

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

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.

