

By: Representative Shanks

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 763

1 AN ACT TO AMEND SECTION 47-5-473, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON THE PILOT WORK RELEASE
3 PROGRAM UNDER WHICH THE SHERIFF IN PARTICIPATING COUNTIES MAY
4 AUTHORIZE CERTAIN OFFENDERS TO ENGAGE IN WORK, EDUCATIONAL AND
5 REHABILITATIVE PROGRAMS WHILE CONFINED IN JAIL; TO INCREASE THE
6 NUMBER OF PARTICIPANTS FOR THE PROGRAM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 47-5-473, Mississippi Code of 1972, is
9 amended as follows:

10 47-5-473. (1) The Sheriffs of Rankin County, Harrison
11 County and Lee County are authorized to establish a Pilot Work
12 Release Program. No person sentenced for a crime listed in
13 Section 97-3-2 shall be eligible for participation in the program
14 established under this section. During the pilot phase of the
15 program, there shall be a limit of * * * one-hundred (100) people
16 in the program at a time.

17 (2) The sheriff shall collect and maintain data which shall
18 be shared semiannually with the Joint Legislative Committee on
19 Performance Evaluation and Expenditure Review (PEER) and the
20 Corrections and Criminal Justice Oversight Task Force in sortable



21 electronic format. The first report shall be made before January
22 15, 2022, and in six-month intervals thereafter. The data shall
23 include:

24 (a) Total number of participants at the beginning of
25 each month by race, gender, and offenses charged;

26 (b) Total number of participants at the end of each
27 month by race, gender, and offenses charged;

28 (c) Total number of participants who began the program
29 in each month by race, gender, and offenses charged;

30 (d) Total number of participants who successfully
31 completed the program in each month by race, gender, and offenses
32 charged;

33 (e) Total number of participants who left the program
34 in each month and reason for leaving by race, gender, and offenses
35 charged;

36 (f) Total number of participants who were arrested for
37 a new criminal offense while in the program in each month by race,
38 gender, and offenses charged;

39 (g) Total number of participants who were convicted of
40 a new crime while in the program in each month by race, gender,
41 and offenses charged;

42 (h) Total number of participants who completed the
43 program and were convicted of a new crime within three (3) years
44 of completing the program;



45 (i) Total amount earned by participants and how the
46 earnings were distributed in each month;

47 (j) Results of any initial risk and needs assessments
48 conducted on each participant by race, gender, and offenses
49 charged; and

50 (k) Any other data or information as requested by the
51 task force.

52 (3) Any person who has been sentenced to confinement in jail
53 or who has been sentenced for a felony conviction but is confined
54 in a jail may request assignment to the work release program
55 established under this section. Admission to the program shall be
56 in the discretion of the sheriff. The sheriff may further
57 authorize the offender to participate in educational or other
58 rehabilitative programs designed to supplement his work release
59 employment or to prepare the person for successful reentry. No
60 offender shall be eligible for this program if he or she has more
61 than one (1) year remaining on his or her sentence.

62 (4) The sheriff shall adopt and publish rules and
63 regulations prior to accepting inmates. These rules and
64 regulations shall, at a minimum, include all requirements for work
65 release programs established pursuant to Sections 47-5-451 through
66 47-5-471. Participating employers shall pay no less than the
67 prevailing wage for the position and shall under no circumstance
68 pay less than the federal minimum wage.



69 (5) Any offender assigned to such a program by the sheriff
70 who, without proper authority or just cause, leaves the area to
71 which he has been assigned to work or attend educational or other
72 rehabilitative programs, or leaves the vehicle or route of travel
73 involved in his or her going to or returning from such place, will
74 be guilty of escape as provided in Section 97-9-49. An offender
75 who is found guilty under this section shall be ineligible for
76 further participation in a work release program during his or her
77 current term of confinement.

78 (6) The offender shall maintain an account through a local
79 financial institution and shall provide a copy of a check stub to
80 the sheriff. The offender may be required to pay up to
81 twenty-five percent (25%) of his or her wages after mandatory
82 deductions for the following purposes:

83 (a) To pay support of dependents or to the Mississippi
84 Department of Human Services on behalf of dependents as may be
85 ordered by a judge of competent jurisdiction; and

86 (b) To pay any fines, restitution, or costs, as ordered
87 by the court, * * * including any fines and fees associated with
88 obtaining a valid driver's license upon release.

89 (7) The inmate shall have access to his or her account to
90 purchase incidental expenses.

91 (8) The Joint Legislative Committee on Performance
92 Evaluation and Expenditure Review (PEER) shall conduct an annual a
93 review of the work release program established under this section



94 and produce a report to the Legislature on * * * its effectiveness
95 by December 1, * * * of each year. The PEER Committee shall seek
96 the assistance of the Corrections and Criminal Justice Task Force
97 and may seek assistance from any other criminal justice experts it
98 deems necessary during its review.

99 (9) This section shall stand repealed on July 1, * * * 2027.

100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2024.

