

By: Representative Horan

To: Corrections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1052

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS TO  
3 DESIGNATE A DEPUTY COMMISSIONER FOR WORKFORCE DEVELOPMENT; TO  
4 AMEND SECTION 47-5-8, MISSISSIPPI CODE OF 1972, TO CREATE A  
5 DIVISION OF WORKFORCE DEVELOPMENT WITHIN THE DEPARTMENT OF  
6 CORRECTIONS; TO BRING FORWARD SECTIONS 47-5-10, 47-5-1001,  
7 47-5-1003, 47-5-1005, 47-5-1007, 47-5-1009, 47-5-1011, 47-5-1013,  
8 47-5-1014, 47-5-110, 47-5-138, 47-5-20, 47-5-24, 47-5-28,  
9 47-5-601, 47-5-603, 47-5-605, 47-7-2, 47-7-3, 47-7-3.1, 47-7-3.2,  
10 47-7-4, 47-7-5, 47-7-6, 47-7-9, 47-7-13, 47-7-17, 47-7-18,  
11 47-7-19, 47-7-21, 47-7-23, 47-7-25, 47-7-27, 47-7-29, 47-7-33,  
12 47-7-33.1, 47-7-34, 47-7-35, 47-7-36, 47-7-37, 47-7-37.1, 47-7-38,  
13 47-7-38.1, 47-7-39, 47-7-40, 47-7-41, 47-7-43, 47-7-47 AND  
14 47-7-101, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE  
15 AMENDMENT; AND FOR RELATED PURPOSES.

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

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

19 47-5-26. (1) The commissioner shall employ the following  
20 personnel:

21 (a) A Deputy Commissioner for Administration and  
22 Finance, who shall supervise and implement all fiscal policies and  
23 programs within the department, supervise and implement all hiring  
24 and personnel matters within the department, supervise the



25 department's personnel director, supervise and implement all  
26 purchasing within the department and supervise and implement all  
27 data processing activities within the department, and who shall  
28 serve as the Chief Executive Officer of the Division of  
29 Administration and Finance. He shall possess either:

30 (i) A master's degree from an accredited four-year  
31 college or university in public or business administration,  
32 accounting, economics or a directly related field, and four (4)  
33 years of experience in work related to the above-described duties,  
34 one (1) year of which must have included line or functional  
35 supervision; or

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

44 (b) A Deputy Commissioner for Community Corrections,  
45 who shall initiate and administer programs, including, but not  
46 limited to, supervision of probationers, parolees and  
47 suspensioners, counseling, community-based treatment, interstate  
48 compact administration and enforcement, prevention programs,  
49 halfway houses and group homes, technical violation centers,



50 restitution centers, presentence investigations, and work and  
51 educational releases, and shall serve as the Chief Executive  
52 Officer of the Division of Community Services. The Deputy  
53 Commissioner for Community Corrections is charged with full and  
54 complete cooperation with the State Parole Board and shall make  
55 monthly reports to the Chairman of the Parole Board in the form  
56 and type required by the chairman, in his discretion, for the  
57 proper performance of the probation and parole functions. After a  
58 plea or verdict of guilty to a felony is entered against a person  
59 and before he is sentenced, the Deputy Commissioner for Community  
60 Corrections shall procure from any available source and shall file  
61 in the presentence records any information regarding any criminal  
62 history of the person such as fingerprints, dates of arrests,  
63 complaints, civil and criminal charges, investigative reports of  
64 arresting and prosecuting agencies, reports of the National Crime  
65 Information Center, the nature and character of each offense,  
66 noting all particular circumstances thereof and any similar data  
67 about the person. The Deputy Commissioner for Community  
68 Corrections shall keep an accurate and complete duplicate record  
69 of this file and shall furnish the duplicate to the department.  
70 This file shall be placed in and shall constitute a part of the  
71 inmate's master file. The Deputy Commissioner for Community  
72 Corrections shall furnish this file to the State Parole Board when  
73 the file is needed in the course of its official duties. He shall  
74 possess either: (i) a master's degree in counseling, corrections



75 psychology, guidance, social work, criminal justice or some  
76 related field and at least four (4) years' full-time experience in  
77 such field, including at least one (1) year of supervisory  
78 experience; or (ii) a bachelor's degree in a field described in  
79 subparagraph (i) of this paragraph and at least six (6) years'  
80 full-time work in corrections, one (1) year of which shall have  
81 been at the supervisory level.

82 (c) A Deputy Commissioner for Institutions, who shall  
83 administer institutions, reception and diagnostic centers,  
84 prerelease centers and other facilities and programs provided  
85 therein, and shall serve as the Chief Executive Officer of the  
86 Division of Institutions. He shall possess either: (i) a  
87 master's degree in counseling, criminal justice, psychology,  
88 guidance, social work, business or some related field, and at  
89 least four (4) years' full-time experience in corrections,  
90 including at least one (1) year of correctional management  
91 experience; or (ii) a bachelor's degree in a field described in  
92 subparagraph (i) of this paragraph and at least six (6) years'  
93 full-time work in corrections, four (4) years of which shall have  
94 been at the correctional management level.

95 (d) A Deputy Commissioner for Programs, Education,  
96 Re-entry, and Vocational Rehabilitation Services who shall  
97 initiate and administer programs, including but not limited to,  
98 education services, religious services, moral rehabilitation,  
99 alcohol and drug rehabilitation, and court re-entry. The Deputy



100 Commissioner for Programs, Education, Re-entry, and Vocational  
101 Rehabilitation may coordinate with any educational institution to  
102 develop a program for moral rehabilitation with an emphasis on  
103 promoting effective programs for release. The Deputy Commissioner  
104 for Programs, Education, Re-entry, and Vocational Rehabilitation  
105 shall focus on re-entry programs aimed at reducing recidivism and  
106 adequately preparing offenders for employment upon their release.  
107 The programs shall incorporate a moral component focused on  
108 providing offenders with an opportunity to make positive changes  
109 while incarcerated that will enable them to be productive members  
110 of society upon their release. Such deputy commissioner shall  
111 possess either:

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

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

121 (e) A Deputy Commissioner for Workforce Development who  
122 shall supervise and implement all prison industries of the  
123 department.



124 Out of the deputy commissioners employed under this  
125 subsection (1), as set out in paragraphs (a) through ( \* \* \*e),  
126 the commissioner shall designate one (1) of the commissioners as  
127 an executive deputy commissioner who shall have the duties  
128 prescribed under Section 47-5-8.

129 (2) The commissioner shall employ an administrative  
130 assistant for parole matters who shall be selected by the State  
131 Parole Board who shall be an employee of the department assigned  
132 to the State Parole Board and who shall be located at the office  
133 of the State Parole Board, and who shall work under the guidance,  
134 supervision and direction of the board.

135 (3) The administrative assistant for parole matters shall  
136 receive an annual salary to be established by the Legislature.  
137 The salaries of department employees not established by the  
138 Legislature shall receive an annual salary established by the  
139 State Personnel Board.

140 (4) The commissioner shall employ a superintendent for the  
141 Parchman facility, Central Mississippi Correctional Facility and  
142 South Mississippi Correctional Institution of the Department of  
143 Corrections. The Superintendent of the Mississippi State  
144 Penitentiary shall reside on the grounds of the Parchman facility.  
145 Each superintendent shall appoint an officer in charge when he is  
146 absent.

147 Each superintendent shall develop and implement a plan for  
148 the prevention and control of an inmate riot and shall file a



149 report with the Chairman of the Senate Corrections Committee and  
150 the Chairman of the House Penitentiary Committee on the first day  
151 of each regular session of the Legislature regarding the status of  
152 the plan.

153 In order that the grievances and complaints of inmates,  
154 employees and visitors at each facility may be heard in a timely  
155 and orderly manner, each superintendent shall appoint or designate  
156 an employee at the facility to hear grievances and complaints and  
157 to report grievances and complaints to the superintendent. Each  
158 superintendent shall institute procedures as are necessary to  
159 provide confidentiality to those who file grievances and  
160 complaints.

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

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

167 47-5-8. (1) There is created the Mississippi Department of  
168 Corrections, which shall be under the policy direction of the  
169 Governor. The chief administrative officer of the department  
170 shall be the Commissioner of Corrections.

171 (2) (a) There shall be an Executive Deputy Commissioner who  
172 shall be directly responsible to the Commissioner of Corrections  
173 within the department who shall serve as the Commissioner of



174 Corrections in the absence of the Commissioner and shall assume  
175 any and all duties that the Commissioner of Corrections assigns,  
176 including, but not limited to, supervising all other deputy  
177 commissioners. The salary of the Executive Deputy Commissioner  
178 shall not exceed the salary of the Commissioner of Corrections.

179 (b) There shall be a Division of Administration and  
180 Finance within the department, which shall have as its chief  
181 administrative officer a Deputy Commissioner for Administration  
182 and Finance who shall be appointed by the commissioner, and shall  
183 be directly responsible to the commissioner.

184 (c) There shall be a Division of Community Corrections  
185 within the department, which shall have as its chief  
186 administrative officer a Deputy Commissioner for Community  
187 Corrections, who shall be appointed by the commissioner, and shall  
188 be directly responsible to the commissioner. The Probation and  
189 Parole Board shall continue to exercise the authority as provided  
190 by law, but after July 1, 1976, the Division of Community  
191 Corrections shall serve as the administrative agency for the  
192 Probation and Parole Board.

193 (d) There shall be a Division of Workforce Development  
194 within the department, which shall have as its chief  
195 administrative officer a Deputy Commissioner for Workforce  
196 Development, who shall be appointed by the commissioner. Through  
197 fiscal year 2023, the salary of the Deputy Commissioner for  
198 Workforce Development shall be equivalent to the salary of the





199 chief executive officer of Mississippi Prison Industries  
200 Corporation.

201 (3) The department shall succeed to the exclusive control of  
202 all records, books, papers, equipment and supplies, and all lands,  
203 buildings and other real and personal property now or hereafter  
204 belonging to or assigned to the use and benefit or under the  
205 control of the Mississippi State Penitentiary and the Mississippi  
206 Probation and Parole Board, except the records of parole process  
207 and revocation and legal matters related thereto, and shall have  
208 the exercise and control of the use, distribution and disbursement  
209 of all funds, appropriations and taxes now or hereafter in  
210 possession, levied, collected or received or appropriated for the  
211 use, benefit, support and maintenance of these two (2) agencies  
212 except as otherwise provided by law, and the department shall have  
213 general supervision of all the affairs of the two (2) agencies  
214 herein named except as otherwise provided by law, and the care and  
215 conduct of all buildings and grounds, business methods and  
216 arrangements of accounts and records, the organization of the  
217 administrative plans of each institution, and all other matters  
218 incident to the proper functioning of the two (2) agencies.

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



224           **SECTION 3.** Section 47-5-10, Mississippi Code of 1972, is  
225 brought forward as follows:

226           47-5-10. The department shall have the following powers and  
227 duties:

228                   (a) To accept adult offenders committed to it by the  
229 courts of this state for incarceration, care, custody, treatment  
230 and rehabilitation;

231                   (b) To provide for the care, custody, study, training,  
232 supervision and treatment of adult offenders committed to the  
233 department;

234                   (c) To maintain, administer and exercise executive and  
235 administrative supervision over all state correctional  
236 institutions and facilities used for the custody, training, care,  
237 treatment and after-care supervision of adult offenders committed  
238 to the department; provided, however, that such supervision shall  
239 not extend to any institution or facility for which executive and  
240 administrative supervision has been provided by law through  
241 another agency;

242                   (d) To plan, develop and coordinate a statewide,  
243 comprehensive correctional program designed to train and  
244 rehabilitate offenders in order to prevent, control and retard  
245 recidivism;

246                   (e) To maintain records of persons committed to it, and  
247 to establish programs of research, statistics and planning:



248 (i) An offender's records shall include a single  
249 cover sheet that contains the following information about the  
250 offender: name, including any aliases; department inmate number;  
251 social security number; photograph; court of conviction; cause  
252 number; date of conviction; date of sentence; total number of days  
253 in the department's custody or number of days creditable toward  
254 time served on each charge; date of actual custody; and date of  
255 any revocation of a suspended sentence;

256 (ii) The department shall maintain an offender's  
257 cover sheet in the course of its regularly conducted business  
258 activities and shall include an offender's cover sheet in each  
259 request from a court, prosecutor or law enforcement agency for a  
260 summary of an offender's records with the department, also known  
261 as a "pen-pack." The cover sheet shall conform to Rules 803(6)  
262 and 803(8) of the Mississippi Rules of Evidence for admission as  
263 an exception to the hearsay rule and may be admissible when  
264 properly authenticated according to evidentiary rules and when  
265 offered for the purpose of enhanced sentencing under Section  
266 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

267 (iii) This subsection is not intended to conflict  
268 with an offender's right of confrontation in criminal proceedings  
269 under the state or federal constitution;

270 (f) To investigate the grievances of any person  
271 committed to the department, and to inquire into any alleged  
272 misconduct by employees; and for this purpose it may issue



273 subpoenas and compel the attendance of witnesses and the  
274 production of writings and papers, and may examine under oath any  
275 witnesses who may appear before it;

276 (g) To administer programs of training and development  
277 of personnel of the department;

278 (h) To develop and implement diversified programs and  
279 facilities to promote, enhance, provide and assure the  
280 opportunities for the successful custody, training and treatment  
281 of adult offenders properly committed to the department or  
282 confined in any facility under its control. Such programs and  
283 facilities may include, but not be limited to, institutions, group  
284 homes, halfway houses, diagnostic centers, work and educational  
285 release centers, technical violation centers, restitution centers,  
286 counseling and supervision of probation, parole, suspension and  
287 compact cases, presentence investigating and other state and local  
288 community-based programs and facilities;

289 (i) To receive, hold and use, as a corporate body, any  
290 real, personal and mixed property donated to the department, and  
291 any other corporate authority as shall be necessary for the  
292 operation of any facility at present or hereafter;

293 (j) To provide those personnel, facilities, programs  
294 and services the department shall find necessary in the operation  
295 of a modern correctional system for the custody, care, study and  
296 treatment of adult offenders placed under its jurisdiction by the  
297 courts and other agencies in accordance with law;



298 (k) To develop the capacity and administrative network  
299 necessary to deliver advisory consultation and technical  
300 assistance to units of local government for the purpose of  
301 assisting them in developing model local correctional programs for  
302 adult offenders;

303 (l) To cooperate with other departments and agencies  
304 and with local communities for the development of standards and  
305 programs for better correctional services in this state;

306 (m) To administer all monies and properties of the  
307 department;

308 (n) To report annually to the Legislature and the  
309 Governor on the committed persons, institutions and programs of  
310 the department;

311 (o) To cooperate with the courts and with public and  
312 private agencies and officials to assist in attaining the purposes  
313 of this chapter and Chapter 7 of this title. The department may  
314 enter into agreements and contracts with other departments of  
315 federal, state or local government and with private agencies  
316 concerning the discharge of its responsibilities or theirs. The  
317 department shall have the authority to accept and expend or use  
318 gifts, grants and subsidies from public and private sources;

319 (p) To make all rules and regulations and exercise all  
320 powers and duties vested by law in the department;

321 (q) The department may require a search of all persons  
322 entering the grounds and facilities at the correctional system;



323 (r) To submit, in a timely manner, to the Oversight  
324 Task Force established in Section 47-5-6 any reports required by  
325 law or regulation or requested by the task force.

326 (s) To discharge any other power or duty imposed or  
327 established by law.

328 **SECTION 4.** Section 47-5-1001, Mississippi Code of 1972, is  
329 brought forward as follows:

330 47-5-1001. For purposes of Sections 47-5-1001 through  
331 47-5-1015, the following words shall have the meaning ascribed  
332 herein unless the context shall otherwise require:

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

337 (b) "Correctional field officer" means the supervising  
338 probation and parole officer in charge of supervising the  
339 offender.

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

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

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

346 (f) "Operating capacity" means the total number of  
347 state offenders which can be safely and reasonably housed in



348 facilities operated by the department and in local or county jails  
349 or other facilities authorized to house state offenders as  
350 certified by the department, subject to applicable federal and  
351 state laws and rules and regulations.

352 (g) "Participant" means an offender placed into an  
353 intensive supervision program.

354 **SECTION 5.** Section 47-5-1003, Mississippi Code of 1972, is  
355 brought forward as follows:

356 47-5-1003. (1) An intensive supervision program may be used  
357 as an alternative to incarceration for offenders who are not  
358 convicted of a crime of violence pursuant to Section 97-3-2 as  
359 selected by the court and for juvenile offenders as provided in  
360 Section 43-21-605. Any offender convicted of a sex crime shall  
361 not be placed in the program.

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

365 (3) To protect and to ensure the safety of the state's  
366 citizens, any offender who violates an order or condition of the  
367 intensive supervision program may be arrested by the correctional  
368 field officer and placed in the actual custody of the Department  
369 of Corrections. Such offender is under the full and complete  
370 jurisdiction of the department and subject to removal from the  
371 program by the classification hearing officer.



372 (4) When any circuit or county court places an offender in  
373 an intensive supervision program, the court shall give notice to  
374 the Mississippi Department of Corrections within fifteen (15) days  
375 of the court's decision to place the offender in an intensive  
376 supervision program. Notice shall be delivered to the central  
377 office of the Mississippi Department of Corrections and to the  
378 regional office of the department which will be providing  
379 supervision to the offender in an intensive supervision program.

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

383 (5) The Department of Corrections shall provide to the  
384 Oversight Task Force all relevant data regarding the offenders  
385 participating in the intensive supervision program including the  
386 number of offenders admitted to the program annually, the number  
387 of offenders who leave the program annually and why they leave,  
388 the number of offenders who are arrested or convicted annually and  
389 the circumstances of the arrest and any other information  
390 requested.

391 **SECTION 6.** Section 47-5-1005, Mississippi Code of 1972, is  
392 brought forward as follows:

393 47-5-1005. (1) The department shall promulgate rules that  
394 prescribe reasonable guidelines under which an intensive  
395 supervision program shall operate. These rules shall include, but  
396 not be limited to, the following:





397 (a) The participant shall remain within the interior  
398 premises or within the property boundaries of his or her residence  
399 at all times during the hours designated by the correctional field  
400 officer.

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

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

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

407 (iii) Undergoing medical, psychiatric, mental  
408 health treatment, counseling or other treatment programs approved  
409 for the participant by the court or department;

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

412 (v) Participating in community work release or a  
413 community service program approved for the participant by the  
414 court or department; or

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

417 (c) Except in case of a medical emergency and approval  
418 by the Commissioner of the Department of Corrections, or his  
419 designee, or by circuit court order for medical purposes, no  
420 participant in the intensive supervision program may leave the  
421 jurisdiction of the State of Mississippi.



422 (2) The department shall select and approve all electronic  
423 monitoring devices used under Sections 47-5-1001 through  
424 47-5-1015.

425 (3) The department may lease the equipment necessary to  
426 implement the intensive supervision program and to contract for  
427 the monitoring of such devices. The department is authorized to  
428 select the lowest price and best source in contracting for these  
429 services.

430 **SECTION 7.** Section 47-5-1007, Mississippi Code of 1972, is  
431 brought forward as follows:

432 47-5-1007. (1) Any participant in the intensive supervision  
433 program who engages in employment shall pay a monthly fee to the  
434 department for each month such person is enrolled in the program.  
435 The department may waive the monthly fee if the offender is a  
436 full-time student or is engaged in vocational training. Juvenile  
437 offenders shall pay a monthly fee of not less than Ten Dollars  
438 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a  
439 sliding scale using the standard of need for each family that is  
440 used to calculate TANF benefits. Money received by the department  
441 from participants in the program shall be deposited into a special  
442 fund which is hereby created in the State Treasury. It shall be  
443 used, upon appropriation by the Legislature, for the purpose of  
444 helping to defray the costs involved in administering and  
445 supervising such program. Unexpended amounts remaining in such  
446 special fund at the end of a fiscal year shall not lapse into the



447 State General Fund, and any interest earned on amounts in such  
448 special fund shall be deposited to the credit of the special fund.

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

452 (3) The participant shall make the necessary arrangements to  
453 allow for correctional officers to visit the participant's place  
454 of education or employment at any time, based upon the approval of  
455 the educational institution or employer, for the purpose of  
456 verifying the participant's compliance with the conditions of his  
457 detention.

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

462 (5) The participant shall be responsible for and shall  
463 maintain the following:

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

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

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

469 (6) The participant shall obtain approval from the  
470 correctional field officer before the participant changes  
471 residence.



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

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

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

479 **SECTION 8.** Section 47-5-1009, Mississippi Code of 1972, is  
480 brought forward as follows:

481 47-5-1009. (1) The department shall have absolute immunity  
482 from liability for any injury resulting from a determination by a  
483 judge or correctional officer that an offender shall be allowed to  
484 participate in the electronic home detention program.

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

488 **SECTION 9.** Section 47-5-1011, Mississippi Code of 1972, is  
489 brought forward as follows:

490 47-5-1011. (1) Before entering an order for commitment for  
491 electronic house arrest, the department shall inform the  
492 participant and other persons residing in the home of the nature  
493 and extent of the approved electronic monitoring devices by doing  
494 the following:



495           (a)   Securing the written consent of the participant in  
496 the program to comply with the rules and regulations of the  
497 program.

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

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

506           (2)   The participant shall be responsible for the cost of  
507 equipment and any damage to such equipment. Any intentional  
508 damage, any attempt to defeat monitoring, any committing of a  
509 criminal offense or any associating with felons or known  
510 criminals, shall constitute a violation of the program.

511           (3)   Any person whose residence is utilized in the program  
512 shall agree to keep the home drug and alcohol free and to exclude  
513 known felons and criminals in order to provide a noncriminal  
514 environment.

515           **SECTION 10.** Section 47-5-1013, Mississippi Code of 1972, is  
516 brought forward as follows:

517           47-5-1013. Participants enrolled in an intensive supervision  
518 program shall be required to:



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

523 (b) Pay restitution and program fees as directed by the  
524 department. Program fees shall not be less than Eighty-eight  
525 Dollars (\$88.00) per month. The sentencing judge may charge a  
526 program fee of less than Eighty-eight Dollars (\$88.00) per month  
527 in cases of extreme financial hardship, when such judge determines  
528 that the offender's participation in the program would provide a  
529 benefit to his community. Juvenile offenders shall not pay a  
530 program fee but shall pay a monthly fee as provided in Section  
531 47-5-1007. Program fees shall be deposited in the special fund  
532 created in Section 47-5-1007.

533 (c) Establish a place of residence at a place approved  
534 by the correctional field officer, and not change his residence  
535 without the officer's approval. The correctional officer shall be  
536 allowed to inspect the place of residence for alcoholic beverages,  
537 controlled substances and drug paraphernalia.

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

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



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

546 (g) Meet any other conditions imposed by the court to  
547 meet the needs of the offender and limit the risks to the  
548 community.

549 **SECTION 11.** Section 47-5-1014, Mississippi Code of 1972, is  
550 brought forward as follows:

551 47-5-1014. (1) Participants who have been in the intensive  
552 supervision program since July 1, 2004, whether placed into the  
553 program before or after July 1, 2004, shall pay a Fifty Dollar  
554 (\$50.00) monthly supervision fee to the Mississippi Department of  
555 Corrections for their supervision from July 1, 2004, or from the  
556 date the participant entered the program after July 1, 2004, until  
557 completion of the program, or April 6, 2005, or whichever occurs  
558 first. From and after April 6, 2005, all participants of the  
559 intensive supervision program shall pay the fee as established in  
560 Section 47-5-1013.

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

564 (3) A participant's failure to pay the monthly fees in  
565 arrearage shall not be deemed a violation of a condition of the  
566 program, and the participant shall not be removed from the program  
567 for failure to pay the monthly fees in arrearage.



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

570 (5) Any arrearage remaining under this section at the end of  
571 the offender's participation in the program shall automatically be  
572 reduced to a civil judgment and upon notice by the Department of  
573 Corrections shall be recorded with the circuit court clerk in the  
574 county wherein the participant resides. The Department of  
575 Corrections and/or the district attorney shall use best efforts to  
576 collect the judgment.

577 **SECTION 12.** Section 47-5-110, Mississippi Code of 1972, is  
578 brought forward as follows:

579 47-5-110. (1) Commitment to any institution or facility  
580 within the jurisdiction of the department shall be to the  
581 department, not to a particular institution or facility. The  
582 commissioner shall assign a newly committed offender to an  
583 appropriate facility consistent with public safety; provided,  
584 however, that any offender who, in the opinion of the sentencing  
585 judge, requires confinement in a maximum security unit shall be  
586 assigned, upon initial commitment, to the Parchman facility. The  
587 commissioner may extend the place of confinement of eligible  
588 offenders as provided under subsection (2) of this section. He  
589 may transfer an offender from one (1) institution to another,  
590 consistent with the commitment and in accordance with treatment,  
591 training and security needs. The commissioner shall have the  
592 authority to transfer inmates from the various correctional





593 facilities of the department to restitution centers if such  
594 inmates meet the qualifications prescribed in Section 99-37-19.  
595 The commissioner shall prepare appropriate standards of  
596 eligibility for such transfers of offenders from one (1)  
597 institution to another institution and transfers of offenders who  
598 meet the qualifications for placement in restitution centers. The  
599 commissioner shall have the authority to remove the offenders from  
600 restitution centers and to transfer them to other facilities of  
601 the department. The commissioner shall obtain the approval of the  
602 sentencing court before transferring an offender committed to the  
603 department to a restitution center. On the request of the chief  
604 executive officer of the affected unit of local government, the  
605 commissioner may transfer a person detained in a local facility to  
606 a state facility. The commissioner shall determine the cost of  
607 care for that person to be borne by the unit of local government.  
608 The commissioner may assign to a community work center, any  
609 offender who is convicted under the Mississippi Implied Consent  
610 Law and who is sentenced to the custody of the Department of  
611 Corrections, except that if a death or a serious maiming has  
612 occurred during the commission of the violation of the Mississippi  
613 Implied Consent Law, then the offender so convicted may not be  
614 assigned to a community work center.

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



618           (a) The commissioner may extend the limits of  
619 confinement of offenders serving sentences for violent or  
620 nonviolent crimes who have six (6) months or less remaining before  
621 release on parole, conditional release or discharge to participate  
622 in the program. Parole violators may be allowed to participate in  
623 the program.

624           (b) Any offender who is referred to the program shall  
625 remain an offender of the department and shall be subject to rules  
626 and regulations of the department pertaining to offenders of the  
627 department until discharged or released on parole or conditional  
628 release by the State Parole Board.

629           (c) The department shall require the offender to  
630 participate in work or educational or vocational programs and  
631 other activities that may be necessary for the supervision and  
632 treatment of the offender.

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

637           (3) The commissioner shall have absolute immunity from  
638 liability for any injury resulting from a determination by the  
639 commissioner that an offender shall be allowed to participate in  
640 the community prerelease program.

641           (4) (a) The department may by rule or policy and procedure  
642 provide evidence-based programs for the benefit of inmates, with



643 emphasis on those that are targeted at reducing inmate recidivism  
644 and prerelease service for offenders at each of its major  
645 correctional facilities: Mississippi State Penitentiary, Central  
646 Mississippi Correctional Institution and South Mississippi  
647 Correctional Institution and other facilities where the department  
648 confines state inmates.

649 (b) The commissioner may establish prerelease programs  
650 at the South Mississippi Correctional Institution. The prerelease  
651 program may be located on the grounds of this facility or another  
652 facility designated by the commissioner.

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

656 **SECTION 13.** Section 47-5-138, Mississippi Code of 1972, is  
657 brought forward as follows:

658 47-5-138. (1) The department may promulgate rules and  
659 regulations to carry out an earned time allowance program based on  
660 the good conduct and performance of an inmate. An inmate is  
661 eligible to receive an earned time allowance of one-half (1/2) of  
662 the period of confinement imposed by the court except those  
663 inmates excluded by law. When an inmate is committed to the  
664 custody of the department, the department shall determine a  
665 conditional earned time release date by subtracting the earned  
666 time allowance from an inmate's term of sentence. This subsection  
667 does not apply to any sentence imposed after June 30, 1995.



668           (2) An inmate may forfeit all or part of his earned time  
669 allowance for a serious violation of rules. No forfeiture of the  
670 earned time allowance shall be effective except upon approval of  
671 the commissioner, or his designee, and forfeited earned time may  
672 not be restored.

673           (3) (a) For the purposes of this subsection, "final order"  
674 means an order of a state or federal court that dismisses a  
675 lawsuit brought by an inmate while the inmate was in the custody  
676 of the Department of Corrections as frivolous, malicious or for  
677 failure to state a claim upon which relief could be granted.

678                   (b) On receipt of a final order, the department shall  
679 forfeit:

680                           (i) Sixty (60) days of an inmate's accrued earned  
681 time if the department has received one (1) final order as defined  
682 herein;

683                           (ii) One hundred twenty (120) days of an inmate's  
684 accrued earned time if the department has received two (2) final  
685 orders as defined herein;

686                           (iii) One hundred eighty (180) days of an inmate's  
687 accrued earned time if the department has received three (3) or  
688 more final orders as defined herein.

689                   (c) The department may not restore earned time  
690 forfeited under this subsection.



691 (4) An inmate who meets the good conduct and performance  
692 requirements of the earned time allowance program may be released  
693 on his conditional earned time release date.

694 (5) For any sentence imposed after June 30, 1995, an inmate  
695 may receive an earned time allowance of four and one-half (4-1/2)  
696 days for each thirty (30) days served if the department determines  
697 that the inmate has complied with the good conduct and performance  
698 requirements of the earned time allowance program. The earned  
699 time allowance under this subsection shall not exceed fifteen  
700 percent (15%) of an inmate's term of sentence; however, beginning  
701 July 1, 2006, no person under the age of twenty-one (21) who has  
702 committed a nonviolent offense, and who is under the jurisdiction  
703 of the Department of Corrections, shall be subject to the fifteen  
704 percent (15%) limitation for earned time allowances as described  
705 in this subsection (5).

706 (6) Any inmate, who is released before the expiration of his  
707 term of sentence under this section, shall be placed under  
708 earned-release supervision until the expiration of the term of  
709 sentence. The inmate shall retain inmate status and remain under  
710 the jurisdiction of the department. The period of earned-release  
711 supervision shall be conducted in the same manner as a period of  
712 supervised parole. The department shall develop rules, terms and  
713 conditions for the earned-release supervision program. The  
714 commissioner shall designate the appropriate hearing officer



715 within the department to conduct revocation hearings for inmates  
716 violating the conditions of earned-release supervision.

717 (7) If the earned-release supervision is revoked, the inmate  
718 shall serve the remainder of the sentence, but the time the inmate  
719 served on earned-release supervision before revocation, shall be  
720 applied to reduce his sentence.

721 **SECTION 14.** Section 47-5-20, Mississippi Code of 1972, is  
722 brought forward as follows:

723 47-5-20. The commissioner shall have the following powers  
724 and duties:

725 (a) To establish the general policy of the department;

726 (b) To approve proposals for the location of new  
727 facilities, for major renovation activities, and for the creation  
728 of new programs and divisions within the department as well as for  
729 the abolition of the same; provided, however, that the  
730 commissioner shall approve the location of no new facility unless  
731 the board of supervisors of the county or the governing  
732 authorities of the municipality in which the new facility is to be  
733 located shall have had the opportunity with at least sixty (60)  
734 days' prior notice to disapprove the location of the proposed  
735 facility. If either the board of supervisors or the governing  
736 authorities shall disapprove the facility, it shall not be located  
737 in that county or municipality. Said notice shall be made by  
738 certified mail, return receipt requested, to the members of the  
739 board or governing authorities and to the clerk thereof;



740 (c) Except as otherwise provided or required by law, to  
741 open bids and approve the sale of any products or manufactured  
742 goods by the department according to applicable provisions of law  
743 regarding bidding and sale of state property, and according to  
744 rules and regulations established by the State Fiscal Management  
745 Board; and

746 (d) To adopt administrative rules and regulations  
747 including, but not limited to, offender transfer procedures, award  
748 of administrative earned time, personnel procedures, employment  
749 practices.

750 (e) To make personnel actions for a period of one (1)  
751 year beginning July 1, 2016, that are exempt from State Personnel  
752 Board rules, regulations and procedures in order to give the  
753 commissioner flexibility in making an orderly, effective and  
754 timely reorganization and realignment of the department.

755 **SECTION 15.** Section 47-5-24, Mississippi Code of 1972, is  
756 brought forward as follows:

757 47-5-24. (1) The Governor shall appoint a Commissioner of  
758 Corrections, with the advice and consent of the Senate. Such  
759 commissioner may be removed by the Governor. The commissioner  
760 shall be the chief executive, administrative and fiscal officer of  
761 the department.

762 (2) The commissioner shall receive an annual salary fixed by  
763 the Governor, not to exceed the maximum authorized by law, in  
764 addition to all actual, necessary expenses incurred in the



765 discharge of official duties, including mileage as authorized by  
766 law.

767 (3) The commissioner shall possess the following minimum  
768 qualifications:

769 (a) A master's degree in corrections, criminal justice,  
770 guidance, social work, or some related field, and at least six (6)  
771 years full-time experience in corrections, including at least  
772 three (3) years of correctional management experience; or

773 (b) A bachelor's degree in a field described in  
774 subparagraph (a) of this subsection and at least ten (10) years  
775 full-time work in corrections, five (5) years of which shall have  
776 been in correctional management; or

777 (c) Shall possess relevant experience in the private or  
778 public sector.

779 (4) The commissioner shall be required, upon assuming the  
780 duties of his office, to execute a good and sufficient bond  
781 payable to the State of Mississippi in the sum of Two Hundred  
782 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate  
783 accounting for all monies and property coming into his hands. The  
784 commissioner, upon approval by the Governor, may require of other  
785 officers, employees and agents of the department a good and  
786 sufficient bond in such sum as he may determine, subject to the  
787 minimum requirements set forth herein, payable to the State of  
788 Mississippi upon like condition. The bonds shall be approved by  
789 the Governor and filed with the Secretary of State, and shall be





790 executed by a surety company authorized to do business under the  
791 laws of this state. The premium on any such bond shall be paid by  
792 the state out of the support and maintenance fund of the  
793 department.

794 **SECTION 16.** Section 47-5-28, Mississippi Code of 1972, is  
795 brought forward as follows:

796 47-5-28. The commissioner shall have the following powers  
797 and duties:

798 (a) To implement and administer laws and policy  
799 relating to corrections and coordinate the efforts of the  
800 department with those of the federal government and other state  
801 departments and agencies, county governments, municipal  
802 governments, and private agencies concerned with providing  
803 offender services;

804 (b) To establish standards, in cooperation with other  
805 state agencies having responsibility as provided by law, provide  
806 technical assistance, and exercise the requisite supervision as it  
807 relates to correctional programs over all state-supported adult  
808 correctional facilities and community-based programs;

809 (c) To promulgate and publish such rules, regulations  
810 and policies of the department as are needed for the efficient  
811 government and maintenance of all facilities and programs in  
812 accord insofar as possible with currently accepted standards of  
813 adult offender care and treatment;



814 (d) To provide the Parole Board with suitable and  
815 sufficient office space and support resources and staff necessary  
816 to conducting Parole Board business under the guidance of the  
817 Chairman of the Parole Board;

818 (e) To contract for transitional reentry center beds  
819 that will be used as noncorrections housing for offenders released  
820 from the department on parole, probation or post-release  
821 supervision but do not have appropriate housing available upon  
822 release. At least one hundred (100) but no more than eight  
823 hundred (800) transitional reentry center beds contracted by the  
824 department and chosen by the Parole Board shall be available for  
825 the Parole Board to place parolees without appropriate housing;

826 (f) To designate deputy commissioners while performing  
827 their officially assigned duties relating to the custody, control,  
828 transportation, recapture or arrest of any offender within the  
829 jurisdiction of the department or any offender of any jail,  
830 penitentiary, public workhouse or overnight lockup of the state or  
831 any political subdivision thereof not within the jurisdiction of  
832 the department, to the status of peace officers anywhere in the  
833 state in any matter relating to the custody, control,  
834 transportation or recapture of such offender, and shall have the  
835 status of law enforcement officers and peace officers as  
836 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

837 For the purpose of administration and enforcement of this  
838 chapter, deputy commissioners of the Mississippi Department of



839 Corrections, who are certified by the Mississippi Board on Law  
840 Enforcement Officer Standards and Training, have the powers of a  
841 law enforcement officer of this state. Such powers shall include  
842 to make arrests and to serve and execute search warrants and other  
843 valid legal process anywhere within the State of Mississippi while  
844 performing their officially assigned duties relating to the  
845 custody, control, transportation, recapture or arrest of any  
846 offender within the jurisdiction of the department or any offender  
847 of any jail, penitentiary, public workhouse or overnight lockup of  
848 the state or any political subdivision thereof not within the  
849 jurisdiction of the department in any matter relating to the  
850 custody, control, transportation or recapture of such offender.

851 (g) To make an annual report to the Governor and the  
852 Legislature reflecting the activities of the department and make  
853 recommendations for improvement of the services to be performed by  
854 the department;

855 (h) To cooperate fully with periodic independent  
856 internal investigations of the department and to file the report  
857 with the Governor and the Legislature;

858 (i) To make personnel actions for a period of one (1)  
859 year beginning July 1, 2016, that are exempt from State Personnel  
860 Board rules, regulations and procedures in order to give the  
861 commissioner flexibility in making an orderly, effective and  
862 timely reorganization and realignment of the department; and



863 (j) To perform such other duties necessary to  
864 effectively and efficiently carry out the purposes of the  
865 department as may be directed by the Governor.

866 **SECTION 17.** Section 47-5-601, Mississippi Code of 1972, is  
867 brought forward as follows:

868 47-5-601. The Mississippi Department of Corrections is authorized to establish a drug  
869 identification program and shall have the power and duty to adopt rules not inconsistent with law  
870 as it may deem proper and necessary with respect to the establishment, administration and operation  
871 of the program.

872 **SECTION 18.** Section 47-5-603, Mississippi Code of 1972, is  
873 brought forward as follows:

874 47-5-603. Any offender on probation or released from a  
875 facility of the Department of Corrections on parole or earned  
876 probation who remains under the supervision of the Department of  
877 Corrections or any offender who is incarcerated in a state  
878 correctional facility may be required to participate in the  
879 Mississippi Department of Corrections drug identification program.  
880 Participation by an offender would consist of submission by the  
881 offender, from time to time and upon the request of a parole or  
882 probation supervisor, or authorized personnel of the department to  
883 any type of breath, saliva or urine chemical analysis test, the  
884 purpose of which is to detect the possible presence of alcohol or  
885 a substance prohibited or controlled by any law of the State of  
886 Mississippi or the United States.



887           **SECTION 19.** Section 47-5-605, Mississippi Code of 1972, is  
888 brought forward as follows:

889           47-5-605. Each time the results of such a chemical analysis  
890 test indicate the unauthorized presence of alcohol or a controlled  
891 substance in the parolee or probationer, he or she shall be  
892 required to pay a fee of Ten Dollars (\$10.00) to the Mississippi  
893 Department of Corrections drug identification program, which fee  
894 shall be used to pay for the cost of administering that particular  
895 test. All other costs of the program, including the costs of  
896 administering such tests in cases in which the presence of alcohol  
897 or a controlled substance is not found, will be paid by  
898 expenditures from the Community Service Revolving Fund as  
899 described in Section 47-7-49.

900           **SECTION 20.** Section 47-7-2, Mississippi Code of 1972, is  
901 brought forward as follows:

902           47-7-2. For purposes of this chapter, the following words  
903 shall have the meaning ascribed herein unless the context shall  
904 otherwise require:

905           (a) "Adult" means a person who is seventeen (17) years  
906 of age or older, or any person convicted of any crime not subject  
907 to the provisions of the youth court law, or any person  
908 "certified" to be tried as an adult by any youth court in the  
909 state.

910           (b) "Board" means the State Parole Board.



911 (c) "Parole case plan" means an individualized, written  
912 accountability and behavior change strategy developed by the  
913 department in collaboration with the parole board to prepare  
914 offenders for release on parole at the parole eligibility date.  
915 The case plan shall focus on the offender's criminal risk factors  
916 that, if addressed, reduce the likelihood of reoffending.

917 (d) "Commissioner" means the Commissioner of  
918 Corrections.

919 (e) "Correctional system" means the facilities,  
920 institutions, programs and personnel of the department utilized  
921 for adult offenders who are committed to the custody of the  
922 department.

923 (f) "Criminal risk factors" means characteristics that  
924 increase a person's likelihood of reoffending. These  
925 characteristics include: antisocial behavior; antisocial  
926 personality; criminal thinking; criminal associates; dysfunctional  
927 family; low levels of employment or education; poor use of leisure  
928 and recreation; and substance abuse.

929 (g) "Department" means the Mississippi Department of  
930 Corrections.

931 (h) "Detention" means the temporary care of juveniles  
932 and adults who require secure custody for their own or the  
933 community's protection in a physically restricting facility prior  
934 to adjudication, or retention in a physically restricting facility



935 upon being taken into custody after an alleged parole or probation  
936 violation.

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

942 (j) "Evidence-based practices" means supervision  
943 policies, procedures, and practices that scientific research  
944 demonstrates reduce recidivism.

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

948 (l) "Juvenile," "minor" or "youthful" means a person  
949 less than seventeen (17) years of age.

950 (m) "Offender" means any person convicted of a crime or  
951 offense under the laws and ordinances of the state and its  
952 political subdivisions.

953 (n) "Pre-release assessment" means a determination of  
954 an offender's ability to attend to basic needs, including, but not  
955 limited to, transportation, clothing and food, financial  
956 resources, personal identification documents, housing, employment,  
957 education, and health care, following release.



958           (o) "Special meetings" means those meetings called by  
959 the chairman with at least twenty-four (24) hours' notice or a  
960 unanimous waiver of notice.

961           (p) "Supervision plan" means a plan developed by the  
962 community corrections department to manage offenders on probation  
963 and parole in a way that reduces the likelihood they will commit a  
964 new criminal offense or violate the terms of supervision and that  
965 increases the likelihood of obtaining stable housing, employment  
966 and skills necessary to sustain positive conduct.

967           (q) "Technical violation" means an act or omission by  
968 the probationer that violates a condition or conditions of  
969 probation placed on the probationer by the court or the probation  
970 officer.

971           (r) "Transitional reentry center" means a  
972 state-operated or state-contracted facility used to house  
973 offenders leaving the physical custody of the Department of  
974 Corrections on parole, probation or post-release supervision who  
975 are in need of temporary housing and services that reduce their  
976 risk to reoffend.

977           (s) "Unit of local government" means a county, city,  
978 town, village or other general purpose political subdivision of  
979 the state.

980           (t) "Risk and needs assessment" means the determination  
981 of a person's risk to reoffend using an actuarial assessment tool





982 validated on Mississippi corrections populations and the needs  
983 that, when addressed, reduce the risk to reoffend.

984         **SECTION 21.** Section 47-7-3, Mississippi Code of 1972, is  
985 brought forward as follows:

986             47-7-3. (1) Every prisoner who has been convicted of any  
987 offense against the State of Mississippi, and is confined in the  
988 execution of a judgment of such conviction in the Mississippi  
989 Department of Corrections for a definite term or terms of one (1)  
990 year or over, or for the term of his or her natural life, whose  
991 record of conduct shows that such prisoner has observed the rules  
992 of the department, and who has served the minimum required time  
993 for parole eligibility, may be released on parole as set forth  
994 herein:

995             (a) **Habitual offenders.** Except as provided by Sections  
996 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
997 habitual criminal shall be eligible for parole;

998             (b) **Sex offenders.** Any person who has been sentenced  
999 for a sex offense as defined in Section 45-33-23(h) shall not be  
1000 released on parole except for a person under the age of nineteen  
1001 (19) who has been convicted under Section 97-3-67;

1002             (c) **Capital offenders.** No person sentenced for the  
1003 following offenses shall be eligible for parole:

1004                     (i) Capital murder committed on or after July 1,  
1005 1994, as defined in Section 97-3-19(2);



1006 (ii) Any offense to which an offender is sentenced  
1007 to life imprisonment under the provisions of Section 99-19-101; or

1008 (iii) Any offense to which an offender is  
1009 sentenced to life imprisonment without eligibility for parole  
1010 under the provisions of Section 99-19-101, whose crime was  
1011 committed on or after July 1, 1994;

1012 (d) **Murder.** No person sentenced for murder in the  
1013 first degree, whose crime was committed on or after June 30, 1995,  
1014 or murder in the second degree, as defined in Section 97-3-19,  
1015 shall be eligible for parole;

1016 (e) **Human trafficking.** No person sentenced for human  
1017 trafficking, as defined in Section 97-3-54.1, whose crime was  
1018 committed on or after July 1, 2014, shall be eligible for parole;

1019 (f) **Drug trafficking.** No person sentenced for  
1020 trafficking and aggravated trafficking, as defined in Section  
1021 41-29-139(f) through (g), shall be eligible for parole;

1022 (g) **Offenses specifically prohibiting parole release.**  
1023 No person shall be eligible for parole who is convicted of any  
1024 offense that specifically prohibits parole release;

1025 (h) (i) **Offenders eligible for parole consideration**  
1026 **for offenses committed after June 30, 1995.** Except as provided in  
1027 paragraphs (a) through (g) of this subsection, offenders may be  
1028 considered eligible for parole release as follows:

1029 1. **Nonviolent crimes.** All persons sentenced  
1030 for a nonviolent offense shall be eligible for parole only after



1031 they have served twenty-five percent (25%) or ten (10) years,  
1032 whichever is less, of the sentence or sentences imposed by the  
1033 trial court. For purposes of this paragraph, "nonviolent crime"  
1034 means a felony not designated as a crime of violence in Section  
1035 97-3-2.

1036                   2. **Violent crimes.** A person who is sentenced  
1037 for a violent offense as defined in Section 97-3-2, except robbery  
1038 with a deadly weapon as defined in Section 97-3-79, drive-by  
1039 shooting as defined in Section 97-3-109, and carjacking as defined  
1040 in Section 97-3-117, shall be eligible for parole only after  
1041 having served fifty percent (50%) or twenty (20) years, whichever  
1042 is less, of the sentence or sentences imposed by the trial court.  
1043 Those persons sentenced for robbery with a deadly weapon as  
1044 defined in Section 97-3-79, drive-by shooting as defined in  
1045 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
1046 shall be eligible for parole only after having served sixty  
1047 percent (60%) or twenty-five (25) years, whichever is less, of the  
1048 sentence or sentences imposed by the trial court.

1049                   3. **Nonviolent and nonhabitual drug offenses.**  
1050 A person who has been sentenced to a drug offense pursuant to  
1051 Section 41-29-139(a) through (d), whose crime was committed after  
1052 June 30, 1995, shall be eligible for parole only after he has  
1053 served twenty-five percent (25%) or ten (10) years, whichever is  
1054 less, of the sentence or sentences imposed.



1055                   (ii) **Parole hearing required.** All persons  
1056 eligible for parole under subparagraph (i) of this paragraph (h)  
1057 who are serving a sentence or sentences for a crime of violence,  
1058 as defined in Section 97-3-2, shall be required to have a parole  
1059 hearing before the Parole Board pursuant to Section 47-7-17, prior  
1060 to parole release.

1061                   (iii) **Geriatric parole.** Notwithstanding the  
1062 provisions in subparagraph (i) of this paragraph (h), a person  
1063 serving a sentence who has reached the age of sixty (60) or older  
1064 and who has served no less than ten (10) years of the sentence or  
1065 sentences imposed by the trial court shall be eligible for parole.  
1066 Any person eligible for parole under this subparagraph (iii) shall  
1067 be required to have a parole hearing before the board prior to  
1068 parole release. No inmate shall be eligible for parole under this  
1069 subparagraph (iii) of this paragraph (h) if:

1070                   1. The inmate is sentenced as a habitual  
1071 offender under Sections 99-19-81 through 99-19-87;

1072                   2. The inmate is sentenced for a crime of  
1073 violence under Section 97-3-2;

1074                   3. The inmate is sentenced for an offense  
1075 that specifically prohibits parole release;

1076                   4. The inmate is sentenced for trafficking in  
1077 controlled substances under Section 41-29-139(f);

1078                   5. The inmate is sentenced for a sex crime;

1079 or



1080                   6. The inmate has not served one-fourth (1/4)  
1081 of the sentence imposed by the court.

1082                   (iv) **Parole consideration as authorized by the**  
1083 **trial court.** Notwithstanding the provisions of paragraph (a) of  
1084 this subsection, any offender who has not committed a crime of  
1085 violence under Section 97-3-2 and has served twenty-five percent  
1086 (25%) or more of his sentence may be paroled by the State Parole  
1087 Board if, after the sentencing judge or if the sentencing judge is  
1088 retired, disabled or incapacitated, the senior circuit judge  
1089 authorizes the offender to be eligible for parole consideration;  
1090 or if the senior circuit judge must be recused, another circuit  
1091 judge of the same district or a senior status judge may hear and  
1092 decide the matter. A petition for parole eligibility  
1093 consideration pursuant to this subparagraph (iv) shall be filed in  
1094 the original criminal cause or causes, and the offender shall  
1095 serve an executed copy of the petition on the District Attorney.  
1096 The court may, in its discretion, require the District Attorney to  
1097 respond to the petition.

1098                   (2) The State Parole Board shall, by rules and regulations,  
1099 establish a method of determining a tentative parole hearing date  
1100 for each eligible offender taken into the custody of the  
1101 Department of Corrections. The tentative parole hearing date  
1102 shall be determined within ninety (90) days after the department  
1103 has assumed custody of the offender. Except as provided in  
1104 Section 47-7-18, the parole hearing date shall occur when the



1105 offender is within thirty (30) days of the month of his parole  
1106 eligibility date. Any parole eligibility date shall not be  
1107 earlier than as required in this section.

1108 (3) Notwithstanding any other provision of law, an inmate  
1109 shall not be eligible to receive earned time, good time or any  
1110 other administrative reduction of time which shall reduce the time  
1111 necessary to be served for parole eligibility as provided in  
1112 subsection (1) of this section.

1113 (4) Any inmate within forty-eight (48) months of his parole  
1114 eligibility date and who meets the criteria established by the  
1115 classification board shall receive priority for placement in any  
1116 educational development and job-training programs that are part of  
1117 his or her parole case plan. Any inmate refusing to participate  
1118 in an educational development or job-training program, including,  
1119 but not limited to, programs required as part of the case plan,  
1120 shall be in jeopardy of noncompliance with the case plan and may  
1121 be denied parole.

1122 (5) In addition to other requirements, if an offender is  
1123 convicted of a drug or driving under the influence felony, the  
1124 offender must complete a drug and alcohol rehabilitation program  
1125 prior to parole, or the offender shall be required to complete a  
1126 postrelease drug and alcohol program as a condition of parole.

1127 (6) Except as provided in subsection (1)(a) through (h) of  
1128 this section, all other persons shall be eligible for parole after  
1129 serving twenty-five percent (25%) of the sentence or sentences



1130 imposed by the trial court, or, if sentenced to thirty (30) years  
1131 or more, after serving ten (10) years of the sentence or sentences  
1132 imposed by the trial court.

1133 (7) The Corrections and Criminal Justice Oversight Task  
1134 Force established in Section 47-5-6 shall develop and submit  
1135 recommendations to the Governor and to the Legislature annually on  
1136 or before December 1st concerning issues relating to juvenile and  
1137 habitual offender parole reform and to review and monitor the  
1138 implementation of Chapter 479, Laws of 2021.

1139 (8) The amendments contained in Chapter 479, Laws of 2021,  
1140 shall apply retroactively from and after July 1, 1995.

1141 (9) Notwithstanding provisions to the contrary in this  
1142 section, a person who was sentenced before July 1, 2021, may be  
1143 considered for parole if the person's sentence would have been  
1144 parole eligible before July 1, 2021.

1145 (10) This section shall stand repealed on July 1, 2024.

1146 **SECTION 22.** Section 47-7-3.1, Mississippi Code of 1972, is  
1147 brought forward as follows:

1148 47-7-3.1. (1) In consultation with the Parole Board, the  
1149 department shall develop a case plan for all parole-eligible  
1150 inmates to guide an inmate's rehabilitation while in the  
1151 department's custody and to reduce the likelihood of recidivism  
1152 after release.

1153 (2) The case plan shall include, but not be limited to:



1154 (a) Programming and treatment requirements based on the  
1155 results of a risk and needs assessment;

1156 (b) Any programming or treatment requirements contained  
1157 in the sentencing order; and

1158 (c) General behavior requirements in accordance with  
1159 the rules and policies of the department.

1160 (3) With respect to parole-eligible inmates admitted to the  
1161 department's custody on or after July 1, 2021, the department  
1162 shall complete the case plan within ninety (90) days of admission.  
1163 With respect to parole-eligible inmates admitted to the  
1164 department's custody before July 1, 2021, the department shall  
1165 complete the case plan by January 1, 2022.

1166 (4) The department shall provide the inmate with a written  
1167 copy of the case plan and the inmate's caseworker shall explain  
1168 the conditions set forth in the case plan.

1169 (a) Within ninety (90) days of admission, the  
1170 caseworker shall notify the inmate of their parole eligibility  
1171 date as calculated in accordance with Section 47-7-3(3);

1172 (b) At the time a parole-eligible inmate receives the  
1173 case plan, the department shall send the case plan to the Parole  
1174 Board for approval.

1175 (5) With respect to parole-eligible inmates admitted to the  
1176 department's custody after July 1, 2021, the department shall  
1177 ensure that the case plan is achievable prior to the inmate's  
1178 parole eligibility date. With respect to parole-eligible inmates





1179 admitted to the department's custody before July 1, 2021, the  
1180 department shall, to the extent possible, ensure that the case  
1181 plan is achievable prior to the inmate's parole eligibility date  
1182 or next parole hearing date, or date of release, whichever is  
1183 sooner.

1184 (6) The caseworker shall meet with the inmate every eight  
1185 (8) weeks from the date the offender received the case plan to  
1186 review the inmate's case plan progress.

1187 (7) Every four (4) months the department shall  
1188 electronically submit a progress report on each parole-eligible  
1189 inmate's case plan to the Parole Board. The board may meet to  
1190 review an inmate's case plan and may provide written input to the  
1191 caseworker on the inmate's progress toward completion of the case  
1192 plan.

1193 (8) The Parole Board shall provide semiannually to the  
1194 Oversight Task Force the number of parole hearings held, the  
1195 number of prisoners released to parole without a hearing and the  
1196 number of parolees released after a hearing.

1197 (9) If the Department of Corrections fails to adequately  
1198 provide opportunity and access for the completion of such case  
1199 plans, the Department of Corrections shall, to the extent  
1200 possible, contract with regional jail facilities that offer  
1201 educational development and job-training programs to facilitate  
1202 the fulfillment of the case plans of parole-eligible inmates.



1203           **SECTION 23.** Section 47-7-3.2, Mississippi Code of 1972, is  
1204 brought forward as follows:

1205           47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,  
1206 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
1207 on or after July 1, 2014, shall be released by the department  
1208 until he or she has served no less than the percentage of the  
1209 sentence or sentences imposed by the court as set forth below:

1210                   (a) Twenty-five percent (25%) or ten (10) years,  
1211 whichever is less, for a nonviolent crime;

1212                   (b) Fifty percent (50%) or twenty (20) years, whichever  
1213 is less, for a crime of violence pursuant to Section 97-3-2,  
1214 except for robbery with a deadly weapon as defined in Section  
1215 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
1216 carjacking as defined in Section 97-3-117;

1217                   (c) Sixty percent (60%) or twenty-five (25) years,  
1218 whichever is less, for robbery with a deadly weapon as defined in  
1219 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,  
1220 or carjacking as defined in Section 97-3-117.

1221           (2) This section shall not apply to:

1222                   (a) Offenders sentenced to life imprisonment;

1223                   (b) Offenders convicted as habitual offenders pursuant  
1224 to Sections 99-19-81 through 99-19-87;

1225                   (c) Offenders serving a sentence for a sex offense; or

1226                   (d) Offenders serving a sentence for trafficking  
1227 pursuant to Section 41-29-139(f).



1228           **SECTION 24.** Section 47-7-4, Mississippi Code of 1972, is  
1229 brought forward as follows:

1230           47-7-4. The commissioner and the medical director of the  
1231 department may place an offender who has served not less than one  
1232 (1) year of his or her sentence, except an offender convicted of a  
1233 sex crime, on conditional medical release. However, a nonviolent  
1234 offender who is bedridden may be placed on conditional medical  
1235 release regardless of the time served on his or her sentence.  
1236 Upon the release of a nonviolent offender who is bedridden, the  
1237 state shall not be responsible or liable for any medical costs  
1238 that may be incurred if such costs are acquired after the offender  
1239 is no longer incarcerated due to his or her placement on  
1240 conditional medical release. The commissioner shall not place an  
1241 offender on conditional medical release unless the medical  
1242 director of the department certifies to the commissioner that (a)  
1243 the offender is suffering from a significant permanent physical  
1244 medical condition with no possibility of recovery; (b) that his or  
1245 her further incarceration will serve no rehabilitative purposes;  
1246 and (c) that the state would incur unreasonable expenses as a  
1247 result of his or her continued incarceration. Any offender placed  
1248 on conditional medical release shall be supervised by the Division  
1249 of Community Corrections of the department for the remainder of  
1250 his or her sentence. An offender's conditional medical release  
1251 may be revoked and the offender returned and placed in actual  
1252 custody of the department if the offender violates an order or



1253 condition of his or her conditional medical release. An offender  
1254 who is no longer bedridden shall be returned and placed in the  
1255 actual custody of the department.

1256 **SECTION 25.** Section 47-7-5, Mississippi Code of 1972, is  
1257 brought forward as follows:

1258 47-7-5. (1) The State Parole Board, created under former  
1259 Section 47-7-5, is hereby created, continued and reconstituted and  
1260 shall be composed of five (5) members. The Governor shall appoint  
1261 the members with the advice and consent of the Senate. All terms  
1262 shall be at the will and pleasure of the Governor. Any vacancy  
1263 shall be filled by the Governor, with the advice and consent of  
1264 the Senate. The Governor shall appoint a chairman of the board.

1265 (2) Any person who is appointed to serve on the board shall  
1266 possess at least a bachelor's degree or a high school diploma and  
1267 four (4) years' work experience. Each member shall devote his  
1268 full time to the duties of his office and shall not engage in any  
1269 other business or profession or hold any other public office. A  
1270 member shall receive compensation or per diem in addition to his  
1271 or her salary. Each member shall keep such hours and workdays as  
1272 required of full-time state employees under Section 25-1-98.  
1273 Individuals shall be appointed to serve on the board without  
1274 reference to their political affiliations. Each board member,  
1275 including the chairman, may be reimbursed for actual and necessary  
1276 expenses as authorized by Section 25-3-41. Each member of the  
1277 board shall complete annual training developed based on guidance



1278 from the National Institute of Corrections, the Association of  
1279 Paroling Authorities International, or the American Probation and  
1280 Parole Association. Each first-time appointee of the board shall,  
1281 within sixty (60) days of appointment, or as soon as practical,  
1282 complete training for first-time Parole Board members developed in  
1283 consideration of information from the National Institute of  
1284 Corrections, the Association of Paroling Authorities  
1285 International, or the American Probation and Parole Association.

1286 (3) The board shall have exclusive responsibility for the  
1287 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
1288 shall have exclusive authority for revocation of the same. The  
1289 board shall have exclusive responsibility for investigating  
1290 clemency recommendations upon request of the Governor.

1291 (4) The board, its members and staff, shall be immune from  
1292 civil liability for any official acts taken in good faith and in  
1293 exercise of the board's legitimate governmental authority.

1294 (5) The budget of the board shall be funded through a  
1295 separate line item within the general appropriation bill for the  
1296 support and maintenance of the department. Employees of the  
1297 department which are employed by or assigned to the board shall  
1298 work under the guidance and supervision of the board. There shall  
1299 be an executive secretary to the board who shall be responsible  
1300 for all administrative and general accounting duties related to  
1301 the board. The executive secretary shall keep and preserve all  
1302 records and papers pertaining to the board.



1303           (6) The board shall have no authority or responsibility for  
1304 supervision of offenders granted a release for any reason,  
1305 including, but not limited to, probation, parole or executive  
1306 clemency or other offenders requiring the same through interstate  
1307 compact agreements. The supervision shall be provided exclusively  
1308 by the staff of the Division of Community Corrections of the  
1309 department.

1310           (7) (a) The Parole Board is authorized to select and place  
1311 offenders in an electronic monitoring program under the conditions  
1312 and criteria imposed by the Parole Board. The conditions,  
1313 restrictions and requirements of Section 47-7-17 and Sections  
1314 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
1315 any offender placed in an electronic monitoring program by the  
1316 Parole Board.

1317           (b) Any offender placed in an electronic monitoring  
1318 program under this subsection shall pay the program fee provided  
1319 in Section 47-5-1013. The program fees shall be deposited in the  
1320 special fund created in Section 47-5-1007.

1321           (c) The department shall have absolute immunity from  
1322 liability for any injury resulting from a determination by the  
1323 Parole Board that an offender be placed in an electronic  
1324 monitoring program.

1325           (8) (a) The Parole Board shall maintain a central registry  
1326 of paroled inmates. The Parole Board shall place the following  
1327 information on the registry: name, address, photograph, crime for



1328 which paroled, the date of the end of parole or flat-time date and  
1329 other information deemed necessary. The Parole Board shall  
1330 immediately remove information on a parolee at the end of his  
1331 parole or flat-time date.

1332 (b) When a person is placed on parole, the Parole Board  
1333 shall inform the parolee of the duty to report to the parole  
1334 officer any change in address ten (10) days before changing  
1335 address.

1336 (c) The Parole Board shall utilize an internet website  
1337 or other electronic means to release or publish the information.

1338 (d) Records maintained on the registry shall be open to  
1339 law enforcement agencies and the public and shall be available no  
1340 later than July 1, 2003.

1341 (9) An affirmative vote of at least four (4) members of the  
1342 Parole Board shall be required to grant parole to an inmate  
1343 convicted of capital murder or a sex crime.

1344 (10) This section shall stand repealed on July 1, 2022.

1345 **SECTION 26.** Section 47-7-6, Mississippi Code of 1972, is  
1346 brought forward as follows:

1347 47-7-6. (1) The Parole Board, with the assistance of the  
1348 Department of Corrections, shall collect the following  
1349 information:

1350 (a) The number of offenders supervised on parole;

1351 (b) The number of offenders released on parole;

1352 (c) The number of parole hearings held;



1353 (d) The parole grant rate for parolees released with  
1354 and without a hearing;

1355 (e) The average length of time offenders spend on  
1356 parole;

1357 (f) The number and percentage of parolees revoked for a  
1358 technical violation and returned for a term of imprisonment in a  
1359 technical violation center;

1360 (g) The number and percentage of parolees revoked for a  
1361 technical violation and returned for a term of imprisonment in  
1362 another type of department of corrections' facility;

1363 (h) The number and percentage of parolees who are  
1364 convicted of a new offense and returned for a term of imprisonment  
1365 on their current crime as well as the new crime;

1366 (i) The number of parolees held on a violation in  
1367 county jail awaiting a revocation hearing; and

1368 (j) The average length of stay in a county jail for  
1369 parolees awaiting a revocation hearing.

1370 (2) The Parole Board shall semiannually report information  
1371 required in subsection (1) to the Oversight Task Force, and upon  
1372 request, shall report such information to the PEER Committee.

1373 **SECTION 27.** Section 47-7-9, Mississippi Code of 1972, is  
1374 brought forward as follows:

1375 47-7-9. (1) The circuit judges and county judges in the  
1376 districts to which Division of Community Corrections personnel  
1377 have been assigned shall have the power to request of the





1378 department transfer or removal of the division personnel from  
1379 their court.

1380 (2) (a) Division personnel shall investigate all cases  
1381 referred to them for investigation by the board, the division or  
1382 by any court in which they are authorized to serve. They shall  
1383 furnish to each person released under their supervision a written  
1384 statement of the conditions of probation, parole, earned-release  
1385 supervision, post-release supervision or suspension and shall  
1386 instruct the person regarding the same. They shall administer a  
1387 risk and needs assessment on each person under their supervision  
1388 to measure criminal risk factors and individual needs. They shall  
1389 use the results of the risk and needs assessment to guide  
1390 supervision responses consistent with evidence-based practices as  
1391 to the level of supervision and the practices used to reduce  
1392 recidivism. They shall develop a supervision plan for each person  
1393 assessed as moderate to high risk to reoffend. They shall keep  
1394 informed concerning the conduct and conditions of persons under  
1395 their supervision and use all suitable methods that are consistent  
1396 with evidence-based practices to aid and encourage them and to  
1397 bring about improvements in their conduct and condition and to  
1398 reduce the risk of recidivism. They shall keep detailed records  
1399 of their work and shall make such reports in writing as the court  
1400 or the board may require.



1401           (b) Division personnel shall complete annual training  
1402 on evidence-based practices and criminal risk factors, as well as  
1403 instructions on how to target these factors to reduce recidivism.

1404           (c) The division personnel duly assigned to court  
1405 districts are hereby vested with all the powers of police officers  
1406 or sheriffs to make arrests or perform any other duties required  
1407 of policemen or sheriffs which may be incident to the division  
1408 personnel responsibilities. All probation and parole officers  
1409 hired on or after July 1, 1994, will be placed in the Law  
1410 Enforcement Officers Training Program and will be required to meet  
1411 the standards outlined by that program.

1412           (d) It is the intention of the Legislature that insofar  
1413 as practicable the case load of each division personnel  
1414 supervising offenders in the community (hereinafter field  
1415 supervisor) shall not exceed the number of cases that may be  
1416 adequately handled.

1417           (3) (a) Division personnel shall be provided to perform  
1418 investigation for the court as provided in this subsection.  
1419 Division personnel shall conduct presentence investigations on all  
1420 persons convicted of a felony in any circuit court of the state,  
1421 prior to sentencing and at the request of the circuit court judge  
1422 of the court of conviction. The presentence evaluation report  
1423 shall consist of a complete record of the offender's criminal  
1424 history, educational level, employment history, psychological  
1425 condition and such other information as the department or judge



1426 may deem necessary. Division personnel shall also prepare written  
1427 victim impact statements at the request of the sentencing judge as  
1428 provided in Section 99-19-157.

1429 (b) In order that offenders in the custody of the  
1430 department on July 1, 1976, may benefit from the kind of  
1431 evaluations authorized in this section, an evaluation report to  
1432 consist of the information required hereinabove, supplemented by  
1433 an examination of an offender's record while in custody, shall be  
1434 compiled by the division upon all offenders in the custody of the  
1435 department on July 1, 1976. After a study of such reports by the  
1436 State Parole Board those cases which the board believes would  
1437 merit some type of executive clemency shall be submitted by the  
1438 board to the Governor with its recommendation for the appropriate  
1439 executive action.

1440 (c) The department is authorized to accept gifts,  
1441 grants and subsidies to conduct this activity.

1442 **SECTION 28.** Section 47-7-13, Mississippi Code of 1972, is  
1443 brought forward as follows:

1444 47-7-13. A majority of the board shall constitute a quorum  
1445 for the transaction of all business. A decision to parole an  
1446 offender convicted of murder or a sex-related crime shall require  
1447 the affirmative vote of three (3) members. The board shall  
1448 maintain, in minute book form, a copy of each of its official  
1449 actions with the reasons therefor. Suitable and sufficient office  
1450 space and support resources and staff necessary to conducting



1451 Parole Board business shall be provided by the Department of  
1452 Corrections. However, the principal place for conducting parole  
1453 hearings shall be the State Penitentiary at Parchman.

1454 **SECTION 29.** Section 47-7-17, Mississippi Code of 1972, is  
1455 brought forward as follows:

1456 47-7-17. (1) Within one (1) year after his admission and at  
1457 such intervals thereafter as it may determine, the board shall  
1458 secure and consider all pertinent information regarding each  
1459 offender, except any under sentence of death or otherwise  
1460 ineligible for parole, including the circumstances of his offense,  
1461 his previous social history, his previous criminal record,  
1462 including any records of law enforcement agencies or of a youth  
1463 court regarding that offender's juvenile criminal history, his  
1464 conduct, employment and attitude while in the custody of the  
1465 department, the case plan created to prepare the offender for  
1466 parole, and the reports of such physical and mental examinations  
1467 as have been made. The board shall furnish at least three (3)  
1468 months' written notice to each such offender of the date on which  
1469 he is eligible for parole.

1470 (2) Except as provided in Section 47-7-18, the board shall  
1471 require a parole-eligible offender to have a hearing as required  
1472 in this chapter before the board and to be interviewed. The  
1473 hearing shall be held no later than thirty (30) days prior to the  
1474 month of eligibility. No application for parole of a person  
1475 convicted of a capital offense shall be considered by the board



1476 unless and until notice of the filing of such application shall  
1477 have been published at least once a week for two (2) weeks in a  
1478 newspaper published in or having general circulation in the county  
1479 in which the crime was committed. The board shall, within thirty  
1480 (30) days prior to the scheduled hearing, also give notice of the  
1481 filing of the application for parole to the victim of the offense  
1482 for which the prisoner is incarcerated and being considered for  
1483 parole or, in case the offense be homicide, a designee of the  
1484 immediate family of the victim, provided the victim or designated  
1485 family member has furnished in writing a current address to the  
1486 board for such purpose. The victim or designated family member  
1487 shall be provided an opportunity to be heard by the board before  
1488 the board makes a decision regarding release on parole. The board  
1489 shall consider whether any restitution ordered has been paid in  
1490 full. Parole release shall, at the hearing, be ordered only for  
1491 the best interest of society, not as an award of clemency; it  
1492 shall not be considered to be a reduction of sentence or pardon.  
1493 An offender shall be placed on parole only when arrangements have  
1494 been made for his proper employment or for his maintenance and  
1495 care, and when the board believes that he is able and willing to  
1496 fulfill the obligations of a law-abiding citizen. When the board  
1497 determines that the offender will need transitional housing upon  
1498 release in order to improve the likelihood of the offender  
1499 becoming a law-abiding citizen, the board may parole the offender  
1500 with the condition that the inmate spends no more than six (6)



1501 months in a transitional reentry center. At least fifteen (15)  
1502 days prior to the release of an offender on parole, the director  
1503 of records of the department shall give the written notice which  
1504 is required pursuant to Section 47-5-177. Every offender while on  
1505 parole shall remain in the legal custody of the department from  
1506 which he was released and shall be amenable to the orders of the  
1507 board. Upon determination by the board that an offender is  
1508 eligible for release by parole, notice shall also be given within  
1509 at least fifteen (15) days before release, by the board to the  
1510 victim of the offense or the victim's family member, as indicated  
1511 above, regarding the date when the offender's release shall occur,  
1512 provided a current address of the victim or the victim's family  
1513 member has been furnished in writing to the board for such  
1514 purpose.

1515 (3) Failure to provide notice to the victim or the victim's  
1516 family member of the filing of the application for parole or of  
1517 any decision made by the board regarding parole shall not  
1518 constitute grounds for vacating an otherwise lawful parole  
1519 determination nor shall it create any right or liability, civilly  
1520 or criminally, against the board or any member thereof.

1521 (4) A letter of protest against granting an offender parole  
1522 shall not be treated as the conclusive and only reason for not  
1523 granting parole.

1524 (5) The board may adopt such other rules not inconsistent  
1525 with law as it may deem proper or necessary with respect to the



1526 eligibility of offenders for parole, the conduct of parole  
1527 hearings, or conditions to be imposed upon parolees, including a  
1528 condition that the parolee submit, as provided in Section 47-5-601  
1529 to any type of breath, saliva or urine chemical analysis test, the  
1530 purpose of which is to detect the possible presence of alcohol or  
1531 a substance prohibited or controlled by any law of the State of  
1532 Mississippi or the United States. The board shall have the  
1533 authority to adopt rules related to the placement of certain  
1534 offenders on unsupervised parole and for the operation of  
1535 transitional reentry centers. However, in no case shall an  
1536 offender be placed on unsupervised parole before he has served a  
1537 minimum of fifty percent (50%) of the period of supervised parole.

1538       **SECTION 30.** Section 47-7-18, Mississippi Code of 1972, is  
1539 brought forward as follows:

1540       47-7-18 (1) No inmate convicted of a sex offense as defined  
1541 by Section 45-33-23(h), a crime of violence as defined by Section  
1542 97-3-2, or both, nor an inmate who is eligible for geriatric  
1543 parole shall be released on parole without a hearing before the  
1544 Parole Board as required by Section 47-7-17. All other inmates  
1545 eligible for parole pursuant to Section 47-7-3 shall be released  
1546 from incarceration to parole supervision on the inmate's parole  
1547 eligibility date, without a hearing before the board, if:

1548           (a) The inmate has met the requirements of the parole  
1549 case plan established pursuant to Section 47-7-3.1;



1550           (b) A victim of the offense has not requested the board  
1551 conduct a hearing;

1552           (c) The inmate has not received a serious or major  
1553 violation report within the past six (6) months;

1554           (d) The inmate has agreed to the conditions of  
1555 supervision; and

1556           (e) The inmate has a discharge plan approved by the  
1557 board.

1558           (2) At least thirty (30) days prior to an inmate's parole  
1559 eligibility date, the department shall notify the board in writing  
1560 of the inmate's compliance or noncompliance with the case plan.  
1561 If an inmate fails to meet a requirement of the case plan, prior  
1562 to the parole eligibility date, he or she shall have a hearing  
1563 before the board to determine if completion of the case plan can  
1564 occur while in the community.

1565           (3) Any inmate for whom there is insufficient information  
1566 for the department to determine compliance with the case plan  
1567 shall have a hearing with the board.

1568           (4) A hearing shall be held with the board if requested by  
1569 the victim following notification of the inmate's parole release  
1570 date pursuant to Section 47-7-17.

1571           (5) A hearing shall be held by the board if a law  
1572 enforcement official from the community to which the inmate will  
1573 return contacts the board or the department and requests a hearing  
1574 to consider information relevant to public safety risks posed by





1575 the inmate if paroled at the initial parole eligibility date. The  
1576 law enforcement official shall submit an explanation documenting  
1577 these concerns for the board to consider.

1578 (6) If a parole hearing is held, the board may determine the  
1579 inmate has sufficiently complied with the case plan or that the  
1580 incomplete case plan is not the fault of the inmate and that  
1581 granting parole is not incompatible with public safety, the board  
1582 may then parole the inmate with appropriate conditions. If the  
1583 board determines that the inmate has sufficiently complied with  
1584 the case plan but the discharge plan indicates that the inmate  
1585 does not have appropriate housing immediately upon release, the  
1586 board may parole the inmate to a transitional reentry center with  
1587 the condition that the inmate spends no more than six (6) months  
1588 in the center. If the board determines that the inmate has not  
1589 substantively complied with the requirement(s) of the case plan it  
1590 may deny parole. If the board denies parole, the board may  
1591 schedule a subsequent parole hearing and, if a new date is  
1592 scheduled, the board shall identify the corrective action the  
1593 inmate will need to take in order to be granted parole. Any  
1594 inmate not released at the time of the inmate's initial parole  
1595 date shall have a parole hearing at least every year.

1596 **SECTION 31.** Section 47-7-19, Mississippi Code of 1972, is  
1597 brought forward as follows:

1598 47-7-19. It shall be the duty of all correctional system  
1599 officials to grant to the members of the board or its properly



1600 accredited representatives, access at all reasonable times to any  
1601 person over whom the board may have jurisdiction under this  
1602 chapter; to provide for the board or such representatives  
1603 facilities for communicating with and observing the offender; and  
1604 to furnish to the board such reports as the board shall require  
1605 concerning the conduct and character of any offender in the  
1606 Department of Corrections custody and any other facts deemed by  
1607 the board pertinent in determining whether such offender shall be  
1608 paroled.

1609         It shall be the duty of any judge, district attorney, county  
1610 attorney, police officer, or other public official of the state,  
1611 having information with reference to any person eligible for  
1612 parole, to send such information as may be in his possession or  
1613 under his control to the board, in writing, upon request of any  
1614 member or employee thereof.

1615         **SECTION 32.** Section 47-7-21, Mississippi Code of 1972, is  
1616 brought forward as follows:

1617         47-7-21. All information obtained in the discharge of  
1618 official duty by a field officer as an employee of the Department  
1619 of Corrections shall be privileged and shall not be disclosed  
1620 directly or indirectly to anyone other than to (a) the State  
1621 Parole Board, (b) a judge, or (c) law enforcement agencies when  
1622 such information is relevant to criminal activity.

1623         **SECTION 33.** Section 47-7-23, Mississippi Code of 1972, is  
1624 brought forward as follows:



1625           47-7-23. Except as otherwise provided by law, the Department  
1626 of Corrections shall have the power and duty to make rules for the  
1627 conduct of persons heretofore or hereafter placed on parole under  
1628 the supervision of the Department of Corrections and for the  
1629 investigation and supervision of such persons, which supervision  
1630 may include a condition that such persons submit, as provided in  
1631 Section 47-5-601, to any type of breath, saliva or urine chemical  
1632 analysis test, the purpose of which is to detect the possible  
1633 presence of alcohol or a substance prohibited or controlled by any  
1634 law of the State of Mississippi or the United States. The  
1635 department shall not make any rules which shall be inconsistent  
1636 with the rules imposed by the State Parole Board pursuant to  
1637 Section 47-7-17 on offenders who are placed on unsupervised  
1638 parole.

1639           **SECTION 34.** Section 47-7-25, Mississippi Code of 1972, is  
1640 brought forward as follows:

1641           47-7-25. When an offender is placed on parole he shall  
1642 receive, if needed, from the state, civilian clothing and  
1643 transportation to the place in which he is to reside. At the  
1644 discretion of the board the offender may be advanced such sum for  
1645 his temporary maintenance as the board may allow. The aforesaid  
1646 gratuities are to be furnished by the Commissioner of Corrections  
1647 who is authorized to charge the actual cost of same in his account  
1648 as Commissioner of Corrections.



1649           **SECTION 35.** Section 47-7-27, Mississippi Code of 1972, is  
1650 brought forward as follows:

1651           47-7-27. (1) The board may, at any time and upon a showing  
1652 of probable violation of parole, issue a warrant for the return of  
1653 any paroled offender to the custody of the department. The  
1654 warrant shall authorize all persons named therein to return the  
1655 paroled offender to actual custody of the department from which he  
1656 was paroled.

1657           (2) Any field supervisor may arrest an offender without a  
1658 warrant or may deputize any other person with power of arrest by  
1659 giving him a written statement setting forth that the offender  
1660 has, in the judgment of that field supervisor, violated the  
1661 conditions of his parole or earned-release supervision. The  
1662 written statement delivered with the offender by the arresting  
1663 officer to the official in charge of the department facility from  
1664 which the offender was released or other place of detention  
1665 designated by the department shall be sufficient warrant for the  
1666 detention of the offender.

1667           (3) The field supervisor, after making an arrest, shall  
1668 present to the detaining authorities a similar statement of the  
1669 circumstances of violation. The field supervisor shall at once  
1670 notify the board or department of the arrest and detention of the  
1671 offender and shall submit a written report showing in what manner  
1672 the offender has violated the conditions of parole or  
1673 earned-release supervision. An offender for whose return a



1674 warrant has been issued by the board shall, after the issuance of  
1675 the warrant, be deemed a fugitive from justice.

1676 (4) Whenever an offender is arrested on a warrant for an  
1677 alleged violation of parole as herein provided, the board shall  
1678 hold an informal preliminary hearing within seventy-two (72) hours  
1679 to determine whether there is reasonable cause to believe the  
1680 person has violated a condition of parole. A preliminary hearing  
1681 shall not be required when the offender is not under arrest on a  
1682 warrant or the offender signed a waiver of a preliminary hearing.  
1683 The preliminary hearing may be conducted electronically.

1684 (5) The right of the State of Mississippi to extradite  
1685 persons and return fugitives from justice, from other states to  
1686 this state, shall not be impaired by this chapter and shall remain  
1687 in full force and effect. An offender convicted of a felony  
1688 committed while on parole, whether in the State of Mississippi or  
1689 another state, shall immediately have his parole revoked upon  
1690 presentment of a certified copy of the commitment order to the  
1691 board. If an offender is on parole and the offender is convicted  
1692 of a felony for a crime committed prior to the offender being  
1693 placed on parole, whether in the State of Mississippi or another  
1694 state, the offender may have his parole revoked upon presentment  
1695 of a certified copy of the commitment order to the board.

1696 (6) (a) The board shall hold a hearing for any parolee who  
1697 is detained as a result of a warrant or a violation report within  
1698 twenty-one (21) days of the parolee's admission to detention. The



1699 board may, in its discretion, terminate the parole or modify the  
1700 terms and conditions thereof. If the board revokes parole for one  
1701 or more technical violations the board shall impose a period of  
1702 imprisonment to be served in a technical violation center operated  
1703 by the department not to exceed ninety (90) days for the first  
1704 revocation and not to exceed one hundred twenty (120) days for the  
1705 second revocation. For the third revocation, the board may impose  
1706 a period of imprisonment to be served in a technical violation  
1707 center for up to one hundred and eighty (180) days or the board  
1708 may impose the remainder of the suspended portion of the sentence.  
1709 For the fourth and any subsequent revocation, the board may impose  
1710 up to the remainder of the suspended portion of the sentence. The  
1711 period of imprisonment in a technical violation center imposed  
1712 under this section shall not be reduced in any manner.

1713 (b) If the board does not hold a hearing or does not  
1714 take action on the violation within the twenty-one-day time frame  
1715 in paragraph (a) of this subsection, the parolee shall be released  
1716 from detention and shall return to parole status. The board may  
1717 subsequently hold a hearing and may revoke parole or may continue  
1718 parole and modify the terms and conditions of parole. If the  
1719 board revokes parole for one or more technical violations the  
1720 board shall impose a period of imprisonment to be served in a  
1721 technical violation center operated by the department not to  
1722 exceed ninety (90) days for the first revocation and not to exceed  
1723 one hundred twenty (120) days for the second revocation. For the



1724 third revocation, the board may impose a period of imprisonment to  
1725 be served in a technical violation center for up to one hundred  
1726 eighty (180) days or the board may impose the remainder of the  
1727 suspended portion of the sentence. For the fourth and any  
1728 subsequent revocation, the board may impose up to the remainder of  
1729 the suspended portion of the sentence. The period of imprisonment  
1730 in a technical violation center imposed under this section shall  
1731 not be reduced in any manner.

1732 (c) For a parolee charged with one or more technical  
1733 violations who has not been detained awaiting the revocation  
1734 hearing, the board may hold a hearing within a reasonable time.  
1735 The board may revoke parole or may continue parole and modify the  
1736 terms and conditions of parole. If the board revokes parole for  
1737 one or more technical violations the board shall impose a period  
1738 of imprisonment to be served in a technical violation center  
1739 operated by the department not to exceed ninety (90) days for the  
1740 first revocation and not to exceed one hundred twenty (120) days  
1741 for the second revocation. For the third revocation, the board  
1742 may impose a period of imprisonment to be served in a technical  
1743 violation center for up to one hundred eighty (180) days or the  
1744 board may impose the remainder of the suspended portion of the  
1745 sentence. For the fourth and any subsequent revocation, the board  
1746 may impose up to the remainder of the suspended portion of the  
1747 sentence. The period of imprisonment in a technical violation



1748 center imposed under this section shall not be reduced in any  
1749 manner.

1750 (7) Unless good cause for the delay is established in the  
1751 record of the proceeding, the parole revocation charge shall be  
1752 dismissed if the revocation hearing is not held within the thirty  
1753 (30) days of the issuance of the warrant.

1754 (8) The chairman and each member of the board and the  
1755 designated parole revocation hearing officer may, in the discharge  
1756 of their duties, administer oaths, summon and examine witnesses,  
1757 and take other steps as may be necessary to ascertain the truth of  
1758 any matter about which they have the right to inquire.

1759 (9) The board shall provide semiannually to the Oversight  
1760 Task Force the number of warrants issued for an alleged violation  
1761 of parole, the average time between detention on a warrant and  
1762 preliminary hearing, the average time between detention on a  
1763 warrant and revocation hearing, the number of ninety-day sentences  
1764 in a technical violation center issued by the board, the number of  
1765 one-hundred-twenty-day sentences in a technical violation center  
1766 issued by the board, the number of one-hundred-eighty-day  
1767 sentences issued by the board, and the number and average length  
1768 of the suspended sentences imposed by the board in response to a  
1769 violation.

1770 **SECTION 36.** Section 47-7-29, Mississippi Code of 1972, is  
1771 brought forward as follows:





1772 47-7-29. Any prisoner who commits a felony while at large  
1773 upon parole or earned-release supervision and who is convicted and  
1774 sentenced therefor shall be required to serve such sentence after  
1775 the original sentence has been completed.

1776 **SECTION 37.** Section 47-7-33, Mississippi Code of 1972, is  
1777 brought forward as follows:

1778 47-7-33. (1) When it appears to the satisfaction of any  
1779 circuit court or county court in the State of Mississippi having  
1780 original jurisdiction over criminal actions, or to the judge  
1781 thereof, that the ends of justice and the best interest of the  
1782 public, as well as the defendant, will be served thereby, such  
1783 court, in termtime or in vacation, shall have the power, after  
1784 conviction or a plea of guilty, except in a case where a death  
1785 sentence or life imprisonment is the maximum penalty which may be  
1786 imposed, to suspend the imposition or execution of sentence, and  
1787 place the defendant on probation as herein provided, except that  
1788 the court shall not suspend the execution of a sentence of  
1789 imprisonment after the defendant shall have begun to serve such  
1790 sentence. In placing any defendant on probation, the court, or  
1791 judge, shall direct that such defendant be under the supervision  
1792 of the Department of Corrections.

1793 (2) When any circuit or county court places an offender on  
1794 probation, the court shall give notice to the Mississippi  
1795 Department of Corrections within fifteen (15) days of the court's  
1796 decision to place the offender on probation. Notice shall be



1797 delivered to the central office of the Mississippi Department of  
1798 Corrections and to the regional office of the department which  
1799 will be providing supervision to the offender on probation.

1800 (3) When any circuit court or county court places a person  
1801 on probation in accordance with the provisions of this section and  
1802 that person is ordered to make any payments to his family, if any  
1803 member of his family whom he is ordered to support is receiving  
1804 public assistance through the State Department of Human Services,  
1805 the court shall order him to make such payments to the county  
1806 welfare officer of the county rendering public assistance to his  
1807 family, for the sole use and benefit of said family.

1808 **SECTION 38.** Section 47-7-33.1, Mississippi Code of 1972, is  
1809 brought forward as follows:

1810 47-7-33.1. (1) The department shall create a discharge plan  
1811 for any offender returning to the community, regardless of whether  
1812 the person will discharge from the custody of the department, or  
1813 is released on parole, pardon, or otherwise. At least ninety (90)  
1814 days prior to an offender's earliest release date, the  
1815 commissioner shall conduct a pre-release assessment and complete a  
1816 written discharge plan based on the assessment results. The  
1817 discharge plan for parole eligible offenders shall be sent to the  
1818 parole board at least thirty (30) days prior to the offender's  
1819 parole eligibility date for approval. The board may suggest  
1820 changes to the plan that it deems necessary to ensure a successful  
1821 transition.



1822           (2) The pre-release assessment shall identify whether an  
1823 inmate requires assistance obtaining the following basic needs  
1824 upon release: transportation, clothing and food, financial  
1825 resources, identification documents, housing, employment,  
1826 education, health care and support systems. The discharge plan  
1827 shall include information necessary to address these needs and the  
1828 steps being taken by the department to assist in this process,  
1829 including an up-to-date version of the information described in  
1830 Section 63-1-309(4). Based on the findings of the assessment, the  
1831 commissioner shall:

1832           (a) Arrange transportation for inmates from the  
1833 correctional facility to their release destination;

1834           (b) Ensure inmates have clean, seasonally appropriate  
1835 clothing, and provide inmates with a list of food providers and  
1836 other basic resources immediately accessible upon release;

1837           (c) Ensure inmates have a provisional driver's license  
1838 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi  
1839 Code of 1972, a regular driver's license if eligible, or a  
1840 state-issued identification card that is not a Department of  
1841 Corrections identification card;

1842           (d) Assist inmates in identifying safe, affordable  
1843 housing upon release. If accommodations are not available,  
1844 determine whether temporary housing is available for at least ten  
1845 (10) days after release. If temporary housing is not available,  
1846 the discharge plan shall reflect that satisfactory housing has not



1847 been established and the person may be a candidate for  
1848 transitional reentry center placement;

1849 (e) Refer inmates without secured employment to  
1850 employment opportunities;

1851 (f) Provide inmates with contact information of a  
1852 health care facility/provider in the community in which they plan  
1853 to reside;

1854 (g) Notify family members of the release date and  
1855 release plan, if the inmate agrees; and

1856 (h) Refer inmates to a community or a faith-based  
1857 organization that can offer support within the first twenty-four  
1858 (24) hours of release.

1859 (3) A written discharge plan shall be provided to the  
1860 offender and supervising probation officer or parole officer, if  
1861 applicable.

1862 (4) A discharge plan created for a parole-eligible offender  
1863 shall also include supervision conditions and the intensity of  
1864 supervision based on the assessed risk to recidivate and whether  
1865 there is a need for transitional housing. The board shall approve  
1866 discharge plans before an offender is released on parole pursuant  
1867 to this chapter.

1868 **SECTION 39.** Section 47-7-34, Mississippi Code of 1972, is  
1869 brought forward as follows:

1870 47-7-34. (1) When a court imposes a sentence upon a  
1871 conviction for any felony committed after June 30, 1995, the



1872 court, in addition to any other punishment imposed if the other  
1873 punishment includes a term of incarceration in a state or local  
1874 correctional facility, may impose a term of post-release  
1875 supervision. However, the total number of years of incarceration  
1876 plus the total number of years of post-release supervision shall  
1877 not exceed the maximum sentence authorized to be imposed by law  
1878 for the felony committed. The defendant shall be placed under  
1879 post-release supervision upon release from the term of  
1880 incarceration. The period of supervision shall be established by  
1881 the court.

1882 (2) The period of post-release supervision shall be  
1883 conducted in the same manner as a like period of supervised  
1884 probation, including a requirement that the defendant shall abide  
1885 by any terms and conditions as the court may establish. Failure  
1886 to successfully abide by the terms and conditions shall be grounds  
1887 to terminate the period of post-release supervision and to  
1888 recommit the defendant to the correctional facility from which he  
1889 was previously released. Procedures for termination and  
1890 recommitment shall be conducted in the same manner as procedures  
1891 for the revocation of probation and imposition of a suspended  
1892 sentence as required pursuant to Section 47-7-37.

1893 (3) Post-release supervision programs shall be operated  
1894 through the probation and parole unit of the Division of Community  
1895 Corrections of the department. The maximum amount of time that  
1896 the Mississippi Department of Corrections may supervise an



1897 offender on the post-release supervision program is five (5)  
1898 years.

1899 **SECTION 40.** Section 47-7-35, Mississippi Code of 1972, is  
1900 brought forward as follows:

1901 47-7-35. (1) The courts referred to in Section 47-7-33 or  
1902 47-7-34 shall determine the terms and conditions of probation or  
1903 post-release supervision and may alter or modify, at any time  
1904 during the period of probation or post-release supervision, the  
1905 conditions and may include among them the following or any other:

1906 That the offender shall:

1907 (a) Commit no offense against the laws of this or any  
1908 other state of the United States, or of any federal, territorial  
1909 or tribal jurisdiction of the United States;

1910 (b) Avoid injurious or vicious habits;

1911 (c) Avoid persons or places of disreputable or harmful  
1912 character;

1913 (d) Report to the probation and parole officer as  
1914 directed;

1915 (e) Permit the probation and parole officer to visit  
1916 him at home or elsewhere;

1917 (f) Work faithfully at suitable employment so far as  
1918 possible;

1919 (g) Remain within a specified area;

1920 (h) Pay his fine in one (1) or several sums;

1921 (i) Support his dependents;



1922 (j) Submit, as provided in Section 47-5-601, to any  
1923 type of breath, saliva or urine chemical analysis test, the  
1924 purpose of which is to detect the possible presence of alcohol or  
1925 a substance prohibited or controlled by any law of the State of  
1926 Mississippi or the United States;

1927 (k) Register as a sex offender if so required under  
1928 Title 45, Chapter 33.

1929 (2) When any court places a defendant on misdemeanor  
1930 probation, the court must cause to be conducted a search of the  
1931 probationer's name or other identifying information against the  
1932 registration information regarding sex offenders maintained under  
1933 Title 45, Chapter 33. The search may be conducted using the  
1934 Internet site maintained by the Department of Public Safety Sex  
1935 Offender Registry.

1936 **SECTION 41.** Section 47-7-36, Mississippi Code of 1972, is  
1937 brought forward as follows:

1938 47-7-36. Any person who supervises an individual placed on  
1939 parole by the Parole Board or placed on probation by the court  
1940 shall set the times and locations for meetings that are required  
1941 for parole or probation at such times and locations that are  
1942 reasonably designed to accommodate the work schedule of an  
1943 individual on parole or probation who is employed by another  
1944 person or entity. To effectuate the provisions of this section,  
1945 the parole officer or probation officer may utilize technology  
1946 portals such as Skype, FaceTime or Google video chat, or any other



1947 technology portal that allows communication between the individual  
1948 on parole or probation and the parole or probation officer, as  
1949 applicable, to occur simultaneously in real time by voice and  
1950 video in lieu of requiring a face-to-face in person meeting of  
1951 such individual and the parole or probation officer, as  
1952 applicable. For individuals who are self-employed, the provisions  
1953 of this section shall only apply with the agreement of their  
1954 supervising parole or probation officer.

1955         **SECTION 42.** Section 47-7-37, Mississippi Code of 1972, is  
1956 brought forward as follows:

1957         47-7-37. (1) The period of probation shall be fixed by the  
1958 court, and may at any time be extended or terminated by the court,  
1959 or judge in vacation. Such period with any extension thereof  
1960 shall not exceed five (5) years, except that in cases of desertion  
1961 and/or failure to support minor children, the period of probation  
1962 may be fixed and/or extended by the court for so long as the duty  
1963 to support such minor children exists. The time served on  
1964 probation or post-release supervision may be reduced pursuant to  
1965 Section 47-7-40.

1966         (2) At any time during the period of probation, the court,  
1967 or judge in vacation, may issue a warrant for violating any of the  
1968 conditions of probation or suspension of sentence and cause the  
1969 probationer to be arrested. Any probation and parole officer may  
1970 arrest a probationer without a warrant, or may deputize any other  
1971 officer with power of arrest to do so by giving him a written





1972 statement setting forth that the probationer has, in the judgment  
1973 of the probation and parole officer, violated the conditions of  
1974 probation. Such written statement delivered with the probationer  
1975 by the arresting officer to the official in charge of a county  
1976 jail or other place of detention shall be sufficient warrant for  
1977 the detention of the probationer.

1978 (3) Whenever an offender is arrested on a warrant for an  
1979 alleged violation of probation as herein provided, the department  
1980 shall hold an informal preliminary hearing within seventy-two (72)  
1981 hours of the arrest to determine whether there is reasonable cause  
1982 to believe the person has violated a condition of probation. A  
1983 preliminary hearing shall not be required when the offender is not  
1984 under arrest on a warrant or the offender signed a waiver of a  
1985 preliminary hearing. The preliminary hearing may be conducted  
1986 electronically. If reasonable cause is found, the offender may be  
1987 confined no more than twenty-one (21) days from the admission to  
1988 detention until a revocation hearing is held. If the revocation  
1989 hearing is not held within twenty-one (21) days, the probationer  
1990 shall be released from custody and returned to probation status.

1991 (4) If a probationer or offender is subject to registration  
1992 as a sex offender, the court must make a finding that the  
1993 probationer or offender is not a danger to the public prior to  
1994 release with or without bail. In determining the danger posed by  
1995 the release of the offender or probationer, the court may consider  
1996 the nature and circumstances of the violation and any new offenses



1997 charged; the offender or probationer's past and present conduct,  
1998 including convictions of crimes and any record of arrests without  
1999 conviction for crimes involving violence or sex crimes; any other  
2000 evidence of allegations of unlawful sexual conduct or the use of  
2001 violence by the offender or probationer; the offender or  
2002 probationer's family ties, length of residence in the community,  
2003 employment history and mental condition; the offender or  
2004 probationer's history and conduct during the probation or other  
2005 supervised release and any other previous supervisions, including  
2006 disciplinary records of previous incarcerations; the likelihood  
2007 that the offender or probationer will engage again in a criminal  
2008 course of conduct; the weight of the evidence against the offender  
2009 or probationer; and any other facts the court considers relevant.

2010 (5) (a) The probation and parole officer after making an  
2011 arrest shall present to the detaining authorities a similar  
2012 statement of the circumstances of violation. The probation and  
2013 parole officer shall at once notify the court of the arrest and  
2014 detention of the probationer and shall submit a report in writing  
2015 showing in what manner the probationer has violated the conditions  
2016 of probation. Within twenty-one (21) days of arrest and detention  
2017 by warrant as herein provided, the court shall cause the  
2018 probationer to be brought before it and may continue or revoke all  
2019 or any part of the probation or the suspension of sentence. If  
2020 the court revokes probation for one or more technical violations,  
2021 the court shall impose a period of imprisonment to be served in



2022 either a technical violation center or a restitution center not to  
2023 exceed ninety (90) days for the first revocation and not to exceed  
2024 one hundred twenty (120) days for the second revocation. For the  
2025 third revocation, the court may impose a period of imprisonment to  
2026 be served in either a technical violation center or a restitution  
2027 center for up to one hundred eighty (180) days or the court may  
2028 impose the remainder of the suspended portion of the sentence.  
2029 For the fourth and any subsequent revocation, the court may impose  
2030 up to the remainder of the suspended portion of the sentence. The  
2031 period of imprisonment in a technical violation center imposed  
2032 under this section shall not be reduced in any manner.

2033 (b) If the offender is not detained as a result of the  
2034 warrant, the court shall cause the probationer to be brought  
2035 before it within a reasonable time and may continue or revoke all  
2036 or any part of the probation or the suspension of sentence, and  
2037 may cause the sentence imposed to be executed or may impose any  
2038 part of the sentence which might have been imposed at the time of  
2039 conviction. If the court revokes probation for one or more  
2040 technical violations, the court shall impose a period of  
2041 imprisonment to be served in either a technical violation center  
2042 or a restitution center not to exceed ninety (90) days for the  
2043 first revocation and not to exceed one hundred twenty (120) days  
2044 for the second revocation. For the third revocation, the court  
2045 may impose a period of imprisonment to be served in either a  
2046 technical violation center or a restitution center for up to one



2047 hundred eighty (180) days or the court may impose the remainder of  
2048 the suspended portion of the sentence. For the fourth and any  
2049 subsequent revocation, the court may impose up to the remainder of  
2050 the suspended portion of the sentence. The period of imprisonment  
2051 in a technical violation center imposed under this section shall  
2052 not be reduced in any manner.

2053 (c) If the court does not hold a hearing or does not  
2054 take action on the violation within the twenty-one-day period, the  
2055 offender shall be released from detention and shall return to  
2056 probation status. The court may subsequently hold a hearing and  
2057 may revoke probation or may continue probation and modify the  
2058 terms and conditions of probation. If the court revokes probation  
2059 for one or more technical violations, the court shall impose a  
2060 period of imprisonment to be served in either a technical  
2061 violation center operated by the department or a restitution  
2062 center not to exceed ninety (90) days for the first revocation and  
2063 not to exceed one hundred twenty (120) days for the second  
2064 revocation. For the third revocation, the court may impose a  
2065 period of imprisonment to be served in either a technical  
2066 violation center or a restitution center for up to one hundred  
2067 eighty (180) days or the court may impose the remainder of the  
2068 suspended portion of the sentence. For the fourth and any  
2069 subsequent revocation, the court may impose up to the remainder of  
2070 the suspended portion of the sentence. The period of imprisonment



2071 in a technical violation center imposed under this section shall  
2072 not be reduced in any manner.

2073 (d) For an offender charged with a technical violation  
2074 who has not been detained awaiting the revocation hearing, the  
2075 court may hold a hearing within a reasonable time. The court may  
2076 revoke probation or may continue probation and modify the terms  
2077 and conditions of probation. If the court revokes probation for  
2078 one or more technical violations the court shall impose a period  
2079 of imprisonment to be served in either a technical violation  
2080 center operated by the department or a restitution center not to  
2081 exceed ninety (90) days for the first revocation and not to exceed  
2082 one hundred twenty (120) days for the second revocation. For the  
2083 third revocation, the court may impose a period of imprisonment to  
2084 be served in either a technical violation center or a restitution  
2085 center for up to one hundred eighty (180) days or the court may  
2086 impose the remainder of the suspended portion of the sentence.  
2087 For the fourth and any subsequent revocation, the court may impose  
2088 up to the remainder of the suspended portion of the sentence. The  
2089 period of imprisonment in a technical violation center imposed  
2090 under this section shall not be reduced in any manner.

2091 (6) If the probationer is arrested in a circuit court  
2092 district in the State of Mississippi other than that in which he  
2093 was convicted, the probation and parole officer, upon the written  
2094 request of the sentencing judge, shall furnish to the circuit  
2095 court or the county court of the county in which the arrest is



2096 made, or to the judge of such court, a report concerning the  
2097 probationer, and such court or the judge in vacation shall have  
2098 authority, after a hearing, to continue or revoke all or any part  
2099 of probation or all or any part of the suspension of sentence, and  
2100 may in case of revocation proceed to deal with the case as if  
2101 there had been no probation. In such case, the clerk of the court  
2102 in which the order of revocation is issued shall forward a  
2103 transcript of such order to the clerk of the court of original  
2104 jurisdiction, and the clerk of that court shall proceed as if the  
2105 order of revocation had been issued by the court of original  
2106 jurisdiction. Upon the revocation of probation or suspension of  
2107 sentence of any offender, such offender shall be placed in the  
2108 legal custody of the State Department of Corrections and shall be  
2109 subject to the requirements thereof.

2110 (7) Any probationer who removes himself from the State of  
2111 Mississippi without permission of the court placing him on  
2112 probation, or the court to which jurisdiction has been  
2113 transferred, shall be deemed and considered a fugitive from  
2114 justice and shall be subject to extradition as now provided by  
2115 law. No part of the time that one is on probation shall be  
2116 considered as any part of the time that he shall be sentenced to  
2117 serve.

2118 (8) The arresting officer, except when a probation and  
2119 parole officer, shall be allowed the same fees as now provided by



2120 law for arrest on warrant, and such fees shall be taxed against  
2121 the probationer and paid as now provided by law.

2122 (9) The arrest, revocation and recommitment procedures of  
2123 this section also apply to persons who are serving a period of  
2124 post-release supervision imposed by the court.

2125 (10) Unless good cause for the delay is established in the  
2126 record of the proceeding, the probation revocation charge shall be  
2127 dismissed if the revocation hearing is not held within thirty (30)  
2128 days of the warrant being issued.

2129 (11) The Department of Corrections shall provide  
2130 semiannually to the Oversight Task Force the number of warrants  
2131 issued for an alleged violation of probation or post-release  
2132 supervision, the average time between detention on a warrant and  
2133 preliminary hearing, the average time between detention on a  
2134 warrant and revocation hearing, the number of ninety-day sentences  
2135 in a technical violation center issued by the court, the number of  
2136 one-hundred-twenty-day sentences in a technical violation center  
2137 issued by the court, the number of one-hundred-eighty-day  
2138 sentences issued by the court, and the number and average length  
2139 of the suspended sentences imposed by the court in response to a  
2140 violation.

2141 **SECTION 43.** Section 47-7-37.1, Mississippi Code of 1972, is  
2142 brought forward as follows:

2143 47-7-37.1. Notwithstanding any other provision of law to the  
2144 contrary, if a court finds by a preponderance of the evidence,



2145 that a probationer or a person under post-release supervision has  
2146 committed a felony or absconded, the court may revoke his  
2147 probation and impose any or all of the sentence. For purposes of  
2148 this section, "absconding from supervision" means the failure of a  
2149 probationer to report to his supervising officer for six (6) or  
2150 more consecutive months.

2151 **SECTION 44.** Section 47-7-38, Mississippi Code of 1972, is  
2152 brought forward as follows:

2153 47-7-38. (1) The department shall have the authority to  
2154 impose graduated sanctions as an alternative to judicial  
2155 modification or revocation, as provided in Sections 47-7-27 and  
2156 47-7-37, for offenders on probation, parole, or post-release  
2157 supervision who commit technical violations of the conditions of  
2158 supervision as defined by Section 47-7-2.

2159 (2) The commissioner shall develop a standardized graduated  
2160 sanctions system, which shall include a grid to guide field  
2161 officers in determining the suitable response to a technical  
2162 violation. The commissioner shall promulgate rules and  
2163 regulations for the development and application of the system of  
2164 sanctions. Field officers shall be required to conform to the  
2165 sanction grid developed.

2166 (3) The system of sanctions shall include a list of  
2167 sanctions for the most common types of violations. When  
2168 determining the sanction to impose, the field officer shall take  
2169 into account the offender's assessed risk level, previous





2170 violations and sanctions, and severity of the current and prior  
2171 violations.

2172 (4) Field officers shall notify the sentencing court when a  
2173 probationer has committed a technical violation or the parole  
2174 board when a parolee has committed a technical violation of the  
2175 type of violation and the sanction imposed. When the technical  
2176 violation is an arrest for a new criminal offense, the field  
2177 officer shall notify the court within forty-eight (48) hours of  
2178 becoming aware of the arrest.

2179 (5) The graduated sanctions that the department may impose  
2180 include, but shall not be limited to:

- 2181 (a) Verbal warnings;
- 2182 (b) Increased reporting;
- 2183 (c) Increased drug and alcohol testing;
- 2184 (d) Mandatory substance abuse treatment;
- 2185 (e) Loss of earned-discharge credits; and
- 2186 (f) Incarceration in a county jail for no more than two  
2187 (2) days. Incarceration as a sanction shall not be used more than  
2188 two (2) times per month for a total period incarcerated of no more  
2189 than four (4) days.

2190 (6) The system shall also define positive reinforcements  
2191 that offenders will receive for compliance with conditions of  
2192 supervision. These positive reinforcements shall include, but not  
2193 limited to:

- 2194 (a) Verbal recognition;



2195 (b) Reduced reporting; and

2196 (c) Credits for earned discharge which shall be awarded  
2197 pursuant to Section 47-7-40.

2198 (7) The Department of Corrections shall provide semiannually  
2199 to the Oversight Task Force the number and percentage of offenders  
2200 who have one or more violations during the year, the average  
2201 number of violations per offender during the year and the total  
2202 and average number of incarceration sanctions as defined in  
2203 subsection (5) of this section imposed during the year.

2204 **SECTION 45.** Section 47-7-38.1, Mississippi Code of 1972, is  
2205 brought forward as follows:

2206 47-7-38.1. (1) The Department of Corrections shall  
2207 establish technical violation centers to detain probation and  
2208 parole violators revoked by the court or parole board.

2209 (2) The department shall place an offender in a violation  
2210 center for a technical violation as ordered by the board pursuant  
2211 to Section 47-7-27 and the sentencing court pursuant to Section  
2212 47-7-37.

2213 (3) The violation centers shall be equipped to address the  
2214 underlying factors that led to the offender's violation as  
2215 identified based on the results of a risk and needs assessment.  
2216 At a minimum each violation center shall include substance abuse  
2217 services shown to reduce recidivism and a reduction in the use of  
2218 illicit substances or alcohol, education programs, employment  
2219 preparation and training programs and behavioral programs.



2220 (4) As required by Section 47-5-20(b), the department shall  
2221 notify, by certified mail, each member of the board of supervisors  
2222 of the county in which the violation center shall be located of  
2223 the department's intent to convert an existing department facility  
2224 to a technical violation center.

2225 (5) The department shall establish rules and regulations for  
2226 the implementation and operation of the technical violation  
2227 centers.

2228 (6) The Department of Corrections shall provide to the  
2229 Oversight Task Force semiannually the average daily population of  
2230 the technical violation centers, the number of admissions to the  
2231 technical violation centers, and the average time served in the  
2232 technical violation centers.

2233 **SECTION 46.** Section 47-7-39, Mississippi Code of 1972, is  
2234 brought forward as follows:

2235 47-7-39. If, for good and sufficient reasons, a probationer  
2236 desires to change his residence within or without the state, such  
2237 transfer may be effected by application to his field supervisor  
2238 which transfer shall be subject to the court's consent and subject  
2239 to such regulations as the court, or judge, may require.

2240 **SECTION 47.** Section 47-7-40, Mississippi Code of 1972, is  
2241 brought forward as follows:

2242 47-7-40. (1) The commissioner shall establish rules and  
2243 regulations for implementing the earned-discharge program that  
2244 allows offenders on probation and parole to reduce the period of



2245 supervision for complying with conditions of probation. The  
2246 department shall have the authority to award earned-discharge  
2247 credits to all offenders placed on probation, parole, or  
2248 post-release supervision who are in compliance with the terms and  
2249 conditions of supervision. An offender serving a Mississippi  
2250 sentence for an eligible offense in any jurisdiction under the  
2251 Interstate Compact for Adult Offender Supervision shall be  
2252 eligible for earned-discharge credits under this section.  
2253 Offenders shall not be denied earned-discharge credits solely  
2254 based on nonpayment of fees or fines if a hardship waiver has been  
2255 granted as provided in Section 47-7-49.

2256 (2) For each full calendar month of compliance with the  
2257 conditions of supervision, earned-discharge credits equal to the  
2258 number of days in that month shall be deducted from the offender's  
2259 sentence discharge date. Credits begin to accrue for eligible  
2260 offenders after the first full calendar month of compliance  
2261 supervision conditions. For the purposes of this section, an  
2262 offender is deemed to be in compliance with the conditions of  
2263 supervision if there was no violation of the conditions of  
2264 supervision.

2265 (3) No earned-discharge credits may accrue for a calendar  
2266 month in which a violation report has been submitted, the offender  
2267 has absconded from supervision, the offender is serving a term of  
2268 imprisonment in a technical violation center, or for the months



2269 between the submission of the violation report and the final  
2270 action on the violation report by the court or the board.

2271 (4) Earned-discharge credits shall be applied to the  
2272 sentence within thirty (30) days of the end of the month in which  
2273 the credits were earned. At least every six (6) months, an  
2274 offender who is serving a sentence eligible for earned-discharge  
2275 credits shall be notified of the current sentence discharge date.

2276 (5) Once the combination of time served on probation, parole  
2277 or post-release supervision, and earned-discharge credits satisfy  
2278 the term of probation, parole, or post-release supervision, the  
2279 board or sentencing court shall order final discharge of the  
2280 offender. No less than sixty (60) days prior to the date of final  
2281 discharge, the department shall notify the sentencing court and  
2282 the board of the impending discharge.

2283 (6) The department shall provide semiannually to the  
2284 Oversight Task Force the number and percentage of offenders who  
2285 qualify for earned discharge in one or more months of the year and  
2286 the average amount of credits earned within the year.

2287 **SECTION 48.** Section 47-7-41, Mississippi Code of 1972, is  
2288 brought forward as follows:

2289 47-7-41. When a probationer shall be discharged from  
2290 probation by the court of original jurisdiction, the field  
2291 supervisor, upon receiving a written request from the probationer,  
2292 shall forward a written report of the record of the probationer to  
2293 the Division of Community Corrections of the department, which



2294 shall present a copy of this report to the Governor. The Governor  
2295 may, in his discretion, at any time thereafter by appropriate  
2296 executive order restore any civil rights lost by the probationer  
2297 by virtue of his conviction or plea of guilty in the court of  
2298 original jurisdiction.

2299 **SECTION 49.** Section 47-7-43, Mississippi Code of 1972, is  
2300 brought forward as follows:

2301 47-7-43. The provisions of this chapter are hereby extended  
2302 to all persons who, at the effective date thereof, may be on  
2303 parole, or eligible to be placed on parole under existing laws,  
2304 with the same force and effect as if this chapter had been in  
2305 operation at the time such persons were placed on parole or become  
2306 eligible to be placed thereon, as the case may be.

2307 **SECTION 50.** Section 47-7-47, Mississippi Code of 1972, is  
2308 brought forward as follows:

2309 47-7-47. (1) The judge of any circuit court may place an  
2310 offender on a program of earned probation after a period of  
2311 confinement as set out herein and the judge may seek the advice of  
2312 the commissioner and shall direct that the defendant be under the  
2313 supervision of the department.

2314 (2) (a) Any circuit court or county court may, upon its own  
2315 motion, acting upon the advice and consent of the commissioner not  
2316 earlier than thirty (30) days nor later than one (1) year after  
2317 the defendant has been delivered to the custody of the department,  
2318 to which he has been sentenced, suspend the further execution of



2319 the sentence and place the defendant on earned probation, except  
2320 when a death sentence or life imprisonment is the maximum penalty  
2321 which may be imposed or if the defendant has been confined two (2)  
2322 or more times for the conviction of a felony on a previous  
2323 occasion in any court or courts of the United States and of any  
2324 state or territories thereof or has been convicted of a felony  
2325 involving the use of a deadly weapon.

2326 (b) The authority granted in this subsection shall be  
2327 exercised by the judge who imposed sentence on the defendant, or  
2328 his successor.

2329 (c) The time limit imposed by paragraph (a) of this  
2330 subsection is not applicable to those defendants sentenced to the  
2331 custody of the department prior to April 14, 1977. Persons who  
2332 are convicted of crimes that carry mandatory sentences shall not  
2333 be eligible for earned probation.

2334 (3) When any circuit or county court places an offender on  
2335 earned probation, the court shall give notice to the Mississippi  
2336 Department of Corrections within fifteen (15) days of the court's  
2337 decision to place the offender on earned probation. Notice shall  
2338 be delivered to the central office of the Mississippi Department  
2339 of Corrections and to the regional office of the department which  
2340 will be providing supervision to the offender on earned probation.

2341 (4) If the court places any person on probation or earned  
2342 probation, the court may order the person, as a condition of  
2343 probation, to a period of confinement and treatment at a private



2344 or public agency or institution, either within or without the  
2345 state, which treats emotional, mental or drug-related problems.  
2346 Any person who, as a condition of probation, is confined for  
2347 treatment at an out-of-state facility shall be supervised pursuant  
2348 to Section 47-7-71, and any person confined at a private agency  
2349 shall not be confined at public expense. Time served in any such  
2350 agency or institution may be counted as time required to meet the  
2351 criteria of subsection (2) (a).

2352 (5) If the court places any person on probation or earned  
2353 probation, the court may order the person to make appropriate  
2354 restitution to any victim of his crime or to society through the  
2355 performance of reasonable work for the benefit of the community.

2356 (6) If the court places any person on probation or earned  
2357 probation, the court may order the person, as a condition of  
2358 probation, to submit, as provided in Section 47-5-601, to any type  
2359 of breath, saliva or urine chemical analysis test, the purpose of  
2360 which is to detect the possible presence of alcohol or a substance  
2361 prohibited or controlled by any law of the State of Mississippi or  
2362 the United States.

2363 **SECTION 51.** Section 47-7-101, Mississippi Code of 1972, is  
2364 brought forward as follows:

2365 47-7-101. (1) There is created the Mississippi Re-Entry  
2366 Council. The purpose of the council is to create effective  
2367 strategies to assist former inmates in their return to the general  
2368 population, to reduce the recidivism rates of inmates, to increase





2369 public safety, and to reduce budgetary constraints presently  
2370 created by prison-related costs. The Re-Entry Council shall be  
2371 led by a steering committee.

2372 (2) The Re-Entry Council Steering Committee shall be  
2373 composed of the following twelve (12) members, who shall serve for  
2374 two-year terms:

2375 (a) A Mississippi United States Attorney, or a designee  
2376 appointed by the Governor;

2377 (b) The Commissioner of the Mississippi Department of  
2378 Corrections, or a designee;

2379 (c) The Attorney General of the State of Mississippi,  
2380 or a designee;

2381 (d) The director of a faith-based organization involved  
2382 in re-entry programs, or a designee appointed by the Lieutenant  
2383 Governor;

2384 (e) The Chief Probation Officer of the United States  
2385 District Courts of Mississippi, or a designee;

2386 (f) A Mississippi United States District Judge, or a  
2387 designee appointed by the Speaker of the House of Representatives;

2388 (g) The Chief Justice of the Mississippi Supreme Court,  
2389 or a designee;

2390 (h) The Executive Director for the Mississippi  
2391 Department of Mental Health, or a designee;

2392 (i) The Executive Director for the Mississippi Division  
2393 of Medicaid, or a designee;



2394 (j) The Chairman of the Parole Board, or a designee;  
2395 (k) A person who is a former offender appointed by the  
2396 Chairman of the Parole Board; and

2397 (l) The Director of the Mississippi Department of  
2398 Employment Security, or a designee.

2399 (3) The Re-Entry Council Steering Committee shall have the  
2400 following duties:

2401 (a) To consider development of a statewide approach to  
2402 assist re-entry of former inmates into the general population of  
2403 this state;

2404 (b) To provide recommendations regarding evidence-based  
2405 approaches that equip inmates with the requisite, individualized  
2406 resources to promote their successful return to the general  
2407 population of this state;

2408 (c) To review reports, studies, and materials as it  
2409 deems appropriate;

2410 (d) To appoint such subcommittees as it finds proper;

2411 (e) To study proposed legislation that seeks to resolve  
2412 recidivism;

2413 (f) To submit recommendations from its findings to the  
2414 Legislature, the Governor and the Mississippi Supreme Court. In  
2415 making such recommendations, the Re-Entry Council Steering  
2416 Committee will seek input from all branches of state and local  
2417 government, governmental agencies, businesses and nonprofit  
2418 organizations throughout this state;



2419 (g) To seek and receive grants;  
2420 (h) To hire contract personnel and/or staff using any  
2421 grants received; and

2422 (i) To collaborate with the coordinator of the  
2423 transitional re-entry center, under the supervision of the  
2424 Mississippi Department of Corrections, which shall provide  
2425 administrative support to the council.

2426 (4) The Chief Justice of the Mississippi Supreme Court shall  
2427 call the first meeting of the steering committee. At its first  
2428 meeting, the steering committee shall elect a chairman and vice  
2429 chairman from its membership and adopt rules for transacting its  
2430 business and keeping records. Officers shall serve one-year terms  
2431 or until such time as a successor is elected.

2432 **SECTION 52.** This act shall take effect and be in force from  
2433 and after July 1, 2022, and shall be repealed from and after June  
2434 30, 2022.

