

By: Representatives Bell (65th), Hulum,
Rosebud

To: Judiciary B

HOUSE BILL NO. 1373

1 AN ACT TO AMEND SECTION 47-5-473, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE ANY SHERIFF TO ESTABLISH A WORK RELEASE PROGRAM; TO
3 REMOVE THE LIMIT ON THE NUMBER OF OFFENDERS WHO MAY PARTICIAPTE IN
4 THE PROGRAM AT ANY ONE TIME; TO EXTEND THE DATE OF REPEAL FROM
5 JULY 1, 2024, TO JULY 1, 2027, ON THIS SECTION; AND FOR RELATED
6 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 * * * any county are
11 authorized to establish a Pilot Work Release Program. No person
12 sentenced for a crime listed in Section 97-3-2 shall be eligible
13 for participation in the program established under this section.

14 * * *

15 (2) The sheriff shall collect and maintain data which shall
16 be shared semiannually with the Joint Legislative Committee on
17 Performance Evaluation and Expenditure Review (PEER) and the
18 Corrections and Criminal Justice Oversight Task Force in sortable
19 electronic format. The first report shall be made before January



20 15, 2022, and in six-month intervals thereafter. The data shall
21 include:

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

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

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

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

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

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

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

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

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



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

48 (k) Any other data or information as requested by the
49 task force.

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

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

67 (5) Any offender assigned to such a program by the sheriff
68 who, without proper authority or just cause, leaves the area to
69 which he has been assigned to work or attend educational or other



70 rehabilitative programs, or leaves the vehicle or route of travel
71 involved in his or her going to or returning from such place, will
72 be guilty of escape as provided in Section 97-9-49. An offender
73 who is found guilty under this section shall be ineligible for
74 further participation in a work release program during his or her
75 current term of confinement.

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

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

84 (b) To pay any fines, restitution, or costs as ordered
85 by the court to include any fines and fees associated with
86 obtaining a valid driver's license upon release.

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

89 (8) The Joint Legislative Committee on Performance
90 Evaluation and Expenditure Review (PEER) shall conduct a review of
91 the work release program established under this section and
92 produce a report to the Legislature on their effectiveness by
93 December 1, 2022. The PEER Committee shall seek the assistance of
94 the Corrections and Criminal Justice Task Force and may seek



95 assistance from any other criminal justice experts it deems
96 necessary during its review.

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

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

