  
726 amended as follows:

727 65-1-8. (1) The Mississippi Transportation Commission shall  
728 have the following general powers, duties and responsibilities:

729 (a) To coordinate and develop a comprehensive, balanced  
730 transportation policy for the State of Mississippi;

731 (b) To promote the coordinated and efficient use of all  
732 available and future modes of transportation;

733 (c) To make recommendations to the Legislature  
734 regarding alterations or modifications in any existing  
735 transportation policies;

736 (d) To study means of encouraging travel and  
737 transportation of goods by the combination of motor vehicle and  
738 other modes of transportation;

739 (e) To take such actions as are necessary and proper to  
740 discharge its duties pursuant to the provisions of Chapter 496,  
741 Laws of 1992, and any other provision of law;

742 (f) To receive and provide for the expenditure of any  
743 funds made available to it by the Legislature, the federal  
744 government or any other source.



745           (2) In addition to the general powers, duties and  
746 responsibilities listed in subsection (1) of this section, the  
747 Mississippi Transportation Commission shall have the following  
748 specific powers:

749           (a) To make rules and regulations whereby the  
750 Transportation Department shall change or relocate any and all  
751 highways herein or hereafter fixed as constituting a part of the  
752 state highway system, as may be deemed necessary or economical in  
753 the construction or maintenance thereof; to acquire by gift,  
754 purchase, condemnation or otherwise, land or other property  
755 whatsoever that may be necessary for a state highway system as  
756 herein provided, with full consideration to be given to the  
757 stimulation of local public and private investment when acquiring  
758 such property in the vicinity of Mississippi towns, cities and  
759 population centers;

760           (b) To enforce by mandamus, or other proper legal  
761 remedies, all legal rights or rights of action of the Mississippi  
762 Transportation Commission with other public bodies, corporations  
763 or persons;

764           (c) To make and publish rules, regulations and  
765 ordinances for the control of and the policing of the traffic on  
766 the state highways, and to prevent their abuse by any or all  
767 persons, natural or artificial, by trucks, tractors, trailers or  
768 any other heavy or destructive vehicles or machines, or by any  
769 other means whatsoever, by establishing weights of loads or of



770 vehicles, types of tires, width of tire surfaces, length and width  
771 of vehicles, with reasonable variations to meet approximate  
772 weather conditions, and all other proper police and protective  
773 regulations, and to provide ample means for the enforcement of  
774 same. The violation of any of the rules, regulations or  
775 ordinances so prescribed by the commission shall constitute a  
776 misdemeanor. No rule, regulation or ordinance shall be made that  
777 conflicts with any statute now in force or which may hereafter be  
778 enacted, or with any ordinance of municipalities. A monthly  
779 publication giving general information to the boards of  
780 supervisors, employees and the public may be issued under such  
781 rules and regulations as the commission may determine;

782 (d) To give suitable numbers to highways and to change  
783 the number of any highway that shall become a part of the state  
784 highway system. However, nothing herein shall authorize the  
785 number of any highway to be changed so as to conflict with any  
786 designation thereof as a U.S. numbered highway. Where, by a  
787 specific act of the Legislature, the commission has been directed  
788 to give a certain number to a highway, the commission shall not  
789 have the authority to change such number;

790 (e) (i) To make proper and reasonable rules,  
791 regulations, and ordinances for the placing, erection, removal or  
792 relocation of telephone, telegraph or other poles, signboards,  
793 fences, gas, water, sewerage, oil or other pipelines, and other  
794 obstructions that may, in the opinion of the commission,





795 contribute to the hazards upon any of the state highways, or in  
796 any way interfere with the ordinary travel upon such highways, or  
797 the construction, reconstruction or maintenance thereof, and to  
798 make reasonable rules and regulations for the proper control  
799 thereof. Any violation of such rules or regulations or  
800 noncompliance with such ordinances shall constitute a misdemeanor;

801 (ii) Except as otherwise provided for in this  
802 paragraph, whenever the order of the commission shall require the  
803 removal of, or other changes in the location of telephone,  
804 telegraph or other poles, signboards, gas, water, sewerage, oil or  
805 other pipelines; or other similar obstructions on the right-of-way  
806 or such other places where removal is required by law, the owners  
807 thereof shall at their own expense move or change the same to  
808 conform to the order of the commission. Any violation of such  
809 rules or regulations or noncompliance with such orders shall  
810 constitute a misdemeanor;

811 (iii) Rural water districts, rural water systems,  
812 nonprofit water associations and municipal public water systems in  
813 municipalities with a population of ten thousand (10,000) or less,  
814 according to the latest federal decennial census, shall not be  
815 required to bear the cost and expense of removal and relocation of  
816 water and sewer lines and facilities constructed or in place in  
817 the rights-of-way of state highways. The cost and expense of such  
818 removal and relocation, including any unpaid prior to July 1,  
819 2002, shall be paid by the Department of Transportation;



820                   (iv) Municipal public sewer systems and municipal  
821 gas systems owned by municipalities with a population of ten  
822 thousand (10,000) or less, according to the latest federal  
823 decennial census, shall not be required to bear the cost and  
824 expense of removal and relocation of lines and facilities  
825 constructed or in place in the rights-of-way of state highways.  
826 The cost and expense of such removal and relocation, including any  
827 unpaid prior to July 1, 2003, shall be paid by the Department of  
828 Transportation;

829                   (f) To regulate and abandon grade crossings on any road  
830 fixed as a part of the state highway system, and whenever the  
831 commission, in order to avoid a grade crossing with the railroad,  
832 locates or constructs said road on one side of the railroad, the  
833 commission shall have the power to abandon and close such grade  
834 crossing, and whenever an underpass or overhead bridge is  
835 substituted for a grade crossing, the commission shall have power  
836 to abandon such grade crossing and any other crossing adjacent  
837 thereto. Included in the powers herein granted shall be the power  
838 to require the railroad at grade crossings, where any road of the  
839 state highway system crosses the same, to place signal posts with  
840 lights or other warning devices at such crossings at the expense  
841 of the railroad, and to regulate and abandon underpass or overhead  
842 bridges and, where abandoned because of the construction of a new  
843 underpass or overhead bridge, to close such old underpass or



844 overhead bridge, or, in its discretion, to return the same to the  
845 jurisdiction of the county board of supervisors;

846 (g) To make proper and reasonable rules and regulations  
847 to control the cutting or opening of the road surfaces for  
848 subsurface installations;

849 (h) To make proper and reasonable rules and regulations  
850 for the removal from the public rights-of-way of any form of  
851 obstruction, to cooperate in improving their appearance, and to  
852 prescribe minimum clearance heights for seed conveyors, pipes,  
853 passageways or other structure of private or other ownership above  
854 the highways;

855 (i) To establish, and have the Transportation  
856 Department maintain and operate, and to cooperate with the state  
857 educational institutions in establishing, enlarging, maintaining  
858 and operating a laboratory or laboratories for testing materials  
859 and for other proper highway purposes;

860 (j) To provide, under the direction and with the  
861 approval of the Department of Finance and Administration, suitable  
862 offices, shops and barns in the City of Jackson;

863 (k) To establish and have enforced set-back  
864 regulations;

865 (l) To cooperate with proper state authorities in  
866 producing limerock for highway purposes and to purchase same at  
867 cost;



868           (m) To provide for the purchase of necessary equipment  
869 and vehicles and to provide for the repair and housing of same, to  
870 acquire by gift, purchase, condemnation or otherwise, land or  
871 lands and buildings in fee simple, and to authorize the  
872 Transportation Department to construct, lease or otherwise provide  
873 necessary and proper permanent district offices for the  
874 construction and maintenance divisions of the department, and for  
875 the repair and housing of the equipment and vehicles of the  
876 department; however, in each Supreme Court district only two (2)  
877 permanent district offices shall be set up, but a permanent status  
878 shall not be given to any such offices until so provided by act of  
879 the Legislature and in the meantime, all shops of the department  
880 shall be retained at their present location. As many local or  
881 subdistrict offices, shops or barns may be provided as is  
882 essential and proper to economical maintenance of the state  
883 highway system;

884           (n) To cooperate with the Department of Archives and  
885 History in having placed and maintained suitable historical  
886 markers, including those which have been approved and purchased by  
887 the State Historical Commission, along state highways, and to have  
888 constructed and maintained roadside driveways for convenience and  
889 safety in viewing them when necessary;

890           (o) To cooperate, in its discretion, with the  
891 Mississippi Department of Wildlife, Fisheries and Parks in  
892 planning and constructing roadside parks upon the right-of-way of



893 state highways, whether constructed, under construction, or  
894 planned; said parks to utilize where practical barrow pits used in  
895 construction of state highways for use as fishing ponds. Said  
896 parks shall be named for abundant flora and fauna existing in the  
897 area or for the first flora or fauna found on the site;

898 (p) Unless otherwise prohibited by law, to make such  
899 contracts and execute such instruments containing such reasonable  
900 and necessary appropriate terms, provisions and conditions as in  
901 its absolute discretion it may deem necessary, proper or  
902 advisable, for the purpose of obtaining or securing financial  
903 assistance, grants or loans from the United States of America or  
904 any department or agency thereof, including contracts with several  
905 counties of the state pertaining to the expenditure of such funds;

906 (q) To cooperate with the Federal Highway  
907 Administration in the matter of location, construction and  
908 maintenance of the Great River Road, to expend such funds paid to  
909 the commission by the Federal Highway Administration or other  
910 federal agency, and to authorize the Transportation Department to  
911 erect suitable signs marking this highway, the cost of such signs  
912 to be paid from state highway funds other than earmarked  
913 construction funds;

914 (r) To cooperate, in its discretion, with the  
915 Mississippi Forestry Commission and the School of Forestry,  
916 Mississippi State University, in a forestry management program,  
917 including planting, thinning, cutting and selling, upon the



918 right-of-way of any highway, constructed, acquired or maintained  
919 by the \* \* \* Department of Transportation, and to sell and dispose  
920 of any and all growing timber standing, lying or being on any  
921 right-of-way acquired by the commission for highway purposes in  
922 the future; such sale or sales to be made in accordance with the  
923 sale of personal property which has become unnecessary for public  
924 use as provided for in Section 65-1-123, Mississippi Code of 1972;

925 (s) To expend funds in cooperation with the Division of  
926 Plant Industry, Mississippi Department of Agriculture and  
927 Commerce, the United States government or any department or agency  
928 thereof, or with any department or agency of this state, to  
929 control, suppress or eradicate serious insect pests, rodents,  
930 plant parasites and plant diseases on the state highway  
931 rights-of-way;

932 (t) To provide for the placement, erection and  
933 maintenance of motorist services business signs and supports  
934 within state highway rights-of-way in accordance with current  
935 state and federal laws and regulations governing the placement of  
936 traffic control devices on state highways, and to establish and  
937 collect reasonable fees from the businesses having information on  
938 such signs;

939 (u) To request and to accept the use of persons  
940 convicted of an offense, whether a felony or a misdemeanor, for  
941 work on any road construction, repair or other project of the  
942 Transportation Department. The commission is also authorized to



943 request and to accept the use of persons who have not been  
944 convicted of an offense but who are required to fulfill certain  
945 court-imposed conditions pursuant to Section 41-29-150(d)(1) or  
946 99-15-26, Mississippi Code of 1972, or the Pretrial Intervention  
947 Act, being Sections 99-15-101 through 99-15-127, Mississippi Code  
948 of 1972. The commission is authorized to enter into any  
949 agreements with the Department of Corrections, \* \* \* any criminal  
950 court of this state, and any other proper official regarding the  
951 working, guarding, safekeeping, clothing and subsistence of such  
952 persons performing work for the Transportation Department. Such  
953 persons shall not be deemed agents, employees or involuntary  
954 servants of the Transportation Department while performing such  
955 work or while going to and from work or other specified areas;

956 (v) To provide for the administration of the railroad  
957 revitalization program pursuant to Section 57-43-1 et seq.;

958 (w) The Mississippi Transportation Commission is  
959 further authorized, in its discretion, to expend funds for the  
960 purchase of service pins for employees of the Mississippi  
961 Transportation Department;

962 (x) To cooperate with the \* \* \* Department of Revenue  
963 by providing for weight enforcement field personnel to collect and  
964 assess taxes, fees and penalties and to perform all duties as  
965 required pursuant to Section 27-55-501 et seq., Sections 27-19-1  
966 et seq., 27-55-1 et seq., 27-59-1 et seq. and 27-61-1 et seq.,  
967 Mississippi Code of 1972, with regard to vehicles subject to the



968 jurisdiction of the Office of Weight Enforcement. All collections  
969 and assessments shall be transferred daily to the \* \* \* Department  
970 of Revenue;

971 (y) The Mississippi Transportation Commission may  
972 delegate the authority to enter into a supplemental agreement to a  
973 contract previously approved by the commission if the supplemental  
974 agreement involves an additional expenditure not to exceed One  
975 Hundred Thousand Dollars (\$100,000.00);

976 (z) (i) The Mississippi Transportation Commission, in  
977 its discretion, may enter into agreements with any county,  
978 municipality, county transportation commission, business,  
979 corporation, partnership, association, individual or other legal  
980 entity, for the purpose of accelerating the completion date of  
981 scheduled highway construction projects.

982 (ii) Such an agreement may permit the cost of a  
983 highway construction project to be advanced to the commission by a  
984 county, municipality, county transportation commission, business,  
985 corporation, partnership, association, individual or other legal  
986 entity, and repaid to such entity by the commission when highway  
987 construction funds become available; provided, however, that  
988 repayment of funds advanced to the Mississippi Transportation  
989 Commission shall be made no sooner than the commission's  
990 identified projected revenue schedule for funding of that  
991 particular construction project, and no other scheduled highway  
992 construction project established by statute or by the commission





993 may be delayed by an advanced funding project authorized under  
994 this paragraph (z). Repayments to a private entity that advances  
995 funds to the Mississippi Transportation Commission under this  
996 paragraph (z) may not include interest or other fees or charges,  
997 and the total amount repaid shall not exceed the total amount of  
998 funds advanced to the commission by the entity.

999 (iii) In considering whether to enter into such an  
1000 agreement, the commission shall consider the availability of  
1001 financial resources, the effect of such agreement on other ongoing  
1002 highway construction, the urgency of the public's need for swift  
1003 completion of the project and any other relevant factors.

1004 (iv) Such an agreement shall be executed only upon  
1005 a finding by the commission, spread upon its minutes, that the  
1006 acceleration of the scheduled project is both feasible and  
1007 beneficial. The commission shall also spread upon its minutes its  
1008 findings with regard to the factors required to be considered  
1009 pursuant to subparagraph (iii) of this paragraph (z);

1010 (aa) The Mississippi Transportation Commission, in its  
1011 discretion, may purchase employment practices liability insurance,  
1012 and may purchase an excess policy to cover catastrophic losses  
1013 incurred under the commission's self-insured workers' compensation  
1014 program authorized under Section 71-3-5. Such policies shall be  
1015 written by the agent or agents of a company or companies  
1016 authorized to do business in the State of Mississippi. The  
1017 deductibles shall be in an amount deemed reasonable and prudent by



1018 the commission, and the premiums thereon shall be paid from the  
1019 State Highway Fund. Purchase of insurance under this paragraph  
1020 shall not serve as an actual or implied waiver of sovereign  
1021 immunity or of any protection afforded the commission under the  
1022 Mississippi Tort Claims Act;

1023 (bb) The Mississippi Transportation Commission is  
1024 further authorized, in its discretion, to expend funds for the  
1025 purchase of promotional materials for safety purposes, highway  
1026 beautification purposes and recruitment purposes;

1027 (cc) To lease antenna space on communication towers  
1028 which it owns;

1029 (dd) To receive funds from the Southeastern Association  
1030 of Transportation Officials and from other nonstate sources and  
1031 expend those funds for educational scholarships in transportation  
1032 related fields of study. The commission may adopt rules or  
1033 regulations as necessary for the implementation of the program. A  
1034 strict accounting shall be made of all funds deposited with the  
1035 commission and all funds dispersed.

1036 **SECTION 16.** This act shall take effect and be in force from  
1037 and after July 1, 2022.

