

By: Senator(s) Blackwell, Younger,
Chassaniol, Polk

To: Corrections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2402

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



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

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

37 47-5-8. (1) There is created the Mississippi Department of
38 Corrections, which shall be under the policy direction of the
39 Governor. The chief administrative officer of the department
40 shall be the Commissioner of Corrections.

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

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

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



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

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

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



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

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

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

93 47-7-5.1. (1) The Division of Parole shall be responsible
94 for all of the administrative and fiscal functions of the board
95 under this chapter.

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

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

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

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



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

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

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

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

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

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

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

124 (4) Hearing officers shall:

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

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

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



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

134 47-7-5. (1) (a) The State Parole Board * * * is hereby
135 created, continued and reconstituted and shall be composed of five
136 (5) members. The Governor shall appoint the members with the
137 advice and consent of the Senate. All terms shall be at the will
138 and pleasure of the Governor. Any vacancy shall be filled by the
139 Governor, with the advice and consent of the Senate. The Governor
140 shall appoint a chairman of the board.

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

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

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



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

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

166 (3) (a) The board shall:

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

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

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

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

179 * * *



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

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

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

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

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



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

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

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

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

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

220 47-7-11. All salaries and expenses incurred in the carrying
221 out of this chapter shall be paid out of funds appropriated by the
222 Legislature to the department for the support and maintenance of
223 the * * * board. * * *

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

226 47-7-2. For purposes of this chapter, the following words
227 shall have the meaning ascribed herein unless the context shall
228 otherwise require:



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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

316 47-7-3.1. (1) In consultation with the Parole Board, the
317 department shall develop a case plan for all parole-eligible
318 inmates to guide an inmate's rehabilitation while in the
319 department's custody and to reduce the likelihood of recidivism
320 after release.

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

373 47-7-6. (1) The * * * Division of Parole shall collect the
374 following information:



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



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

401 47-7-9. (1) The circuit judges and county judges in the
402 districts to which Division of Community Corrections personnel
403 have been assigned shall have the power to request of the
404 department transfer or removal of the division personnel from
405 their court.

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



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

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

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

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

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



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

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

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

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



474 47-7-13. A majority of the board shall constitute a quorum
475 for the transaction of all business. A decision to parole an
476 offender convicted of murder or a sex-related crime shall require
477 the affirmative vote of three (3) members. The board with the
478 assistance of the Division of Parole shall maintain, in minute
479 book form, a copy of each of its official actions with the reasons
480 therefor. Suitable and sufficient office space and support
481 resources and staff necessary to conducting Parole Board business
482 shall be provided by the Department of Corrections. * * *

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

485 47-7-15. The board shall adopt an official seal of which the
486 courts shall take judicial notice. Decisions of the board shall
487 be made by majority vote, except as provided in Section 47-7-5(9).

488 The board, with the assistance of the Division of Parole
489 shall keep a record of its acts and shall notify each institution
490 of its decisions relating to the persons who are or have been
491 confined therein. At the close of each fiscal year the * * *

492 Division of Parole shall submit to the Governor and to the
493 Legislature a report with statistical and other data of its work.

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

496 47-7-27. (1) The board may, at any time and upon a showing
497 of probable violation of parole, issue a warrant for the return of
498 any paroled offender to the custody of the department. The



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

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

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

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



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

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

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



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

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



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

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

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



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

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

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

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

618 47-7-38. (1) The department shall have the authority to
619 impose graduated sanctions as an alternative to judicial
620 modification or revocation, as provided in Sections 47-7-27 and
621 47-7-37, for offenders on probation, parole, or post-release



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

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

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

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

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

646 (a) Verbal warnings;



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

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

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

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

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



671 25-41-3. For purposes of this chapter, the following words
672 shall have the meaning ascribed herein, to wit:

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

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

689 (ii) Law enforcement officials;

690 (iii) The military;

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

694 (v) The Workers' Compensation Commission;



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

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

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

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

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

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

712 41-29-110. The Mississippi Bureau of Narcotics is hereby
713 authorized and empowered to request and to accept the use of
714 persons convicted of an offense, whether a felony or a
715 misdemeanor, for work in support of the bureau. The bureau is
716 authorized to enter into any agreements with the Department of
717 Corrections * * * any criminal court of this state, and any other
718 proper official regarding the working, guarding, safekeeping,
719 clothing and subsistence of such persons performing work for the



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

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

726 65-1-8. (1) The Mississippi Transportation Commission shall
727 have the following general powers, duties and responsibilities:

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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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



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

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



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

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

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

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

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

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

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



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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

1003 (iv) Such an agreement shall be executed only upon
1004 a finding by the commission, spread upon its minutes, that the
1005 acceleration of the scheduled project is both feasible and
1006 beneficial. The commission shall also spread upon its minutes its
1007 findings with regard to the factors required to be considered
1008 pursuant to subparagraph (iii) of this paragraph (z);

1009 (aa) The Mississippi Transportation Commission, in its
1010 discretion, may purchase employment practices liability insurance,
1011 and may purchase an excess policy to cover catastrophic losses
1012 incurred under the commission's self-insured workers' compensation
1013 program authorized under Section 71-3-5. Such policies shall be
1014 written by the agent or agents of a company or companies
1015 authorized to do business in the State of Mississippi. The
1016 deductibles shall be in an amount deemed reasonable and prudent by



1017 the commission, and the premiums thereon shall be paid from the
1018 State Highway Fund. Purchase of insurance under this paragraph
1019 shall not serve as an actual or implied waiver of sovereign
1020 immunity or of any protection afforded the commission under the
1021 Mississippi Tort Claims Act;

1022 (bb) The Mississippi Transportation Commission is
1023 further authorized, in its discretion, to expend funds for the
1024 purchase of promotional materials for safety purposes, highway
1025 beautification purposes and recruitment purposes;

1026 (cc) To lease antenna space on communication towers
1027 which it owns;

1028 (dd) To receive funds from the Southeastern Association
1029 of Transportation Officials and from other nonstate sources and
1030 expend those funds for educational scholarships in transportation
1031 related fields of study. The commission may adopt rules or
1032 regulations as necessary for the implementation of the program. A
1033 strict accounting shall be made of all funds deposited with the
1034 commission and all funds dispersed.

1035 **SECTION 16.** This act shall take effect and be in force from
1036 and after July 1, 2022.

