

By: Representatives Taylor, Sanders, Osborne To: Corrections

HOUSE BILL NO. 639

1 AN ACT TO AMEND SECTION 47-5-103, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO HOUSE ANY NONVIOLENT
3 OFFENDER WITHIN A ONE HUNDRED MILE RADIUS OF HIS OR HER RELEASE
4 RESIDENCE IF THE OFFENDER HAS A SENTENCE OF TEN YEARS OR LESS OR
5 HAS TEN YEARS REMAINING ON HIS OR HER SENTENCE; TO AMEND SECTION
6 47-4-1, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
7 SECTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-5-103, Mississippi Code of 1972, is
10 amended as follows:

11 47-5-103. (1) The classification hearing officer shall be
12 responsible for assigning a classification to each offender within
13 forty (40) days after the offender's commitment to the custody of
14 the department. The classification shall determine the offender's
15 work duties, living quarters, which shall also include the needed
16 determination, as provided under subsection (4) of this section,
17 for a nonviolent offender who has a sentence of ten (10) years or
18 less or who has ten (10) years or less remaining on his or her
19 sentence, educational, vocational or other rehabilitation
20 programs, and privileges to be accorded the offender while in



21 custody of the department. The classification hearing officer, in
22 assigning classifications, shall consider the offender's age,
23 offense and surrounding circumstances, the complete record of the
24 offender's criminal history, including records of law enforcement
25 agencies or of a youth court regarding that offender's juvenile
26 criminal history, family background, education, practical or
27 employment experience, interests and abilities as evidenced by
28 mental and psychological examination and knowledge obtained by the
29 classification hearing officer in personal interview with the
30 offender. The classification hearing officer shall use the above
31 criteria to assign each offender a classification which will serve
32 and enhance the best interests and general welfare of the
33 offender. The designee or designees of the commissioner shall
34 approve or disapprove each classification. The classification
35 hearing officer shall provide the State Parole Board with a copy
36 of the classification assigned to each offender in the custody of
37 the department who is eligible for parole.

38 (2) The classification board, consisting of the
39 commissioner, or his designee, deputy commissioner of institutions
40 and the director of offender services may change an action of the
41 classification or disciplinary hearing officer if the board makes
42 a determination that the action of the hearing officer was not
43 supported by sufficient factual information. The commissioner, in
44 emergency situations, may suspend the classification of an
45 offender or offenders for a period of not exceeding fifteen (15)



46 days to relieve the emergency situation. The classification of
47 each offender may be reviewed by a classification hearing officer
48 at least once each year. In no case shall an offender serve as a
49 servant in the home of any employee other than authorized by the
50 commissioner.

51 (3) The classification board shall establish substantive and
52 procedural rules and regulations governing the assignment and
53 alteration of inmate classifications, and shall make such rules
54 and regulations available to any offender upon request.

55 (4) From and after July 1, 2023, the Department of
56 Corrections shall house any nonviolent offender, including those
57 who were incarcerated before July 1, 2023, within a one hundred
58 mile radius of the offender's release residence if the nonviolent
59 offender has a sentence of ten (10) years or less or has ten (10)
60 years remaining on his or her sentence.

61 **SECTION 2.** Section 47-4-1, Mississippi Code of 1972, is
62 amended as follows:

63 47-4-1. (1) It is lawful for there to be located within
64 Wilkinson County and Leflore County a correctional facility
65 operated entirely by a private entity pursuant to a contractual
66 agreement between such private entity and the federal government,
67 any state, or a political subdivision of any state to provide
68 correctional services to any such public entity for the
69 confinement of inmates subject to the jurisdiction of such public
70 entity. Any person confined in such a facility pursuant to the



71 laws of the jurisdiction from which he is sent shall be considered
72 lawfully confined within this state. The private entity shall
73 assume complete responsibility for the inmates and shall be liable
74 to the State of Mississippi for any illegal or tortious actions of
75 such inmates.

76 (2) The Department of Corrections shall contract with the
77 Board of Supervisors of Leflore County for the private
78 incarceration of not more than one thousand (1,000) state inmates
79 at a facility in Leflore County. Any contract must comply with
80 the requirements of Section 47-5-1211 through Section 47-5-1227.

81 (3) It is lawful for any county to contract with a private
82 entity for the purpose of providing correctional services for the
83 confinement of federal inmates subject to the jurisdiction of the
84 United States. Any person confined in such a facility pursuant to
85 the laws of the United States shall be considered lawfully
86 confined within this state. The private entity shall assume
87 complete responsibility for the inmates and shall be liable to the
88 county or the State of Mississippi, as the case may be, for any
89 illegal or tortious actions of the inmates.

90 (4) It is lawful for there to be located within any county a
91 correctional facility operated entirely by a private entity and
92 the federal government to provide correctional services to the
93 United States for the confinement of federal inmates subject to
94 the jurisdiction of the United States. Any person confined in a
95 facility pursuant to the laws of the United States shall be



96 considered lawfully confined within this state. The private
97 entity shall assume complete responsibility for the inmates and
98 shall be liable to the State of Mississippi for any illegal or
99 tortious actions of the inmates.

100 A person convicted of simple assault on an employee of a
101 private correctional facility while such employee is acting within
102 the scope of his or her duty or employment shall be punished by a
103 fine of not more than One Thousand Dollars (\$1,000.00) or by
104 imprisonment for not more than five (5) years, or both.

105 A person convicted of aggravated assault on an employee of a
106 private correctional facility while such employee is acting within
107 the scope of his or her duty or employment shall be punished by a
108 fine of not more than Five Thousand Dollars (\$5,000.00) or by
109 imprisonment for not more than thirty (30) years, or both.

110 (5) The Department of Corrections may contract with the
111 Tallahatchie County Correctional Facility authorized in Chapter
112 904, Local and Private Laws of 1999, for the private incarceration
113 of not more than one thousand (1,000) state inmates at a facility
114 in Tallahatchie County. Any contract must comply with the
115 requirements of Section 47-5-1211 through Section 47-5-1227. No
116 state inmate shall be assigned to the Tallahatchie County
117 Correctional Facility unless the inmate cost per day is at least
118 ten percent (10%) less than the inmate cost per day for housing a
119 state inmate at a state correctional facility.



120 (6) If a private entity houses state inmates, the private
121 entity shall not displace state inmate beds with federal inmate
122 beds unless the private entity has obtained prior written approval
123 from the Commissioner of Corrections.

124 (7) It is lawful for there to be located within Leflore
125 County a correctional facility operated entirely by a private
126 entity pursuant to a contractual agreement between such private
127 entity and the federal government, the State of Mississippi, or
128 Leflore County for the incarceration of federal inmates. Such
129 correctional facility may include a separate Leflore County jail
130 which may be located on or adjacent to the correctional facility
131 site. To further the provisions of this subsection:

132 (a) Any private entity, the State of Mississippi, or
133 Leflore County may enter into any agreement regarding real
134 property or property, including, but not limited to, a lease, a
135 ground lease and leaseback arrangement, a sublease or any other
136 lease agreement or arrangement, as lessor or lessee. Such
137 agreements shall not exceed forty (40) years. The Department of
138 Corrections may enter such agreements or arrangements on behalf of
139 the State of Mississippi;

140 (b) The powers conferred under this subsection shall be
141 additional and supplemental to the powers conferred by any other
142 law. Where the provisions of this subsection conflict with other
143 law, this subsection shall control; and



144 (c) The private entity shall assume complete
145 responsibility for the inmates and shall be liable to the State of
146 Mississippi for any illegal or tortious actions of the inmates.

147 (8) From and after July 1, 2023, any private entity that
148 houses a state nonviolent offender shall house such offender,
149 including such offender who was incarcerated before July 1, 2023,
150 within a one hundred mile radius of the offender's release
151 residence if the nonviolent offender has a sentence of ten (10)
152 years or less or has ten (10) years remaining on his or her
153 sentence.

154 **SECTION 3.** This act shall take effect and be in force from
155 and after July 1, 2023.

