

By: Representative Horan

To: Corrections

HOUSE BILL NO. 1052  
(As Passed the House)

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

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

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

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

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



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

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

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

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



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



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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

193 (d) There shall be a Division of Workforce Development  
194 within the department, which shall have as its chief  
195 administrative officer a Deputy Commissioner for Workforce  
196 Development, who shall be appointed by the commissioner.

197 (3) The department shall succeed to the exclusive control of  
198 all records, books, papers, equipment and supplies, and all lands,





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

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

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

222 47-5-10. The department shall have the following powers and  
223 duties:



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

227 (b) To provide for the care, custody, study, training,  
228 supervision and treatment of adult offenders committed to the  
229 department;

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

238 (d) To plan, develop and coordinate a statewide,  
239 comprehensive correctional program designed to train and  
240 rehabilitate offenders in order to prevent, control and retard  
241 recidivism;

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

244 (i) An offender's records shall include a single  
245 cover sheet that contains the following information about the  
246 offender: name, including any aliases; department inmate number;  
247 social security number; photograph; court of conviction; cause  
248 number; date of conviction; date of sentence; total number of days



249 in the department's custody or number of days creditable toward  
250 time served on each charge; date of actual custody; and date of  
251 any revocation of a suspended sentence;

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

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

266 (f) To investigate the grievances of any person  
267 committed to the department, and to inquire into any alleged  
268 misconduct by employees; and for this purpose it may issue  
269 subpoenas and compel the attendance of witnesses and the  
270 production of writings and papers, and may examine under oath any  
271 witnesses who may appear before it;

272 (g) To administer programs of training and development  
273 of personnel of the department;



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

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

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

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



299           (1) To cooperate with other departments and agencies  
300 and with local communities for the development of standards and  
301 programs for better correctional services in this state;

302           (m) To administer all monies and properties of the  
303 department;

304           (n) To report annually to the Legislature and the  
305 Governor on the committed persons, institutions and programs of  
306 the department;

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

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

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

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

322           (s) To discharge any other power or duty imposed or  
323 established by law.



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

326           47-5-1001. For purposes of Sections 47-5-1001 through  
327 47-5-1015, the following words shall have the meaning ascribed  
328 herein unless the context shall otherwise require:

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

333           (b) "Correctional field officer" means the supervising  
334 probation and parole officer in charge of supervising the  
335 offender.

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

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

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

342           (f) "Operating capacity" means the total number of  
343 state offenders which can be safely and reasonably housed in  
344 facilities operated by the department and in local or county jails  
345 or other facilities authorized to house state offenders as  
346 certified by the department, subject to applicable federal and  
347 state laws and rules and regulations.



348 (g) "Participant" means an offender placed into an  
349 intensive supervision program.

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

352 47-5-1003. (1) An intensive supervision program may be used  
353 as an alternative to incarceration for offenders who are not  
354 convicted of a crime of violence pursuant to Section 97-3-2 as  
355 selected by the court and for juvenile offenders as provided in  
356 Section 43-21-605. Any offender convicted of a sex crime shall  
357 not be placed in the program.

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

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

368 (4) When any circuit or county court places an offender in  
369 an intensive supervision program, the court shall give notice to  
370 the Mississippi Department of Corrections within fifteen (15) days  
371 of the court's decision to place the offender in an intensive  
372 supervision program. Notice shall be delivered to the central



373 office of the Mississippi Department of Corrections and to the  
374 regional office of the department which will be providing  
375 supervision to the offender in an intensive supervision program.

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

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

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

389 47-5-1005. (1) The department shall promulgate rules that  
390 prescribe reasonable guidelines under which an intensive  
391 supervision program shall operate. These rules shall include, but  
392 not be limited to, the following:

393 (a) The participant shall remain within the interior  
394 premises or within the property boundaries of his or her residence  
395 at all times during the hours designated by the correctional field  
396 officer.





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

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

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

403 (iii) Undergoing medical, psychiatric, mental  
404 health treatment, counseling or other treatment programs approved  
405 for the participant by the court or department;

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

408 (v) Participating in community work release or a  
409 community service program approved for the participant by the  
410 court or department; or

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

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

418 (2) The department shall select and approve all electronic  
419 monitoring devices used under Sections 47-5-1001 through  
420 47-5-1015.



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

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

428 47-5-1007. (1) Any participant in the intensive supervision  
429 program who engages in employment shall pay a monthly fee to the  
430 department for each month such person is enrolled in the program.  
431 The department may waive the monthly fee if the offender is a  
432 full-time student or is engaged in vocational training. Juvenile  
433 offenders shall pay a monthly fee of not less than Ten Dollars  
434 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a  
435 sliding scale using the standard of need for each family that is  
436 used to calculate TANF benefits. Money received by the department  
437 from participants in the program shall be deposited into a special  
438 fund which is hereby created in the State Treasury. It shall be  
439 used, upon appropriation by the Legislature, for the purpose of  
440 helping to defray the costs involved in administering and  
441 supervising such program. Unexpended amounts remaining in such  
442 special fund at the end of a fiscal year shall not lapse into the  
443 State General Fund, and any interest earned on amounts in such  
444 special fund shall be deposited to the credit of the special fund.



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

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

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

458 (5) The participant shall be responsible for and shall  
459 maintain the following:

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

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

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

465 (6) The participant shall obtain approval from the  
466 correctional field officer before the participant changes  
467 residence.

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



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

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

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

477 47-5-1009. (1) The department shall have absolute immunity  
478 from liability for any injury resulting from a determination by a  
479 judge or correctional officer that an offender shall be allowed to  
480 participate in the electronic home detention program.

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

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

486 47-5-1011. (1) Before entering an order for commitment for  
487 electronic house arrest, the department shall inform the  
488 participant and other persons residing in the home of the nature  
489 and extent of the approved electronic monitoring devices by doing  
490 the following:

491 (a) Securing the written consent of the participant in  
492 the program to comply with the rules and regulations of the  
493 program.



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

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

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

507 (3) Any person whose residence is utilized in the program  
508 shall agree to keep the home drug and alcohol free and to exclude  
509 known felons and criminals in order to provide a noncriminal  
510 environment.

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

513 47-5-1013. Participants enrolled in an intensive supervision  
514 program shall be required to:

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



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

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

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

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

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



542 (g) Meet any other conditions imposed by the court to  
543 meet the needs of the offender and limit the risks to the  
544 community.

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

547 47-5-1014. (1) Participants who have been in the intensive  
548 supervision program since July 1, 2004, whether placed into the  
549 program before or after July 1, 2004, shall pay a Fifty Dollar  
550 (\$50.00) monthly supervision fee to the Mississippi Department of  
551 Corrections for their supervision from July 1, 2004, or from the  
552 date the participant entered the program after July 1, 2004, until  
553 completion of the program, or April 6, 2005, or whichever occurs  
554 first. From and after April 6, 2005, all participants of the  
555 intensive supervision program shall pay the fee as established in  
556 Section 47-5-1013.

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

560 (3) A participant's failure to pay the monthly fees in  
561 arrearage shall not be deemed a violation of a condition of the  
562 program, and the participant shall not be removed from the program  
563 for failure to pay the monthly fees in arrearage.

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



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

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

575 47-5-110. (1) Commitment to any institution or facility  
576 within the jurisdiction of the department shall be to the  
577 department, not to a particular institution or facility. The  
578 commissioner shall assign a newly committed offender to an  
579 appropriate facility consistent with public safety; provided,  
580 however, that any offender who, in the opinion of the sentencing  
581 judge, requires confinement in a maximum security unit shall be  
582 assigned, upon initial commitment, to the Parchman facility. The  
583 commissioner may extend the place of confinement of eligible  
584 offenders as provided under subsection (2) of this section. He  
585 may transfer an offender from one (1) institution to another,  
586 consistent with the commitment and in accordance with treatment,  
587 training and security needs. The commissioner shall have the  
588 authority to transfer inmates from the various correctional  
589 facilities of the department to restitution centers if such  
590 inmates meet the qualifications prescribed in Section 99-37-19.





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

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

614 (a) The commissioner may extend the limits of  
615 confinement of offenders serving sentences for violent or



616 nonviolent crimes who have six (6) months or less remaining before  
617 release on parole, conditional release or discharge to participate  
618 in the program. Parole violators may be allowed to participate in  
619 the program.

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

625 (c) The department shall require the offender to  
626 participate in work or educational or vocational programs and  
627 other activities that may be necessary for the supervision and  
628 treatment of the offender.

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

633 (3) The commissioner shall have absolute immunity from  
634 liability for any injury resulting from a determination by the  
635 commissioner that an offender shall be allowed to participate in  
636 the community prerelease program.

637 (4) (a) The department may by rule or policy and procedure  
638 provide evidence-based programs for the benefit of inmates, with  
639 emphasis on those that are targeted at reducing inmate recidivism  
640 and prerelease service for offenders at each of its major



641 correctional facilities: Mississippi State Penitentiary, Central  
642 Mississippi Correctional Institution and South Mississippi  
643 Correctional Institution and other facilities where the department  
644 confines state inmates.

645 (b) The commissioner may establish prerelease programs  
646 at the South Mississippi Correctional Institution. The prerelease  
647 program may be located on the grounds of this facility or another  
648 facility designated by the commissioner.

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

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

654 47-5-138. (1) The department may promulgate rules and  
655 regulations to carry out an earned time allowance program based on  
656 the good conduct and performance of an inmate. An inmate is  
657 eligible to receive an earned time allowance of one-half (1/2) of  
658 the period of confinement imposed by the court except those  
659 inmates excluded by law. When an inmate is committed to the  
660 custody of the department, the department shall determine a  
661 conditional earned time release date by subtracting the earned  
662 time allowance from an inmate's term of sentence. This subsection  
663 does not apply to any sentence imposed after June 30, 1995.

664 (2) An inmate may forfeit all or part of his earned time  
665 allowance for a serious violation of rules. No forfeiture of the



666 earned time allowance shall be effective except upon approval of  
667 the commissioner, or his designee, and forfeited earned time may  
668 not be restored.

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

674 (b) On receipt of a final order, the department shall  
675 forfeit:

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

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

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

685 (c) The department may not restore earned time  
686 forfeited under this subsection.

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



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

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

713           (7) If the earned-release supervision is revoked, the inmate  
714 shall serve the remainder of the sentence, but the time the inmate



715 served on earned-release supervision before revocation, shall be  
716 applied to reduce his sentence.

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

719 47-5-20. The commissioner shall have the following powers  
720 and duties:

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

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

736 (c) Except as otherwise provided or required by law, to  
737 open bids and approve the sale of any products or manufactured  
738 goods by the department according to applicable provisions of law  
739 regarding bidding and sale of state property, and according to



740 rules and regulations established by the State Fiscal Management  
741 Board; and

742 (d) To adopt administrative rules and regulations  
743 including, but not limited to, offender transfer procedures, award  
744 of administrative earned time, personnel procedures, employment  
745 practices.

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

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

753 47-5-24. (1) The Governor shall appoint a Commissioner of  
754 Corrections, with the advice and consent of the Senate. Such  
755 commissioner may be removed by the Governor. The commissioner  
756 shall be the chief executive, administrative and fiscal officer of  
757 the department.

758 (2) The commissioner shall receive an annual salary fixed by  
759 the Governor, not to exceed the maximum authorized by law, in  
760 addition to all actual, necessary expenses incurred in the  
761 discharge of official duties, including mileage as authorized by  
762 law.

763 (3) The commissioner shall possess the following minimum  
764 qualifications:



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

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

773           (c) Shall possess relevant experience in the private or  
774 public sector.

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





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

792           47-5-28. The commissioner shall have the following powers  
793 and duties:

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

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

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

810                   (d) To provide the Parole Board with suitable and  
811 sufficient office space and support resources and staff necessary  
812 to conducting Parole Board business under the guidance of the  
813 Chairman of the Parole Board;



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

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

833           For the purpose of administration and enforcement of this  
834 chapter, deputy commissioners of the Mississippi Department of  
835 Corrections, who are certified by the Mississippi Board on Law  
836 Enforcement Officer Standards and Training, have the powers of a  
837 law enforcement officer of this state. Such powers shall include  
838 to make arrests and to serve and execute search warrants and other



839 valid legal process anywhere within the State of Mississippi while  
840 performing their officially assigned duties relating to the  
841 custody, control, transportation, recapture or arrest of any  
842 offender within the jurisdiction of the department or any offender  
843 of any jail, penitentiary, public workhouse or overnight lockup of  
844 the state or any political subdivision thereof not within the  
845 jurisdiction of the department in any matter relating to the  
846 custody, control, transportation or recapture of such offender.

847 (g) To make an annual report to the Governor and the  
848 Legislature reflecting the activities of the department and make  
849 recommendations for improvement of the services to be performed by  
850 the department;

851 (h) To cooperate fully with periodic independent  
852 internal investigations of the department and to file the report  
853 with the Governor and the Legislature;

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

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

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



864 47-5-601. The Mississippi Department of Corrections is authorized to establish a drug  
865 identification program and shall have the power and duty to adopt rules not inconsistent with law  
866 as it may deem proper and necessary with respect to the establishment, administration and operation  
867 of the program.

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

870 47-5-603. Any offender on probation or released from a  
871 facility of the Department of Corrections on parole or earned  
872 probation who remains under the supervision of the Department of  
873 Corrections or any offender who is incarcerated in a state  
874 correctional facility may be required to participate in the  
875 Mississippi Department of Corrections drug identification program.  
876 Participation by an offender would consist of submission by the  
877 offender, from time to time and upon the request of a parole or  
878 probation supervisor, or authorized personnel of the department to  
879 any type of breath, saliva or urine chemical analysis test, the  
880 purpose of which is to detect the possible presence of alcohol or  
881 a substance prohibited or controlled by any law of the State of  
882 Mississippi or the United States.

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

885 47-5-605. Each time the results of such a chemical analysis  
886 test indicate the unauthorized presence of alcohol or a controlled  
887 substance in the parolee or probationer, he or she shall be  
888 required to pay a fee of Ten Dollars (\$10.00) to the Mississippi



889 Department of Corrections drug identification program, which fee  
890 shall be used to pay for the cost of administering that particular  
891 test. All other costs of the program, including the costs of  
892 administering such tests in cases in which the presence of alcohol  
893 or a controlled substance is not found, will be paid by  
894 expenditures from the Community Service Revolving Fund as  
895 described in Section 47-7-49.

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

898 47-7-2. For purposes of this chapter, the following words  
899 shall have the meaning ascribed herein unless the context shall  
900 otherwise require:

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

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

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

913 (d) "Commissioner" means the Commissioner of



914 Corrections.

915 (e) "Correctional system" means the facilities,  
916 institutions, programs and personnel of the department utilized  
917 for adult offenders who are committed to the custody of the  
918 department.

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

925 (g) "Department" means the Mississippi Department of  
926 Corrections.

927 (h) "Detention" means the temporary care of juveniles  
928 and adults who require secure custody for their own or the  
929 community's protection in a physically restricting facility prior  
930 to adjudication, or retention in a physically restricting facility  
931 upon being taken into custody after an alleged parole or probation  
932 violation.

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



938 (j) "Evidence-based practices" means supervision  
939 policies, procedures, and practices that scientific research  
940 demonstrates reduce recidivism.

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

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

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

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

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

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



963 (q) "Technical violation" means an act or omission by  
964 the probationer that violates a condition or conditions of  
965 probation placed on the probationer by the court or the probation  
966 officer.

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

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

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

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

982 47-7-3. (1) Every prisoner who has been convicted of any  
983 offense against the State of Mississippi, and is confined in the  
984 execution of a judgment of such conviction in the Mississippi  
985 Department of Corrections for a definite term or terms of one (1)  
986 year or over, or for the term of his or her natural life, whose  
987 record of conduct shows that such prisoner has observed the rules





988 of the department, and who has served the minimum required time  
989 for parole eligibility, may be released on parole as set forth  
990 herein:

991 (a) **Habitual offenders.** Except as provided by Sections  
992 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
993 habitual criminal shall be eligible for parole;

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

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

1000 (i) Capital murder committed on or after July 1,  
1001 1994, as defined in Section 97-3-19(2);

1002 (ii) Any offense to which an offender is sentenced  
1003 to life imprisonment under the provisions of Section 99-19-101; or

1004 (iii) Any offense to which an offender is  
1005 sentenced to life imprisonment without eligibility for parole  
1006 under the provisions of Section 99-19-101, whose crime was  
1007 committed on or after July 1, 1994;

1008 (d) **Murder.** No person sentenced for murder in the  
1009 first degree, whose crime was committed on or after June 30, 1995,  
1010 or murder in the second degree, as defined in Section 97-3-19,  
1011 shall be eligible for parole;



1012 (e) **Human trafficking.** No person sentenced for human  
1013 trafficking, as defined in Section 97-3-54.1, whose crime was  
1014 committed on or after July 1, 2014, shall be eligible for parole;

1015 (f) **Drug trafficking.** No person sentenced for  
1016 trafficking and aggravated trafficking, as defined in Section  
1017 41-29-139(f) through (g), shall be eligible for parole;

1018 (g) **Offenses specifically prohibiting parole release.**  
1019 No person shall be eligible for parole who is convicted of any  
1020 offense that specifically prohibits parole release;

1021 (h) (i) **Offenders eligible for parole consideration**  
1022 **for offenses committed after June 30, 1995.** Except as provided in  
1023 paragraphs (a) through (g) of this subsection, offenders may be  
1024 considered eligible for parole release as follows:

1025 1. **Nonviolent crimes.** All persons sentenced  
1026 for a nonviolent offense shall be eligible for parole only after  
1027 they have served twenty-five percent (25%) or ten (10) years,  
1028 whichever is less, of the sentence or sentences imposed by the  
1029 trial court. For purposes of this paragraph, "nonviolent crime"  
1030 means a felony not designated as a crime of violence in Section  
1031 97-3-2.

1032 2. **Violent crimes.** A person who is sentenced  
1033 for a violent offense as defined in Section 97-3-2, except robbery  
1034 with a deadly weapon as defined in Section 97-3-79, drive-by  
1035 shooting as defined in Section 97-3-109, and carjacking as defined  
1036 in Section 97-3-117, shall be eligible for parole only after



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

1045 **3. Nonviolent and nonhabitual drug offenses.**

1046 A person who has been sentenced to a drug offense pursuant to  
1047 Section 41-29-139(a) through (d), whose crime was committed after  
1048 June 30, 1995, shall be eligible for parole only after he has  
1049 served twenty-five percent (25%) or ten (10) years, whichever is  
1050 less, of the sentence or sentences imposed.

1051 (ii) **Parole hearing required.** All persons  
1052 eligible for parole under subparagraph (i) of this paragraph (h)  
1053 who are serving a sentence or sentences for a crime of violence,  
1054 as defined in Section 97-3-2, shall be required to have a parole  
1055 hearing before the Parole Board pursuant to Section 47-7-17, prior  
1056 to parole release.

1057 (iii) **Geriatric parole.** Notwithstanding the  
1058 provisions in subparagraph (i) of this paragraph (h), a person  
1059 serving a sentence who has reached the age of sixty (60) or older  
1060 and who has served no less than ten (10) years of the sentence or  
1061 sentences imposed by the trial court shall be eligible for parole.



1062 Any person eligible for parole under this subparagraph (iii) shall  
1063 be required to have a parole hearing before the board prior to  
1064 parole release. No inmate shall be eligible for parole under this  
1065 subparagraph (iii) of this paragraph (h) if:

1066 1. The inmate is sentenced as a habitual  
1067 offender under Sections 99-19-81 through 99-19-87;

1068 2. The inmate is sentenced for a crime of  
1069 violence under Section 97-3-2;

1070 3. The inmate is sentenced for an offense  
1071 that specifically prohibits parole release;

1072 4. The inmate is sentenced for trafficking in  
1073 controlled substances under Section 41-29-139(f);

1074 5. The inmate is sentenced for a sex crime;  
1075 or

1076 6. The inmate has not served one-fourth (1/4)  
1077 of the sentence imposed by the court.

1078 (iv) **Parole consideration as authorized by the**  
1079 **trial court.** Notwithstanding the provisions of paragraph (a) of  
1080 this subsection, any offender who has not committed a crime of  
1081 violence under Section 97-3-2 and has served twenty-five percent  
1082 (25%) or more of his sentence may be paroled by the State Parole  
1083 Board if, after the sentencing judge or if the sentencing judge is  
1084 retired, disabled or incapacitated, the senior circuit judge  
1085 authorizes the offender to be eligible for parole consideration;  
1086 or if the senior circuit judge must be recused, another circuit



1087 judge of the same district or a senior status judge may hear and  
1088 decide the matter. A petition for parole eligibility  
1089 consideration pursuant to this subparagraph (iv) shall be filed in  
1090 the original criminal cause or causes, and the offender shall  
1091 serve an executed copy of the petition on the District Attorney.  
1092 The court may, in its discretion, require the District Attorney to  
1093 respond to the petition.

1094 (2) The State Parole Board shall, by rules and regulations,  
1095 establish a method of determining a tentative parole hearing date  
1096 for each eligible offender taken into the custody of the  
1097 Department of Corrections. The tentative parole hearing date  
1098 shall be determined within ninety (90) days after the department  
1099 has assumed custody of the offender. Except as provided in  
1100 Section 47-7-18, the parole hearing date shall occur when the  
1101 offender is within thirty (30) days of the month of his parole  
1102 eligibility date. Any parole eligibility date shall not be  
1103 earlier than as required in this section.

1104 (3) Notwithstanding any other provision of law, an inmate  
1105 shall not be eligible to receive earned time, good time or any  
1106 other administrative reduction of time which shall reduce the time  
1107 necessary to be served for parole eligibility as provided in  
1108 subsection (1) of this section.

1109 (4) Any inmate within forty-eight (48) months of his parole  
1110 eligibility date and who meets the criteria established by the  
1111 classification board shall receive priority for placement in any



1112 educational development and job-training programs that are part of  
1113 his or her parole case plan. Any inmate refusing to participate  
1114 in an educational development or job-training program, including,  
1115 but not limited to, programs required as part of the case plan,  
1116 shall be in jeopardy of noncompliance with the case plan and may  
1117 be denied parole.

1118 (5) In addition to other requirements, if an offender is  
1119 convicted of a drug or driving under the influence felony, the  
1120 offender must complete a drug and alcohol rehabilitation program  
1121 prior to parole, or the offender shall be required to complete a  
1122 postrelease drug and alcohol program as a condition of parole.

1123 (6) Except as provided in subsection (1)(a) through (h) of  
1124 this section, all other persons shall be eligible for parole after  
1125 serving twenty-five percent (25%) of the sentence or sentences  
1126 imposed by the trial court, or, if sentenced to thirty (30) years  
1127 or more, after serving ten (10) years of the sentence or sentences  
1128 imposed by the trial court.

1129 (7) The Corrections and Criminal Justice Oversight Task  
1130 Force established in Section 47-5-6 shall develop and submit  
1131 recommendations to the Governor and to the Legislature annually on  
1132 or before December 1st concerning issues relating to juvenile and  
1133 habitual offender parole reform and to review and monitor the  
1134 implementation of Chapter 479, Laws of 2021.

1135 (8) The amendments contained in Chapter 479, Laws of 2021,  
1136 shall apply retroactively from and after July 1, 1995.



1137 (9) Notwithstanding provisions to the contrary in this  
1138 section, a person who was sentenced before July 1, 2021, may be  
1139 considered for parole if the person's sentence would have been  
1140 parole eligible before July 1, 2021.

1141 (10) This section shall stand repealed on July 1, 2024.

1142 **SECTION 22.** Section 47-7-3.1, Mississippi Code of 1972, is  
1143 brought forward as follows:

1144 47-7-3.1. (1) In consultation with the Parole Board, the  
1145 department shall develop a case plan for all parole-eligible  
1146 inmates to guide an inmate's rehabilitation while in the  
1147 department's custody and to reduce the likelihood of recidivism  
1148 after release.

1149 (2) The case plan shall include, but not be limited to:

1150 (a) Programming and treatment requirements based on the  
1151 results of a risk and needs assessment;

1152 (b) Any programming or treatment requirements contained  
1153 in the sentencing order; and

1154 (c) General behavior requirements in accordance with  
1155 the rules and policies of the department.

1156 (3) With respect to parole-eligible inmates admitted to the  
1157 department's custody on or after July 1, 2021, the department  
1158 shall complete the case plan within ninety (90) days of admission.  
1159 With respect to parole-eligible inmates admitted to the  
1160 department's custody before July 1, 2021, the department shall  
1161 complete the case plan by January 1, 2022.



1162 (4) The department shall provide the inmate with a written  
1163 copy of the case plan and the inmate's caseworker shall explain  
1164 the conditions set forth in the case plan.

1165 (a) Within ninety (90) days of admission, the  
1166 caseworker shall notify the inmate of their parole eligibility  
1167 date as calculated in accordance with Section 47-7-3(3);

1168 (b) At the time a parole-eligible inmate receives the  
1169 case plan, the department shall send the case plan to the Parole  
1170 Board for approval.

1171 (5) With respect to parole-eligible inmates admitted to the  
1172 department's custody after July 1, 2021, the department shall  
1173 ensure that the case plan is achievable prior to the inmate's  
1174 parole eligibility date. With respect to parole-eligible inmates  
1175 admitted to the department's custody before July 1, 2021, the  
1176 department shall, to the extent possible, ensure that the case  
1177 plan is achievable prior to the inmate's parole eligibility date  
1178 or next parole hearing date, or date of release, whichever is  
1179 sooner.

1180 (6) The caseworker shall meet with the inmate every eight  
1181 (8) weeks from the date the offender received the case plan to  
1182 review the inmate's case plan progress.

1183 (7) Every four (4) months the department shall  
1184 electronically submit a progress report on each parole-eligible  
1185 inmate's case plan to the Parole Board. The board may meet to  
1186 review an inmate's case plan and may provide written input to the





1187 caseworker on the inmate's progress toward completion of the case  
1188 plan.

1189 (8) The Parole Board shall provide semiannually to the  
1190 Oversight Task Force the number of parole hearings held, the  
1191 number of prisoners released to parole without a hearing and the  
1192 number of parolees released after a hearing.

1193 (9) If the Department of Corrections fails to adequately  
1194 provide opportunity and access for the completion of such case  
1195 plans, the Department of Corrections shall, to the extent  
1196 possible, contract with regional jail facilities that offer  
1197 educational development and job-training programs to facilitate  
1198 the fulfillment of the case plans of parole-eligible inmates.

1199 **SECTION 23.** Section 47-7-3.2, Mississippi Code of 1972, is  
1200 brought forward as follows:

1201 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,  
1202 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
1203 on or after July 1, 2014, shall be released by the department  
1204 until he or she has served no less than the percentage of the  
1205 sentence or sentences imposed by the court as set forth below:

1206 (a) Twenty-five percent (25%) or ten (10) years,  
1207 whichever is less, for a nonviolent crime;

1208 (b) Fifty percent (50%) or twenty (20) years, whichever  
1209 is less, for a crime of violence pursuant to Section 97-3-2,  
1210 except for robbery with a deadly weapon as defined in Section



1211 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
1212 carjacking as defined in Section 97-3-117;

1213 (c) Sixty percent (60%) or twenty-five (25) years,  
1214 whichever is less, for robbery with a deadly weapon as defined in  
1215 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,  
1216 or carjacking as defined in Section 97-3-117.

1217 (2) This section shall not apply to:

1218 (a) Offenders sentenced to life imprisonment;

1219 (b) Offenders convicted as habitual offenders pursuant  
1220 to Sections 99-19-81 through 99-19-87;

1221 (c) Offenders serving a sentence for a sex offense; or

1222 (d) Offenders serving a sentence for trafficking  
1223 pursuant to Section 41-29-139(f).

1224 **SECTION 24.** Section 47-7-4, Mississippi Code of 1972, is  
1225 brought forward as follows:

1226 47-7-4. The commissioner and the medical director of the  
1227 department may place an offender who has served not less than one  
1228 (1) year of his or her sentence, except an offender convicted of a  
1229 sex crime, on conditional medical release. However, a nonviolent  
1230 offender who is bedridden may be placed on conditional medical  
1231 release regardless of the time served on his or her sentence.  
1232 Upon the release of a nonviolent offender who is bedridden, the  
1233 state shall not be responsible or liable for any medical costs  
1234 that may be incurred if such costs are acquired after the offender  
1235 is no longer incarcerated due to his or her placement on



1236 conditional medical release. The commissioner shall not place an  
1237 offender on conditional medical release unless the medical  
1238 director of the department certifies to the commissioner that (a)  
1239 the offender is suffering from a significant permanent physical  
1240 medical condition with no possibility of recovery; (b) that his or  
1241 her further incarceration will serve no rehabilitative purposes;  
1242 and (c) that the state would incur unreasonable expenses as a  
1243 result of his or her continued incarceration. Any offender placed  
1244 on conditional medical release shall be supervised by the Division  
1245 of Community Corrections of the department for the remainder of  
1246 his or her sentence. An offender's conditional medical release  
1247 may be revoked and the offender returned and placed in actual  
1248 custody of the department if the offender violates an order or  
1249 condition of his or her conditional medical release. An offender  
1250 who is no longer bedridden shall be returned and placed in the  
1251 actual custody of the department.

1252         **SECTION 25.** Section 47-7-5, Mississippi Code of 1972, is  
1253 brought forward as follows:

1254         47-7-5. (1) The State Parole Board, created under former  
1255 Section 47-7-5, is hereby created, continued and reconstituted and  
1256 shall be composed of five (5) members. The Governor shall appoint  
1257 the members with the advice and consent of the Senate. All terms  
1258 shall be at the will and pleasure of the Governor. Any vacancy  
1259 shall be filled by the Governor, with the advice and consent of  
1260 the Senate. The Governor shall appoint a chairman of the board.



1261           (2) Any person who is appointed to serve on the board shall  
1262 possess at least a bachelor's degree or a high school diploma and  
1263 four (4) years' work experience. Each member shall devote his  
1264 full time to the duties of his office and shall not engage in any  
1265 other business or profession or hold any other public office. A  
1266 member shall receive compensation or per diem in addition to his  
1267 or her salary. Each member shall keep such hours and workdays as  
1268 required of full-time state employees under Section 25-1-98.  
1269 Individuals shall be appointed to serve on the board without  
1270 reference to their political affiliations. Each board member,  
1271 including the chairman, may be reimbursed for actual and necessary  
1272 expenses as authorized by Section 25-3-41. Each member of the  
1273 board shall complete annual training developed based on guidance  
1274 from the National Institute of Corrections, the Association of  
1275 Paroling Authorities International, or the American Probation and  
1276 Parole Association. Each first-time appointee of the board shall,  
1277 within sixty (60) days of appointment, or as soon as practical,  
1278 complete training for first-time Parole Board members developed in  
1279 consideration of information from the National Institute of  
1280 Corrections, the Association of Paroling Authorities  
1281 International, or the American Probation and Parole Association.

1282           (3) The board shall have exclusive responsibility for the  
1283 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
1284 shall have exclusive authority for revocation of the same. The



1285 board shall have exclusive responsibility for investigating  
1286 clemency recommendations upon request of the Governor.

1287 (4) The board, its members and staff, shall be immune from  
1288 civil liability for any official acts taken in good faith and in  
1289 exercise of the board's legitimate governmental authority.

1290 (5) The budget of the board shall be funded through a  
1291 separate line item within the general appropriation bill for the  
1292 support and maintenance of the department. Employees of the  
1293 department which are employed by or assigned to the board shall  
1294 work under the guidance and supervision of the board. There shall  
1295 be an executive secretary to the board who shall be responsible  
1296 for all administrative and general accounting duties related to  
1297 the board. The executive secretary shall keep and preserve all  
1298 records and papers pertaining to the board.

1299 (6) The board shall have no authority or responsibility for  
1300 supervision of offenders granted a release for any reason,  
1301 including, but not limited to, probation, parole or executive  
1302 clemency or other offenders requiring the same through interstate  
1303 compact agreements. The supervision shall be provided exclusively  
1304 by the staff of the Division of Community Corrections of the  
1305 department.

1306 (7) (a) The Parole Board is authorized to select and place  
1307 offenders in an electronic monitoring program under the conditions  
1308 and criteria imposed by the Parole Board. The conditions,  
1309 restrictions and requirements of Section 47-7-17 and Sections



1310 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
1311 any offender placed in an electronic monitoring program by the  
1312 Parole Board.

1313 (b) Any offender placed in an electronic monitoring  
1314 program under this subsection shall pay the program fee provided  
1315 in Section 47-5-1013. The program fees shall be deposited in the  
1316 special fund created in Section 47-5-1007.

1317 (c) The department shall have absolute immunity from  
1318 liability for any injury resulting from a determination by the  
1319 Parole Board that an offender be placed in an electronic  
1320 monitoring program.

1321 (8) (a) The Parole Board shall maintain a central registry  
1322 of paroled inmates. The Parole Board shall place the following  
1323 information on the registry: name, address, photograph, crime for  
1324 which paroled, the date of the end of parole or flat-time date and  
1325 other information deemed necessary. The Parole Board shall  
1326 immediately remove information on a parolee at the end of his  
1327 parole or flat-time date.

1328 (b) When a person is placed on parole, the Parole Board  
1329 shall inform the parolee of the duty to report to the parole  
1330 officer any change in address ten (10) days before changing  
1331 address.

1332 (c) The Parole Board shall utilize an internet website  
1333 or other electronic means to release or publish the information.



1334 (d) Records maintained on the registry shall be open to  
1335 law enforcement agencies and the public and shall be available no  
1336 later than July 1, 2003.

1337 (9) An affirmative vote of at least four (4) members of the  
1338 Parole Board shall be required to grant parole to an inmate  
1339 convicted of capital murder or a sex crime.

1340 (10) This section shall stand repealed on July 1, 2022.

1341 **SECTION 26.** Section 47-7-6, Mississippi Code of 1972, is  
1342 brought forward as follows:

1343 47-7-6. (1) The Parole Board, with the assistance of the  
1344 Department of Corrections, shall collect the following  
1345 information:

1346 (a) The number of offenders supervised on parole;

1347 (b) The number of offenders released on parole;

1348 (c) The number of parole hearings held;

1349 (d) The parole grant rate for parolees released with  
1350 and without a hearing;

1351 (e) The average length of time offenders spend on  
1352 parole;

1353 (f) The number and percentage of parolees revoked for a  
1354 technical violation and returned for a term of imprisonment in a  
1355 technical violation center;

1356 (g) The number and percentage of parolees revoked for a  
1357 technical violation and returned for a term of imprisonment in  
1358 another type of department of corrections' facility;



1359 (h) The number and percentage of parolees who are  
1360 convicted of a new offense and returned for a term of imprisonment  
1361 on their current crime as well as the new crime;

1362 (i) The number of parolees held on a violation in  
1363 county jail awaiting a revocation hearing; and

1364 (j) The average length of stay in a county jail for  
1365 parolees awaiting a revocation hearing.

1366 (2) The Parole Board shall semiannually report information  
1367 required in subsection (1) to the Oversight Task Force, and upon  
1368 request, shall report such information to the PEER Committee.

1369 **SECTION 27.** Section 47-7-9, Mississippi Code of 1972, is  
1370 brought forward as follows:

1371 47-7-9. (1) The circuit judges and county judges in the  
1372 districts to which Division of Community Corrections personnel  
1373 have been assigned shall have the power to request of the  
1374 department transfer or removal of the division personnel from  
1375 their court.

1376 (2) (a) Division personnel shall investigate all cases  
1377 referred to them for investigation by the board, the division or  
1378 by any court in which they are authorized to serve. They shall  
1379 furnish to each person released under their supervision a written  
1380 statement of the conditions of probation, parole, earned-release  
1381 supervision, post-release supervision or suspension and shall  
1382 instruct the person regarding the same. They shall administer a  
1383 risk and needs assessment on each person under their supervision





1384 to measure criminal risk factors and individual needs. They shall  
1385 use the results of the risk and needs assessment to guide  
1386 supervision responses consistent with evidence-based practices as  
1387 to the level of supervision and the practices used to reduce  
1388 recidivism. They shall develop a supervision plan for each person  
1389 assessed as moderate to high risk to reoffend. They shall keep  
1390 informed concerning the conduct and conditions of persons under  
1391 their supervision and use all suitable methods that are consistent  
1392 with evidence-based practices to aid and encourage them and to  
1393 bring about improvements in their conduct and condition and to  
1394 reduce the risk of recidivism. They shall keep detailed records  
1395 of their work and shall make such reports in writing as the court  
1396 or the board may require.

1397 (b) Division personnel shall complete annual training  
1398 on evidence-based practices and criminal risk factors, as well as  
1399 instructions on how to target these factors to reduce recidivism.

1400 (c) The division personnel duly assigned to court  
1401 districts are hereby vested with all the powers of police officers  
1402 or sheriffs to make arrests or perform any other duties required  
1403 of policemen or sheriffs which may be incident to the division  
1404 personnel responsibilities. All probation and parole officers  
1405 hired on or after July 1, 1994, will be placed in the Law  
1406 Enforcement Officers Training Program and will be required to meet  
1407 the standards outlined by that program.



1408 (d) It is the intention of the Legislature that insofar  
1409 as practicable the case load of each division personnel  
1410 supervising offenders in the community (hereinafter field  
1411 supervisor) shall not exceed the number of cases that may be  
1412 adequately handled.

1413 (3) (a) Division personnel shall be provided to perform  
1414 investigation for the court as provided in this subsection.  
1415 Division personnel shall conduct presentence investigations on all  
1416 persons convicted of a felony in any circuit court of the state,  
1417 prior to sentencing and at the request of the circuit court judge  
1418 of the court of conviction. The presentence evaluation report  
1419 shall consist of a complete record of the offender's criminal  
1420 history, educational level, employment history, psychological  
1421 condition and such other information as the department or judge  
1422 may deem necessary. Division personnel shall also prepare written  
1423 victim impact statements at the request of the sentencing judge as  
1424 provided in Section 99-19-157.

1425 (b) In order that offenders in the custody of the  
1426 department on July 1, 1976, may benefit from the kind of  
1427 evaluations authorized in this section, an evaluation report to  
1428 consist of the information required hereinabove, supplemented by  
1429 an examination of an offender's record while in custody, shall be  
1430 compiled by the division upon all offenders in the custody of the  
1431 department on July 1, 1976. After a study of such reports by the  
1432 State Parole Board those cases which the board believes would



1433 merit some type of executive clemency shall be submitted by the  
1434 board to the Governor with its recommendation for the appropriate  
1435 executive action.

1436 (c) The department is authorized to accept gifts,  
1437 grants and subsidies to conduct this activity.

1438 **SECTION 28.** Section 47-7-13, Mississippi Code of 1972, is  
1439 brought forward as follows:

1440 47-7-13. A majority of the board shall constitute a quorum  
1441 for the transaction of all business. A decision to parole an  
1442 offender convicted of murder or a sex-related crime shall require  
1443 the affirmative vote of three (3) members. The board shall  
1444 maintain, in minute book form, a copy of each of its official  
1445 actions with the reasons therefor. Suitable and sufficient office  
1446 space and support resources and staff necessary to conducting  
1447 Parole Board business shall be provided by the Department of  
1448 Corrections. However, the principal place for conducting parole  
1449 hearings shall be the State Penitentiary at Parchman.

1450 **SECTION 29.** Section 47-7-17, Mississippi Code of 1972, is  
1451 brought forward as follows:

1452 47-7-17. (1) Within one (1) year after his admission and at  
1453 such intervals thereafter as it may determine, the board shall  
1454 secure and consider all pertinent information regarding each  
1455 offender, except any under sentence of death or otherwise  
1456 ineligible for parole, including the circumstances of his offense,  
1457 his previous social history, his previous criminal record,



1458 including any records of law enforcement agencies or of a youth  
1459 court regarding that offender's juvenile criminal history, his  
1460 conduct, employment and attitude while in the custody of the  
1461 department, the case plan created to prepare the offender for  
1462 parole, and the reports of such physical and mental examinations  
1463 as have been made. The board shall furnish at least three (3)  
1464 months' written notice to each such offender of the date on which  
1465 he is eligible for parole.

1466 (2) Except as provided in Section 47-7-18, the board shall  
1467 require a parole-eligible offender to have a hearing as required  
1468 in this chapter before the board and to be interviewed. The  
1469 hearing shall be held no later than thirty (30) days prior to the  
1470 month of eligibility. No application for parole of a person  
1471 convicted of a capital offense shall be considered by the board  
1472 unless and until notice of the filing of such application shall  
1473 have been published at least once a week for two (2) weeks in a  
1474 newspaper published in or having general circulation in the county  
1475 in which the crime was committed. The board shall, within thirty  
1476 (30) days prior to the scheduled hearing, also give notice of the  
1477 filing of the application for parole to the victim of the offense  
1478 for which the prisoner is incarcerated and being considered for  
1479 parole or, in case the offense be homicide, a designee of the  
1480 immediate family of the victim, provided the victim or designated  
1481 family member has furnished in writing a current address to the  
1482 board for such purpose. The victim or designated family member



1483 shall be provided an opportunity to be heard by the board before  
1484 the board makes a decision regarding release on parole. The board  
1485 shall consider whether any restitution ordered has been paid in  
1486 full. Parole release shall, at the hearing, be ordered only for  
1487 the best interest of society, not as an award of clemency; it  
1488 shall not be considered to be a reduction of sentence or pardon.  
1489 An offender shall be placed on parole only when arrangements have  
1490 been made for his proper employment or for his maintenance and  
1491 care, and when the board believes that he is able and willing to  
1492 fulfill the obligations of a law-abiding citizen. When the board  
1493 determines that the offender will need transitional housing upon  
1494 release in order to improve the likelihood of the offender  
1495 becoming a law-abiding citizen, the board may parole the offender  
1496 with the condition that the inmate spends no more than six (6)  
1497 months in a transitional reentry center. At least fifteen (15)  
1498 days prior to the release of an offender on parole, the director  
1499 of records of the department shall give the written notice which  
1500 is required pursuant to Section 47-5-177. Every offender while on  
1501 parole shall remain in the legal custody of the department from  
1502 which he was released and shall be amenable to the orders of the  
1503 board. Upon determination by the board that an offender is  
1504 eligible for release by parole, notice shall also be given within  
1505 at least fifteen (15) days before release, by the board to the  
1506 victim of the offense or the victim's family member, as indicated  
1507 above, regarding the date when the offender's release shall occur,



1508 provided a current address of the victim or the victim's family  
1509 member has been furnished in writing to the board for such  
1510 purpose.

1511 (3) Failure to provide notice to the victim or the victim's  
1512 family member of the filing of the application for parole or of  
1513 any decision made by the board regarding parole shall not  
1514 constitute grounds for vacating an otherwise lawful parole  
1515 determination nor shall it create any right or liability, civilly  
1516 or criminally, against the board or any member thereof.

1517 (4) A letter of protest against granting an offender parole  
1518 shall not be treated as the conclusive and only reason for not  
1519 granting parole.

1520 (5) The board may adopt such other rules not inconsistent  
1521 with law as it may deem proper or necessary with respect to the  
1522 eligibility of offenders for parole, the conduct of parole  
1523 hearings, or conditions to be imposed upon parolees, including a  
1524 condition that the parolee submit, as provided in Section 47-5-601  
1525 to any type of breath, saliva or urine chemical analysis test, the  
1526 purpose of which is to detect the possible presence of alcohol or  
1527 a substance prohibited or controlled by any law of the State of  
1528 Mississippi or the United States. The board shall have the  
1529 authority to adopt rules related to the placement of certain  
1530 offenders on unsupervised parole and for the operation of  
1531 transitional reentry centers. However, in no case shall an



1532 offender be placed on unsupervised parole before he has served a  
1533 minimum of fifty percent (50%) of the period of supervised parole.

1534         **SECTION 30.** Section 47-7-18, Mississippi Code of 1972, is  
1535 brought forward as follows:

1536             47-7-18 (1) No inmate convicted of a sex offense as defined  
1537 by Section 45-33-23(h), a crime of violence as defined by Section  
1538 97-3-2, or both, nor an inmate who is eligible for geriatric  
1539 parole shall be released on parole without a hearing before the  
1540 Parole Board as required by Section 47-7-17. All other inmates  
1541 eligible for parole pursuant to Section 47-7-3 shall be released  
1542 from incarceration to parole supervision on the inmate's parole  
1543 eligibility date, without a hearing before the board, if:

1544             (a) The inmate has met the requirements of the parole  
1545 case plan established pursuant to Section 47-7-3.1;

1546             (b) A victim of the offense has not requested the board  
1547 conduct a hearing;

1548             (c) The inmate has not received a serious or major  
1549 violation report within the past six (6) months;

1550             (d) The inmate has agreed to the conditions of  
1551 supervision; and

1552             (e) The inmate has a discharge plan approved by the  
1553 board.

1554             (2) At least thirty (30) days prior to an inmate's parole  
1555 eligibility date, the department shall notify the board in writing  
1556 of the inmate's compliance or noncompliance with the case plan.



1557 If an inmate fails to meet a requirement of the case plan, prior  
1558 to the parole eligibility date, he or she shall have a hearing  
1559 before the board to determine if completion of the case plan can  
1560 occur while in the community.

1561 (3) Any inmate for whom there is insufficient information  
1562 for the department to determine compliance with the case plan  
1563 shall have a hearing with the board.

1564 (4) A hearing shall be held with the board if requested by  
1565 the victim following notification of the inmate's parole release  
1566 date pursuant to Section 47-7-17.

1567 (5) A hearing shall be held by the board if a law  
1568 enforcement official from the community to which the inmate will  
1569 return contacts the board or the department and requests a hearing  
1570 to consider information relevant to public safety risks posed by  
1571 the inmate if paroled at the initial parole eligibility date. The  
1572 law enforcement official shall submit an explanation documenting  
1573 these concerns for the board to consider.

1574 (6) If a parole hearing is held, the board may determine the  
1575 inmate has sufficiently complied with the case plan or that the  
1576 incomplete case plan is not the fault of the inmate and that  
1577 granting parole is not incompatible with public safety, the board  
1578 may then parole the inmate with appropriate conditions. If the  
1579 board determines that the inmate has sufficiently complied with  
1580 the case plan but the discharge plan indicates that the inmate  
1581 does not have appropriate housing immediately upon release, the





1582 board may parole the inmate to a transitional reentry center with  
1583 the condition that the inmate spends no more than six (6) months  
1584 in the center. If the board determines that the inmate has not  
1585 substantively complied with the requirement(s) of the case plan it  
1586 may deny parole. If the board denies parole, the board may  
1587 schedule a subsequent parole hearing and, if a new date is  
1588 scheduled, the board shall identify the corrective action the  
1589 inmate will need to take in order to be granted parole. Any  
1590 inmate not released at the time of the inmate's initial parole  
1591 date shall have a parole hearing at least every year.

1592 **SECTION 31.** Section 47-7-19, Mississippi Code of 1972, is  
1593 brought forward as follows:

1594 47-7-19. It shall be the duty of all correctional system  
1595 officials to grant to the members of the board or its properly  
1596 accredited representatives, access at all reasonable times to any  
1597 person over whom the board may have jurisdiction under this  
1598 chapter; to provide for the board or such representatives  
1599 facilities for communicating with and observing the offender; and  
1600 to furnish to the board such reports as the board shall require  
1601 concerning the conduct and character of any offender in the  
1602 Department of Corrections custody and any other facts deemed by  
1603 the board pertinent in determining whether such offender shall be  
1604 paroled.

1605 It shall be the duty of any judge, district attorney, county  
1606 attorney, police officer, or other public official of the state,



1607 having information with reference to any person eligible for  
1608 parole, to send such information as may be in his possession or  
1609 under his control to the board, in writing, upon request of any  
1610 member or employee thereof.

1611 **SECTION 32.** Section 47-7-21, Mississippi Code of 1972, is  
1612 brought forward as follows:

1613 47-7-21. All information obtained in the discharge of  
1614 official duty by a field officer as an employee of the Department  
1615 of Corrections shall be privileged and shall not be disclosed  
1616 directly or indirectly to anyone other than to (a) the State  
1617 Parole Board, (b) a judge, or (c) law enforcement agencies when  
1618 such information is relevant to criminal activity.

1619 **SECTION 33.** Section 47-7-23, Mississippi Code of 1972, is  
1620 brought forward as follows:

1621 47-7-23. Except as otherwise provided by law, the Department  
1622 of Corrections shall have the power and duty to make rules for the  
1623 conduct of persons heretofore or hereafter placed on parole under  
1624 the supervision of the Department of Corrections and for the  
1625 investigation and supervision of such persons, which supervision  
1626 may include a condition that such persons submit, as provided in  
1627 Section 47-5-601, to any type of breath, saliva or urine chemical  
1628 analysis test, the purpose of which is to detect the possible  
1629 presence of alcohol or a substance prohibited or controlled by any  
1630 law of the State of Mississippi or the United States. The  
1631 department shall not make any rules which shall be inconsistent



1632 with the rules imposed by the State Parole Board pursuant to  
1633 Section 47-7-17 on offenders who are placed on unsupervised  
1634 parole.

1635         **SECTION 34.** Section 47-7-25, Mississippi Code of 1972, is  
1636 brought forward as follows:

1637             47-7-25. When an offender is placed on parole he shall  
1638 receive, if needed, from the state, civilian clothing and  
1639 transportation to the place in which he is to reside. At the  
1640 discretion of the board the offender may be advanced such sum for  
1641 his temporary maintenance as the board may allow. The aforesaid  
1642 gratuities are to be furnished by the Commissioner of Corrections  
1643 who is authorized to charge the actual cost of same in his account  
1644 as Commissioner of Corrections.

1645         **SECTION 35.** Section 47-7-27, Mississippi Code of 1972, is  
1646 brought forward as follows:

1647             47-7-27. (1) The board may, at any time and upon a showing  
1648 of probable violation of parole, issue a warrant for the return of  
1649 any paroled offender to the custody of the department. The  
1650 warrant shall authorize all persons named therein to return the  
1651 paroled offender to actual custody of the department from which he  
1652 was paroled.

1653             (2) Any field supervisor may arrest an offender without a  
1654 warrant or may deputize any other person with power of arrest by  
1655 giving him a written statement setting forth that the offender  
1656 has, in the judgment of that field supervisor, violated the



1657 conditions of his parole or earned-release supervision. The  
1658 written statement delivered with the offender by the arresting  
1659 officer to the official in charge of the department facility from  
1660 which the offender was released or other place of detention  
1661 designated by the department shall be sufficient warrant for the  
1662 detention of the offender.

1663 (3) The field supervisor, after making an arrest, shall  
1664 present to the detaining authorities a similar statement of the  
1665 circumstances of violation. The field supervisor shall at once  
1666 notify the board or department of the arrest and detention of the  
1667 offender and shall submit a written report showing in what manner  
1668 the offender has violated the conditions of parole or  
1669 earned-release supervision. An offender for whose return a  
1670 warrant has been issued by the board shall, after the issuance of  
1671 the warrant, be deemed a fugitive from justice.

1672 (4) Whenever an offender is arrested on a warrant for an  
1673 alleged violation of parole as herein provided, the board shall  
1674 hold an informal preliminary hearing within seventy-two (72) hours  
1675 to determine whether there is reasonable cause to believe the  
1676 person has violated a condition of parole. A preliminary hearing  
1677 shall not be required when the offender is not under arrest on a  
1678 warrant or the offender signed a waiver of a preliminary hearing.  
1679 The preliminary hearing may be conducted electronically.

1680 (5) The right of the State of Mississippi to extradite  
1681 persons and return fugitives from justice, from other states to



1682 this state, shall not be impaired by this chapter and shall remain  
1683 in full force and effect. An offender convicted of a felony  
1684 committed while on parole, whether in the State of Mississippi or  
1685 another state, shall immediately have his parole revoked upon  
1686 presentment of a certified copy of the commitment order to the  
1687 board. If an offender is on parole and the offender is convicted  
1688 of a felony for a crime committed prior to the offender being  
1689 placed on parole, whether in the State of Mississippi or another  
1690 state, the offender may have his parole revoked upon presentment  
1691 of a certified copy of the commitment order to the board.

1692 (6) (a) The board shall hold a hearing for any parolee who  
1693 is detained as a result of a warrant or a violation report within  
1694 twenty-one (21) days of the parolee's admission to detention. The  
1695 board may, in its discretion, terminate the parole or modify the  
1696 terms and conditions thereof. If the board revokes parole for one  
1697 or more technical violations the board shall impose a period of  
1698 imprisonment to be served in a technical violation center operated  
1699 by the department not to exceed ninety (90) days for the first  
1700 revocation and not to exceed one hundred twenty (120) days for the  
1701 second revocation. For the third revocation, the board may impose  
1702 a period of imprisonment to be served in a technical violation  
1703 center for up to one hundred and eighty (180) days or the board  
1704 may impose the remainder of the suspended portion of the sentence.  
1705 For the fourth and any subsequent revocation, the board may impose  
1706 up to the remainder of the suspended portion of the sentence. The



1707 period of imprisonment in a technical violation center imposed  
1708 under this section shall not be reduced in any manner.

1709 (b) If the board does not hold a hearing or does not  
1710 take action on the violation within the twenty-one-day time frame  
1711 in paragraph (a) of this subsection, the parolee shall be released  
1712 from detention and shall return to parole status. The board may  
1713 subsequently hold a hearing and may revoke parole or may continue  
1714 parole and modify the terms and conditions of parole. If the  
1715 board revokes parole for one or more technical violations the  
1716 board shall impose a period of imprisonment to be served in a  
1717 technical violation center operated by the department not to  
1718 exceed ninety (90) days for the first revocation and not to exceed  
1719 one hundred twenty (120) days for the second revocation. For the  
1720 third revocation, the board may impose a period of imprisonment to  
1721 be served in a technical violation center for up to one hundred  
1722 eighty (180) days or the board may impose the remainder of the  
1723 suspended portion of the sentence. For the fourth and any  
1724 subsequent revocation, the board may impose up to the remainder of  
1725 the suspended portion of the sentence. The period of imprisonment  
1726 in a technical violation center imposed under this section shall  
1727 not be reduced in any manner.

1728 (c) For a parolee charged with one or more technical  
1729 violations who has not been detained awaiting the revocation  
1730 hearing, the board may hold a hearing within a reasonable time.  
1731 The board may revoke parole or may continue parole and modify the



1732 terms and conditions of parole. If the board revokes parole for  
1733 one or more technical violations the board shall impose a period  
1734 of imprisonment to be served in a technical violation center  
1735 operated by the department not to exceed ninety (90) days for the  
1736 first revocation and not to exceed one hundred twenty (120) days  
1737 for the second revocation. For the third revocation, the board  
1738 may impose a period of imprisonment to be served in a technical  
1739 violation center for up to one hundred eighty (180) days or the  
1740 board may impose the remainder of the suspended portion of the  
1741 sentence. For the fourth and any subsequent revocation, the board  
1742 may impose up to the remainder of the suspended portion of the  
1743 sentence. The period of imprisonment in a technical violation  
1744 center imposed under this section shall not be reduced in any  
1745 manner.

1746 (7) Unless good cause for the delay is established in the  
1747 record of the proceeding, the parole revocation charge shall be  
1748 dismissed if the revocation hearing is not held within the thirty  
1749 (30) days of the issuance of the warrant.

1750 (8) The chairman and each member of the board and the  
1751 designated parole revocation hearing officer may, in the discharge  
1752 of their duties, administer oaths, summon and examine witnesses,  
1753 and take other steps as may be necessary to ascertain the truth of  
1754 any matter about which they have the right to inquire.

1755 (9) The board shall provide semiannually to the Oversight  
1756 Task Force the number of warrants issued for an alleged violation



1757 of parole, the average time between detention on a warrant and  
1758 preliminary hearing, the average time between detention on a  
1759 warrant and revocation hearing, the number of ninety-day sentences  
1760 in a technical violation center issued by the board, the number of  
1761 one-hundred-twenty-day sentences in a technical violation center  
1762 issued by the board, the number of one-hundred-eighty-day  
1763 sentences issued by the board, and the number and average length  
1764 of the suspended sentences imposed by the board in response to a  
1765 violation.

1766       **SECTION 36.** Section 47-7-29, Mississippi Code of 1972, is  
1767 brought forward as follows:

1768       47-7-29. Any prisoner who commits a felony while at large  
1769 upon parole or earned-release supervision and who is convicted and  
1770 sentenced therefor shall be required to serve such sentence after  
1771 the original sentence has been completed.

1772       **SECTION 37.** Section 47-7-33, Mississippi Code of 1972, is  
1773 brought forward as follows:

1774       47-7-33. (1) When it appears to the satisfaction of any  
1775 circuit court or county court in the State of Mississippi having  
1776 original jurisdiction over criminal actions, or to the judge  
1777 thereof, that the ends of justice and the best interest of the  
1778 public, as well as the defendant, will be served thereby, such  
1779 court, in termtime or in vacation, shall have the power, after  
1780 conviction or a plea of guilty, except in a case where a death  
1781 sentence or life imprisonment is the maximum penalty which may be





1782 imposed, to suspend the imposition or execution of sentence, and  
1783 place the defendant on probation as herein provided, except that  
1784 the court shall not suspend the execution of a sentence of  
1785 imprisonment after the defendant shall have begun to serve such  
1786 sentence. In placing any defendant on probation, the court, or  
1787 judge, shall direct that such defendant be under the supervision  
1788 of the Department of Corrections.

1789 (2) When any circuit or county court places an offender on  
1790 probation, the court shall give notice to the Mississippi  
1791 Department of Corrections within fifteen (15) days of the court's  
1792 decision to place the offender on probation. Notice shall be  
1793 delivered to the central office of the Mississippi Department of  
1794 Corrections and to the regional office of the department which  
1795 will be providing supervision to the offender on probation.

1796 (3) When any circuit court or county court places a person  
1797 on probation in accordance with the provisions of this section and  
1798 that person is ordered to make any payments to his family, if any  
1799 member of his family whom he is ordered to support is receiving  
1800 public assistance through the State Department of Human Services,  
1801 the court shall order him to make such payments to the county  
1802 welfare officer of the county rendering public assistance to his  
1803 family, for the sole use and benefit of said family.

1804 **SECTION 38.** Section 47-7-33.1, Mississippi Code of 1972, is  
1805 brought forward as follows:



1806           47-7-33.1. (1) The department shall create a discharge plan  
1807 for any offender returning to the community, regardless of whether  
1808 the person will discharge from the custody of the department, or  
1809 is released on parole, pardon, or otherwise. At least ninety (90)  
1810 days prior to an offender's earliest release date, the  
1811 commissioner shall conduct a pre-release assessment and complete a  
1812 written discharge plan based on the assessment results. The  
1813 discharge plan for parole eligible offenders shall be sent to the  
1814 parole board at least thirty (30) days prior to the offender's  
1815 parole eligibility date for approval. The board may suggest  
1816 changes to the plan that it deems necessary to ensure a successful  
1817 transition.

1818           (2) The pre-release assessment shall identify whether an  
1819 inmate requires assistance obtaining the following basic needs  
1820 upon release: transportation, clothing and food, financial  
1821 resources, identification documents, housing, employment,  
1822 education, health care and support systems. The discharge plan  
1823 shall include information necessary to address these needs and the  
1824 steps being taken by the department to assist in this process,  
1825 including an up-to-date version of the information described in  
1826 Section 63-1-309(4). Based on the findings of the assessment, the  
1827 commissioner shall:

1828                   (a) Arrange transportation for inmates from the  
1829 correctional facility to their release destination;



1830           (b) Ensure inmates have clean, seasonally appropriate  
1831 clothing, and provide inmates with a list of food providers and  
1832 other basic resources immediately accessible upon release;

1833           (c) Ensure inmates have a provisional driver's license  
1834 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi  
1835 Code of 1972, a regular driver's license if eligible, or a  
1836 state-issued identification card that is not a Department of  
1837 Corrections identification card;

1838           (d) Assist inmates in identifying safe, affordable  
1839 housing upon release. If accommodations are not available,  
1840 determine whether temporary housing is available for at least ten  
1841 (10) days after release. If temporary housing is not available,  
1842 the discharge plan shall reflect that satisfactory housing has not  
1843 been established and the person may be a candidate for  
1844 transitional reentry center placement;

1845           (e) Refer inmates without secured employment to  
1846 employment opportunities;

1847           (f) Provide inmates with contact information of a  
1848 health care facility/provider in the community in which they plan  
1849 to reside;

1850           (g) Notify family members of the release date and  
1851 release plan, if the inmate agrees; and

1852           (h) Refer inmates to a community or a faith-based  
1853 organization that can offer support within the first twenty-four  
1854 (24) hours of release.



1855 (3) A written discharge plan shall be provided to the  
1856 offender and supervising probation officer or parole officer, if  
1857 applicable.

1858 (4) A discharge plan created for a parole-eligible offender  
1859 shall also include supervision conditions and the intensity of  
1860 supervision based on the assessed risk to recidivate and whether  
1861 there is a need for transitional housing. The board shall approve  
1862 discharge plans before an offender is released on parole pursuant  
1863 to this chapter.

1864 **SECTION 39.** Section 47-7-34, Mississippi Code of 1972, is  
1865 brought forward as follows:

1866 47-7-34. (1) When a court imposes a sentence upon a  
1867 conviction for any felony committed after June 30, 1995, the  
1868 court, in addition to any other punishment imposed if the other  
1869 punishment includes a term of incarceration in a state or local  
1870 correctional facility, may impose a term of post-release  
1871 supervision. However, the total number of years of incarceration  
1872 plus the total number of years of post-release supervision shall  
1873 not exceed the maximum sentence authorized to be imposed by law  
1874 for the felony committed. The defendant shall be placed under  
1875 post-release supervision upon release from the term of  
1876 incarceration. The period of supervision shall be established by  
1877 the court.

1878 (2) The period of post-release supervision shall be  
1879 conducted in the same manner as a like period of supervised



1880 probation, including a requirement that the defendant shall abide  
1881 by any terms and conditions as the court may establish. Failure  
1882 to successfully abide by the terms and conditions shall be grounds  
1883 to terminate the period of post-release supervision and to  
1884 recommit the defendant to the correctional facility from which he  
1885 was previously released. Procedures for termination and  
1886 recommitment shall be conducted in the same manner as procedures  
1887 for the revocation of probation and imposition of a suspended  
1888 sentence as required pursuant to Section 47-7-37.

1889 (3) Post-release supervision programs shall be operated  
1890 through the probation and parole unit of the Division of Community  
1891 Corrections of the department. The maximum amount of time that  
1892 the Mississippi Department of Corrections may supervise an  
1893 offender on the post-release supervision program is five (5)  
1894 years.

1895 **SECTION 40.** Section 47-7-35, Mississippi Code of 1972, is  
1896 brought forward as follows:

1897 47-7-35. (1) The courts referred to in Section 47-7-33 or  
1898 47-7-34 shall determine the terms and conditions of probation or  
1899 post-release supervision and may alter or modify, at any time  
1900 during the period of probation or post-release supervision, the  
1901 conditions and may include among them the following or any other:

1902 That the offender shall:



1903                   (a) Commit no offense against the laws of this or any  
1904 other state of the United States, or of any federal, territorial  
1905 or tribal jurisdiction of the United States;

1906                   (b) Avoid injurious or vicious habits;

1907                   (c) Avoid persons or places of disreputable or harmful  
1908 character;

1909                   (d) Report to the probation and parole officer as  
1910 directed;

1911                   (e) Permit the probation and parole officer to visit  
1912 him at home or elsewhere;

1913                   (f) Work faithfully at suitable employment so far as  
1914 possible;

1915                   (g) Remain within a specified area;

1916                   (h) Pay his fine in one (1) or several sums;

1917                   (i) Support his dependents;

1918                   (j) Submit, as provided in Section 47-5-601, to any  
1919 type of breath, saliva or urine chemical analysis test, the  
1920 purpose of which is to detect the possible presence of alcohol or  
1921 a substance prohibited or controlled by any law of the State of  
1922 Mississippi or the United States;

1923                   (k) Register as a sex offender if so required under  
1924 Title 45, Chapter 33.

1925                   (2) When any court places a defendant on misdemeanor  
1926 probation, the court must cause to be conducted a search of the  
1927 probationer's name or other identifying information against the



1928 registration information regarding sex offenders maintained under  
1929 Title 45, Chapter 33. The search may be conducted using the  
1930 Internet site maintained by the Department of Public Safety Sex  
1931 Offender Registry.

1932         **SECTION 41.** Section 47-7-36, Mississippi Code of 1972, is  
1933 brought forward as follows:

1934         47-7-36. Any person who supervises an individual placed on  
1935 parole by the Parole Board or placed on probation by the court  
1936 shall set the times and locations for meetings that are required  
1937 for parole or probation at such times and locations that are  
1938 reasonably designed to accommodate the work schedule of an  
1939 individual on parole or probation who is employed by another  
1940 person or entity. To effectuate the provisions of this section,  
1941 the parole officer or probation officer may utilize technology  
1942 portals such as Skype, FaceTime or Google video chat, or any other  
1943 technology portal that allows communication between the individual  
1944 on parole or probation and the parole or probation officer, as  
1945 applicable, to occur simultaneously in real time by voice and  
1946 video in lieu of requiring a face-to-face in person meeting of  
1947 such individual and the parole or probation officer, as  
1948 applicable. For individuals who are self-employed, the provisions  
1949 of this section shall only apply with the agreement of their  
1950 supervising parole or probation officer.

1951         **SECTION 42.** Section 47-7-37, Mississippi Code of 1972, is  
1952 brought forward as follows:



1953           47-7-37. (1) The period of probation shall be fixed by the  
1954 court, and may at any time be extended or terminated by the court,  
1955 or judge in vacation. Such period with any extension thereof  
1956 shall not exceed five (5) years, except that in cases of desertion  
1957 and/or failure to support minor children, the period of probation  
1958 may be fixed and/or extended by the court for so long as the duty  
1959 to support such minor children exists. The time served on  
1960 probation or post-release supervision may be reduced pursuant to  
1961 Section 47-7-40.

1962           (2) At any time during the period of probation, the court,  
1963 or judge in vacation, may issue a warrant for violating any of the  
1964 conditions of probation or suspension of sentence and cause the  
1965 probationer to be arrested. Any probation and parole officer may  
1966 arrest a probationer without a warrant, or may deputize any other  
1967 officer with power of arrest to do so by giving him a written  
1968 statement setting forth that the probationer has, in the judgment  
1969 of the probation and parole officer, violated the conditions of  
1970 probation. Such written statement delivered with the probationer  
1971 by the arresting officer to the official in charge of a county  
1972 jail or other place of detention shall be sufficient warrant for  
1973 the detention of the probationer.

1974           (3) Whenever an offender is arrested on a warrant for an  
1975 alleged violation of probation as herein provided, the department  
1976 shall hold an informal preliminary hearing within seventy-two (72)  
1977 hours of the arrest to determine whether there is reasonable cause





1978 to believe the person has violated a condition of probation. A  
1979 preliminary hearing shall not be required when the offender is not  
1980 under arrest on a warrant or the offender signed a waiver of a  
1981 preliminary hearing. The preliminary hearing may be conducted  
1982 electronically. If reasonable cause is found, the offender may be  
1983 confined no more than twenty-one (21) days from the admission to  
1984 detention until a revocation hearing is held. If the revocation  
1985 hearing is not held within twenty-one (21) days, the probationer  
1986 shall be released from custody and returned to probation status.

1987 (4) If a probationer or offender is subject to registration  
1988 as a sex offender, the court must make a finding that the  
1989 probationer or offender is not a danger to the public prior to  
1990 release with or without bail. In determining the danger posed by  
1991 the release of the offender or probationer, the court may consider  
1992 the nature and circumstances of the violation and any new offenses  
1993 charged; the offender or probationer's past and present conduct,  
1994 including convictions of crimes and any record of arrests without  
1995 conviction for crimes involving violence or sex crimes; any other  
1996 evidence of allegations of unlawful sexual conduct or the use of  
1997 violence by the offender or probationer; the offender or  
1998 probationer's family ties, length of residence in the community,  
1999 employment history and mental condition; the offender or  
2000 probationer's history and conduct during the probation or other  
2001 supervised release and any other previous supervisions, including  
2002 disciplinary records of previous incarcerations; the likelihood



2003 that the offender or probationer will engage again in a criminal  
2004 course of conduct; the weight of the evidence against the offender  
2005 or probationer; and any other facts the court considers relevant.

2006 (5) (a) The probation and parole officer after making an  
2007 arrest shall present to the detaining authorities a similar  
2008 statement of the circumstances of violation. The probation and  
2009 parole officer shall at once notify the court of the arrest and  
2010 detention of the probationer and shall submit a report in writing  
2011 showing in what manner the probationer has violated the conditions  
2012 of probation. Within twenty-one (21) days of arrest and detention  
2013 by warrant as herein provided, the court shall cause the  
2014 probationer to be brought before it and may continue or revoke all  
2015 or any part of the probation or the suspension of sentence. If  
2016 the court revokes probation for one or more technical violations,  
2017 the court shall impose a period of imprisonment to be served in  
2018 either a technical violation center or a restitution center not to  
2019 exceed ninety (90) days for the first revocation and not to exceed  
2020 one hundred twenty (120) days for the second revocation. For the  
2021 third revocation, the court may impose a period of imprisonment to  
2022 be served in either a technical violation center or a restitution  
2023 center for up to one hundred eighty (180) days or the court may  
2024 impose the remainder of the suspended portion of the sentence.  
2025 For the fourth and any subsequent revocation, the court may impose  
2026 up to the remainder of the suspended portion of the sentence. The



2027 period of imprisonment in a technical violation center imposed  
2028 under this section shall not be reduced in any manner.

2029           (b) If the offender is not detained as a result of the  
2030 warrant, the court shall cause the probationer to be brought  
2031 before it within a reasonable time and may continue or revoke all  
2032 or any part of the probation or the suspension of sentence, and  
2033 may cause the sentence imposed to be executed or may impose any  
2034 part of the sentence which might have been imposed at the time of  
2035 conviction. If the court revokes probation for one or more  
2036 technical violations, the court shall impose a period of  
2037 imprisonment to be served in either a technical violation center  
2038 or a restitution center not to exceed ninety (90) days for the  
2039 first revocation and not to exceed one hundred twenty (120) days  
2040 for the second revocation. For the third revocation, the court  
2041 may impose a period of imprisonment to be served in either a  
2042 technical violation center or a restitution center for up to one  
2043 hundred eighty (180) days or the court may impose the remainder of  
2044 the suspended portion of the sentence. For the fourth and any  
2045 subsequent revocation, the court may impose up to the remainder of  
2046 the suspended portion of the sentence. The period of imprisonment  
2047 in a technical violation center imposed under this section shall  
2048 not be reduced in any manner.

2049           (c) If the court does not hold a hearing or does not  
2050 take action on the violation within the twenty-one-day period, the  
2051 offender shall be released from detention and shall return to



2052 probation status. The court may subsequently hold a hearing and  
2053 may revoke probation or may continue probation and modify the  
2054 terms and conditions of probation. If the court revokes probation  
2055 for one or more technical violations, the court shall impose a  
2056 period of imprisonment to be served in either a technical  
2057 violation center operated by the department or a restitution  
2058 center not to exceed ninety (90) days for the first revocation and  
2059 not to exceed one hundred twenty (120) days for the second  
2060 revocation. For the third revocation, the court may impose a  
2061 period of imprisonment to be served in either a technical  
2062 violation center or a restitution center for up to one hundred  
2063 eighty (180) days or the court may impose the remainder of the  
2064 suspended portion of the sentence. For the fourth and any  
2065 subsequent revocation, the court may impose up to the remainder of  
2066 the suspended portion of the sentence. The period of imprisonment  
2067 in a technical violation center imposed under this section shall  
2068 not be reduced in any manner.

2069 (d) For an offender charged with a technical violation  
2070 who has not been detained awaiting the revocation hearing, the  
2071 court may hold a hearing within a reasonable time. The court may  
2072 revoke probation or may continue probation and modify the terms  
2073 and conditions of probation. If the court revokes probation for  
2074 one or more technical violations the court shall impose a period  
2075 of imprisonment to be served in either a technical violation  
2076 center operated by the department or a restitution center not to



2077 exceed ninety (90) days for the first revocation and not to exceed  
2078 one hundred twenty (120) days for the second revocation. For the  
2079 third revocation, the court may impose a period of imprisonment to  
2080 be served in either a technical violation center or a restitution  
2081 center for up to one hundred eighty (180) days or the court may  
2082 impose the remainder of the suspended portion of the sentence.  
2083 For the fourth and any subsequent revocation, the court may impose  
2084 up to the remainder of the suspended portion of the sentence. The  
2085 period of imprisonment in a technical violation center imposed  
2086 under this section shall not be reduced in any manner.

2087 (6) If the probationer is arrested in a circuit court  
2088 district in the State of Mississippi other than that in which he  
2089 was convicted, the probation and parole officer, upon the written  
2090 request of the sentencing judge, shall furnish to the circuit  
2091 court or the county court of the county in which the arrest is  
2092 made, or to the judge of such court, a report concerning the  
2093 probationer, and such court or the judge in vacation shall have  
2094 authority, after a hearing, to continue or revoke all or any part  
2095 of probation or all or any part of the suspension of sentence, and  
2096 may in case of revocation proceed to deal with the case as if  
2097 there had been no probation. In such case, the clerk of the court  
2098 in which the order of revocation is issued shall forward a  
2099 transcript of such order to the clerk of the court of original  
2100 jurisdiction, and the clerk of that court shall proceed as if the  
2101 order of revocation had been issued by the court of original



2102 jurisdiction. Upon the revocation of probation or suspension of  
2103 sentence of any offender, such offender shall be placed in the  
2104 legal custody of the State Department of Corrections and shall be  
2105 subject to the requirements thereof.

2106 (7) Any probationer who removes himself from the State of  
2107 Mississippi without permission of the court placing him on  
2108 probation, or the court to which jurisdiction has been  
2109 transferred, shall be deemed and considered a fugitive from  
2110 justice and shall be subject to extradition as now provided by  
2111 law. No part of the time that one is on probation shall be  
2112 considered as any part of the time that he shall be sentenced to  
2113 serve.

2114 (8) The arresting officer, except when a probation and  
2115 parole officer, shall be allowed the same fees as now provided by  
2116 law for arrest on warrant, and such fees shall be taxed against  
2117 the probationer and paid as now provided by law.

2118 (9) The arrest, revocation and recommitment procedures of  
2119 this section also apply to persons who are serving a period of  
2120 post-release supervision imposed by the court.

2121 (10) Unless good cause for the delay is established in the  
2122 record of the proceeding, the probation revocation charge shall be  
2123 dismissed if the revocation hearing is not held within thirty (30)  
2124 days of the warrant being issued.

2125 (11) The Department of Corrections shall provide  
2126 semiannually to the Oversight Task Force the number of warrants



2127 issued for an alleged violation of probation or post-release  
2128 supervision, the average time between detention on a warrant and  
2129 preliminary hearing, the average time between detention on a  
2130 warrant and revocation hearing, the number of ninety-day sentences  
2131 in a technical violation center issued by the court, the number of  
2132 one-hundred-twenty-day sentences in a technical violation center  
2133 issued by the court, the number of one-hundred-eighty-day  
2134 sentences issued by the court, and the number and average length  
2135 of the suspended sentences imposed by the court in response to a  
2136 violation.

2137       **SECTION 43.** Section 47-7-37.1, Mississippi Code of 1972, is  
2138 brought forward as follows:

2139       47-7-37.1. Notwithstanding any other provision of law to the  
2140 contrary, if a court finds by a preponderance of the evidence,  
2141 that a probationer or a person under post-release supervision has  
2142 committed a felony or absconded, the court may revoke his  
2143 probation and impose any or all of the sentence. For purposes of  
2144 this section, "absconding from supervision" means the failure of a  
2145 probationer to report to his supervising officer for six (6) or  
2146 more consecutive months.

2147       **SECTION 44.** Section 47-7-38, Mississippi Code of 1972, is  
2148 brought forward as follows:

2149       47-7-38. (1) The department shall have the authority to  
2150 impose graduated sanctions as an alternative to judicial  
2151 modification or revocation, as provided in Sections 47-7-27 and



2152 47-7-37, for offenders on probation, parole, or post-release  
2153 supervision who commit technical violations of the conditions of  
2154 supervision as defined by Section 47-7-2.

2155 (2) The commissioner shall develop a standardized graduated  
2156 sanctions system, which shall include a grid to guide field  
2157 officers in determining the suitable response to a technical  
2158 violation. The commissioner shall promulgate rules and  
2159 regulations for the development and application of the system of  
2160 sanctions. Field officers shall be required to conform to the  
2161 sanction grid developed.

2162 (3) The system of sanctions shall include a list of  
2163 sanctions for the most common types of violations. When  
2164 determining the sanction to impose, the field officer shall take  
2165 into account the offender's assessed risk level, previous  
2166 violations and sanctions, and severity of the current and prior  
2167 violations.

2168 (4) Field officers shall notify the sentencing court when a  
2169 probationer has committed a technical violation or the parole  
2170 board when a parolee has committed a technical violation of the  
2171 type of violation and the sanction imposed. When the technical  
2172 violation is an arrest for a new criminal offense, the field  
2173 officer shall notify the court within forty-eight (48) hours of  
2174 becoming aware of the arrest.

2175 (5) The graduated sanctions that the department may impose  
2176 include, but shall not be limited to:





2177 (a) Verbal warnings;  
2178 (b) Increased reporting;  
2179 (c) Increased drug and alcohol testing;  
2180 (d) Mandatory substance abuse treatment;  
2181 (e) Loss of earned-discharge credits; and  
2182 (f) Incarceration in a county jail for no more than two  
2183 (2) days. Incarceration as a sanction shall not be used more than  
2184 two (2) times per month for a total period incarcerated of no more  
2185 than four (4) days.

2186 (6) The system shall also define positive reinforcements  
2187 that offenders will receive for compliance with conditions of  
2188 supervision. These positive reinforcements shall include, but not  
2189 limited to:

2190 (a) Verbal recognition;  
2191 (b) Reduced reporting; and  
2192 (c) Credits for earned discharge which shall be awarded  
2193 pursuant to Section 47-7-40.

2194 (7) The Department of Corrections shall provide semiannually  
2195 to the Oversight Task Force the number and percentage of offenders  
2196 who have one or more violations during the year, the average  
2197 number of violations per offender during the year and the total  
2198 and average number of incarceration sanctions as defined in  
2199 subsection (5) of this section imposed during the year.

2200 **SECTION 45.** Section 47-7-38.1, Mississippi Code of 1972, is  
2201 brought forward as follows:



2202           47-7-38.1. (1) The Department of Corrections shall  
2203 establish technical violation centers to detain probation and  
2204 parole violators revoked by the court or parole board.

2205           (2) The department shall place an offender in a violation  
2206 center for a technical violation as ordered by the board pursuant  
2207 to Section 47-7-27 and the sentencing court pursuant to Section  
2208 47-7-37.

2209           (3) The violation centers shall be equipped to address the  
2210 underlying factors that led to the offender's violation as  
2211 identified based on the results of a risk and needs assessment.  
2212 At a minimum each violation center shall include substance abuse  
2213 services shown to reduce recidivism and a reduction in the use of  
2214 illicit substances or alcohol, education programs, employment  
2215 preparation and training programs and behavioral programs.

2216           (4) As required by Section 47-5-20(b), the department shall  
2217 notify, by certified mail, each member of the board of supervisors  
2218 of the county in which the violation center shall be located of  
2219 the department's intent to convert an existing department facility  
2220 to a technical violation center.

2221           (5) The department shall establish rules and regulations for  
2222 the implementation and operation of the technical violation  
2223 centers.

2224           (6) The Department of Corrections shall provide to the  
2225 Oversight Task Force semiannually the average daily population of  
2226 the technical violation centers, the number of admissions to the



2227 technical violation centers, and the average time served in the  
2228 technical violation centers.

2229 **SECTION 46.** Section 47-7-39, Mississippi Code of 1972, is  
2230 brought forward as follows:

2231 47-7-39. If, for good and sufficient reasons, a probationer  
2232 desires to change his residence within or without the state, such  
2233 transfer may be effected by application to his field supervisor  
2234 which transfer shall be subject to the court's consent and subject  
2235 to such regulations as the court, or judge, may require.

2236 **SECTION 47.** Section 47-7-40, Mississippi Code of 1972, is  
2237 brought forward as follows:

2238 47-7-40. (1) The commissioner shall establish rules and  
2239 regulations for implementing the earned-discharge program that  
2240 allows offenders on probation and parole to reduce the period of  
2241 supervision for complying with conditions of probation. The  
2242 department shall have the authority to award earned-discharge  
2243 credits to all offenders placed on probation, parole, or  
2244 post-release supervision who are in compliance with the terms and  
2245 conditions of supervision. An offender serving a Mississippi  
2246 sentence for an eligible offense in any jurisdiction under the  
2247 Interstate Compact for Adult Offender Supervision shall be  
2248 eligible for earned-discharge credits under this section.  
2249 Offenders shall not be denied earned-discharge credits solely  
2250 based on nonpayment of fees or fines if a hardship waiver has been  
2251 granted as provided in Section 47-7-49.



2252           (2) For each full calendar month of compliance with the  
2253 conditions of supervision, earned-discharge credits equal to the  
2254 number of days in that month shall be deducted from the offender's  
2255 sentence discharge date. Credits begin to accrue for eligible  
2256 offenders after the first full calendar month of compliance  
2257 supervision conditions. For the purposes of this section, an  
2258 offender is deemed to be in compliance with the conditions of  
2259 supervision if there was no violation of the conditions of  
2260 supervision.

2261           (3) No earned-discharge credits may accrue for a calendar  
2262 month in which a violation report has been submitted, the offender  
2263 has absconded from supervision, the offender is serving a term of  
2264 imprisonment in a technical violation center, or for the months  
2265 between the submission of the violation report and the final  
2266 action on the violation report by the court or the board.

2267           (4) Earned-discharge credits shall be applied to the  
2268 sentence within thirty (30) days of the end of the month in which  
2269 the credits were earned. At least every six (6) months, an  
2270 offender who is serving a sentence eligible for earned-discharge  
2271 credits shall be notified of the current sentence discharge date.

2272           (5) Once the combination of time served on probation, parole  
2273 or post-release supervision, and earned-discharge credits satisfy  
2274 the term of probation, parole, or post-release supervision, the  
2275 board or sentencing court shall order final discharge of the  
2276 offender. No less than sixty (60) days prior to the date of final



2277 discharge, the department shall notify the sentencing court and  
2278 the board of the impending discharge.

2279 (6) The department shall provide semiannually to the  
2280 Oversight Task Force the number and percentage of offenders who  
2281 qualify for earned discharge in one or more months of the year and  
2282 the average amount of credits earned within the year.

2283 **SECTION 48.** Section 47-7-41, Mississippi Code of 1972, is  
2284 brought forward as follows:

2285 47-7-41. When a probationer shall be discharged from  
2286 probation by the court of original jurisdiction, the field  
2287 supervisor, upon receiving a written request from the probationer,  
2288 shall forward a written report of the record of the probationer to  
2289 the Division of Community Corrections of the department, which  
2290 shall present a copy of this report to the Governor. The Governor  
2291 may, in his discretion, at any time thereafter by appropriate  
2292 executive order restore any civil rights lost by the probationer  
2293 by virtue of his conviction or plea of guilty in the court of  
2294 original jurisdiction.

2295 **SECTION 49.** Section 47-7-43, Mississippi Code of 1972, is  
2296 brought forward as follows:

2297 47-7-43. The provisions of this chapter are hereby extended  
2298 to all persons who, at the effective date thereof, may be on  
2299 parole, or eligible to be placed on parole under existing laws,  
2300 with the same force and effect as if this chapter had been in



2301 operation at the time such persons were placed on parole or become  
2302 eligible to be placed thereon, as the case may be.

2303         **SECTION 50.** Section 47-7-47, Mississippi Code of 1972, is  
2304 brought forward as follows:

2305             47-7-47. (1) The judge of any circuit court may place an  
2306 offender on a program of earned probation after a period of  
2307 confinement as set out herein and the judge may seek the advice of  
2308 the commissioner and shall direct that the defendant be under the  
2309 supervision of the department.

2310             (2) (a) Any circuit court or county court may, upon its own  
2311 motion, acting upon the advice and consent of the commissioner not  
2312 earlier than thirty (30) days nor later than one (1) year after  
2313 the defendant has been delivered to the custody of the department,  
2314 to which he has been sentenced, suspend the further execution of  
2315 the sentence and place the defendant on earned probation, except  
2316 when a death sentence or life imprisonment is the maximum penalty  
2317 which may be imposed or if the defendant has been confined two (2)  
2318 or more times for the conviction of a felony on a previous  
2319 occasion in any court or courts of the United States and of any  
2320 state or territories thereof or has been convicted of a felony  
2321 involving the use of a deadly weapon.

2322             (b) The authority granted in this subsection shall be  
2323 exercised by the judge who imposed sentence on the defendant, or  
2324 his successor.



2325           (c) The time limit imposed by paragraph (a) of this  
2326 subsection is not applicable to those defendants sentenced to the  
2327 custody of the department prior to April 14, 1977. Persons who  
2328 are convicted of crimes that carry mandatory sentences shall not  
2329 be eligible for earned probation.

2330           (3) When any circuit or county court places an offender on  
2331 earned probation, the court shall give notice to the Mississippi  
2332 Department of Corrections within fifteen (15) days of the court's  
2333 decision to place the offender on earned probation. Notice shall  
2334 be delivered to the central office of the Mississippi Department  
2335 of Corrections and to the regional office of the department which  
2336 will be providing supervision to the offender on earned probation.

2337           (4) If the court places any person on probation or earned  
2338 probation, the court may order the person, as a condition of  
2339 probation, to a period of confinement and treatment at a private  
2340 or public agency or institution, either within or without the  
2341 state, which treats emotional, mental or drug-related problems.  
2342 Any person who, as a condition of probation, is confined for  
2343 treatment at an out-of-state facility shall be supervised pursuant  
2344 to Section 47-7-71, and any person confined at a private agency  
2345 shall not be confined at public expense. Time served in any such  
2346 agency or institution may be counted as time required to meet the  
2347 criteria of subsection (2) (a).

2348           (5) If the court places any person on probation or earned  
2349 probation, the court may order the person to make appropriate



2350 restitution to any victim of his crime or to society through the  
2351 performance of reasonable work for the benefit of the community.

2352 (6) If the court places any person on probation or earned  
2353 probation, the court may order the person, as a condition of  
2354 probation, to submit, as provided in Section 47-5-601, to any type  
2355 of breath, saliva or urine chemical analysis test, the purpose of  
2356 which is to detect the possible presence of alcohol or a substance  
2357 prohibited or controlled by any law of the State of Mississippi or  
2358 the United States.

2359 **SECTION 51.** Section 47-7-101, Mississippi Code of 1972, is  
2360 brought forward as follows:

2361 47-7-101. (1) There is created the Mississippi Re-Entry  
2362 Council. The purpose of the council is to create effective  
2363 strategies to assist former inmates in their return to the general  
2364 population, to reduce the recidivism rates of inmates, to increase  
2365 public safety, and to reduce budgetary constraints presently  
2366 created by prison-related costs. The Re-Entry Council shall be  
2367 led by a steering committee.

2368 (2) The Re-Entry Council Steering Committee shall be  
2369 composed of the following twelve (12) members, who shall serve for  
2370 two-year terms:

2371 (a) A Mississippi United States Attorney, or a designee  
2372 appointed by the Governor;

2373 (b) The Commissioner of the Mississippi Department of  
2374 Corrections, or a designee;





2375 (c) The Attorney General of the State of Mississippi,  
2376 or a designee;

2377 (d) The director of a faith-based organization involved  
2378 in re-entry programs, or a designee appointed by the Lieutenant  
2379 Governor;

2380 (e) The Chief Probation Officer of the United States  
2381 District Courts of Mississippi, or a designee;

2382 (f) A Mississippi United States District Judge, or a  
2383 designee appointed by the Speaker of the House of Representatives;

2384 (g) The Chief Justice of the Mississippi Supreme Court,  
2385 or a designee;

2386 (h) The Executive Director for the Mississippi  
2387 Department of Mental Health, or a designee;

2388 (i) The Executive Director for the Mississippi Division  
2389 of Medicaid, or a designee;

2390 (j) The Chairman of the Parole Board, or a designee;

2391 (k) A person who is a former offender appointed by the  
2392 Chairman of the Parole Board; and

2393 (l) The Director of the Mississippi Department of  
2394 Employment Security, or a designee.

2395 (3) The Re-Entry Council Steering Committee shall have the  
2396 following duties:

2397 (a) To consider development of a statewide approach to  
2398 assist re-entry of former inmates into the general population of  
2399 this state;



2400 (b) To provide recommendations regarding evidence-based  
2401 approaches that equip inmates with the requisite, individualized  
2402 resources to promote their successful return to the general  
2403 population of this state;

2404 (c) To review reports, studies, and materials as it  
2405 deems appropriate;

2406 (d) To appoint such subcommittees as it finds proper;

2407 (e) To study proposed legislation that seeks to resolve  
2408 recidivism;

2409 (f) To submit recommendations from its findings to the  
2410 Legislature, the Governor and the Mississippi Supreme Court. In  
2411 making such recommendations, the Re-Entry Council Steering  
2412 Committee will seek input from all branches of state and local  
2413 government, governmental agencies, businesses and nonprofit  
2414 organizations throughout this state;

2415 (g) To seek and receive grants;

2416 (h) To hire contract personnel and/or staff using any  
2417 grants received; and

2418 (i) To collaborate with the coordinator of the  
2419 transitional re-entry center, under the supervision of the  
2420 Mississippi Department of Corrections, which shall provide  
2421 administrative support to the council.

2422 (4) The Chief Justice of the Mississippi Supreme Court shall  
2423 call the first meeting of the steering committee. At its first  
2424 meeting, the steering committee shall elect a chairman and vice



2425 chairman from its membership and adopt rules for transacting its  
2426 business and keeping records. Officers shall serve one-year terms  
2427 or until such time as a successor is elected.

2428           **SECTION 52.** This act shall take effect and be in force from  
2429 and after July 1, 2022, and shall be repealed from and after June  
2430 30, 2022.

