

By: Senator(s) Younger, Blackwell,
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To: Corrections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2451

1 AN ACT TO AMEND SECTION 47-5-11, MISSISSIPPI CODE OF 1972, TO
2 PRESCRIBE SPECIFIC DATA TO BE COLLECTED BY THE MISSISSIPPI
3 DEPARTMENT OF CORRECTIONS RELATIVE TO INMATE OFFENSE, INMATE
4 SENTENCING, CORRECTIONAL FACILITY INMATE POPULATION AND STAFFING,
5 AND PROBATION AND PAROLEE IDENTIFICATION; TO DIRECT THE DEPARTMENT
6 TO PUBLISH DATASETS ON A CONFIDENTIAL BASIS; TO AMEND SECTION
7 47-5-30, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE
8 COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO
9 PROJECT INMATE POPULATION GROWTH; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-5-11, Mississippi Code of 1972, is
12 amended as follows:

13 47-5-11. (1) Subject to appropriation, the Mississippi
14 Department of Corrections shall procure a data collection and
15 reporting system that allows the department to collect and keep
16 current the following information:

17 (a) Information related to each inmate, including:

18 (i) Identifying information, including name, date
19 of birth, race, ethnicity, immigration status, gender, highest
20 education level, case number, and identification number assigned
21 by the department.



22 (ii) Information related to each offense for which
23 the person was convicted, including, but not limited to:
24 1. Description of each offense, including the
25 statute or statutes violated.
26 2. Drug type for each drug charge, if known.
27 3. Indication by data flag or other means, of
28 the following:
29 a. The person was involved in or
30 associated with a criminal gang at the time of the offense.
31 b. The offense resulted in the person
32 being sentenced as a habitual offender under Section 99-19-81.
33 c. The offense resulted in the person
34 being sentenced as a habitual offender under Section 99-19-83.
35 d. The offense was committed after the
36 person served time for a conviction in a state or federal prison
37 in Mississippi or another state.
38 e. The offense resulted in the person
39 being required to register as a sex offender.
40 f. Any other characteristic of the
41 offense designated by the department.
42 4. Date that a court entered the sentence.
43 5. Sentence imposed by the court.
44 6. Amount of time served in custody by the
45 defendant related to each charge prior to sentencing that is



46 credited at the time of disposition of the charge to reduce the
47 imposed length of time the defendant will be incarcerated.

48 7. Total amount of court costs imposed by the
49 court at the disposition of the case.

50 8. Total amount of fines imposed by the court
51 at the disposition of the case.

52 9. Restitution amount ordered at sentencing.

53 10. The sentencing judge and court.

54 (iii) Date the inmate was admitted to the custody
55 of the Department of Corrections for his or her current
56 incarceration.

57 (iv) Current institution placement and the
58 security level assigned to the institution.

59 (v) Custody level assignment.

60 (vi) Whether the reason for admission to the
61 department is for a new conviction or a violation of probation or
62 parole. For an admission for a probation or parole violation, the
63 department shall report whether the violation was technical or was
64 based on one or more arrests for one or more new violations of law
65 for which the person has not yet been convicted.

66 (vii) Length of sentence served.

67 (viii) Length of concurrent or consecutive
68 sentences served.

69 (ix) Release date if the person were to serve the
70 entire sentence incarcerated, and the tentative release date based



71 on eligibility for parole and for other reductions in time to be
72 served.

73 (x) Actual release date and reason for release,
74 including whether the person completed their sentence, or were
75 released due to parole, earned time, or other reason, which is to
76 be specified; if granted parole, an indication of whether the
77 person was granted presumptive parole.

78 (xi) Earned time granted.

79 (xii) Trusty status.

80 (xiii) Prior incarceration within the state.

81 (xiv) Disciplinary violation or violations while
82 in custody and the disciplinary action or actions taken in
83 response to the violation.

84 (xv) Disciplinary violation or violations after
85 release, including any technical violation or arrest for a new
86 crime committed, and the disciplinary action or actions taken in
87 response to the violation.

88 (xvi) The inmate's case plan, including updated
89 versions and status of progress, including a description of
90 rehabilitative and educational programs which the inmate has
91 completed while in custody, including, but not limited to, high
92 school equivalency, post-secondary degrees, occupational
93 certifications and similar credentials, addiction treatment,
94 mental health treatment, and re-entry preparation courses.

95 (xvii) Any detainers the department is aware of.



96 (b) Information related to persons supervised by the
97 department on probation or parole, including, but not limited to:

98 (i) Identifying information for each person
99 supervised by the department on probation or parole, including
100 name, date of birth, race, ethnicity, immigration status, gender,
101 highest education level, case number, and identification number
102 assigned by the department.

103 (ii) Length of probation sentence imposed and
104 amount of time that has been served on such sentence.

105 (iii) Projected termination date for probation or
106 parole.

107 (iv) The post-release case plan and status of
108 progress in meeting its requirements or recommendations.

109 (v) Revocation of probation or parole due to a
110 violation, including whether the revocation is due to a technical
111 violation of the conditions of supervision or from the commission
112 of a new felony.

113 (c) Information related to prisons, including, but not
114 limited to:

115 (i) Daily prison population of all inmates
116 incarcerated in a state correctional institution or facility.

117 (ii) Daily number of correctional officers for
118 each state correctional institution or facility and the number of
119 vacancies in those positions.



120 (iii) Average daily cost per inmate at each state
121 correctional institution or facility.

122 (iv) Per diem rates paid to each facility housing
123 state inmates, including regional facilities, community work
124 centers, and local jails.

125 (d) The department shall maintain the data described in
126 this subsection and any other data the department deems
127 appropriate in a format that allows it to be aggregated in real
128 time and the aggregated data published in real time in dashboard
129 format on the department's website. The department shall also
130 make the aggregated data available on the department's website in
131 a modern, open, electronic format that is machine-readable and
132 readily accessible by the public. Data for which real-time
133 aggregating and posting is not feasible shall be aggregated and
134 posted on the department's website as quickly as feasible but no
135 less often than monthly. The department may use the reporting
136 requirements in subsection (2) of this section to guide its
137 development relevant portions of the dashboard.

138 (2) The Department of Corrections shall semiannually report
139 information required in this subsection (* * *2) * * * to the
140 Oversight Task Force, and upon request, shall report the
141 information to the PEER Committee * * * as follows:

142 (a) Prison data, which shall include:

143 (i) The number of offenders entering prison on a
144 new offense;



145 (ii) The number of offenders entering prison as a
146 result of revocation of supervision;

147 (iii) The average sentence length for new prison
148 sentences by offense type;

149 (iv) The average sentence length for offenders
150 entering prison for a probation revocation;

151 (v) The average sentence length for offenders
152 entering prison for a parole revocation;

153 (vi) The average percentage of prison sentence
154 served in prison by offense type;

155 (vii) The average length of stay by offense type;

156 * * *

157 (* * *viii) Total prison population by offense
158 type and type of admission into prison;

159 * * *

160 (ix) The number of rehabilitative and educational
161 milestones described in subsection (1)(a)(xvi) of this section
162 which have been achieved by the current population under
163 department custody or supervision, listed by milestone, including,
164 but not limited to, specific certifications earned;

165 (x) The number of inmates who are working in
166 Prison Agricultural Enterprises and other job programs inside the
167 prison, listed by program;

168 (xi) The number of inmates who are participating
169 in work release programs, listed by facility.



170 (b) Probation and parole data, which shall include:
171 (i) The number of offenders supervised on
172 probation and parole;
173 (ii) The number of offenders placed on probation
174 and parole;
175 (iii) The number of probationers and parolees
176 revoked for a technical violation and sentenced to a term of
177 imprisonment in a technical violation center;
178 (iv) The average length of time served in a
179 technical violation center;
180 (* * *v) The number of probationers and parolees
181 revoked for a technical violation and sentenced to a term of
182 imprisonment in * * * a facility other than a technical violation
183 center;
184 (* * *vi) The number of probationers and parolees
185 who are convicted of a new felony offense and sentenced to a term
186 of imprisonment;
187 (* * *vii) The number of probationers and
188 parolees held * * * in a county jail awaiting a revocation
189 hearing; and
190 (* * *viii) The average length of stay in a
191 county jail for probationers and parolees awaiting a revocation
192 hearing.
193 (c) Post-release supervision data, which shall include:



- 194 (i) The number of offenders supervised on
195 post-release supervision, by the type of supervision;
- 196 (ii) The number of offenders placed on
197 post-release supervision;
- 198 (iii) The number of post-release probationers and
199 parolees revoked for * * * one or more technical violations and
200 sentenced to a term of imprisonment in a technical violation
201 center;
- 202 (iv) The number of post-release probationers and
203 parolees revoked for * * * one or more technical violations and
204 sentenced to a term of imprisonment in another type of department
205 of correction facility;
- 206 (v) The number of post-release probationers and
207 the number of parolees who are convicted of a new felony offense
208 and sentenced to a term of imprisonment;
- 209 (vi) The number of post-release probationers and
210 the number of parolees held on a violation in a county jail
211 awaiting a revocation hearing; * * *
- 212 (vii) The average length of stay in a county jail
213 for post-release probationers and parolees awaiting a revocation
214 hearing * * *;
- 215 (viii) Recidivism rates by offense type and risk
216 level, reported by the number of years since release. For the
217 purposes of this report, "recidivism" means the commission of
218 criminal acts that result in rearrest, reconviction or return to



219 prison with or without a new sentence. The department shall
220 report recidivism rates for one (1), three (3), and five (5) years
221 following release from prison;

222 (ix) The number of people who have been paroled
223 due to a designation as medically frail; and

224 (x) The number of people who have been granted
225 presumptive parole.

226 (3) As used in this section, the term "technical violation"
227 means an act or omission by a person on probation, parole, or
228 post-release supervision that violates a condition or conditions
229 of supervision placed on the offender by the sentencing judge, the
230 department, or the parole board, other than an arrest or
231 conviction for a new crime. An arrest for a new crime is not a
232 technical violation.

233 (4) Information collected under this section which is
234 confidential and exempt upon collection remains confidential and
235 exempt when reported by the Department of Corrections under this
236 section.

237 (5) The data collection and reporting system required in
238 subsection (2) of this section shall allow appropriate access for
239 agencies to query underlying data that is not public but is
240 intrinsic to their work.

241 **SECTION 2.** Section 47-5-30, Mississippi Code of 1972, is
242 amended as follows:



243 47-5-30. (1) The Commissioner of Corrections shall develop
244 a strategic plan for its operation of the state correctional
245 system. The strategic plan shall cover a five-year period. The
246 plan shall include, at a minimum, the following:

247 (a) A clearly defined comprehensive statement of the
248 mission, goals and objectives of the agency;

249 (b) Performance effectiveness objectives for each
250 facility under the jurisdiction of the department;

251 (c) A description of the department's internal
252 management system used to evaluate its performance in relation to
253 projected levels;

254 (d) Detailed plans and strategies for meeting current
255 and future needs and achieving goals and objectives established
256 for the state correctional system;

257 (e) A detailed analysis of the use of current agency
258 resources in meeting current needs and expected future needs, and
259 additional resources that may be necessary to meet future needs;

260 (f) An analysis of factors affecting projected prison
261 populations, including impact of juveniles on prison populations
262 and how populations are expected to change within the period of
263 the plan;

264 (g) A plan to remove inmates from county jails.

265 (2) The department shall revise the plan annually.

266 (3) Upon completion of the initial plan and each revision,
267 the department shall provide copies to the Governor, the



268 Lieutenant Governor, the Speaker of the House of Representatives,
269 the Chairman of the Senate Corrections Committee, the Chairman of
270 the House Penitentiary Committee, the Legislative Budget Office,
271 the Performance Evaluation and Expenditure Review Committee, the
272 Executive Director of the Department of Finance and Administration
273 and the Legislative Reference Bureau.

274 (4) The commissioner shall develop the strategic plan before
275 September 23, 1994.

276 (5) The commissioner shall develop an independent and
277 unbiased growth model to forecast the state's inmate population.
278 The growth model must produce a ten-year forecast of the inmate
279 population and include a monthly review process to ensure the
280 continued applicability of forecasts. In developing such a model,
281 the department shall seek guidance from other states that have
282 experienced success in developing and implementing growth models.

283 **SECTION 3.** This act shall take effect and be in force from
284 and after July 1, 2024.

