

By: Representatives Horan, Stamps

To: Corrections

HOUSE BILL NO. 1052

1 AN ACT RELATING TO THE CORRECTIONAL SYSTEM OF THE STATE OF
2 MISSISSIPPI; TO ESTABLISH A MISSISSIPPI DEPARTMENT OF PAROLE AND
3 REENTRY SERVICES AND PRESCRIBE ITS POWERS AND DUTIES; TO ESTABLISH
4 THE POSITION OF DIRECTOR OF PAROLE AND REENTRY SERVICES WHO SHALL
5 BE THE CHIEF ADMINISTRATIVE OFFICER OF THE DEPARTMENT; TO TRANSFER
6 THE FUNCTIONS AND EMPLOYEES OF THE DIVISION OF COMMUNITY
7 CORRECTIONS OF THE DEPARTMENT OF CORRECTIONS TO THE MISSISSIPPI
8 DEPARTMENT OF PAROLE AND REENTRY SERVICES; TO PROVIDE FOR A
9 TRANSITION PLAN AND PEER REVIEW; TO AMEND SECTIONS 47-5-8,
10 47-5-10, 47-5-1001, 47-5-1003, 47-5-1005, 47-5-1007, 47-5-1009,
11 47-5-1011, 47-5-1013, 47-5-1014, 47-5-110, 47-5-138, 47-5-20,
12 47-5-24, 47-5-26, 47-5-28, 47-5-601, 47-5-603, 47-5-605, 47-7-2,
13 47-7-3, 47-7-3.1, 47-7-3.2, 47-7-4, 47-7-5, 47-7-6, 47-7-9,
14 47-7-13, 47-7-17, 47-7-18, 47-7-19, 47-7-21, 47-7-23, 47-7-25,
15 47-7-27, 47-7-29, 47-7-33, 47-7-33.1, 47-7-34, 47-7-35, 47-7-36,
16 47-7-37, 47-7-37.1, 47-7-38, 47-7-38.1, 47-7-39, 47-7-40, 47-7-41,
17 47-7-43, 47-7-47 AND 41-7-101, MISSISSIPPI CODE OF 1972, IN
18 CONFORMITY TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

20 **SECTION 1. Department of Parole and Reentry Services;**

21 **creation; director; powers and duties; implementation plan;**

22 **transfer of programs and services; review of programs.** (1) There
23 is hereby created the Mississippi Department of Parole and Reentry
24 Services.

25 (2) The Chief Administrative Officer of the Department of
26 Parole and Reentry Services shall be the Director of Parole and



27 Reentry Services who shall be appointed by the Governor with the
28 advice and consent of the Senate. The director shall possess the
29 following qualifications:

30 (a) A bachelor's degree from an accredited institution
31 of higher learning and ten (10) years' experience in management,
32 public administration, law, or criminal justice; or

33 (b) A master's or doctoral degree from an accredited
34 institution of higher learning and five (5) years' experience in
35 management, public administration, law or criminal justice.

36 (3) The Department of Parole and Reentry Services shall be a
37 state agency independent of the Department of Corrections. On a
38 temporary basis, but for no longer than March 1, 2023, the
39 Department of Parole and Reentry Services may function as a
40 division of the Department of Corrections.

41 (4) The Director of Parole and Reentry Services and the
42 Commissioner of the Department of Corrections shall develop and
43 implement a plan for the orderly establishment of the Department
44 of Parole and Reentry Services and its transition from the
45 Division of Community Corrections of the Department of
46 Corrections. The plan shall:

47 (a) Describe a mechanism for the transfer of any
48 equipment, supplies, records, furnishings or other materials,
49 resources or funds dedicated to the operation of the Division of
50 Community Corrections of the Department of Corrections, which may
51 be useful to the Department of Parole and Reentry Services;



52 (b) Determine the allocation of resources between the
53 newly created Department of Parole and Reentry Services and the
54 Department of Corrections, as practicable;

55 (c) Determine the allocation of functions where the
56 performance of services may be shared between the Department of
57 Parole and Reentry Services and other employees of the Department
58 of Corrections, as practicable;

59 (d) Determine whether any administrative support
60 services, such as Information Technology Services, bookkeeping and
61 payroll, can continue to be provided by the Department of
62 Corrections; and

63 (e) Identify other areas deemed relevant by the
64 director and the commissioner and make recommendations thereon to
65 achieve an orderly transition.

66 (5) The Director of Parole and Reentry Services and the
67 Commissioner of the Department of Corrections shall recommend any
68 necessary legislation to the Governor and the Legislature before
69 the 2023 Regular Session.

70 (6) The new Mississippi Department of Parole and Reentry
71 Services is authorized to carry out the duties and
72 responsibilities of the Division of Community Corrections of the
73 Department of Corrections during the transition period from and
74 after passage of this act through July 1, 2023. The Division of
75 Community Corrections of the Department of Corrections is directed
76 to cooperate with the new department in transferring resources and



77 employees in furtherance of this act. From and after July 1,
78 2022, the programs and services provided by the Division of
79 Community Corrections of the Department of Corrections under the
80 following statutes shall be provided by the Department of Parole
81 and Reentry Services: Sections 47-5-8, 47-5-10, 47-5-1001,
82 47-5-1003, 47-5-1005, 47-5-1007, 47-5-1009, 47-5-1011, 47-5-1013,
83 47-5-1014, 47-5-110, 47-5-138, 47-5-20, 47-5-24, 47-5-26, 47-5-28,
84 47-5-601, 47-5-603, 47-5-605, 47-7-2, 47-7-3, 47-7-4, 47-7-3.1,
85 47-7-3.2, 47-7-5, 47-7-6, 47-7-9, 47-7-13, 47-7-17, 47-7-18,
86 47-7-19, 47-7-21, 47-7-23, 47-7-25, 47-7-27, 47-7-29, 47-7-33,
87 47-7-33.1, 47-7-34, 47-7-35, 47-7-36, 47-7-37, 47-7-37.1, 47-7-38,
88 47-7-38.1, 47-7-39, 47-7-40, 47-7-41, 47-7-43, 47-7-47, 47-7-49
89 and 47-7-101, Mississippi Code of 1972.

90 (7) The PEER Committee shall review the programs or program
91 of the Mississippi Department of Parole and Reentry Services,
92 beginning with fiscal year 2023 and each year thereafter. PEER
93 shall submit this review to the Chair of the Senate Corrections
94 Committee, the Chair of the Senate Appropriations Committee, the
95 Chair of the House Corrections Committee, the Chair of the House
96 Appropriations Committee, the Lieutenant Governor, the Speaker of
97 the House of Representatives, and the Governor by December 1 of
98 each year. The review shall consist of the following:

99 (a) A review of the effectiveness of any program of the
100 department for which appropriated outcome measures have been
101 established;



102 (b) Caseloads for supervision agents for each county or
103 another appropriate geographic area;

104 (c) Recidivism rates of people supervised by the
105 department;

106 (d) Sources and uses of department funding; and

107 (e) Any other matters that the PEER Committee considers
108 to be pertinent to the performance of agency programs.

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

111 47-5-8. (1) There is created the Mississippi Department of
112 Corrections, which shall be under the policy direction of the
113 Governor. The chief administrative officer of the department
114 shall be the Commissioner of Corrections.

115 (2) (a) There shall be an Executive Deputy Commissioner who
116 shall be directly responsible to the Commissioner of Corrections
117 within the department who shall serve as the Commissioner of
118 Corrections in the absence of the Commissioner and shall assume
119 any and all duties that the Commissioner of Corrections assigns,
120 including, but not limited to, supervising all other deputy
121 commissioners. The salary of the Executive Deputy Commissioner
122 shall not exceed the salary of the Commissioner of Corrections.

123 (b) There shall be a Division of Administration and
124 Finance within the department, which shall have as its chief
125 administrative officer a Deputy Commissioner for Administration



126 and Finance who shall be appointed by the commissioner, and shall
127 be directly responsible to the commissioner.

128 (c) * * * On July 1, 2022, the powers, functions,
129 employees, real and personal property, records, equipment,
130 resources and unexpended balances of the Division of Community
131 Corrections of the department shall be transferred to the
132 Mississippi Department of Parole and Reentry Services pursuant to
133 the provisions of Section 1 of this act. The Probation and Parole
134 Board shall continue to exercise the authority as provided by law,
135 but after July 1, * * * 2022, the * * * Department of Parole and
136 Reentry Services shall serve as the administrative agency for the
137 Probation and Parole Board.

138 (3) Subject to the provisions of Section 1 if this act, the
139 department shall succeed to the exclusive control of all records,
140 books, papers, equipment and supplies, and all lands, buildings
141 and other real and personal property now or hereafter belonging to
142 or assigned to the use and benefit or under the control of the
143 Mississippi State Penitentiary and the Mississippi Probation and
144 Parole Board, except the records of parole process and revocation
145 and legal matters related thereto, and shall have the exercise and
146 control of the use, distribution and disbursement of all funds,
147 appropriations and taxes now or hereafter in possession, levied,
148 collected or received or appropriated for the use, benefit,
149 support and maintenance of these two (2) agencies except as
150 otherwise provided by law, and the department shall have general



151 supervision of all the affairs of the two (2) agencies herein
152 named except as otherwise provided by law, and the care and
153 conduct of all buildings and grounds, business methods and
154 arrangements of accounts and records, the organization of the
155 administrative plans of each institution, and all other matters
156 incident to the proper functioning of the two (2) agencies.

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

162 **SECTION 3.** Section 47-5-10, Mississippi Code of 1972, is
163 amended as follows:

164 47-5-10. Subject to the provisions of Section 1 of this act,
165 the department shall have the following powers and duties:

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

169 (b) To provide for the care, custody, study, training,
170 supervision and treatment of adult offenders committed to the
171 department;

172 (c) To maintain, administer and exercise executive and
173 administrative supervision over all state correctional
174 institutions and facilities used for the custody, training, care,
175 treatment and after-care supervision of adult offenders committed



176 to the department; provided, however, that such supervision shall
177 not extend to any institution or facility for which executive and
178 administrative supervision has been provided by law through
179 another agency;

180 (d) To plan, develop and coordinate a statewide,
181 comprehensive correctional program designed to train and
182 rehabilitate offenders in order to prevent, control and retard
183 recidivism;

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

186 (i) An offender's records shall include a single
187 cover sheet that contains the following information about the
188 offender: name, including any aliases; department inmate number;
189 social security number; photograph; court of conviction; cause
190 number; date of conviction; date of sentence; total number of days
191 in the department's custody or number of days creditable toward
192 time served on each charge; date of actual custody; and date of
193 any revocation of a suspended sentence;

194 (ii) The department shall maintain an offender's
195 cover sheet in the course of its regularly conducted business
196 activities and shall include an offender's cover sheet in each
197 request from a court, prosecutor or law enforcement agency for a
198 summary of an offender's records with the department, also known
199 as a "pen-pack." The cover sheet shall conform to Rules 803(6)
200 and 803(8) of the Mississippi Rules of Evidence for admission as



201 an exception to the hearsay rule and may be admissible when
202 properly authenticated according to evidentiary rules and when
203 offered for the purpose of enhanced sentencing under Section
204 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

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

208 (f) To investigate the grievances of any person
209 committed to the department, and to inquire into any alleged
210 misconduct by employees; and for this purpose it may issue
211 subpoenas and compel the attendance of witnesses and the
212 production of writings and papers, and may examine under oath any
213 witnesses who may appear before it;

214 (g) To administer programs of training and development
215 of personnel of the department;

216 (h) To develop and implement diversified programs and
217 facilities to promote, enhance, provide and assure the
218 opportunities for the successful custody, training and treatment
219 of adult offenders properly committed to the department or
220 confined in any facility under its control. Such programs and
221 facilities may include, but not be limited to, institutions, group
222 homes, halfway houses, diagnostic centers, work and educational
223 release centers, technical violation centers, restitution centers,
224 counseling and supervision of probation, parole, suspension and



225 compact cases, presentence investigating and other state and local
226 community-based programs and facilities;

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

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

236 (k) To develop the capacity and administrative network
237 necessary to deliver advisory consultation and technical
238 assistance to units of local government for the purpose of
239 assisting them in developing model local correctional programs for
240 adult offenders;

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

244 (m) To administer all monies and properties of the
245 department;

246 (n) To report annually to the Legislature and the
247 Governor on the committed persons, institutions and programs of
248 the department;



249 (o) To cooperate with the courts and with public and
250 private agencies and officials to assist in attaining the purposes
251 of this chapter and Chapter 7 of this title. The department may
252 enter into agreements and contracts with other departments of
253 federal, state or local government and with private agencies
254 concerning the discharge of its responsibilities or theirs. The
255 department shall have the authority to accept and expend or use
256 gifts, grants and subsidies from public and private sources;

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

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

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

264 (s) To discharge any other power or duty imposed or
265 established by law.

266 From and after July 1, 2023, the Mississippi Department of
267 Parole and Reentry Services shall perform the functions of the
268 Division of Community Corrections pursuant to Section 1 of this
269 act.

270 **SECTION 4.** Section 47-5-1001, Mississippi Code of 1972, is
271 amended as follows:



272 47-5-1001. For purposes of Sections 47-5-1001 through
273 47-5-1015, the following words shall have the meaning ascribed
274 herein unless the context shall otherwise require:

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

279 (b) "Correctional field officer" means the supervising
280 probation and parole officer in charge of supervising the
281 offender.

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

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

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

288 (f) "Operating capacity" means the total number of
289 state offenders which can be safely and reasonably housed in
290 facilities operated by the department and in local or county jails
291 or other facilities authorized to house state offenders as
292 certified by the department, subject to applicable federal and
293 state laws and rules and regulations.

294 (g) "Participant" means an offender placed into an
295 intensive supervision program.



296 From and after July 1, 2023, the Mississippi Department of
297 Parole and Reentry Services shall perform the functions of the
298 Division of Community Corrections pursuant to Section 1 of this
299 act.

300 **SECTION 5.** Section 47-5-1003, Mississippi Code of 1972, is
301 amended as follows:

302 47-5-1003. (1) An intensive supervision program may be used
303 as an alternative to incarceration for offenders who are not
304 convicted of a crime of violence pursuant to Section 97-3-2 as
305 selected by the court and for juvenile offenders as provided in
306 Section 43-21-605. Any offender convicted of a sex crime shall
307 not be placed in the program.

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

311 (3) To protect and to ensure the safety of the state's
312 citizens, any offender who violates an order or condition of the
313 intensive supervision program may be arrested by the correctional
314 field officer and placed in the actual custody of the Department
315 of Corrections. Such offender is under the full and complete
316 jurisdiction of the department and subject to removal from the
317 program by the classification hearing officer.

318 (4) When any circuit or county court places an offender in
319 an intensive supervision program, the court shall give notice to
320 the Mississippi Department of Corrections within fifteen (15) days



321 of the court's decision to place the offender in an intensive
322 supervision program. Notice shall be delivered to the central
323 office of the Mississippi Department of Corrections and to the
324 regional office of the department which will be providing
325 supervision to the offender in an intensive supervision program.

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

329 (5) The Department of Corrections shall provide to the
330 Oversight Task Force all relevant data regarding the offenders
331 participating in the intensive supervision program, including the
332 number of offenders admitted to the program annually, the number
333 of offenders who leave the program annually and why they leave,
334 the number of offenders who are arrested or convicted annually and
335 the circumstances of the arrest and any other information
336 requested.

337 (6) From and after July 1, 2023, the Mississippi Department
338 of Parole and Reentry Services shall perform the functions of the
339 Division of Community Corrections pursuant to Section 1 of this
340 act.

341 **SECTION 6.** Section 47-5-1005, Mississippi Code of 1972, is
342 amended as follows:

343 47-5-1005. (1) The department shall promulgate rules that
344 prescribe reasonable guidelines under which an intensive



345 supervision program shall operate. These rules shall include, but
346 not be limited to, the following:

347 (a) The participant shall remain within the interior
348 premises or within the property boundaries of his or her residence
349 at all times during the hours designated by the correctional field
350 officer.

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

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

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

357 (iii) Undergoing medical, psychiatric, mental
358 health treatment, counseling or other treatment programs approved
359 for the participant by the court or department;

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

362 (v) Participating in community work release or a
363 community service program approved for the participant by the
364 court or department; or

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

367 (c) Except in case of a medical emergency and approval
368 by the Commissioner of the Department of Corrections, or his
369 designee, or by circuit court order for medical purposes, no



370 participant in the intensive supervision program may leave the
371 jurisdiction of the State of Mississippi.

372 (2) The department shall select and approve all electronic
373 monitoring devices used under Sections 47-5-1001 through
374 47-5-1015.

375 (3) The department may lease the equipment necessary to
376 implement the intensive supervision program and to contract for
377 the monitoring of such devices. The department is authorized to
378 select the lowest price and best source in contracting for these
379 services.

380 (4) From and after July 1, 2023, the Mississippi Department
381 of Parole and Reentry Services shall perform the functions of the
382 Division of Community Corrections pursuant to Section 1 of this
383 act.

384 **SECTION 7.** Section 47-5-1007, Mississippi Code of 1972, is
385 amended as follows:

386 47-5-1007. (1) Any participant in the intensive supervision
387 program who engages in employment shall pay a monthly fee to the
388 department for each month such person is enrolled in the program.
389 The department may waive the monthly fee if the offender is a
390 full-time student or is engaged in vocational training. Juvenile
391 offenders shall pay a monthly fee of not less than Ten Dollars
392 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a
393 sliding scale using the standard of need for each family that is
394 used to calculate TANF benefits. Money received by the department



395 from participants in the program shall be deposited into a special
396 fund which is hereby created in the State Treasury. It shall be
397 used, upon appropriation by the Legislature, for the purpose of
398 helping to defray the costs involved in administering and
399 supervising such program. Unexpended amounts remaining in such
400 special fund at the end of a fiscal year shall not lapse into the
401 State General Fund, and any interest earned on amounts in such
402 special fund shall be deposited to the credit of the special fund.

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

406 (3) The participant shall make the necessary arrangements to
407 allow for correctional officers to visit the participant's place
408 of education or employment at any time, based upon the approval of
409 the educational institution or employer, for the purpose of
410 verifying the participant's compliance with the conditions of his
411 detention.

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

416 (5) The participant shall be responsible for and shall
417 maintain the following:

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



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

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

423 (6) The participant shall obtain approval from the
424 correctional field officer before the participant changes
425 residence.

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

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

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

433 (10) From and after July 1, 2023, the Mississippi Department
434 of Parole and Reentry Services shall perform the functions of the
435 Division of Community Corrections pursuant to Section 1 of this
436 act.

437 **SECTION 8.** Section 47-5-1009, Mississippi Code of 1972, is
438 amended as follows:

439 47-5-1009. (1) The department shall have absolute immunity
440 from liability for any injury resulting from a determination by a
441 judge or correctional officer that an offender shall be allowed to
442 participate in the electronic home detention program.



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

446 (3) From and after July 1, 2023, the Mississippi Department
447 of Parole and Reentry Services shall perform the functions of the
448 Division of Community Corrections pursuant to Section 1 of this
449 act.

450 **SECTION 9.** Section 47-5-1011, Mississippi Code of 1972, is
451 amended as follows:

452 47-5-1011. (1) Before entering an order for commitment for
453 electronic house arrest, the department shall inform the
454 participant and other persons residing in the home of the nature
455 and extent of the approved electronic monitoring devices by doing
456 the following:

457 (a) Securing the written consent of the participant in
458 the program to comply with the rules and regulations of the
459 program.

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

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



468 (2) The participant shall be responsible for the cost of
469 equipment and any damage to such equipment. Any intentional
470 damage, any attempt to defeat monitoring, any committing of a
471 criminal offense or any associating with felons or known
472 criminals, shall constitute a violation of the program.

473 (3) Any person whose residence is utilized in the program
474 shall agree to keep the home drug and alcohol free and to exclude
475 known felons and criminals in order to provide a noncriminal
476 environment.

477 (4) From and after July 1, 2023, the Mississippi Department
478 of Parole and Reentry Services shall perform the functions of the
479 Division of Community Corrections pursuant to Section 1 of this
480 act.

481 **SECTION 10.** Section 47-5-1013, Mississippi Code of 1972, is
482 amended as follows:

483 47-5-1013. Participants enrolled in an intensive supervision
484 program shall be required to:

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

489 (b) Pay restitution and program fees as directed by the
490 department. Program fees shall not be less than Eighty-eight
491 Dollars (\$88.00) per month. The sentencing judge may charge a
492 program fee of less than Eighty-eight Dollars (\$88.00) per month



493 in cases of extreme financial hardship, when such judge determines
494 that the offender's participation in the program would provide a
495 benefit to his community. Juvenile offenders shall not pay a
496 program fee but shall pay a monthly fee as provided in Section
497 47-5-1007. Program fees shall be deposited in the special fund
498 created in Section 47-5-1007.

499 (c) Establish a place of residence at a place approved
500 by the correctional field officer, and not change his residence
501 without the officer's approval. The correctional officer shall be
502 allowed to inspect the place of residence for alcoholic beverages,
503 controlled substances and drug paraphernalia.

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

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

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

512 (g) Meet any other conditions imposed by the court to
513 meet the needs of the offender and limit the risks to the
514 community.

515 From and after July 1, 2023, the Mississippi Department of
516 Parole and Reentry Services shall perform the functions of the



517 Division of Community Corrections pursuant to Section 1 of this
518 act.

519 **SECTION 11.** Section 47-5-1014, Mississippi Code of 1972, is
520 amended as follows:

521 47-5-1014. (1) Participants who have been in the intensive
522 supervision program since July 1, 2004, whether placed into the
523 program before or after July 1, 2004, shall pay a Fifty Dollar
524 (\$50.00) monthly supervision fee to the Mississippi Department of
525 Corrections for their supervision from July 1, 2004, or from the
526 date the participant entered the program after July 1, 2004, until
527 completion of the program, or April 6, 2005, or whichever occurs
528 first. From and after April 6, 2005, all participants of the
529 intensive supervision program shall pay the fee as established in
530 Section 47-5-1013.

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

534 (3) A participant's failure to pay the monthly fees in
535 arrearage shall not be deemed a violation of a condition of the
536 program, and the participant shall not be removed from the program
537 for failure to pay the monthly fees in arrearage.

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

540 (5) Any arrearage remaining under this section at the end of
541 the offender's participation in the program shall automatically be



542 reduced to a civil judgment and upon notice by the Department of
543 Corrections shall be recorded with the circuit court clerk in the
544 county wherein the participant resides. The Department of
545 Corrections and/or the district attorney shall use best efforts to
546 collect the judgment.

547 (6) From and after July 1, 2023, the Mississippi Department
548 of Parole and Reentry Services shall perform the functions of the
549 Division of Community Corrections pursuant to Section 1 of this
550 act.

551 **SECTION 12.** Section 47-5-110, Mississippi Code of 1972, is
552 amended as follows:

553 47-5-110. (1) Commitment to any institution or facility
554 within the jurisdiction of the department shall be to the
555 department, not to a particular institution or facility. The
556 commissioner shall assign a newly committed offender to an
557 appropriate facility consistent with public safety; provided,
558 however, that any offender who, in the opinion of the sentencing
559 judge, requires confinement in a maximum security unit shall be
560 assigned, upon initial commitment, to the Parchman facility. The
561 commissioner may extend the place of confinement of eligible
562 offenders as provided under subsection (2) of this section. He
563 may transfer an offender from one (1) institution to another,
564 consistent with the commitment and in accordance with treatment,
565 training and security needs. The commissioner shall have the
566 authority to transfer inmates from the various correctional



567 facilities of the department to restitution centers if such
568 inmates meet the qualifications prescribed in Section 99-37-19.
569 The commissioner shall prepare appropriate standards of
570 eligibility for such transfers of offenders from one (1)
571 institution to another institution and transfers of offenders who
572 meet the qualifications for placement in restitution centers. The
573 commissioner shall have the authority to remove the offenders from
574 restitution centers and to transfer them to other facilities of
575 the department. The commissioner shall obtain the approval of the
576 sentencing court before transferring an offender committed to the
577 department to a restitution center. On the request of the chief
578 executive officer of the affected unit of local government, the
579 commissioner may transfer a person detained in a local facility to
580 a state facility. The commissioner shall determine the cost of
581 care for that person to be borne by the unit of local government.
582 The commissioner may assign to a community work center, any
583 offender who is convicted under the Mississippi Implied Consent
584 Law and who is sentenced to the custody of the Department of
585 Corrections, except that if a death or a serious maiming has
586 occurred during the commission of the violation of the Mississippi
587 Implied Consent Law, then the offender so convicted may not be
588 assigned to a community work center.

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



592 (a) The commissioner may extend the limits of
593 confinement of offenders serving sentences for violent or
594 nonviolent crimes who have six (6) months or less remaining before
595 release on parole, conditional release or discharge to participate
596 in the program. Parole violators may be allowed to participate in
597 the program.

598 (b) Any offender who is referred to the program shall
599 remain an offender of the department and shall be subject to rules
600 and regulations of the department pertaining to offenders of the
601 department until discharged or released on parole or conditional
602 release by the State Parole Board.

603 (c) The department shall require the offender to
604 participate in work or educational or vocational programs and
605 other activities that may be necessary for the supervision and
606 treatment of the offender.

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

611 (3) The commissioner shall have absolute immunity from
612 liability for any injury resulting from a determination by the
613 commissioner that an offender shall be allowed to participate in
614 the community prerelease program.

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



617 emphasis on those that are targeted at reducing inmate recidivism
618 and prerelease service for offenders at each of its major
619 correctional facilities: Mississippi State Penitentiary, Central
620 Mississippi Correctional Institution and South Mississippi
621 Correctional Institution and other facilities where the department
622 confines state inmates.

623 (b) The commissioner may establish prerelease programs
624 at the South Mississippi Correctional Institution. The prerelease
625 program may be located on the grounds of this facility or another
626 facility designated by the commissioner.

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

630 (5) From and after July 1, 2023, the Mississippi Department
631 of Parole and Reentry Services shall perform the functions of the
632 Division of Community Corrections pursuant to Section 1 of this
633 act.

634 **SECTION 13.** Section 47-5-138, Mississippi Code of 1972, is
635 amended as follows:

636 47-5-138. (1) The department may promulgate rules and
637 regulations to carry out an earned-time allowance program based on
638 the good conduct and performance of an inmate. An inmate is
639 eligible to receive an earned-time allowance of one-half (1/2) of
640 the period of confinement imposed by the court except those
641 inmates excluded by law. When an inmate is committed to the



642 custody of the department, the department shall determine a
643 conditional earned-time release date by subtracting the
644 earned-time allowance from an inmate's term of sentence. This
645 subsection does not apply to any sentence imposed after June 30,
646 1995.

647 (2) An inmate may forfeit all or part of his earned-time
648 allowance for a serious violation of rules. No forfeiture of the
649 earned-time allowance shall be effective except upon approval of
650 the commissioner, or his designee, and forfeited earned time may
651 not be restored.

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

657 (b) On receipt of a final order, the department shall
658 forfeit:

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

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



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

668 (c) The department may not restore earned time
669 forfeited under this subsection.

670 (4) An inmate who meets the good conduct and performance
671 requirements of the earned_time allowance program may be released
672 on his conditional earned_time release date.

673 (5) For any sentence imposed after June 30, 1995, an inmate
674 may receive an earned_time allowance of four and one-half (4-1/2)
675 days for each thirty (30) days served if the department determines
676 that the inmate has complied with the good conduct and performance
677 requirements of the earned_time allowance program. The
678 earned_time allowance under this subsection shall not exceed
679 fifteen percent (15%) of an inmate's term of sentence; however,
680 beginning July 1, 2006, no person under the age of twenty-one (21)
681 who has committed a nonviolent offense, and who is under the
682 jurisdiction of the Department of Corrections, shall be subject to
683 the fifteen percent (15%) limitation for earned_time allowances as
684 described in this subsection (5).

685 (6) Any inmate, who is released before the expiration of his
686 term of sentence under this section, shall be placed under
687 earned-release supervision until the expiration of the term of
688 sentence. The inmate shall retain inmate status and remain under
689 the jurisdiction of the department. The period of earned-release



690 supervision shall be conducted in the same manner as a period of
691 supervised parole. The department shall develop rules, terms and
692 conditions for the earned-release supervision program. The
693 commissioner shall designate the appropriate hearing officer
694 within the department to conduct revocation hearings for inmates
695 violating the conditions of earned-release supervision.

696 (7) If the earned-release supervision is revoked, the inmate
697 shall serve the remainder of the sentence, but the time the inmate
698 served on earned-release supervision before revocation * * * shall
699 be applied to reduce his sentence.

700 (8) From and after July 1, 2023, the Mississippi Department
701 of Parole and Reentry Services shall perform the functions of the
702 Division of Community Corrections pursuant to Section 1 of this
703 act.

704 **SECTION 14.** Section 47-5-20, Mississippi Code of 1972, is
705 amended as follows:

706 47-5-20. The commissioner shall have the following powers
707 and duties:

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

709 (b) To approve proposals for the location of new
710 facilities, for major renovation activities, and for the creation
711 of new programs and divisions within the department as well as for
712 the abolition of the same; provided, however, that the
713 commissioner shall approve the location of no new facility unless
714 the board of supervisors of the county or the governing



715 authorities of the municipality in which the new facility is to be
716 located shall have had the opportunity with at least sixty (60)
717 days' prior notice to disapprove the location of the proposed
718 facility. If either the board of supervisors or the governing
719 authorities shall disapprove the facility, it shall not be located
720 in that county or municipality. Said notice shall be made by
721 certified mail, return receipt requested, to the members of the
722 board or governing authorities and to the clerk thereof;

723 (c) Except as otherwise provided or required by law, to
724 open bids and approve the sale of any products or manufactured
725 goods by the department according to applicable provisions of law
726 regarding bidding and sale of state property, and according to
727 rules and regulations established by the State Fiscal Management
728 Board; * * *

729 (d) To adopt administrative rules and regulations
730 including, but not limited to, offender transfer procedures, award
731 of administrative earned time, personnel procedures, employment
732 practices * * *; and

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

738 From and after July 1, 2023, the Mississippi Department of
739 Parole and Reentry Services shall perform the functions of the



740 Division of Community Corrections pursuant to Section 1 of this
741 act.

742 **SECTION 15.** Section 47-5-24, Mississippi Code of 1972, is
743 amended as follows:

744 47-5-24. (1) The Governor shall appoint a Commissioner of
745 Corrections, with the advice and consent of the Senate. Such
746 commissioner may be removed by the Governor. The commissioner
747 shall be the chief executive, administrative and fiscal officer of
748 the department.

749 (2) The commissioner shall receive an annual salary fixed by
750 the Governor, not to exceed the maximum authorized by law, in
751 addition to all actual, necessary expenses incurred in the
752 discharge of official duties, including mileage as authorized by
753 law.

754 (3) The commissioner shall possess the following minimum
755 qualifications:

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

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



764 (c) Shall possess relevant experience in the private or
765 public sector.

766 (4) The commissioner shall be required, upon assuming the
767 duties of his office, to execute a good and sufficient bond
768 payable to the State of Mississippi in the sum of Two Hundred
769 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate
770 accounting for all monies and property coming into his hands. The
771 commissioner, upon approval by the Governor, may require of other
772 officers, employees and agents of the department a good and
773 sufficient bond in such sum as he may determine, subject to the
774 minimum requirements set forth herein, payable to the State of
775 Mississippi upon like condition. The bonds shall be approved by
776 the Governor and filed with the Secretary of State, and shall be
777 executed by a surety company authorized to do business under the
778 laws of this state. The premium on any such bond shall be paid by
779 the state out of the support and maintenance fund of the
780 department.

781 From and after July 1, 2023, the Mississippi Department of
782 Parole and Reentry Services shall perform the functions of the
783 Division of Community Corrections pursuant to Section 1 of this
784 act.

785 **SECTION 16.** Section 47-5-26, Mississippi Code of 1972, is
786 amended as follows:

787 47-5-26. (1) The commissioner shall employ the following
788 personnel:



789 (a) A Deputy Commissioner for Administration and
790 Finance, who shall supervise and implement all fiscal policies and
791 programs within the department, supervise and implement all hiring
792 and personnel matters within the department, supervise the
793 department's personnel director, supervise and implement all
794 purchasing within the department and supervise and implement all
795 data processing activities within the department, and who shall
796 serve as the Chief Executive Officer of the Division of
797 Administration and Finance. He shall possess either:

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

804 (ii) A bachelor's degree from an accredited
805 four-year college or university in public or business
806 administration, accounting, economics or a directly related field,
807 and six (6) years of experience in work related to the
808 above-described duties, one (1) year of which must have included
809 line or functional supervision. Certification by the State of
810 Mississippi as a certified public accountant may be substituted
811 for one (1) year of the required experience.

812 (b) A Deputy Commissioner for Community Corrections,
813 who shall initiate and administer programs, including, but not



814 limited to, supervision of probationers, parolees and
815 suspensioners, counseling, community-based treatment, interstate
816 compact administration and enforcement, prevention programs,
817 halfway houses and group homes, technical violation centers,
818 restitution centers, presentence investigations, and work and
819 educational releases, and shall serve as the Chief Executive
820 Officer of the Division of Community Services. The Deputy
821 Commissioner for Community Corrections is charged with full and
822 complete cooperation with the State Parole Board and shall make
823 monthly reports to the Chairman of the Parole Board in the form
824 and type required by the chairman, in his discretion, for the
825 proper performance of the probation and parole functions. After a
826 plea or verdict of guilty to a felony is entered against a person
827 and before he is sentenced, the Deputy Commissioner for Community
828 Corrections shall procure from any available source and shall file
829 in the presentence records any information regarding any criminal
830 history of the person such as fingerprints, dates of arrests,
831 complaints, civil and criminal charges, investigative reports of
832 arresting and prosecuting agencies, reports of the National Crime
833 Information Center, the nature and character of each offense,
834 noting all particular circumstances thereof and any similar data
835 about the person. The Deputy Commissioner for Community
836 Corrections shall keep an accurate and complete duplicate record
837 of this file and shall furnish the duplicate to the department.
838 This file shall be placed in and shall constitute a part of the



839 inmate's master file. The Deputy Commissioner for Community
840 Corrections shall furnish this file to the State Parole Board when
841 the file is needed in the course of its official duties. He shall
842 possess either: (i) a master's degree in counseling, corrections
843 psychology, guidance, social work, criminal justice or some
844 related field and at least four (4) years' full-time experience in
845 such field, including at least one (1) year of supervisory
846 experience; or (ii) a bachelor's degree in a field described in
847 subparagraph (i) of this paragraph and at least six (6) years'
848 full-time work in corrections, one (1) year of which shall have
849 been at the supervisory level. From and after July 1, 2023, the
850 Mississippi Department of Parole and Reentry Services shall
851 perform the functions of the Division of Community Corrections
852 pursuant to Section 1 of this act. From and after July 1, 2023,
853 this paragraph (b) shall stand repealed.

854 (c) A Deputy Commissioner for Institutions, who shall
855 administer institutions, reception and diagnostic centers,
856 prerelease centers and other facilities and programs provided
857 therein, and shall serve as the Chief Executive Officer of the
858 Division of Institutions. He shall possess either: (i) a
859 master's degree in counseling, criminal justice, psychology,
860 guidance, social work, business or some related field, and at
861 least four (4) years' full-time experience in corrections,
862 including at least one (1) year of correctional management
863 experience; or (ii) a bachelor's degree in a field described in



864 subparagraph (i) of this paragraph and at least six (6) years'
865 full-time work in corrections, four (4) years of which shall have
866 been at the correctional management level.

867 (d) A Deputy Commissioner for Programs, Education,
868 Re-entry, and Vocational Rehabilitation Services who shall
869 initiate and administer programs, including but not limited to,
870 education services, religious services, moral rehabilitation,
871 alcohol and drug rehabilitation, and court re-entry. The Deputy
872 Commissioner for Programs, Education, Re-entry, and Vocational
873 Rehabilitation may coordinate with any educational institution to
874 develop a program for moral rehabilitation with an emphasis on
875 promoting effective programs for release. The Deputy Commissioner
876 for Programs, Education, Re-entry, and Vocational Rehabilitation
877 shall focus on re-entry programs aimed at reducing recidivism and
878 adequately preparing offenders for employment upon their release.
879 The programs shall incorporate a moral component focused on
880 providing offenders with an opportunity to make positive changes
881 while incarcerated that will enable them to be productive members
882 of society upon their release. Such deputy commissioner shall
883 possess either:

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



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

893 Out of the deputy commissioners employed under this
894 subsection (1), as set out in paragraphs (a) through (d), the
895 commissioner shall designate one (1) of the commissioners as an
896 executive deputy commissioner who shall have the duties prescribed
897 under Section 47-5-8.

898 (2) The commissioner shall employ an administrative
899 assistant for parole matters who shall be selected by the State
900 Parole Board who shall be an employee of the department assigned
901 to the State Parole Board and who shall be located at the office
902 of the State Parole Board, and who shall work under the guidance,
903 supervision and direction of the board. From and after July 1,
904 2023, the Mississippi Department of Parole and Reentry Services
905 shall perform the functions of the Division of Community
906 Corrections pursuant to Section 1 of this act.

907 (3) The administrative assistant for parole matters shall
908 receive an annual salary to be established by the Legislature.
909 The salaries of department employees not established by the
910 Legislature shall receive an annual salary established by the
911 State Personnel Board. From and after July 1, 2023, the
912 Mississippi Department of Parole and Reentry Services shall



913 perform the functions of the Division of Community Corrections
914 pursuant to Section 1 of this act.

915 (4) The commissioner shall employ a superintendent for the
916 Parchman facility, Central Mississippi Correctional Facility and
917 South Mississippi Correctional Institution of the Department of
918 Corrections. The Superintendent of the Mississippi State
919 Penitentiary shall reside on the grounds of the Parchman facility.
920 Each superintendent shall appoint an officer in charge when he is
921 absent.

922 Each superintendent shall develop and implement a plan for
923 the prevention and control of an inmate riot and shall file a
924 report with the Chairman of the Senate Corrections Committee and
925 the Chairman of the House Penitentiary Committee on the first day
926 of each regular session of the Legislature regarding the status of
927 the plan.

928 In order that the grievances and complaints of inmates,
929 employees and visitors at each facility may be heard in a timely
930 and orderly manner, each superintendent shall appoint or designate
931 an employee at the facility to hear grievances and complaints and
932 to report grievances and complaints to the superintendent. Each
933 superintendent shall institute procedures as are necessary to
934 provide confidentiality to those who file grievances and
935 complaints.

936 (5) For a one-year period beginning July 1, 2016, any person
937 authorized for employment under this section shall not be subject



938 to the rules, regulations and procedures of the State Personnel
939 Board, except as otherwise provided under Section 25-9-127(5).

940 **SECTION 17.** Section 47-5-28, Mississippi Code of 1972, is
941 amended as follows:

942 47-5-28. The commissioner shall have the following powers
943 and duties:

944 (a) To implement and administer laws and policy
945 relating to corrections and coordinate the efforts of the
946 department with those of the federal government and other state
947 departments and agencies, county governments, municipal
948 governments, and private agencies concerned with providing
949 offender services;

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

955 (c) To promulgate and publish such rules, regulations
956 and policies of the department as are needed for the efficient
957 government and maintenance of all facilities and programs in
958 accord insofar as possible with currently accepted standards of
959 adult offender care and treatment;

960 (d) To provide the Parole Board with suitable and
961 sufficient office space and support resources and staff necessary



962 to * * * conduct Parole Board business under the guidance of the
963 Chairman of the Parole Board;

964 (e) To contract for transitional reentry center beds
965 that will be used as noncorrections housing for offenders released
966 from the department on parole, probation or post-release
967 supervision but do not have appropriate housing available upon
968 release. At least one hundred (100) but no more than eight
969 hundred (800) transitional reentry center beds contracted by the
970 department and chosen by the Parole Board shall be available for
971 the Parole Board to place parolees without appropriate housing;

972 (f) To designate deputy commissioners while performing
973 their officially assigned duties relating to the custody, control,
974 transportation, recapture or arrest of any offender within the
975 jurisdiction of the department or any offender of any jail,
976 penitentiary, public workhouse or overnight lockup of the state or
977 any political subdivision thereof not within the jurisdiction of
978 the department, to the status of peace officers anywhere in the
979 state in any matter relating to the custody, control,
980 transportation or recapture of such offender, and shall have the
981 status of law enforcement officers and peace officers as
982 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

983 For the purpose of administration and enforcement of this
984 chapter, deputy commissioners of the Mississippi Department of
985 Corrections, who are certified by the Mississippi Board on Law
986 Enforcement Officer Standards and Training, have the powers of a



987 law enforcement officer of this state. Such powers shall include
988 to make arrests and to serve and execute search warrants and other
989 valid legal process anywhere within the State of Mississippi while
990 performing their officially assigned duties relating to the
991 custody, control, transportation, recapture or arrest of any
992 offender within the jurisdiction of the department or any offender
993 of any jail, penitentiary, public workhouse or overnight lockup of
994 the state or any political subdivision thereof not within the
995 jurisdiction of the department in any matter relating to the
996 custody, control, transportation or recapture of such
997 offender * * *;

998 (g) To make an annual report to the Governor and the
999 Legislature reflecting the activities of the department and make
1000 recommendations for improvement of the services to be performed by
1001 the department;

1002 (h) To cooperate fully with periodic independent
1003 internal investigations of the department and to file the report
1004 with the Governor and the Legislature;

1005 (i) To make personnel actions for a period of one (1)
1006 year beginning July 1, 2016, that are exempt from State Personnel
1007 Board rules, regulations and procedures in order to give the
1008 commissioner flexibility in making an orderly, effective and
1009 timely reorganization and realignment of the department; and



1010 (j) To perform such other duties necessary to
1011 effectively and efficiently carry out the purposes of the
1012 department as may be directed by the Governor.

1013 From and after July 1, 2023, the Mississippi Department of
1014 Parole and Reentry Services shall perform the functions of the
1015 Division of Community Corrections pursuant to Section 1 of this
1016 act.

1017 **SECTION 18.** Section 47-5-601, Mississippi Code of 1972, is
1018 amended as follows:

1019 47-5-601. The Mississippi Department of Corrections is
1020 authorized to establish a drug identification program and shall
1021 have the power and duty to adopt rules not inconsistent with law
1022 as it may deem proper and necessary with respect to the
1023 establishment, administration and operation of the program.

1024 From and after July 1, 2023, the Mississippi Department of
1025 Parole and Reentry Services shall perform the functions of the
1026 Division of Community Corrections pursuant to Section 1 of this
1027 act.

1028 **SECTION 19.** Section 47-5-603, Mississippi Code of 1972, is
1029 amended as follows:

1030 47-5-603. Any offender on probation or released from a
1031 facility of the Department of Corrections on parole or earned
1032 probation who remains under the supervision of the Department of
1033 Corrections or any offender who is incarcerated in a state
1034 correctional facility may be required to participate in the



1035 Mississippi Department of Corrections drug identification program.
1036 Participation by an offender would consist of submission by the
1037 offender, from time to time and upon the request of a parole or
1038 probation supervisor, or authorized personnel of the department to
1039 any type of breath, saliva or urine chemical analysis test, the
1040 purpose of which is to detect the possible presence of alcohol or
1041 a substance prohibited or controlled by any law of the State of
1042 Mississippi or the United States.

1043 From and after July 1, 2023, the Mississippi Department of
1044 Parole and Reentry Services shall perform the functions of the
1045 Division of Community Corrections pursuant to Section 1 of this
1046 act.

1047 **SECTION 20.** Section 47-5-605, Mississippi Code of 1972, is
1048 amended as follows:

1049 47-5-605. Each time the results of such a chemical analysis
1050 test indicate the unauthorized presence of alcohol or a controlled
1051 substance in the parolee or probationer, he or she shall be
1052 required to pay a fee of Ten Dollars (\$10.00) to the Mississippi
1053 Department of Corrections drug identification program, which fee
1054 shall be used to pay for the cost of administering that particular
1055 test. All other costs of the program, including the costs of
1056 administering such tests in cases in which the presence of alcohol
1057 or a controlled substance is not found, will be paid by
1058 expenditures from the Community Service Revolving Fund as
1059 described in Section 47-7-49.



1060 From and after July 1, 2023, the Mississippi Department of
1061 Parole and Reentry Services shall perform the functions of the
1062 Division of Community Corrections pursuant to Section 1 of this
1063 act.

1064 **SECTION 21.** Section 47-7-2, Mississippi Code of 1972, is
1065 amended as follows:

1066 47-7-2. For purposes of this chapter, the following words
1067 shall have the meaning ascribed herein unless the context shall
1068 otherwise require:

1069 (a) "Adult" means a person who is seventeen (17) years
1070 of age or older, or any person convicted of any crime not subject
1071 to the provisions of the youth court law, or any person
1072 "certified" to be tried as an adult by any youth court in the
1073 state.

1074 (b) "Board" means the State Parole Board.

1075 (c) "Parole case plan" means an individualized, written
1076 accountability and behavior change strategy developed by the
1077 department in collaboration with the parole board to prepare
1078 offenders for release on parole at the parole eligibility date.
1079 The case plan shall focus on the offender's criminal risk factors
1080 that, if addressed, reduce the likelihood of reoffending.

1081 (d) "Commissioner" means the Commissioner of
1082 Corrections.

1083 (e) "Correctional system" means the facilities,
1084 institutions, programs and personnel of the department utilized



1085 for adult offenders who are committed to the custody of the
1086 department.

1087 (f) "Criminal risk factors" means characteristics that
1088 increase a person's likelihood of reoffending. These
1089 characteristics include: antisocial behavior; antisocial
1090 personality; criminal thinking; criminal associates; dysfunctional
1091 family; low levels of employment or education; poor use of leisure
1092 and recreation; and substance abuse.

1093 (g) "Department" means the Mississippi Department of
1094 Corrections.

1095 (h) "Detention" means the temporary care of juveniles
1096 and adults who require secure custody for their own or the
1097 community's protection in a physically restricting facility prior
1098 to adjudication, or retention in a physically restricting facility
1099 upon being taken into custody after an alleged parole or probation
1100 violation.

1101 (i) "Discharge plan" means an individualized written
1102 document that provides information to support the offender in
1103 meeting the basic needs identified in the pre-release assessment.
1104 This information shall include, but is not limited to: contact
1105 names, phone numbers, and addresses of referrals and resources.

1106 (j) "Evidence-based practices" means supervision
1107 policies, procedures, and practices that scientific research
1108 demonstrates reduce recidivism.



1109 (k) "Facility" or "institution" means any facility for
1110 the custody, care, treatment and study of offenders which is under
1111 the supervision and control of the department.

1112 (l) "Juvenile," "minor" or "youthful" means a person
1113 less than seventeen (17) years of age.

1114 (m) "Offender" means any person convicted of a crime or
1115 offense under the laws and ordinances of the state and its
1116 political subdivisions.

1117 (n) "Pre-release assessment" means a determination of
1118 an offender's ability to attend to basic needs, including, but not
1119 limited to, transportation, clothing and food, financial
1120 resources, personal identification documents, housing, employment,
1121 education, and health care, following release.

1122 (o) "Special meetings" means those meetings called by
1123 the chairman with at least twenty-four (24) hours' notice or a
1124 unanimous waiver of notice.

1125 (p) "Supervision plan" means a plan developed by the
1126 community corrections department to manage offenders on probation
1127 and parole in a way that reduces the likelihood they will commit a
1128 new criminal offense or violate the terms of supervision and that
1129 increases the likelihood of obtaining stable housing, employment
1130 and skills necessary to sustain positive conduct.

1131 (q) "Technical violation" means an act or omission by
1132 the probationer that violates a condition or conditions of



1133 probation placed on the probationer by the court or the probation
1134 officer.

1135 (r) "Transitional reentry center" means a
1136 state-operated or state-contracted facility used to house
1137 offenders leaving the physical custody of the Department of
1138 Corrections on parole, probation or post-release supervision who
1139 are in need of temporary housing and services that reduce their
1140 risk to reoffend.

1141 (s) "Unit of local government" means a county, city,
1142 town, village or other general purpose political subdivision of
1143 the state.

1144 (t) "Risk and needs assessment" means the determination
1145 of a person's risk to reoffend using an actuarial assessment tool
1146 validated on Mississippi corrections populations and the needs
1147 that, when addressed, reduce the risk to reoffend.

1148 From and after July 1, 2023, the Mississippi Department of
1149 Parole and Reentry Services shall perform the functions of the
1150 Division of Community Corrections pursuant to Section 1 of this
1151 act.

1152 From and after July 1, 2023, the Mississippi Department of
1153 Parole and Reentry Services shall perform the functions of the
1154 Division of Community Corrections pursuant to Section 1 of this
1155 act.

1156 **SECTION 22.** Section 47-7-3, Mississippi Code of 1972, is
1157 amended as follows:



1158 47-7-3. (1) Every prisoner who has been convicted of any
1159 offense against the State of Mississippi, and is confined in the
1160 execution of a judgment of such conviction in the Mississippi
1161 Department of Corrections for a definite term or terms of one (1)
1162 year or over, or for the term of his or her natural life, whose
1163 record of conduct shows that such prisoner has observed the rules
1164 of the department, and who has served the minimum required time
1165 for parole eligibility, may be released on parole as set forth
1166 herein:

1167 (a) **Habitual offenders.** Except as provided by Sections
1168 99-19-81 through 99-19-87, no person sentenced as a confirmed and
1169 habitual criminal shall be eligible for parole;

1170 (b) **Sex offenders.** Any person who has been sentenced
1171 for a sex offense as defined in Section 45-33-23(h) shall not be
1172 released on parole except for a person under the age of nineteen
1173 (19) who has been convicted under Section 97-3-67;

1174 (c) **Capital offenders.** No person sentenced for the
1175 following offenses shall be eligible for parole:

1176 (i) Capital murder committed on or after July 1,
1177 1994, as defined in Section 97-3-19(2);

1178 (ii) Any offense to which an offender is sentenced
1179 to life imprisonment under the provisions of Section 99-19-101; or

1180 (iii) Any offense to which an offender is
1181 sentenced to life imprisonment without eligibility for parole



1182 under the provisions of Section 99-19-101, whose crime was
1183 committed on or after July 1, 1994;

1184 (d) **Murder.** No person sentenced for murder in the
1185 first degree, whose crime was committed on or after June 30, 1995,
1186 or murder in the second degree, as defined in Section 97-3-19,
1187 shall be eligible for parole;

1188 (e) **Human trafficking.** No person sentenced for human
1189 trafficking, as defined in Section 97-3-54.1, whose crime was
1190 committed on or after July 1, 2014, shall be eligible for parole;

1191 (f) **Drug trafficking.** No person sentenced for
1192 trafficking and aggravated trafficking, as defined in Section
1193 41-29-139(f) through (g), shall be eligible for parole;

1194 (g) **Offenses specifically prohibiting parole release.**
1195 No person shall be eligible for parole who is convicted of any
1196 offense that specifically prohibits parole release;

1197 (h) (i) **Offenders eligible for parole consideration**
1198 **for offenses committed after June 30, 1995.** Except as provided in
1199 paragraphs (a) through (g) of this subsection, offenders may be
1200 considered eligible for parole release as follows:

1201 1. **Nonviolent crimes.** All persons sentenced
1202 for a nonviolent offense shall be eligible for parole only after
1203 they have served twenty-five percent (25%) or ten (10) years,
1204 whichever is less, of the sentence or sentences imposed by the
1205 trial court. For purposes of this paragraph, "nonviolent crime"



1206 means a felony not designated as a crime of violence in Section
1207 97-3-2.

1208 2. **Violent crimes.** A person who is sentenced
1209 for a violent offense as defined in Section 97-3-2, except robbery
1210 with a deadly weapon as defined in Section 97-3-79, drive-by
1211 shooting as defined in Section 97-3-109, and carjacking as defined
1212 in Section 97-3-117, shall be eligible for parole only after
1213 having served fifty percent (50%) or twenty (20) years, whichever
1214 is less, of the sentence or sentences imposed by the trial court.
1215 Those persons sentenced for robbery with a deadly weapon as
1216 defined in Section 97-3-79, drive-by shooting as defined in
1217 Section 97-3-109, and carjacking as defined in Section 97-3-117,
1218 shall be eligible for parole only after having served sixty
1219 percent (60%) or twenty-five (25) years, whichever is less, of the
1220 sentence or sentences imposed by the trial court.

1221 3. **Nonviolent and nonhabitual drug offenses.**
1222 A person who has been sentenced to a drug offense pursuant to
1223 Section 41-29-139(a) through (d), whose crime was committed after
1224 June 30, 1995, shall be eligible for parole only after he has
1225 served twenty-five percent (25%) or ten (10) years, whichever is
1226 less, of the sentence or sentences imposed.

1227 (ii) **Parole hearing required.** All persons
1228 eligible for parole under subparagraph (i) of this paragraph (h)
1229 who are serving a sentence or sentences for a crime of violence,
1230 as defined in Section 97-3-2, shall be required to have a parole



1231 hearing before the Parole Board pursuant to Section 47-7-17, prior
1232 to parole release.

1233 (iii) **Geriatric parole.** Notwithstanding the
1234 provisions in subparagraph (i) of this paragraph (h), a person
1235 serving a sentence who has reached the age of sixty (60) or older
1236 and who has served no less than ten (10) years of the sentence or
1237 sentences imposed by the trial court shall be eligible for parole.
1238 Any person eligible for parole under this subparagraph (iii) shall
1239 be required to have a parole hearing before the board prior to
1240 parole release. No inmate shall be eligible for parole under this
1241 subparagraph (iii) of this paragraph (h) if:

- 1242 1. The inmate is sentenced as a habitual
1243 offender under Sections 99-19-81 through 99-19-87;
- 1244 2. The inmate is sentenced for a crime of
1245 violence under Section 97-3-2;
- 1246 3. The inmate is sentenced for an offense
1247 that specifically prohibits parole release;
- 1248 4. The inmate is sentenced for trafficking in
1249 controlled substances under Section 41-29-139(f);
- 1250 5. The inmate is sentenced for a sex crime;
- 1251 or
- 1252 6. The inmate has not served one-fourth (1/4)
1253 of the sentence imposed by the court.

1254 (iv) **Parole consideration as authorized by the**
1255 **trial court.** Notwithstanding the provisions of paragraph (a) of



1256 this subsection, any offender who has not committed a crime of
1257 violence under Section 97-3-2 and has served twenty-five percent
1258 (25%) or more of his sentence may be paroled by the State Parole
1259 Board if, after the sentencing judge or if the sentencing judge is
1260 retired, disabled or incapacitated, the senior circuit judge
1261 authorizes the offender to be eligible for parole consideration;
1262 or if the senior circuit judge must be recused, another circuit
1263 judge of the same district or a senior status judge may hear and
1264 decide the matter. A petition for parole eligibility
1265 consideration pursuant to this subparagraph (iv) shall be filed in
1266 the original criminal cause or causes, and the offender shall
1267 serve an executed copy of the petition on the District Attorney.
1268 The court may, in its discretion, require the District Attorney to
1269 respond to the petition.

1270 (2) The State Parole Board shall, by rules and regulations,
1271 establish a method of determining a tentative parole hearing date
1272 for each eligible offender taken into the custody of the
1273 Department of Corrections. The tentative parole hearing date
1274 shall be determined within ninety (90) days after the department
1275 has assumed custody of the offender. Except as provided in
1276 Section 47-7-18, the parole hearing date shall occur when the
1277 offender is within thirty (30) days of the month of his parole
1278 eligibility date. Any parole eligibility date shall not be
1279 earlier than as required in this section.



1280 (3) Notwithstanding any other provision of law, an inmate
1281 shall not be eligible to receive earned time, good time or any
1282 other administrative reduction of time which shall reduce the time
1283 necessary to be served for parole eligibility as provided in
1284 subsection (1) of this section.

1285 (4) Any inmate within forty-eight (48) months of his parole
1286 eligibility date and who meets the criteria established by the
1287 classification board shall receive priority for placement in any
1288 educational development and job-training programs that are part of
1289 his or her parole case plan. Any inmate refusing to participate
1290 in an educational development or job-training program, including,
1291 but not limited to, programs required as part of the case plan,
1292 shall be in jeopardy of noncompliance with the case plan and may
1293 be denied parole.

1294 (5) In addition to other requirements, if an offender is
1295 convicted of a drug or driving under the influence felony, the
1296 offender must complete a drug and alcohol rehabilitation program
1297 prior to parole, or the offender shall be required to complete a
1298 postrelease drug and alcohol program as a condition of parole.

1299 (6) Except as provided in subsection (1)(a) through (h) of
1300 this section, all other persons shall be eligible for parole after
1301 serving twenty-five percent (25%) of the sentence or sentences
1302 imposed by the trial court, or, if sentenced to thirty (30) years
1303 or more, after serving ten (10) years of the sentence or sentences
1304 imposed by the trial court.



1305 (7) The Corrections and Criminal Justice Oversight Task
1306 Force established in Section 47-5-6 shall develop and submit
1307 recommendations to the Governor and to the Legislature annually on
1308 or before December 1st concerning issues relating to juvenile and
1309 habitual offender parole reform and to review and monitor the
1310 implementation of Chapter 479, Laws of 2021.

1311 (8) The amendments contained in Chapter 479, Laws of 2021,
1312 shall apply retroactively from and after July 1, 1995.

1313 (9) Notwithstanding provisions to the contrary in this
1314 section, a person who was sentenced before July 1, 2021, may be
1315 considered for parole if the person's sentence would have been
1316 parole eligible before July 1, 2021.

1317 (10) This section shall stand repealed on July 1, 2024.

1318 From and after July 1 2023, the Mississippi Department of
1319 Parole and Reentry Services shall perform the functions of the
1320 Division of Community Corrections pursuant to Section 1 of this
1321 act.

1322 **SECTION 23.** Section 47-7-3.1, Mississippi Code of 1972, is
1323 amended as follows:

1324 47-7-3.1. (1) In consultation with the Parole Board, the
1325 department shall develop a case plan for all parole-eligible
1326 inmates to guide an inmate's rehabilitation while in the
1327 department's custody and to reduce the likelihood of recidivism
1328 after release.

1329 (2) The case plan shall include, but not be limited to:



1330 (a) Programming and treatment requirements based on the
1331 results of a risk and needs assessment;

1332 (b) Any programming or treatment requirements contained
1333 in the sentencing order; and

1334 (c) General behavior requirements in accordance with
1335 the rules and policies of the department.

1336 (3) With respect to parole-eligible inmates admitted to the
1337 department's custody on or after July 1, 2021, the department
1338 shall complete the case plan within ninety (90) days of admission.
1339 With respect to parole-eligible inmates admitted to the
1340 department's custody before July 1, 2021, the department shall
1341 complete the case plan by January 1, 2022.

1342 (4) The department shall provide the inmate with a written
1343 copy of the case plan and the inmate's caseworker shall explain
1344 the conditions set forth in the case plan.

1345 (a) Within ninety (90) days of admission, the
1346 caseworker shall notify the inmate of their parole eligibility
1347 date as calculated in accordance with Section 47-7-3(3);

1348 (b) At the time a parole-eligible inmate receives the
1349 case plan, the department shall send the case plan to the Parole
1350 Board for approval.

1351 (5) With respect to parole-eligible inmates admitted to the
1352 department's custody after July 1, 2021, the department shall
1353 ensure that the case plan is achievable prior to the inmate's
1354 parole eligibility date. With respect to parole-eligible inmates



1355 admitted to the department's custody before July 1, 2021, the
1356 department shall, to the extent possible, ensure that the case
1357 plan is achievable prior to the inmate's parole eligibility date
1358 or next parole hearing date, or date of release, whichever is
1359 sooner.

1360 (6) The caseworker shall meet with the inmate every eight
1361 (8) weeks from the date the offender received the case plan to
1362 review the inmate's case plan progress.

1363 (7) Every four (4) months the department shall
1364 electronically submit a progress report on each parole-eligible
1365 inmate's case plan to the Parole Board. The board may meet to
1366 review an inmate's case plan and may provide written input to the
1367 caseworker on the inmate's progress toward completion of the case
1368 plan.

1369 (8) The Parole Board shall provide semiannually to the
1370 Oversight Task Force the number of parole hearings held, the
1371 number of prisoners released to parole without a hearing and the
1372 number of parolees released after a hearing.

1373 (9) If the Department of Corrections fails to adequately
1374 provide opportunity and access for the completion of such case
1375 plans, the Department of Corrections shall, to the extent
1376 possible, contract with regional jail facilities that offer
1377 educational development and job-training programs to facilitate
1378 the fulfillment of the case plans of parole-eligible inmates.



1379 From and after July 1, 2023, the Mississippi Department of
1380 Parole and Reentry Services shall perform the functions of the
1381 Division of Community Corrections pursuant to Section 1 of this
1382 act.

1383 **SECTION 24.** Section 47-7-3.2, Mississippi Code of 1972, is
1384 amended as follows:

1385 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
1386 47-5-138.1 or 47-5-142, no person convicted of a criminal offense
1387 on or after July 1, 2014, shall be released by the department
1388 until he or she has served no less than the percentage of the
1389 sentence or sentences imposed by the court as set forth below:

1390 (a) Twenty-five percent (25%) or ten (10) years,
1391 whichever is less, for a nonviolent crime;

1392 (b) Fifty percent (50%) or twenty (20) years, whichever
1393 is less, for a crime of violence pursuant to Section 97-3-2,
1394 except for robbery with a deadly weapon as defined in Section
1395 97-3-79, drive-by shooting as defined in Section 97-3-109, or
1396 carjacking as defined in Section 97-3-117;

1397 (c) Sixty percent (60%) or twenty-five (25) years,
1398 whichever is less, for robbery with a deadly weapon as defined in
1399 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,
1400 or carjacking as defined in Section 97-3-117.

1401 (2) This section shall not apply to:

1402 (a) Offenders sentenced to life imprisonment;



1403 (b) Offenders convicted as habitual offenders pursuant
1404 to Sections 99-19-81 through 99-19-87;

1405 (c) Offenders serving a sentence for a sex offense; or

1406 (d) Offenders serving a sentence for trafficking
1407 pursuant to Section 41-29-139(f).

1408 (3) From and after July 1, 2023, the Mississippi Department
1409 of Parole and Reentry Services shall perform the functions of the
1410 Division of Community Corrections pursuant to Section 1 of this
1411 act.

1412 **SECTION 25.** Section 47-7-4, Mississippi Code of 1972, is
1413 amended as follows:

1414 47-7-4. The commissioner and the medical director of the
1415 department may place an offender who has served not less than one
1416 (1) year of his or her sentence, except an offender convicted of a
1417 sex crime, on conditional medical release. However, a nonviolent
1418 offender who is bedridden may be placed on conditional medical
1419 release regardless of the time served on his or her sentence.
1420 Upon the release of a nonviolent offender who is bedridden, the
1421 state shall not be responsible or liable for any medical costs
1422 that may be incurred if such costs are acquired after the offender
1423 is no longer incarcerated due to his or her placement on
1424 conditional medical release. The commissioner shall not place an
1425 offender on conditional medical release unless the medical
1426 director of the department certifies to the commissioner that (a)
1427 the offender is suffering from a significant permanent physical



1428 medical condition with no possibility of recovery; (b) that his or
1429 her further incarceration will serve no rehabilitative purposes;
1430 and (c) that the state would incur unreasonable expenses as a
1431 result of his or her continued incarceration. Any offender placed
1432 on conditional medical release shall be supervised by the Division
1433 of Community Corrections of the department for the remainder of
1434 his or her sentence. An offender's conditional medical release
1435 may be revoked and the offender returned and placed in actual
1436 custody of the department if the offender violates an order or
1437 condition of his or her conditional medical release. An offender
1438 who is no longer bedridden shall be returned and placed in the
1439 actual custody of the department.

1440 From and after July 1, 2023, the Mississippi Department of
1441 Parole and Reentry Services shall perform the functions of the
1442 Division of Community Corrections pursuant to Section 1 of this
1443 act.

1444 **SECTION 26.** Section 47-7-5, Mississippi Code of 1972, is
1445 amended as follows:

1446 47-7-5. (1) The State Parole Board, created under former
1447 Section 47-7-5, is hereby created, continued and reconstituted and
1448 shall be composed of five (5) members. The Governor shall appoint
1449 the members with the advice and consent of the Senate. All terms
1450 shall be at the will and pleasure of the Governor. Any vacancy
1451 shall be filled by the Governor, with the advice and consent of
1452 the Senate. The Governor shall appoint a chairman of the board.



1453 (2) Any person who is appointed to serve on the board shall
1454 possess at least a bachelor's degree or a high school diploma and
1455 four (4) years' work experience. Each member shall devote his
1456 full time to the duties of his office and shall not engage in any
1457 other business or profession or hold any other public office. A
1458 member shall receive compensation or per diem in addition to his
1459 or her salary. Each member shall keep such hours and workdays as
1460 required of full-time state employees under Section 25-1-98.
1461 Individuals shall be appointed to serve on the board without
1462 reference to their political affiliations. Each board member,
1463 including the chairman, may be reimbursed for actual and necessary
1464 expenses as authorized by Section 25-3-41. Each member of the
1465 board shall complete annual training developed based on guidance
1466 from the National Institute of Corrections, the Association of
1467 Paroling Authorities International, or the American Probation and
1468 Parole Association. Each first-time appointee of the board shall,
1469 within sixty (60) days of appointment, or as soon as practical,
1470 complete training for first-time Parole Board members developed in
1471 consideration of information from the National Institute of
1472 Corrections, the Association of Paroling Authorities
1473 International, or the American Probation and Parole Association.

1474 (3) The board shall have exclusive responsibility for the
1475 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1476 shall have exclusive authority for revocation of the same. The



1477 board shall have exclusive responsibility for investigating
1478 clemency recommendations upon request of the Governor.

1479 (4) The board, its members and staff, shall be immune from
1480 civil liability for any official acts taken in good faith and in
1481 exercise of the board's legitimate governmental authority.

1482 (5) The budget of the board shall be funded through a
1483 separate line item within the general appropriation bill for the
1484 support and maintenance of the department. Employees of the
1485 department which are employed by or assigned to the board shall
1486 work under the guidance and supervision of the board. There shall
1487 be an executive secretary to the board who shall be responsible
1488 for all administrative and general accounting duties related to
1489 the board. The executive secretary shall keep and preserve all
1490 records and papers pertaining to the board.

1491 (6) The board shall have no authority or responsibility for
1492 supervision of offenders granted a release for any reason,
1493 including, but not limited to, probation, parole or executive
1494 clemency or other offenders requiring the same through interstate
1495 compact agreements. The supervision shall be provided exclusively
1496 by the staff of the Division of Community Corrections of the
1497 department. From and after July 1, 2023, the Mississippi
1498 Department of Parole and Reentry Services shall perform the
1499 functions of the Division of Community Corrections pursuant to
1500 Section 1 of this act.



1501 (7) (a) The Parole Board is authorized to select and place
1502 offenders in an electronic monitoring program under the conditions
1503 and criteria imposed by the Parole Board. The conditions,
1504 restrictions and requirements of Section 47-7-17 and Sections
1505 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
1506 any offender placed in an electronic monitoring program by the
1507 Parole Board.

1508 (b) Any offender placed in an electronic monitoring
1509 program under this subsection shall pay the program fee provided
1510 in Section 47-5-1013. The program fees shall be deposited in the
1511 special fund created in Section 47-5-1007.

1512 (c) The department shall have absolute immunity from
1513 liability for any injury resulting from a determination by the
1514 Parole Board that an offender be placed in an electronic
1515 monitoring program.

1516 (8) (a) The Parole Board shall maintain a central registry
1517 of paroled inmates. The Parole Board shall place the following
1518 information on the registry: name, address, photograph, crime for
1519 which paroled, the date of the end of parole or flat-time date and
1520 other information deemed necessary. The Parole Board shall
1521 immediately remove information on a parolee at the end of his
1522 parole or flat-time date.

1523 (b) When a person is placed on parole, the Parole Board
1524 shall inform the parolee of the duty to report to the parole



1525 officer any change in address ten (10) days before changing
1526 address.

1527 (c) The Parole Board shall utilize an internet website
1528 or other electronic means to release or publish the information.

1529 (d) Records maintained on the registry shall be open to
1530 law enforcement agencies and the public and shall be available no
1531 later than July 1, 2003.

1532 (9) An affirmative vote of at least four (4) members of the
1533 Parole Board shall be required to grant parole to an inmate
1534 convicted of capital murder or a sex crime.

1535 (10) This section shall stand repealed on July 1, * * *
1536 2025.

1537 **SECTION 27.** Section 47-7-6, Mississippi Code of 1972, is
1538 amended as follows:

1539 47-7-6. (1) The Parole Board, with the assistance of the
1540 Department of Corrections, shall collect the following
1541 information:

1542 (a) The number of offenders supervised on parole;

1543 (b) The number of offenders released on parole;

1544 (c) The number of parole hearings held;

1545 (d) The parole grant rate for parolees released with
1546 and without a hearing;

1547 (e) The average length of time offenders spend on
1548 parole;



1549 (f) The number and percentage of parolees revoked for a
1550 technical violation and returned for a term of imprisonment in a
1551 technical violation center;

1552 (g) The number and percentage of parolees revoked for a
1553 technical violation and returned for a term of imprisonment in
1554 another type of department of corrections * * * facility;

1555 (h) The number and percentage of parolees who are
1556 convicted of a new offense and returned for a term of imprisonment
1557 on their current crime as well as the new crime;

1558 (i) The number of parolees held on a violation in
1559 county jail awaiting a revocation hearing; and

1560 (j) The average length of stay in a county jail for
1561 parolees awaiting a revocation hearing.

1562 (2) The Parole Board shall semiannually report information
1563 required in subsection (1) of this section to the Oversight Task
1564 Force, and upon request, shall report such information to the PEER
1565 Committee.

1566 (3) From and after July 1, 2023, the Mississippi Department
1567 of Parole and Reentry Services shall perform the functions of the
1568 Division of Community Corrections pursuant to Section 1 of this
1569 act.

1570 **SECTION 28.** Section 47-7-9, Mississippi Code of 1972, is
1571 amended as follows:

1572 47-7-9. (1) The circuit judges and county judges in the
1573 districts to which Division of Community Corrections personnel



1574 have been assigned shall have the power to request of the
1575 department transfer or removal of the division personnel from
1576 their court. From and after July 1, 2023, the Mississippi
1577 Department of Parole and Reentry Services shall perform the
1578 functions of the Division of Community Corrections pursuant to
1579 Section 1 of this act.

1580 (2) (a) Division personnel shall investigate all cases
1581 referred to them for investigation by the board, the division or
1582 by any court in which they are authorized to serve. They shall
1583 furnish to each person released under their supervision a written
1584 statement of the conditions of probation, parole, earned-release
1585 supervision, post-release supervision or suspension and shall
1586 instruct the person regarding the same. They shall administer a
1587 risk and needs assessment on each person under their supervision
1588 to measure criminal risk factors and individual needs. They shall
1589 use the results of the risk and needs assessment to guide
1590 supervision responses consistent with evidence-based practices as
1591 to the level of supervision and the practices used to reduce
1592 recidivism. They shall develop a supervision plan for each person
1593 assessed as moderate to high risk to reoffend. They shall keep
1594 informed concerning the conduct and conditions of persons under
1595 their supervision and use all suitable methods that are consistent
1596 with evidence-based practices to aid and encourage them and to
1597 bring about improvements in their conduct and condition and to
1598 reduce the risk of recidivism. They shall keep detailed records



1599 of their work and shall make such reports in writing as the court
1600 or the board may require.

1601 (b) Division personnel shall complete annual training
1602 on evidence-based practices and criminal risk factors, as well as
1603 instructions on how to target these factors to reduce recidivism.

1604 (c) The division personnel duly assigned to court
1605 districts are hereby vested with all the powers of police officers
1606 or sheriffs to make arrests or perform any other duties required
1607 of policemen or sheriffs which may be incident to the division
1608 personnel responsibilities. All probation and parole officers
1609 hired on or after July 1, 1994, will be placed in the Law
1610 Enforcement Officers Training Program and will be required to meet
1611 the standards outlined by that program.

1612 (d) It is the intention of the Legislature that insofar
1613 as practicable the case load of each division personnel
1614 supervising offenders in the community (hereinafter field
1615 supervisor) shall not exceed the number of cases that may be
1616 adequately handled.

1617 (3) (a) Division personnel shall be provided to perform
1618 investigation for the court as provided in this subsection.
1619 Division personnel shall conduct presentence investigations on all
1620 persons convicted of a felony in any circuit court of the state,
1621 prior to sentencing and at the request of the circuit court judge
1622 of the court of conviction. The presentence evaluation report
1623 shall consist of a complete record of the offender's criminal



1624 history, educational level, employment history, psychological
1625 condition and such other information as the department or judge
1626 may deem necessary. Division personnel shall also prepare written
1627 victim impact statements at the request of the sentencing judge as
1628 provided in Section 99-19-157.

1629 (b) In order that offenders in the custody of the
1630 department on July 1, 1976, may benefit from the kind of
1631 evaluations authorized in this section, an evaluation report to
1632 consist of the information required hereinabove, supplemented by
1633 an examination of an offender's record while in custody, shall be
1634 compiled by the division upon all offenders in the custody of the
1635 department on July 1, 1976. After a study of such reports by the
1636 State Parole Board those cases which the board believes would
1637 merit some type of executive clemency shall be submitted by the
1638 board to the Governor with its recommendation for the appropriate
1639 executive action.

1640 (c) The department is authorized to accept gifts,
1641 grants and subsidies to conduct this activity.

1642 **SECTION 29.** Section 47-7-13, Mississippi Code of 1972, is
1643 amended as follows:

1644 47-7-13. A majority of the board shall constitute a quorum
1645 for the transaction of all business. A decision to parole an
1646 offender convicted of murder or a sex-related crime shall require
1647 the affirmative vote of three (3) members. The board shall
1648 maintain, in minute book form, a copy of each of its official



1649 actions with the reasons therefor. Suitable and sufficient office
1650 space and support resources and staff necessary to conducting
1651 Parole Board business shall be provided by the Department of
1652 Corrections. However, the principal place for conducting parole
1653 hearings shall be the State Penitentiary at Parchman.

1654 From and after July 1, 2023, the Mississippi Department of
1655 Parole and Reentry Services shall perform the functions of the
1656 Division of Community Corrections pursuant to Section 1 of this
1657 act.

1658 **SECTION 30.** Section 47-7-17, Mississippi Code of 1972, is
1659 amended as follows:

1660 47-7-17. (1) Within one (1) year after his admission and at
1661 such intervals thereafter as it may determine, the board shall
1662 secure and consider all pertinent information regarding each
1663 offender, except any under sentence of death or otherwise
1664 ineligible for parole, including the circumstances of his offense,
1665 his previous social history, his previous criminal record,
1666 including any records of law enforcement agencies or of a youth
1667 court regarding that offender's juvenile criminal history, his
1668 conduct, employment and attitude while in the custody of the
1669 department, the case plan created to prepare the offender for
1670 parole, and the reports of such physical and mental examinations
1671 as have been made. The board shall furnish at least three (3)
1672 months' written notice to each such offender of the date on which
1673 he is eligible for parole.



1674 (2) Except as provided in Section 47-7-18, the board shall
1675 require a parole-eligible offender to have a hearing as required
1676 in this chapter before the board and to be interviewed. The
1677 hearing shall be held no later than thirty (30) days prior to the
1678 month of eligibility. No application for parole of a person
1679 convicted of a capital offense shall be considered by the board
1680 unless and until notice of the filing of such application shall
1681 have been published at least once a week for two (2) weeks in a
1682 newspaper published in or having general circulation in the county
1683 in which the crime was committed. The board shall, within thirty
1684 (30) days prior to the scheduled hearing, also give notice of the
1685 filing of the application for parole to the victim of the offense
1686 for which the prisoner is incarcerated and being considered for
1687 parole or, in case the offense be homicide, a designee of the
1688 immediate family of the victim, provided the victim or designated
1689 family member has furnished in writing a current address to the
1690 board for such purpose. The victim or designated family member
1691 shall be provided an opportunity to be heard by the board before
1692 the board makes a decision regarding release on parole. The board
1693 shall consider whether any restitution ordered has been paid in
1694 full. Parole release shall, at the hearing, be ordered only for
1695 the best interest of society, not as an award of clemency; it
1696 shall not be considered to be a reduction of sentence or pardon.
1697 An offender shall be placed on parole only when arrangements have
1698 been made for his proper employment or for his maintenance and



1699 care, and when the board believes that he is able and willing to
1700 fulfill the obligations of a law-abiding citizen. When the board
1701 determines that the offender will need transitional housing upon
1702 release in order to improve the likelihood of the offender
1703 becoming a law-abiding citizen, the board may parole the offender
1704 with the condition that the inmate spends no more than six (6)
1705 months in a transitional reentry center. At least fifteen (15)
1706 days prior to the release of an offender on parole, the director
1707 of records of the department shall give the written notice which
1708 is required pursuant to Section 47-5-177. Every offender while on
1709 parole shall remain in the legal custody of the department from
1710 which he was released and shall be amenable to the orders of the
1711 board. Upon determination by the board that an offender is
1712 eligible for release by parole, notice shall also be given within
1713 at least fifteen (15) days before release, by the board to the
1714 victim of the offense or the victim's family member, as indicated
1715 above, regarding the date when the offender's release shall occur,
1716 provided a current address of the victim or the victim's family
1717 member has been furnished in writing to the board for such
1718 purpose.

1719 (3) Failure to provide notice to the victim or the victim's
1720 family member of the filing of the application for parole or of
1721 any decision made by the board regarding parole shall not



1722 constitute grounds for vacating an otherwise lawful parole
1723 determination nor shall it create any right or liability, civilly
1724 or criminally, against the board or any member thereof.

1725 (4) A letter of protest against granting an offender parole
1726 shall not be treated as the conclusive and only reason for not
1727 granting parole.

1728 (5) The board may adopt such other rules not inconsistent
1729 with law as it may deem proper or necessary with respect to the
1730 eligibility of offenders for parole, the conduct of parole
1731 hearings, or conditions to be imposed upon parolees, including a
1732 condition that the parolee submit, as provided in Section 47-5-601
1733 to any type of breath, saliva or urine chemical analysis test, the
1734 purpose of which is to detect the possible presence of alcohol or
1735 a substance prohibited or controlled by any law of the State of
1736 Mississippi or the United States. The board shall have the
1737 authority to adopt rules related to the placement of certain
1738 offenders on unsupervised parole and for the operation of
1739 transitional reentry centers. However, in no case shall an
1740 offender be placed on unsupervised parole before he has served a
1741 minimum of fifty percent (50%) of the period of supervised parole.

1742 From and after July 1, 2023, the Mississippi Department of
1743 Parole and Reentry Services shall perform the functions of the
1744 Division of Community Corrections pursuant to Section 1 of this
1745 act.



1746 **SECTION 31.** Section 47-7-18, Mississippi Code of 1972, is
1747 amended as follows:

1748 47-7-18. (1) No inmate convicted of a sex offense as
1749 defined by Section 45-33-23(h), a crime of violence as defined by
1750 Section 97-3-2, or both, nor an inmate who is eligible for
1751 geriatric parole shall be released on parole without a hearing
1752 before the Parole Board as required by Section 47-7-17. All other
1753 inmates eligible for parole pursuant to Section 47-7-3 shall be
1754 released from incarceration to parole supervision on the inmate's
1755 parole eligibility date, without a hearing before the board, if:

1756 (a) The inmate has met the requirements of the parole
1757 case plan established pursuant to Section 47-7-3.1;

1758 (b) A victim of the offense has not requested the board
1759 conduct a hearing;

1760 (c) The inmate has not received a serious or major
1761 violation report within the past six (6) months;

1762 (d) The inmate has agreed to the conditions of
1763 supervision; and

1764 (e) The inmate has a discharge plan approved by the
1765 board.

1766 (2) At least thirty (30) days prior to an inmate's parole
1767 eligibility date, the department shall notify the board in writing
1768 of the inmate's compliance or noncompliance with the case plan.
1769 If an inmate fails to meet a requirement of the case plan, prior
1770 to the parole eligibility date, he or she shall have a hearing



1771 before the board to determine if completion of the case plan can
1772 occur while in the community.

1773 (3) Any inmate for whom there is insufficient information
1774 for the department to determine compliance with the case plan
1775 shall have a hearing with the board.

1776 (4) A hearing shall be held with the board if requested by
1777 the victim following notification of the inmate's parole release
1778 date pursuant to Section 47-7-17.

1779 (5) A hearing shall be held by the board if a law
1780 enforcement official from the community to which the inmate will
1781 return contacts the board or the department and requests a hearing
1782 to consider information relevant to public safety risks posed by
1783 the inmate if paroled at the initial parole eligibility date. The
1784 law enforcement official shall submit an explanation documenting
1785 these concerns for the board to consider.

1786 (6) If a parole hearing is held, the board may determine the
1787 inmate has sufficiently complied with the case plan or that the
1788 incomplete case plan is not the fault of the inmate and that
1789 granting parole is not incompatible with public safety, the board
1790 may then parole the inmate with appropriate conditions. If the
1791 board determines that the inmate has sufficiently complied with
1792 the case plan but the discharge plan indicates that the inmate
1793 does not have appropriate housing immediately upon release, the
1794 board may parole the inmate to a transitional reentry center with
1795 the condition that the inmate spends no more than six (6) months



1796 in the center. If the board determines that the inmate has not
1797 substantively complied with the requirement(s) of the case plan it
1798 may deny parole. If the board denies parole, the board may
1799 schedule a subsequent parole hearing and, if a new date is
1800 scheduled, the board shall identify the corrective action the
1801 inmate will need to take in order to be granted parole. Any
1802 inmate not released at the time of the inmate's initial parole
1803 date shall have a parole hearing at least every year.

1804 From and after July 1, 2023, the Mississippi Department of
1805 Parole and Reentry Services shall perform the functions of the
1806 Division of Community Corrections pursuant to Section 1 of this
1807 act.

1808 **SECTION 32.** Section 47-7-19, Mississippi Code of 1972, is
1809 amended as follows:

1810 47-7-19. It shall be the duty of all correctional system
1811 officials to grant to the members of the board or its properly
1812 accredited representatives, access at all reasonable times to any
1813 person over whom the board may have jurisdiction under this
1814 chapter; to provide for the board or such representatives
1815 facilities for communicating with and observing the offender; and
1816 to furnish to the board such reports as the board shall require
1817 concerning the conduct and character of any offender in the
1818 Department of Corrections custody and any other facts deemed by
1819 the board pertinent in determining whether such offender shall be
1820 paroled.



1821 It shall be the duty of any judge, district attorney, county
1822 attorney, police officer, or other public official of the state,
1823 having information with reference to any person eligible for
1824 parole, to send such information as may be in his possession or
1825 under his control to the board, in writing, upon request of any
1826 member or employee thereof.

1827 From and after July 1, 2023, the Mississippi Department of
1828 Parole and Reentry Services shall perform the functions of the
1829 Division of Community Corrections pursuant to Section 1 of this
1830 act.

1831 **SECTION 33.** Section 47-7-21, Mississippi Code of 1972, is
1832 amended as follows:

1833 47-7-21. All information obtained in the discharge of
1834 official duty by a field officer as an employee of the Department
1835 of Corrections shall be privileged and shall not be disclosed
1836 directly or indirectly to anyone other than to (a) the State
1837 Parole Board, (b) a judge, or (c) law enforcement agencies when
1838 such information is relevant to criminal activity.

1839 From and after July 1, 2023, the Mississippi Department of
1840 Parole and Reentry Services shall perform the functions of the
1841 Division of Community Corrections pursuant to Section 1 of this
1842 act.

1843 **SECTION 34.** Section 47-7-23, Mississippi Code of 1972, is
1844 amended as follows:



1845 47-7-23. Except as otherwise provided by law, the Department
1846 of Corrections shall have the power and duty to make rules for the
1847 conduct of persons heretofore or hereafter placed on parole under
1848 the supervision of the Department of Corrections and for the
1849 investigation and supervision of such persons, which supervision
1850 may include a condition that such persons submit, as provided in
1851 Section 47-5-601, to any type of breath, saliva or urine chemical
1852 analysis test, the purpose of which is to detect the possible
1853 presence of alcohol or a substance prohibited or controlled by any
1854 law of the State of Mississippi or the United States. The
1855 department shall not make any rules which shall be inconsistent
1856 with the rules imposed by the State Parole Board pursuant to
1857 Section 47-7-17 on offenders who are placed on unsupervised
1858 parole.

1859 From and after July 1, 2023, the Mississippi Department of
1860 Parole and Reentry Services shall perform the functions of the
1861 Division of Community Corrections pursuant to Section 1 of this
1862 act.

1863 **SECTION 35.** Section 47-7-25, Mississippi Code of 1972, is
1864 amended as follows:

1865 47-7-25. When an offender is placed on parole he shall
1866 receive, if needed, from the state, civilian clothing and
1867 transportation to the place in which he is to reside. At the
1868 discretion of the board the offender may be advanced such sum for
1869 his temporary maintenance as the board may allow. The aforesaid



1870 gratuities are to be furnished by the Commissioner of Corrections
1871 who is authorized to charge the actual cost of same in his account
1872 as Commissioner of Corrections.

1873 From and after July 1, 2023, the Mississippi Department of
1874 Parole and Reentry Services shall perform the functions of the
1875 Division of Community Corrections pursuant to Section 1 of this
1876 act.

1877 **SECTION 36.** Section 47-7-27, Mississippi Code of 1972, is
1878 amended as follows:

1879 47-7-27. (1) The board may, at any time and upon a showing
1880 of probable violation of parole, issue a warrant for the return of
1881 any paroled offender to the custody of the department. The
1882 warrant shall authorize all persons named therein to return the
1883 paroled offender to actual custody of the department from which he
1884 was paroled.

1885 (2) Any field supervisor may arrest an offender without a
1886 warrant or may deputize any other person with power of arrest by
1887 giving him a written statement setting forth that the offender
1888 has, in the judgment of that field supervisor, violated the
1889 conditions of his parole or earned-release supervision. The
1890 written statement delivered with the offender by the arresting
1891 officer to the official in charge of the department facility from
1892 which the offender was released or other place of detention
1893 designated by the department shall be sufficient warrant for the
1894 detention of the offender.



1895 (3) The field supervisor, after making an arrest, shall
1896 present to the detaining authorities a similar statement of the
1897 circumstances of violation. The field supervisor shall at once
1898 notify the board or department of the arrest and detention of the
1899 offender and shall submit a written report showing in what manner
1900 the offender has violated the conditions of parole or
1901 earned-release supervision. An offender for whose return a
1902 warrant has been issued by the board shall, after the issuance of
1903 the warrant, be deemed a fugitive from justice.

1904 (4) Whenever an offender is arrested on a warrant for an
1905 alleged violation of parole as herein provided, the board shall
1906 hold an informal preliminary hearing within seventy-two (72) hours
1907 to determine whether there is reasonable cause to believe the
1908 person has violated a condition of parole. A preliminary hearing
1909 shall not be required when the offender is not under arrest on a
1910 warrant or the offender signed a waiver of a preliminary hearing.
1911 The preliminary hearing may be conducted electronically.

1912 (5) The right of the State of Mississippi to extradite
1913 persons and return fugitives from justice, from other states to
1914 this state, shall not be impaired by this chapter and shall remain
1915 in full force and effect. An offender convicted of a felony
1916 committed while on parole, whether in the State of Mississippi or
1917 another state, shall immediately have his parole revoked upon
1918 presentment of a certified copy of the commitment order to the
1919 board. If an offender is on parole and the offender is convicted



1920 of a felony for a crime committed prior to the offender being
1921 placed on parole, whether in the State of Mississippi or another
1922 state, the offender may have his parole revoked upon presentment
1923 of a certified copy of the commitment order to the board.

1924 (6) (a) The board shall hold a hearing for any parolee who
1925 is detained as a result of a warrant or a violation report within
1926 twenty-one (21) days of the parolee's admission to detention. The
1927 board may, in its discretion, terminate the parole or modify the
1928 terms and conditions thereof. If the board revokes parole for one
1929 or more technical violations the board shall impose a period of
1930 imprisonment to be served in a technical violation center operated
1931 by the department not to exceed ninety (90) days for the first
1932 revocation and not to exceed one hundred twenty (120) days for the
1933 second revocation. For the third revocation, the board may impose
1934 a period of imprisonment to be served in a technical violation
1935 center for up to one hundred * * * eighty (180) days or the board
1936 may impose the remainder of the suspended portion of the sentence.
1937 For the fourth and any subsequent revocation, the board may impose
1938 up to the remainder of the suspended portion of the sentence. The
1939 period of imprisonment in a technical violation center imposed
1940 under this section shall not be reduced in any manner.

1941 (b) If the board does not hold a hearing or does not
1942 take action on the violation within the twenty-one-day time frame
1943 in paragraph (a) of this subsection, the parolee shall be released
1944 from detention and shall return to parole status. The board may



1945 subsequently hold a hearing and may revoke parole or may continue
1946 parole and modify the terms and conditions of parole. If the
1947 board revokes parole for one or more technical violations the
1948 board shall impose a period of imprisonment to be served in a
1949 technical violation center operated by the department not to
1950 exceed ninety (90) days for the first revocation and not to exceed
1951 one hundred twenty (120) days for the second revocation. For the
1952 third revocation, the board may impose a period of imprisonment to
1953 be served in a technical violation center for up to one hundred
1954 eighty (180) days or the board may impose the remainder of the
1955 suspended portion of the sentence. For the fourth and any
1956 subsequent revocation, the board may impose up to the remainder of
1957 the suspended portion of the sentence. The period of imprisonment
1958 in a technical violation center imposed under this section shall
1959 not be reduced in any manner.

1960 (c) For a parolee charged with one or more technical
1961 violations who has not been detained awaiting the revocation
1962 hearing, the board may hold a hearing within a reasonable time.
1963 The board may revoke parole or may continue parole and modify the
1964 terms and conditions of parole. If the board revokes parole for
1965 one or more technical violations the board shall impose a period
1966 of imprisonment to be served in a technical violation center
1967 operated by the department not to exceed ninety (90) days for the
1968 first revocation and not to exceed one hundred twenty (120) days
1969 for the second revocation. For the third revocation, the board



1970 may impose a period of imprisonment to be served in a technical
1971 violation center for up to one hundred eighty (180) days or the
1972 board may impose the remainder of the suspended portion of the
1973 sentence. For the fourth and any subsequent revocation, the board
1974 may impose up to the remainder of the suspended portion of the
1975 sentence. The period of imprisonment in a technical violation
1976 center imposed under this section shall not be reduced in any
1977 manner.

1978 (7) Unless good cause for the delay is established in the
1979 record of the proceeding, the parole revocation charge shall be
1980 dismissed if the revocation hearing is not held within the thirty
1981 (30) days of the issuance of the warrant.

1982 (8) The chairman and each member of the board and the
1983 designated parole revocation hearing officer may, in the discharge
1984 of their duties, administer oaths, summon and examine witnesses,
1985 and take other steps as may be necessary to ascertain the truth of
1986 any matter about which they have the right to inquire.

1987 (9) The board shall provide semiannually to the Oversight
1988 Task Force the number of warrants issued for an alleged violation
1989 of parole, the average time between detention on a warrant and
1990 preliminary hearing, the average time between detention on a
1991 warrant and revocation hearing, the number of ninety-day sentences
1992 in a technical violation center issued by the board, the number of
1993 one-hundred-twenty-day sentences in a technical violation center
1994 issued by the board, the number of one-hundred-eighty-day



1995 sentences issued by the board, and the number and average length
1996 of the suspended sentences imposed by the board in response to a
1997 violation.

1998 (10) From and after July 1, 2023, the Mississippi Department
1999 of Parole and Reentry Services shall perform the functions of the
2000 Division of Community Corrections pursuant to Section 1 of this
2001 act.

2002 **SECTION 37.** Section 47-7-29, Mississippi Code of 1972, is
2003 amended as follows:

2004 47-7-29. Any prisoner who commits a felony while at large
2005 upon parole or earned-release supervision and who is convicted and
2006 sentenced therefor shall be required to serve such sentence after
2007 the original sentence has been completed.

2008 From and after July 1, 2023, the Mississippi Department of
2009 Parole and Reentry Services shall perform the functions of the
2010 Division of Community Corrections pursuant to Section 1 of this
2011 act.

2012 **SECTION 38.** Section 47-7-33, Mississippi Code of 1972, is
2013 amended as follows:

2014 47-7-33. (1) When it appears to the satisfaction of
2015 any circuit court or county court in the State of Mississippi
2016 having original jurisdiction over criminal actions, or to the
2017 judge thereof, that the ends of justice and the best interest of
2018 the public, as well as the defendant, will be served thereby, such
2019 court, in termtime or in vacation, shall have the power, after



2020 conviction or a plea of guilty, except in a case where a death
2021 sentence or life imprisonment is the maximum penalty which may be
2022 imposed, to suspend the imposition or execution of sentence, and
2023 place the defendant on probation as herein provided, except that
2024 the court shall not suspend the execution of a sentence of
2025 imprisonment after the defendant shall have begun to serve such
2026 sentence. In placing any defendant on probation, the court, or
2027 judge, shall direct that such defendant be under the supervision
2028 of the Department of Corrections.

2029 (2) When any circuit or county court places an offender on
2030 probation, the court shall give notice to the Mississippi
2031 Department of Corrections within fifteen (15) days of the court's
2032 decision to place the offender on probation. Notice shall be
2033 delivered to the central office of the Mississippi Department of
2034 Corrections and to the regional office of the department which
2035 will be providing supervision to the offender on probation.

2036 (3) When any circuit court or county court places a person
2037 on probation in accordance with the provisions of this section and
2038 that person is ordered to make any payments to his family, if any
2039 member of his family whom he is ordered to support is receiving
2040 public assistance through the State Department of Human Services,
2041 the court shall order him to make such payments to the county
2042 welfare officer of the county rendering public assistance to his
2043 family, for the sole use and benefit of said family.



2044 (4) From and after July 1, 2023, the Mississippi Department
2045 of Parole and Reentry Services shall perform the functions of the
2046 Division of Community Corrections pursuant to Section 1 of this
2047 act.

2048 **SECTION 39.** Section 47-7-33.1, Mississippi Code of 1972, is
2049 amended as follows:

2050 47-7-33.1. (1) The department shall create a discharge plan
2051 for any offender returning to the community, regardless of whether
2052 the person will discharge from the custody of the department, or
2053 is released on parole, pardon, or otherwise. At least ninety (90)
2054 days prior to an offender's earliest release date, the
2055 commissioner shall conduct a pre-release assessment and complete a
2056 written discharge plan based on the assessment results. The
2057 discharge plan for parole eligible offenders shall be sent to the
2058 parole board at least thirty (30) days prior to the offender's
2059 parole eligibility date for approval. The board may suggest
2060 changes to the plan that it deems necessary to ensure a successful
2061 transition.

2062 (2) The pre-release assessment shall identify whether an
2063 inmate requires assistance obtaining the following basic needs
2064 upon release: transportation, clothing and food, financial
2065 resources, identification documents, housing, employment,
2066 education, health care and support systems. The discharge plan
2067 shall include information necessary to address these needs and the
2068 steps being taken by the department to assist in this process,



2069 including an up-to-date version of the information described in
2070 Section 63-1-309(4). Based on the findings of the assessment, the
2071 commissioner shall:

2072 (a) Arrange transportation for inmates from the
2073 correctional facility to their release destination;

2074 (b) Ensure inmates have clean, seasonally appropriate
2075 clothing, and provide inmates with a list of food providers and
2076 other basic resources immediately accessible upon release;

2077 (c) Ensure inmates have a provisional driver's license
2078 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi
2079 Code of 1972, a regular driver's license if eligible, or a
2080 state-issued identification card that is not a Department of
2081 Corrections identification card;

2082 (d) Assist inmates in identifying safe, affordable
2083 housing upon release. If accommodations are not available,
2084 determine whether temporary housing is available for at least ten
2085 (10) days after release. If temporary housing is not available,
2086 the discharge plan shall reflect that satisfactory housing has not
2087 been established and the person may be a candidate for
2088 transitional reentry center placement;

2089 (e) Refer inmates without secured employment to
2090 employment opportunities;

2091 (f) Provide inmates with contact information of a
2092 health care facility/provider in the community in which they plan
2093 to reside;



2094 (g) Notify family members of the release date and
2095 release plan, if the inmate agrees; and

2096 (h) Refer inmates to a community or a faith-based
2097 organization that can offer support within the first twenty-four
2098 (24) hours of release.

2099 (3) A written discharge plan shall be provided to the
2100 offender and supervising probation officer or parole officer, if
2101 applicable.

2102 (4) A discharge plan created for a parole-eligible offender
2103 shall also include supervision conditions and the intensity of
2104 supervision based on the assessed risk to recidivate and whether
2105 there is a need for transitional housing. The board shall approve
2106 discharge plans before an offender is released on parole pursuant
2107 to this chapter.

2108 (5) From and after July 1, 2023, the Mississippi Department
2109 of Parole and Reentry Services shall perform the functions of the
2110 Division of Community Corrections pursuant to Section 1 of this
2111 act.

2112 **SECTION 40.** Section 47-7-34, Mississippi Code of 1972, is
2113 amended as follows:

2114 47-7-34. (1) When a court imposes a sentence upon a
2115 conviction for any felony committed after June 30, 1995, the
2116 court, in addition to any other punishment imposed if the other
2117 punishment includes a term of incarceration in a state or local
2118 correctional facility, may impose a term of post-release



2119 supervision. However, the total number of years of incarceration
2120 plus the total number of years of post-release supervision shall
2121 not exceed the maximum sentence authorized to be imposed by law
2122 for the felony committed. The defendant shall be placed under
2123 post-release supervision upon release from the term of
2124 incarceration. The period of supervision shall be established by
2125 the court.

2126 (2) The period of post-release supervision shall be
2127 conducted in the same manner as a like period of supervised
2128 probation, including a requirement that the defendant shall abide
2129 by any terms and conditions as the court may establish. Failure
2130 to successfully abide by the terms and conditions shall be grounds
2131 to terminate the period of post-release supervision and to
2132 recommit the defendant to the correctional facility from which he
2133 was previously released. Procedures for termination and
2134 recommitment shall be conducted in the same manner as procedures
2135 for the revocation of probation and imposition of a suspended
2136 sentence as required pursuant to Section 47-7-37.

2137 (3) Post-release supervision programs shall be operated
2138 through the probation and parole unit of the Division of Community
2139 Corrections of the department. The maximum amount of time that
2140 the Mississippi Department of Corrections may supervise an
2141 offender on the post-release supervision program is five (5)
2142 years.



2143 (4) From and after July 1, 2023, the Mississippi Department
2144 of Parole and Reentry Services shall perform the functions of the
2145 Division of Community Corrections pursuant to Section 1 of this
2146 act.

2147 **SECTION 41.** Section 47-7-35, Mississippi Code of 1972, is
2148 amended as follows:

2149 47-7-35. (1) The courts referred to in Section 47-7-33 or
2150 47-7-34 shall determine the terms and conditions of probation or
2151 post-release supervision and may alter or modify, at any time
2152 during the period of probation or post-release supervision, the
2153 conditions and may include among them the following or any other:

2154 That the offender shall:

2155 (a) Commit no offense against the laws of this or any
2156 other state of the United States, or of any federal, territorial
2157 or tribal jurisdiction of the United States;

2158 (b) Avoid injurious or vicious habits;

2159 (c) Avoid persons or places of disreputable or harmful
2160 character;

2161 (d) Report to the probation and parole officer as
2162 directed;

2163 (e) Permit the probation and parole officer to visit
2164 him at home or elsewhere;

2165 (f) Work faithfully at suitable employment so far as
2166 possible;

2167 (g) Remain within a specified area;



2168 (h) Pay his fine in one (1) or several sums;
2169 (i) Support his dependents;
2170 (j) Submit, as provided in Section 47-5-601, to any
2171 type of breath, saliva or urine chemical analysis test, the
2172 purpose of which is to detect the possible presence of alcohol or
2173 a substance prohibited or controlled by any law of the State of
2174 Mississippi or the United States;

2175 (k) Register as a sex offender if so required under
2176 Title 45, Chapter 33.

2177 (2) When any court places a defendant on misdemeanor
2178 probation, the court must cause to be conducted a search of the
2179 probationer's name or other identifying information against the
2180 registration information regarding sex offenders maintained under
2181 Title 45, Chapter 33. The search may be conducted using the
2182 Internet site maintained by the Department of Public Safety Sex
2183 Offender Registry.

2184 (3) From and after July 1, 2023, the Mississippi Department
2185 of Parole and Reentry Services shall perform the functions of the
2186 Division of Community Corrections pursuant to Section 1 of this
2187 act.

2188 **SECTION 42.** Section 47-7-36, Mississippi Code of 1972, is
2189 amended as follows:

2190 47-7-36. Any person who supervises an individual placed on
2191 parole by the Parole Board or placed on probation by the court
2192 shall set the times and locations for meetings that are required



2193 for parole or probation at such times and locations that are
2194 reasonably designed to accommodate the work schedule of an
2195 individual on parole or probation who is employed by another
2196 person or entity. To effectuate the provisions of this section,
2197 the parole officer or probation officer may utilize technology
2198 portals such as Skype, FaceTime or Google video chat, or any other
2199 technology portal that allows communication between the individual
2200 on parole or probation and the parole or probation officer, as
2201 applicable, to occur simultaneously in real time by voice and
2202 video in lieu of requiring a face-to-face in person meeting of
2203 such individual and the parole or probation officer, as
2204 applicable. For individuals who are self-employed, the provisions
2205 of this section shall only apply with the agreement of their
2206 supervising parole or probation officer.

2207 From and after July 1, 2023, the Mississippi Department of
2208 Parole and Reentry Services shall perform the functions of the
2209 Division of Community Corrections pursuant to Section 1 of this
2210 act.

2211 **SECTION 43.** Section 47-7-37, Mississippi Code of 1972, is
2212 amended as follows:

2213 47-7-37. (1) The period of probation shall be fixed by the
2214 court, and may at any time be extended or terminated by the court,
2215 or judge in vacation. Such period with any extension thereof
2216 shall not exceed five (5) years, except that in cases of desertion
2217 and/or failure to support minor children, the period of probation



2218 may be fixed and/or extended by the court for so long as the duty
2219 to support such minor children exists. The time served on
2220 probation or post-release supervision may be reduced pursuant to
2221 Section 47-7-40.

2222 (2) At any time during the period of probation, the court,
2223 or judge in vacation, may issue a warrant for violating any of the
2224 conditions of probation or suspension of sentence and cause the
2225 probationer to be arrested. Any probation and parole officer may
2226 arrest a probationer without a warrant, or may deputize any other
2227 officer with power of arrest to do so by giving him a written
2228 statement setting forth that the probationer has, in the judgment
2229 of the probation and parole officer, violated the conditions of
2230 probation. Such written statement delivered with the probationer
2231 by the arresting officer to the official in charge of a county
2232 jail or other place of detention shall be sufficient warrant for
2233 the detention of the probationer.

2234 (3) Whenever an offender is arrested on a warrant for an
2235 alleged violation of probation as herein provided, the department
2236 shall hold an informal preliminary hearing within seventy-two (72)
2237 hours of the arrest to determine whether there is reasonable cause
2238 to believe the person has violated a condition of probation. A
2239 preliminary hearing shall not be required when the offender is not
2240 under arrest on a warrant or the offender signed a waiver of a
2241 preliminary hearing. The preliminary hearing may be conducted
2242 electronically. If reasonable cause is found, the offender may be



2243 confined no more than twenty-one (21) days from the admission to
2244 detention until a revocation hearing is held. If the revocation
2245 hearing is not held within twenty-one (21) days, the probationer
2246 shall be released from custody and returned to probation status.

2247 (4) If a probationer or offender is subject to registration
2248 as a sex offender, the court must make a finding that the
2249 probationer or offender is not a danger to the public prior to
2250 release with or without bail. In determining the danger posed by
2251 the release of the offender or probationer, the court may consider
2252 the nature and circumstances of the violation and any new offenses
2253 charged; the offender or probationer's past and present conduct,
2254 including convictions of crimes and any record of arrests without
2255 conviction for crimes involving violence or sex crimes; any other
2256 evidence of allegations of unlawful sexual conduct or the use of
2257 violence by the offender or probationer; the offender or
2258 probationer's family ties, length of residence in the community,
2259 employment history and mental condition; the offender or
2260 probationer's history and conduct during the probation or other
2261 supervised release and any other previous supervisions, including
2262 disciplinary records of previous incarcerations; the likelihood
2263 that the offender or probationer will engage again in a criminal
2264 course of conduct; the weight of the evidence against the offender
2265 or probationer; and any other facts the court considers relevant.

2266 (5) (a) The probation and parole officer after making an
2267 arrest shall present to the detaining authorities a similar



2268 statement of the circumstances of violation. The probation and
2269 parole officer shall at once notify the court of the arrest and
2270 detention of the probationer and shall submit a report in writing
2271 showing in what manner the probationer has violated the conditions
2272 of probation. Within twenty-one (21) days of arrest and detention
2273 by warrant as herein provided, the court shall cause the
2274 probationer to be brought before it and may continue or revoke all
2275 or any part of the probation or the suspension of sentence. If
2276 the court revokes probation for one or more technical violations,
2277 the court shall impose a period of imprisonment to be served in
2278 either a technical violation center or a restitution center not to
2279 exceed ninety (90) days for the first revocation and not to exceed
2280 one hundred twenty (120) days for the second revocation. For the
2281 third revocation, the court may impose a period of imprisonment to
2282 be served in either a technical violation center or a restitution
2283 center for up to one hundred eighty (180) days or the court may
2284 impose the remainder of the suspended portion of the sentence.
2285 For the fourth and any subsequent revocation, the court may impose
2286 up to the remainder of the suspended portion of the sentence. The
2287 period of imprisonment in a technical violation center imposed
2288 under this section shall not be reduced in any manner.

2289 (b) If the offender is not detained as a result of the
2290 warrant, the court shall cause the probationer to be brought
2291 before it within a reasonable time and may continue or revoke all
2292 or any part of the probation or the suspension of sentence, and



2293 may cause the sentence imposed to be executed or may impose any
2294 part of the sentence which might have been imposed at the time of
2295 conviction. If the court revokes probation for one or more
2296 technical violations, the court shall impose a period of
2297 imprisonment to be served in either a technical violation center
2298 or a restitution center not to exceed ninety (90) days for the
2299 first revocation and not to exceed one hundred twenty (120) days
2300 for the second revocation. For the third revocation, the court
2301 may impose a period of imprisonment to be served in either a
2302 technical violation center or a restitution center for up to one
2303 hundred eighty (180) days or the court may impose the remainder of
2304 the suspended portion of the sentence. For the fourth and any
2305 subsequent revocation, the court may impose up to the remainder of
2306 the suspended portion of the sentence. The period of imprisonment
2307 in a technical violation center imposed under this section shall
2308 not be reduced in any manner.

2309 (c) If the court does not hold a hearing or does not
2310 take action on the violation within the twenty-one-day period, the
2311 offender shall be released from detention and shall return to
2312 probation status. The court may subsequently hold a hearing and
2313 may revoke probation or may continue probation and modify the
2314 terms and conditions of probation. If the court revokes probation
2315 for one or more technical violations, the court shall impose a
2316 period of imprisonment to be served in either a technical
2317 violation center operated by the department or a restitution



2318 center not to exceed ninety (90) days for the first revocation and
2319 not to exceed one hundred twenty (120) days for the second
2320 revocation. For the third revocation, the court may impose a
2321 period of imprisonment to be served in either a technical
2322 violation center or a restitution center for up to one hundred
2323 eighty (180) days or the court may impose the remainder of the
2324 suspended portion of the sentence. For the fourth and any
2325 subsequent revocation, the court may impose up to the remainder of
2326 the suspended portion of the sentence. The period of imprisonment
2327 in a technical violation center imposed under this section shall
2328 not be reduced in any manner.

2329 (d) For an offender charged with a technical violation
2330 who has not been detained awaiting the revocation hearing, the
2331 court may hold a hearing within a reasonable time. The court may
2332 revoke probation or may continue probation and modify the terms
2333 and conditions of probation. If the court revokes probation for
2334 one or more technical violations the court shall impose a period
2335 of imprisonment to be served in either a technical violation
2336 center operated by the department or a restitution center not to
2337 exceed ninety (90) days for the first revocation and not to exceed
2338 one hundred twenty (120) days for the second revocation. For the
2339 third revocation, the court may impose a period of imprisonment to
2340 be served in either a technical violation center or a restitution
2341 center for up to one hundred eighty (180) days or the court may
2342 impose the remainder of the suspended portion of the sentence.



2343 For the fourth and any subsequent revocation, the court may impose
2344 up to the remainder of the suspended portion of the sentence. The
2345 period of imprisonment in a technical violation center imposed
2346 under this section shall not be reduced in any manner.

2347 (6) If the probationer is arrested in a circuit court
2348 district in the State of Mississippi other than that in which he
2349 was convicted, the probation and parole officer, upon the written
2350 request of the sentencing judge, shall furnish to the circuit
2351 court or the county court of the county in which the arrest is
2352 made, or to the judge of such court, a report concerning the
2353 probationer, and such court or the judge in vacation shall have
2354 authority, after a hearing, to continue or revoke all or any part
2355 of probation or all or any part of the suspension of sentence, and
2356 may in case of revocation proceed to deal with the case as if
2357 there had been no probation. In such case, the clerk of the court
2358 in which the order of revocation is issued shall forward a
2359 transcript of such order to the clerk of the court of original
2360 jurisdiction, and the clerk of that court shall proceed as if the
2361 order of revocation had been issued by the court of original
2362 jurisdiction. Upon the revocation of probation or suspension of
2363 sentence of any offender, such offender shall be placed in the
2364 legal custody of the State Department of Corrections and shall be
2365 subject to the requirements thereof.

2366 (7) Any probationer who removes himself from the State of
2367 Mississippi without permission of the court placing him on



2368 probation, or the court to which jurisdiction has been
2369 transferred, shall be deemed and considered a fugitive from
2370 justice and shall be subject to extradition as now provided by
2371 law. No part of the time that one is on probation shall be
2372 considered as any part of the time that he shall be sentenced to
2373 serve.

2374 (8) The arresting officer, except when a probation and
2375 parole officer, shall be allowed the same fees as now provided by
2376 law for arrest on warrant, and such fees shall be taxed against
2377 the probationer and paid as now provided by law.

2378 (9) The arrest, revocation and recommitment procedures of
2379 this section also apply to persons who are serving a period of
2380 post-release supervision imposed by the court.

2381 (10) Unless good cause for the delay is established in the
2382 record of the proceeding, the probation revocation charge shall be
2383 dismissed if the revocation hearing is not held within thirty (30)
2384 days of the warrant being issued.

2385 (11) The Department of Corrections shall provide
2386 semiannually to the Oversight Task Force the number of warrants
2387 issued for an alleged violation of probation or post-release
2388 supervision, the average time between detention on a warrant and
2389 preliminary hearing, the average time between detention on a
2390 warrant and revocation hearing, the number of ninety-day sentences
2391 in a technical violation center issued by the court, the number of
2392 one-hundred-twenty-day sentences in a technical violation center



2393 issued by the court, the number of one-hundred-eighty-day
2394 sentences issued by the court, and the number and average length
2395 of the suspended sentences imposed by the court in response to a
2396 violation.

2397 (12) From and after July 1, 2023, the Mississippi Department
2398 of Parole and Reentry Services shall perform the functions of the
2399 Division of Community Corrections pursuant to Section 1 of this
2400 act.

2401 **SECTION 44.** Section 47-7-37.1, Mississippi Code of 1972, is
2402 amended as follows:

2403 47-7-37.1. Notwithstanding any other provision of law to the
2404 contrary, if a court finds by a preponderance of the evidence,
2405 that a probationer or a person under post-release supervision has
2406 committed a felony or absconded, the court may revoke his
2407 probation and impose any or all of the sentence. For purposes of
2408 this section, "absconding from supervision" means the failure of a
2409 probationer to report to his supervising officer for six (6) or
2410 more consecutive months.

2411 From and after July 1, 2023, the Mississippi Department of
2412 Parole and Reentry Services shall perform the functions of the
2413 Division of Community Corrections pursuant to Section 1 of this
2414 act.

2415 **SECTION 45.** Section 47-7-38, Mississippi Code of 1972, is
2416 amended as follows:



2417 47-7-38. (1) The department shall have the authority to
2418 impose graduated sanctions as an alternative to judicial
2419 modification or revocation, as provided in Sections 47-7-27 and
2420 47-7-37, for offenders on probation, parole, or post-release
2421 supervision who commit technical violations of the conditions of
2422 supervision as defined by Section 47-7-2.

2423 (2) The commissioner shall develop a standardized graduated
2424 sanctions system, which shall include a grid to guide field
2425 officers in determining the suitable response to a technical
2426 violation. The commissioner shall promulgate rules and
2427 regulations for the development and application of the system of
2428 sanctions. Field officers shall be required to conform to the
2429 sanction grid developed.

2430 (3) The system of sanctions shall include a list of
2431 sanctions for the most common types of violations. When
2432 determining the sanction to impose, the field officer shall take
2433 into account the offender's assessed risk level, previous
2434 violations and sanctions, and severity of the current and prior
2435 violations.

2436 (4) Field officers shall notify the sentencing court when a
2437 probationer has committed a technical violation or the parole
2438 board when a parolee has committed a technical violation of the
2439 type of violation and the sanction imposed. When the technical
2440 violation is an arrest for a new criminal offense, the field



2441 officer shall notify the court within forty-eight (48) hours of
2442 becoming aware of the arrest.

2443 (5) The graduated sanctions that the department may impose
2444 include, but shall not be limited to:

2445 (a) Verbal warnings;

2446 (b) Increased reporting;

2447 (c) Increased drug and alcohol testing;

2448 (d) Mandatory substance abuse treatment;

2449 (e) Loss of earned-discharge credits; and

2450 (f) Incarceration in a county jail for no more than two

2451 (2) days. Incarceration as a sanction shall not be used more than

2452 two (2) times per month for a total period incarcerated of no more

2453 than four (4) days.

2454 (6) The system shall also define positive reinforcements

2455 that offenders will receive for compliance with conditions of

2456 supervision. These positive reinforcements shall include, but not

2457 limited to:

2458 (a) Verbal recognition;

2459 (b) Reduced reporting; and

2460 (c) Credits for earned discharge which shall be awarded

2461 pursuant to Section 47-7-40.

2462 (7) The Department of Corrections shall provide semiannually

2463 to the Oversight Task Force the number and percentage of offenders

2464 who have one or more violations during the year, the average

2465 number of violations per offender during the year and the total



2466 and average number of incarceration sanctions as defined in
2467 subsection (5) of this section imposed during the year.

2468 (8) From and after July 1, 2023, the Mississippi Department
2469 of Parole and Reentry Services shall perform the functions of the
2470 Division of Community Corrections pursuant to Section 1 of this
2471 act.

2472 **SECTION 46.** Section 47-7-38.1, Mississippi Code of 1972, is
2473 amended as follows:

2474 47-7-38.1. (1) The Department of Corrections shall
2475 establish technical violation centers to detain probation and
2476 parole violators revoked by the court or parole board.

2477 (2) The department shall place an offender in a violation
2478 center for a technical violation as ordered by the board pursuant
2479 to Section 47-7-27 and the sentencing court pursuant to Section
2480 47-7-37.

2481 (3) The violation centers shall be equipped to address the
2482 underlying factors that led to the offender's violation as
2483 identified based on the results of a risk and needs assessment.
2484 At a minimum each violation center shall include substance abuse
2485 services shown to reduce recidivism and a reduction in the use of
2486 illicit substances or alcohol, education programs, employment
2487 preparation and training programs and behavioral programs.

2488 (4) As required by Section 47-5-20(b), the department shall
2489 notify, by certified mail, each member of the board of supervisors
2490 of the county in which the violation center shall be located of



2491 the department's intent to convert an existing department facility
2492 to a technical violation center.

2493 (5) The department shall establish rules and regulations for
2494 the implementation and operation of the technical violation
2495 centers.

2496 (6) The Department of Corrections shall provide to the
2497 Oversight Task Force semiannually the average daily population of
2498 the technical violation centers, the number of admissions to the
2499 technical violation centers, and the average time served in the
2500 technical violation centers.

2501 (7) From and after July 1, 2023, the Mississippi Department
2502 of Parole and Reentry Services shall perform the functions of the
2503 Division of Community Corrections pursuant to Section 1 of this
2504 act.

2505 **SECTION 47.** Section 47-7-39, Mississippi Code of 1972, is
2506 amended as follows:

2507 47-7-39. If, for good and sufficient reasons, a probationer
2508 desires to change his residence within or without the state, such
2509 transfer may be effected by application to his field supervisor
2510 which transfer shall be subject to the court's consent and subject
2511 to such regulations as the court, or judge, may require.

2512 From and after July 1, 2023, the Mississippi Department of
2513 Parole and Reentry Services shall perform the functions of the
2514 Division of Community Corrections pursuant to Section 1 of this
2515 act.



2516 **SECTION 48.** Section 47-7-40, Mississippi Code of 1972, is
2517 amended as follows:

2518 47-7-40. (1) The commissioner shall establish rules and
2519 regulations for implementing the earned-discharge program that
2520 allows offenders on probation and parole to reduce the period of
2521 supervision for complying with conditions of probation. The
2522 department shall have the authority to award earned-discharge
2523 credits to all offenders placed on probation, parole, or
2524 post-release supervision who are in compliance with the terms and
2525 conditions of supervision. An offender serving a Mississippi
2526 sentence for an eligible offense in any jurisdiction under the
2527 Interstate Compact for Adult Offender Supervision shall be
2528 eligible for earned-discharge credits under this section.
2529 Offenders shall not be denied earned-discharge credits solely
2530 based on nonpayment of fees or fines if a hardship waiver has been
2531 granted as provided in Section 47-7-49.

2532 (2) For each full calendar month of compliance with the
2533 conditions of supervision, earned-discharge credits equal to the
2534 number of days in that month shall be deducted from the offender's
2535 sentence discharge date. Credits begin to accrue for eligible
2536 offenders after the first full calendar month of compliance
2537 supervision conditions. For the purposes of this section, an
2538 offender is deemed to be in compliance with the conditions of
2539 supervision if there was no violation of the conditions of
2540 supervision.



2541 (3) No earned-discharge credits may accrue for a calendar
2542 month in which a violation report has been submitted, the offender
2543 has absconded from supervision, the offender is serving a term of
2544 imprisonment in a technical violation center, or for the months
2545 between the submission of the violation report and the final
2546 action on the violation report by the court or the board.

2547 (4) Earned-discharge credits shall be applied to the
2548 sentence within thirty (30) days of the end of the month in which
2549 the credits were earned. At least every six (6) months, an
2550 offender who is serving a sentence eligible for earned-discharge
2551 credits shall be notified of the current sentence discharge date.

2552 (5) Once the combination of time served on probation, parole
2553 or post-release supervision, and earned-discharge credits satisfy
2554 the term of probation, parole, or post-release supervision, the
2555 board or sentencing court shall order final discharge of the
2556 offender. No less than sixty (60) days prior to the date of final
2557 discharge, the department shall notify the sentencing court and
2558 the board of the impending discharge.

2559 (6) The department shall provide semiannually to the
2560 Oversight Task Force the number and percentage of offenders who
2561 qualify for earned discharge in one or more months of the year and
2562 the average amount of credits earned within the year.

2563 (7) From and after July 1, 2023, the Mississippi Department
2564 of Parole and Reentry Services shall perform the functions of the



2565 Division of Community Corrections pursuant to Section 1 of this
2566 act.

2567 **SECTION 49.** Section 47-7-41, Mississippi Code of 1972, is
2568 amended as follows:

2569 47-7-41. When a probationer shall be discharged from
2570 probation by the court of original jurisdiction, the field
2571 supervisor, upon receiving a written request from the probationer,
2572 shall forward a written report of the record of the probationer to
2573 the Division of Community Corrections of the department, which
2574 shall present a copy of this report to the Governor. The Governor
2575 may, in his discretion, at any time thereafter by appropriate
2576 executive order restore any civil rights lost by the probationer
2577 by virtue of his conviction or plea of guilty in the court of
2578 original jurisdiction.

2579 From and after July 1, 2023, the Mississippi Department of
2580 Parole and Reentry Services shall perform the functions of the
2581 Division of Community Corrections pursuant to Section 1 of this
2582 act.

2583 **SECTION 50.** Section 47-7-43, Mississippi Code of 1972, is
2584 amended as follows:

2585 47-7-43. The provisions of this chapter are hereby extended
2586 to all persons who, at the effective date thereof, may be on
2587 parole, or eligible to be placed on parole under existing laws,
2588 with the same force and effect as if this chapter had been in



2589 operation at the time such persons were placed on parole or become
2590 eligible to be placed thereon, as the case may be.

2591 From and after July 1, 2023, the Mississippi Department of
2592 Parole and Reentry Services shall perform the functions of the
2593 Division of Community Corrections pursuant to Section 1 of this
2594 act.

2595 **SECTION 51.** Section 47-7-47, Mississippi Code of 1972, is
2596 amended as follows:

2597 47-7-47. (1) The judge of any circuit court may place an
2598 offender on a program of earned probation after a period of
2599 confinement as set out herein and the judge may seek the advice of
2600 the commissioner and shall direct that the defendant be under the
2601 supervision of the department.

2602 (2) (a) Any circuit court or county court may, upon its own
2603 motion, acting upon the advice and consent of the commissioner not
2604 earlier than thirty (30) days nor later than one (1) year after
2605 the defendant has been delivered to the custody of the department,
2606 to which he has been sentenced, suspend the further execution of
2607 the sentence and place the defendant on earned probation, except
2608 when a death sentence or life imprisonment is the maximum penalty
2609 which may be imposed or if the defendant has been confined two (2)
2610 or more times for the conviction of a felony on a previous
2611 occasion in any court or courts of the United States and of any
2612 state or territories thereof or has been convicted of a felony
2613 involving the use of a deadly weapon.



2614 (b) The authority granted in this subsection shall be
2615 exercised by the judge who imposed sentence on the defendant, or
2616 his successor.

2617 (c) The time limit imposed by paragraph (a) of this
2618 subsection is not applicable to those defendants sentenced to the
2619 custody of the department prior to April 14, 1977. Persons who
2620 are convicted of crimes that carry mandatory sentences shall not
2621 be eligible for earned probation.

2622 (3) When any circuit or county court places an offender on
2623 earned probation, the court shall give notice to the Mississippi
2624 Department of Corrections within fifteen (15) days of the court's
2625 decision to place the offender on earned probation. Notice shall
2626 be delivered to the central office of the Mississippi Department
2627 of Corrections and to the regional office of the department which
2628 will be providing supervision to the offender on earned probation.

2629 (4) If the court places any person on probation or earned
2630 probation, the court may order the person, as a condition of
2631 probation, to a period of confinement and treatment at a private
2632 or public agency or institution, either within or without the
2633 state, which treats emotional, mental or drug-related problems.
2634 Any person who, as a condition of probation, is confined for
2635 treatment at an out-of-state facility shall be supervised pursuant
2636 to Section 47-7-71, and any person confined at a private agency
2637 shall not be confined at public expense. Time served in any such



2638 agency or institution may be counted as time required to meet the
2639 criteria of subsection (2) (a).

2640 (5) If the court places any person on probation or earned
2641 probation, the court may order the person to make appropriate
2642 restitution to any victim of his crime or to society through the
2643 performance of reasonable work for the benefit of the community.

2644 (6) If the court places any person on probation or earned
2645 probation, the court may order the person, as a condition of
2646 probation, to submit, as provided in Section 47-5-601, to any type
2647 of breath, saliva or urine chemical analysis test, the purpose of
2648 which is to detect the possible presence of alcohol or a substance
2649 prohibited or controlled by any law of the State of Mississippi or
2650 the United States.

2651 (7) From and after July 1, 2023, the Mississippi Department
2652 of Parole and Reentry Services shall perform the functions of the
2653 Division of Community Corrections pursuant to Section 1 of this
2654 act.

2655 **SECTION 52.** Section 47-7-101, Mississippi Code of 1972, is
2656 amended as follows:

2657 47-7-101. (1) There is created the Mississippi Re-Entry
2658 Council. The purpose of the council is to create effective
2659 strategies to assist former inmates in their return to the general
2660 population, to reduce the recidivism rates of inmates, to increase
2661 public safety, and to reduce budgetary constraints presently



2662 created by prison-related costs. The Re-Entry Council shall be
2663 led by a steering committee.

2664 (2) The Re-Entry Council Steering Committee shall be
2665 composed of the following twelve (12) members, who shall serve for
2666 two-year terms:

2667 (a) A Mississippi United States Attorney, or a designee
2668 appointed by the Governor;

2669 (b) The Commissioner of the Mississippi Department of
2670 Corrections, or a designee;

2671 (c) The Attorney General of the State of Mississippi,
2672 or a designee;

2673 (d) The director of a faith-based organization involved
2674 in re-entry programs, or a designee appointed by the Lieutenant
2675 Governor;

2676 (e) The Chief Probation Officer of the United States
2677 District Courts of Mississippi, or a designee;

2678 (f) A Mississippi United States District Judge, or a
2679 designee appointed by the Speaker of the House of Representatives;

2680 (g) The Chief Justice of the Mississippi Supreme Court,
2681 or a designee;

2682 (h) The Executive Director for the Mississippi
2683 Department of Mental Health, or a designee;

2684 (i) The Executive Director for the Mississippi Division
2685 of Medicaid, or a designee;

2686 (j) The Chairman of the Parole Board, or a designee;



2687 (k) A person who is a former offender appointed by the
2688 Chairman of the Parole Board; * * *

2689 (l) The Director of the Mississippi Department of
2690 Employment Security, or a designee * * *; and

2691 (m) The Director of the Mississippi Department of
2692 Parole and Reentry Services.

2693 (3) The Re-Entry Council Steering Committee shall have the
2694 following duties:

2695 (a) To consider development of a statewide approach to
2696 assist re-entry of former inmates into the general population of
2697 this state;

2698 (b) To provide recommendations regarding evidence-based
2699 approaches that equip inmates with the requisite, individualized
2700 resources to promote their successful return to the general
2701 population of this state;

2702 (c) To review reports, studies, and materials as it
2703 deems appropriate;

2704 (d) To appoint such subcommittees as it finds proper;

2705 (e) To study proposed legislation that seeks to resolve
2706 recidivism;

2707 (f) To submit recommendations from its findings to the
2708 Legislature, the Governor and the Mississippi Supreme Court. In
2709 making such recommendations, the Re-Entry Council Steering
2710 Committee will seek input from all branches of state and local



2711 government, governmental agencies, businesses and nonprofit
2712 organizations throughout this state;

2713 (g) To seek and receive grants;

2714 (h) To hire contract personnel and/or staff using any
2715 grants received; and

2716 (i) To collaborate with the coordinator of the
2717 transitional re-entry center, under the supervision of the
2718 Mississippi Department of * * * Parole and Reentry Services, which
2719 shall provide administrative support to the council.

2720 (4) The Chief Justice of the Mississippi Supreme Court shall
2721 call the first meeting of the steering committee. At its first
2722 meeting, the steering committee shall elect a chairman and vice
2723 chairman from its membership and adopt rules for transacting its
2724 business and keeping records. Officers shall serve one-year terms
2725 or until such time as a successor is elected.

2726 **SECTION 53.** This act shall take effect and be in force from
2727 and after July 1, 2022.

