

By: Senator(s) Sparks

To: Corrections; Judiciary,
Division B

SENATE BILL NO. 2599

1 AN ACT RELATING TO ALTERNATIVE INCARCERATION METHODOLOGY
2 ("AIM"); TO BRING FORWARD SECTIONS 99-15-26, 99-15-19, 47-7-27,
3 47-7-33.1, 47-7-47, 47-5-931 THROUGH 47-5-953 AND 47-5-1003,
4 MISSISSIPPI CODE OF 1972, RELATING TO ALTERNATIVE SENTENCING
5 OPTIONS FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is
9 brought forward as follows:

10 99-15-26. (1) (a) In all criminal cases, felony and
11 misdemeanor, other than crimes against the person, a crime of
12 violence as defined in Section 97-3-2, a violation of Section
13 97-11-31, or crimes in which a person unlawfully takes, obtains or
14 misappropriates funds received by or entrusted to the person by
15 virtue of his or her public office or employment, the circuit or
16 county court shall be empowered, upon the entry of a plea of
17 guilty by a criminal defendant made on or after July 1, 2014, to
18 withhold acceptance of the plea and sentence thereon pending
19 successful completion of such conditions as may be imposed by the
20 court pursuant to subsection (2) of this section.



21 (b) In all misdemeanor criminal cases, other than
22 crimes against the person, the justice or municipal court shall be
23 empowered, upon the entry of a plea of guilty by a criminal
24 defendant, to withhold acceptance of the plea and sentence thereon
25 pending successful completion of such conditions as may be imposed
26 by the court pursuant to subsection (2) of this section.

27 (c) Notwithstanding paragraph (a) of this subsection
28 (1), in all criminal cases charging a misdemeanor of domestic
29 violence as defined in Section 99-3-7(5), a circuit, county,
30 justice or municipal court shall be empowered, upon the entry of a
31 plea of guilty by the criminal defendant, to withhold acceptance
32 of the plea and sentence thereon pending successful completion of
33 such conditions as may be imposed by the court pursuant to
34 subsection (2) of this section.

35 (d) No person having previously qualified under the
36 provisions of this section shall be eligible to qualify for
37 release in accordance with this section for a repeat offense. A
38 person shall not be eligible to qualify for release in accordance
39 with this section if charged with the offense of trafficking of a
40 controlled substance as provided in Section 41-29-139(f) or if
41 charged with an offense under the Mississippi Implied Consent Law.
42 Violations under the Mississippi Implied Consent Law can only be
43 nonadjudicated under the provisions of Section 63-11-30.



44 (2) (a) Conditions which the circuit, county, justice or
45 municipal court may impose under subsection (1) of this section
46 shall consist of:

47 (i) Reasonable restitution to the victim of the
48 crime.

49 (ii) Performance of not more than nine hundred
50 sixty (960) hours of public service work approved by the court.

51 (iii) Payment of a fine not to exceed the
52 statutory limit.

53 (iv) Successful completion of drug, alcohol,
54 psychological or psychiatric treatment, successful completion of a
55 program designed to bring about the cessation of domestic abuse,
56 or any combination thereof, if the court deems treatment
57 necessary.

58 (v) The circuit or county court, in its
59 discretion, may require the defendant to remain in the program
60 subject to good behavior for a period of time not to exceed five
61 (5) years. The justice or municipal court, in its discretion, may
62 require the defendant to remain in the program subject to good
63 behavior for a period of time not to exceed two (2) years.

64 (b) Conditions which the circuit or county court may
65 impose under subsection (1) of this section also include
66 successful completion of an effective evidence-based program or a
67 properly controlled pilot study designed to contribute to the
68 evidence-based research literature on programs targeted at



69 reducing recidivism. Such program or pilot study may be community
70 based or institutionally based and should address risk factors
71 identified in a formal assessment of the offender's risks and
72 needs.

73 (3) When the court has imposed upon the defendant the
74 conditions set out in this section, the court shall release the
75 bail bond, if any.

76 (4) Upon successful completion of the court-imposed
77 conditions permitted by subsection (2) of this section, the court
78 shall direct that the cause be dismissed and the case be closed.

79 (5) Upon petition therefor, the court shall expunge the
80 record of any case in which an arrest was made, the person
81 arrested was released and the case was dismissed or the charges
82 were dropped, there was no disposition of such case, or the person
83 was found not guilty at trial.

84 **SECTION 2.** Section 99-15-19, Mississippi Code of 1972, is
85 brought forward as follows:

86 99-15-19. Any county paying counsel fees and expenses
87 incurred on appeal to the Supreme Court or by virtue of any
88 prosecution charging the commission of a crime on the premises of
89 the Mississippi State Penitentiary or the commission of a crime by
90 any escapee therefrom, may request reimbursement of all such
91 payments from the State Treasurer. The State Auditor shall issue
92 his or her warrant, based upon a voucher sent by the Treasurer of
93 any county entitled to such reimbursement together with a



94 certification that such sums have been allowed and paid. The
95 State Treasurer shall pay the amount of any such reimbursement out
96 of any funds in the State Treasury appropriated for such purpose.

97 **SECTION 3.** Section 47-7-27, Mississippi Code of 1972, is
98 brought forward as follows:

99 47-7-27. (1) The board may, at any time and upon a showing
100 of probable violation of parole, issue a warrant for the return of
101 any paroled offender to the custody of the department. The
102 warrant shall authorize all persons named therein to return the
103 paroled offender to actual custody of the department from which he
104 was paroled.

105 (2) Any field supervisor may arrest an offender without a
106 warrant or may deputize any other person with power of arrest by
107 giving him a written statement setting forth that the offender
108 has, in the judgment of that field supervisor, violated the
109 conditions of his parole or earned-release supervision. The
110 written statement delivered with the offender by the arresting
111 officer to the official in charge of the department facility from
112 which the offender was released or other place of detention
113 designated by the department shall be sufficient warrant for the
114 detention of the offender.

115 (3) The field supervisor, after making an arrest, shall
116 present to the detaining authorities a similar statement of the
117 circumstances of violation. The field supervisor shall at once
118 notify the board or department of the arrest and detention of the



119 offender and shall submit a written report showing in what manner
120 the offender has violated the conditions of parole or
121 earned-release supervision. An offender for whose return a
122 warrant has been issued by the board shall, after the issuance of
123 the warrant, be deemed a fugitive from justice.

124 (4) Whenever an offender is arrested on a warrant for an
125 alleged violation of parole as herein provided, the board shall
126 hold an informal preliminary hearing within seventy-two (72) hours
127 to determine whether there is reasonable cause to believe the
128 person has violated a condition of parole. A preliminary hearing
129 shall not be required when the offender is not under arrest on a
130 warrant or the offender signed a waiver of a preliminary hearing.
131 The preliminary hearing may be conducted electronically.

132 (5) The right of the State of Mississippi to extradite
133 persons and return fugitives from justice, from other states to
134 this state, shall not be impaired by this chapter and shall remain
135 in full force and effect. An offender convicted of a felony
136 committed while on parole, whether in the State of Mississippi or
137 another state, shall immediately have his parole revoked upon
138 presentment of a certified copy of the commitment order to the
139 board. If an offender is on parole and the offender is convicted
140 of a felony for a crime committed prior to the offender being
141 placed on parole, whether in the State of Mississippi or another
142 state, the offender may have his parole revoked upon presentment
143 of a certified copy of the commitment order to the board.



144 (6) (a) The board shall hold a hearing for any parolee who
145 is detained as a result of a warrant or a violation report within
146 twenty-one (21) days of the parolee's admission to detention. The
147 board may, in its discretion, terminate the parole or modify the
148 terms and conditions thereof. If the board revokes parole for one
149 or more technical violations the board shall impose a period of
150 imprisonment to be served in a technical violation center operated
151 by the department not to exceed ninety (90) days for the first
152 revocation and not to exceed one hundred twenty (120) days for the
153 second revocation. For the third revocation, the board may impose
154 a period of imprisonment to be served in a technical violation
155 center for up to one hundred * * * eighty (180) days or the board
156 may impose the remainder of the suspended portion of the sentence.
157 For the fourth and any subsequent revocation, the board may impose
158 up to the remainder of the suspended portion of the sentence. The
159 period of imprisonment in a technical violation center imposed
160 under this section shall not be reduced in any manner.

161 (b) If the board does not hold a hearing or does not
162 take action on the violation within the twenty-one-day time frame
163 in paragraph (a) of this subsection, the parolee shall be released
164 from detention and shall return to parole status. The board may
165 subsequently hold a hearing and may revoke parole or may continue
166 parole and modify the terms and conditions of parole. If the
167 board revokes parole for one or more technical violations the
168 board shall impose a period of imprisonment to be served in a



169 technical violation center operated by the department not to
170 exceed ninety (90) days for the first revocation and not to exceed
171 one hundred twenty (120) days for the second revocation. For the
172 third revocation, the board may impose a period of imprisonment to
173 be served in a technical violation center for up to one hundred
174 eighty (180) days or the board may impose the remainder of the
175 suspended portion of the sentence. For the fourth and any
176 subsequent revocation, the board may impose up to the remainder of
177 the suspended portion of the sentence. The period of imprisonment
178 in a technical violation center imposed under this section shall
179 not be reduced in any manner.

180 (c) For a parolee charged with one or more technical
181 violations who has not been detained awaiting the revocation
182 hearing, the board may hold a hearing within a reasonable time.
183 The board may revoke parole or may continue parole and modify the
184 terms and conditions of parole. If the board revokes parole for
185 one or more technical violations the board shall impose a period
186 of imprisonment to be served in a technical violation center
187 operated by the department not to exceed ninety (90) days for the
188 first revocation and not to exceed one hundred twenty (120) days
189 for the second revocation. For the third revocation, the board
190 may impose a period of imprisonment to be served in a technical
191 violation center for up to one hundred eighty (180) days or the
192 board may impose the remainder of the suspended portion of the
193 sentence. For the fourth and any subsequent revocation, the board



194 may impose up to the remainder of the suspended portion of the
195 sentence. The period of imprisonment in a technical violation
196 center imposed under this section shall not be reduced in any
197 manner.

198 (7) Unless good cause for the delay is established in the
199 record of the proceeding, the parole revocation charge shall be
200 dismissed if the revocation hearing is not held within the thirty
201 (30) days of the issuance of the warrant.

202 (8) The chairman and each member of the board and the
203 designated parole revocation hearing officer may, in the discharge
204 of their duties, administer oaths, summon and examine witnesses,
205 and take other steps as may be necessary to ascertain the truth of
206 any matter about which they have the right to inquire.

207 (9) The board shall provide semiannually to the Oversight
208 Task Force the number of warrants issued for an alleged violation
209 of parole, the average time between detention on a warrant and
210 preliminary hearing, the average time between detention on a
211 warrant and revocation hearing, the number of ninety-day sentences
212 in a technical violation center issued by the board, the number of
213 one-hundred-twenty-day sentences in a technical violation center
214 issued by the board, the number of one-hundred-eighty-day
215 sentences issued by the board, and the number and average length
216 of the suspended sentences imposed by the board in response to a
217 violation.



218 **SECTION 4.** Section 47-7-33.1, Mississippi Code of 1972, is
219 brought forward as follows:

220 47-7-33.1. (1) The department shall create a discharge plan
221 for any offender returning to the community, regardless of whether
222 the person will discharge from the custody of the department, or
223 is released on parole, pardon, or otherwise. At least ninety (90)
224 days prior to an offender's earliest release date, the
225 commissioner shall conduct a pre-release assessment and complete a
226 written discharge plan based on the assessment results. The
227 discharge plan for parole eligible offenders shall be sent to the
228 parole board at least thirty (30) days prior to the offender's
229 parole eligibility date for approval. The board may suggest
230 changes to the plan that it deems necessary to ensure a successful
231 transition.

232 (2) The pre-release assessment shall identify whether an
233 inmate requires assistance obtaining the following basic needs
234 upon release: transportation, clothing and food, financial
235 resources, identification documents, housing, employment,
236 education, health care and support systems. The discharge plan
237 shall include information necessary to address these needs and the
238 steps being taken by the department to assist in this process,
239 including an up-to-date version of the information described in
240 Section 63-1-309(4). Based on the findings of the assessment, the
241 commissioner shall:



242 (a) Arrange transportation for inmates from the
243 correctional facility to their release destination;

244 (b) Ensure inmates have clean, seasonally appropriate
245 clothing, and provide inmates with a list of food providers and
246 other basic resources immediately accessible upon release;

247 (c) Ensure inmates have a provisional driver's license
248 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi
249 Code of 1972, a regular driver's license if eligible, or a
250 state-issued identification card that is not a Department of
251 Corrections identification card;

252 (d) Assist inmates in identifying safe, affordable
253 housing upon release. If accommodations are not available,
254 determine whether temporary housing is available for at least ten
255 (10) days after release. If temporary housing is not available,
256 the discharge plan shall reflect that satisfactory housing has not
257 been established and the person may be a candidate for
258 transitional reentry center placement;

259 (e) Refer inmates without secured employment to
260 employment opportunities;

261 (f) Provide inmates with contact information of a
262 health care facility/provider in the community in which they plan
263 to reside;

264 (g) Notify family members of the release date and
265 release plan, if the inmate agrees; and



266 (h) Refer inmates to a community or a faith-based
267 organization that can offer support within the first twenty-four
268 (24) hours of release.

269 (3) A written discharge plan shall be provided to the
270 offender and supervising probation officer or parole officer, if
271 applicable.

272 (4) A discharge plan created for a parole-eligible offender
273 shall also include supervision conditions and the intensity of
274 supervision based on the assessed risk to recidivate and whether
275 there is a need for transitional housing. The board shall approve
276 discharge plans before an offender is released on parole pursuant
277 to this chapter.

278 **SECTION 5.** Section 47-7-47, Mississippi Code of 1972, is
279 brought forward as follows:

280 47-7-47. (1) The judge of any circuit court may place an
281 offender on a program of earned probation after a period of
282 confinement as set out herein and the judge may seek the advice of
283 the commissioner and shall direct that the defendant be under the
284 supervision of the department.

285 (2) (a) Any circuit court or county court may, upon its own
286 motion, acting upon the advice and consent of the commissioner not
287 earlier than thirty (30) days nor later than one (1) year after
288 the defendant has been delivered to the custody of the department,
289 to which he has been sentenced, suspend the further execution of
290 the sentence and place the defendant on earned probation, except



291 when a death sentence or life imprisonment is the maximum penalty
292 which may be imposed or if the defendant has been confined two (2)
293 or more times for the conviction of a felony on a previous
294 occasion in any court or courts of the United States and of any
295 state or territories thereof or has been convicted of a felony
296 involving the use of a deadly weapon.

297 (b) The authority granted in this subsection shall be
298 exercised by the judge who imposed sentence on the defendant, or
299 his successor.

300 (c) The time limit imposed by paragraph (a) of this
301 subsection is not applicable to those defendants sentenced to the
302 custody of the department prior to April 14, 1977. Persons who
303 are convicted of crimes that carry mandatory sentences shall not
304 be eligible for earned probation.

305 (3) When any circuit or county court places an offender on
306 earned probation, the court shall give notice to the Mississippi
307 Department of Corrections within fifteen (15) days of the court's
308 decision to place the offender on earned probation. Notice shall
309 be delivered to the central office of the Mississippi Department
310 of Corrections and to the regional office of the department which
311 will be providing supervision to the offender on earned probation.

312 (4) If the court places any person on probation or earned
313 probation, the court may order the person, as a condition of
314 probation, to a period of confinement and treatment at a private
315 or public agency or institution, either within or without the



316 state, which treats emotional, mental or drug-related problems.
317 Any person who, as a condition of probation, is confined for
318 treatment at an out-of-state facility shall be supervised pursuant
319 to Section 47-7-71, and any person confined at a private agency
320 shall not be confined at public expense. Time served in any such
321 agency or institution may be counted as time required to meet the
322 criteria of subsection (2) (a).

323 (5) If the court places any person on probation or earned
324 probation, the court may order the person to make appropriate
325 restitution to any victim of his crime or to society through the
326 performance of reasonable work for the benefit of the community.

327 (6) If the court places any person on probation or earned
328 probation, the court may order the person, as a condition of
329 probation, to submit, as provided in Section 47-5-601, to any type
330 of breath, saliva or urine chemical analysis test, the purpose of
331 which is to detect the possible presence of alcohol or a substance
332 prohibited or controlled by any law of the State of Mississippi or
333 the United States.

334 **SECTION 6.** Section 47-5-931, Mississippi Code of 1972, is
335 brought forward as follows:

336 47-5-931. (1) The Department of Corrections, in its
337 discretion, may contract with the board of supervisors of one or
338 more counties or with a regional facility operated by one or more
339 counties, to provide for housing, care and control of offenders
340 who are in the custody of the State of Mississippi. Any facility



341 owned or leased by a county or counties for this purpose shall be
342 designed, constructed, operated and maintained in accordance with
343 American Correctional Association standards, and shall comply with
344 all constitutional standards of the United States and the State of
345 Mississippi, and with all court orders that may now or hereinafter
346 be applicable to the facility. If the Department of Corrections
347 contracts with more than one (1) county to house state offenders
348 in county correctional facilities, excluding a regional facility,
349 then the first of such facilities shall be constructed in Sharkey
350 County and the second of such facilities shall be constructed in
351 Jefferson County.

352 (2) The Department of Corrections shall contract with the
353 board of supervisors of the following counties to house state
354 inmates in regional facilities: (a) Marion and Walthall Counties;
355 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River
356 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba
357 Counties; (f) Alcorn County and any contiguous county in which
358 there is located an unapproved jail; (g) Yazoo County and any
359 contiguous county in which there is located an unapproved jail;
360 (h) Chickasaw County and any contiguous county in which there is
361 located an unapproved jail; (i) George and Greene Counties and any
362 contiguous county in which there is located an unapproved jail;
363 (j) Washington County and any contiguous county in which there is
364 located an unapproved jail; (k) Hinds County and any contiguous
365 county in which there is located an unapproved jail; (l) Leake



366 County and any contiguous county in which there is located an
367 unapproved jail; (m) Issaquena County and any contiguous county in
368 which there is located an unapproved jail; (n) Jefferson County
369 and any contiguous county in which there is located an unapproved
370 jail; (o) Franklin County and any contiguous county in which there
371 is located an unapproved jail; (p) Holmes County and any
372 contiguous county in which there is located an unapproved jail;
373 and (q) Bolivar County and any contiguous county in which there is
374 located an unapproved jail. The Department of Corrections shall
375 decide the order of priority of the counties listed in this
376 subsection with which it will contract for the housing of state
377 inmates. For the purposes of this subsection, the term
378 "unapproved jail" means any jail that the local grand jury
379 determines should be condemned or has found to be of substandard
380 condition or in need of substantial repair or reconstruction.

381 (3) In addition to the offenders authorized to be housed
382 under subsection (1) of this section, the Department of
383 Corrections may contract with any regional facility to provide for
384 housing, care and control of not more than seventy-five (75)
385 additional offenders who are in the custody of the State of
386 Mississippi.

387 (4) The Governor and the Commissioner of Corrections are
388 authorized to increase administratively the number of offenders
389 who are in the custody of the State of Mississippi that can be
390 placed in regional correctional facilities.



391 **SECTION 7.** Section 47-5-933, Mississippi Code of 1972, is
392 brought forward as follows:

393 47-5-933. The Department of Corrections may contract for the
394 purposes set out in Section 47-5-931 for a period of not more than
395 twenty (20) years. The contract may provide that the Department
396 of Corrections pay a fee of no more than Thirty-two Dollars and
397 Seventy-one Cents (\$32.71) per day for each offender that is
398 housed in the facility. The Department of Corrections may include
399 in the contract, as an inflation factor, a three percent (3%)
400 annual increase in the contract price. The state shall retain
401 responsibility for medical care for state offenders to the extent
402 that is required by law; provided, however, the department may
403 reimburse each facility for contract medical services as provided
404 by law in an amount not to exceed Six Dollars and Twenty-five
405 Cents (\$6.25) per day per offender.

406 **SECTION 8.** Section 47-5-934, Mississippi Code of 1972, is
407 brought forward as follows:

408 47-5-934. If a regional facility authorized under Section
409 47-5-931 experiences a disruption in the housing of state inmates
410 due to a natural disaster in which the Governor has declared a
411 disaster emergency under the laws of this state or the President
412 of the United States has declared an emergency or major disaster
413 to exist in this state, notwithstanding the limitation prescribed
414 in Section 47-5-933, the term of the contract entered into by the
415 Department of Corrections and the board of supervisors of the



416 involved county or counties may be extended for a period not to
417 exceed five (5) years.

418 **SECTION 9.** Section 47-5-935, Mississippi Code of 1972, is
419 brought forward as follows:

420 47-5-935. Concurrent with the execution of a contract for
421 housing of state offenders as authorized by Sections 47-5-931
422 through 47-5-941, the sheriff of a county where the facility is
423 located is designated as the chief corrections officer for the
424 facility housing state offenders, and in that capacity, shall
425 assume responsibility for management of the corrections facility
426 and for the provision of the care and control of the state
427 offenders housed therein. The sheriff shall be subject to the
428 direction of the department for management of the correctional
429 facility. In addition to the compensation provided by Section
430 25-3-25, the sheriff shall receive Fifteen Thousand Six Hundred
431 Dollars (\$15,600.00) as compensation for the duties specified in
432 Sections 47-5-931 through 47-5-941.

433 **SECTION 10.** Section 47-5-937, Mississippi Code of 1972, is
434 brought forward as follows:

435 47-5-937. Sections 47-5-931 through 47-5-941 shall be full
436 and complete authority for the exercise of all powers and
437 authority granted herein and no requirements or restrictions of
438 law which would otherwise be applicable to acts of the county or
439 sheriff or the Department of Corrections shall be applicable
440 except as expressly provided herein. The sheriff is expressly



441 authorized to employ counsel to represent the facility to be paid
442 a salary within the range allowed for a legal assistant to a
443 district attorney with the employment to continue for a period of
444 time not to exceed the duration of the indebtedness incurred for
445 construction of the facility. The county or counties shall pay
446 this cost and other costs incurred in the operation of the
447 facility from the proceeds of the funds derived from the financing
448 of the project and the housing of offenders.

449 **SECTION 11.** Section 47-5-938, Mississippi Code of 1972, is
450 brought forward as follows:

451 47-5-938. (1) Offenders are encouraged to participate in
452 work programs. The chief corrections officer as created in
453 Section 47-5-935, with ratification of the board of supervisors of
454 the county in which a correctional facility established pursuant
455 to Sections 47-5-931 through 47-5-941, is located, may enter into
456 agreements to provide work for any state offender housed in the
457 facility, with the approval of the Commissioner of Corrections, to
458 perform any work:

459 (a) Authorized in the Mississippi Prison Industries Act
460 of 1990 as provided in Sections 47-5-531 through 47-5-575;

461 (b) Authorized in the Prison Agricultural Enterprises
462 Act as provided in Sections 47-5-351 through 47-5-357;

463 (c) Authorized in the Penitentiary-Made Goods Law of
464 1978 as provided in Sections 47-5-301 through 47-5-331;



465 (d) Authorized in the Public Service Work Programs Act
466 as provided in Sections 47-5-401 through 47-5-421;

467 (e) Authorized in Section 47-5-431, which authorizes
468 the sheriff to use county or state offenders to pick up trash
469 along public roads and state highways.

470 (2) The chief corrections officer shall promulgate rules and
471 regulations as may be necessary to govern the work performance of
472 the offenders for the parties to the agreements. Political
473 subdivisions of the State of Mississippi including but not limited
474 to counties, municipalities, school districts, drainage districts,
475 water management districts and joint county-municipal endeavors
476 are to have free use of the offender's labor but are responsible
477 for reimbursing the facility for costs of transportation, guards,
478 meals and other necessary costs when the inmates are providing
479 work for that political body. Offenders may be compensated for
480 work performed if the agreement so provides.

481 (3) There is created a special fund in the county treasury
482 to be known as the "offender's compensation fund." All
483 compensation paid to offenders shall be placed in the special fund
484 for use by the offenders to purchase certain goods and other items
485 of value as authorized in Section 47-5-109, for offenders housed
486 in state correctional facilities. As provided in Section
487 47-5-194, no cash is to be paid to offenders. The agreement shall
488 provide that a certain portion of the compensation shall be used
489 for the welfare of the offenders. All money collected from the



490 regional jail canteen operations shall be placed in a county
491 special fund. Expenditures from that fund can be made by the
492 chief corrections officer for any lawful purpose that is in the
493 best interest and welfare of the offenders. The chief corrections
494 officer, his employees and the county or counties owning the
495 facility are given the authority necessary to carry out the
496 provisions of this section.

497 (4) The provisions of this section shall be supplemental to
498 any other provisions of law regarding offender labor and work
499 programs.

500 **SECTION 12.** Section 47-5-939, Mississippi Code of 1972, is
501 brought forward as follows:

502 47-5-939. In addition to housing offenders for the
503 Department of Corrections, the Chief Corrections Officer may house
504 pretrial detainees, county offenders and other persons legally
505 subject to incarceration by order of a court of competent
506 jurisdiction. All offenders are to be housed in accordance with
507 American Corrections Association standards.

508 **SECTION 13.** Section 47-5-940, Mississippi Code of 1972, is
509 brought forward as follows:

510 47-5-940. (1) (a) The Department of Corrections may
511 contract with the Bolivar County Regional Facility for a five-year
512 pilot program dedicated to an intensive and comprehensive alcohol
513 and other drug treatment program for not more than two hundred
514 fifty (250) inmates. The Bolivar County Regional Facility shall



515 have the option of canceling the contract for the drug treatment
516 program after giving the Department of Corrections thirty (30)
517 days' notice of its intent to cancel. The program shall be a
518 prison-based treatment program designed to reduce substance abuse
519 by inmates, correct dysfunctional thinking and behavioral
520 patterns, and prepare inmates to make a successful and crime-free
521 readjustment to the community.

522 (b) The Department of Corrections shall reimburse the
523 Bolivar County Regional Facility at the per diem rate allowed
524 under Section 47-5-933.

525 (2) (a) An inmate who is within eighteen (18) months of his
526 earned release date or parole date may be placed in the program.

527 (b) The Department of Corrections shall remove any
528 inmate within seventy-two (72) hours after being notified by the
529 Bolivar County Regional Facility that the inmate is violent or
530 refuses to participate in the drug treatment program.

531 (3) The program shall consist, but is not limited to, the
532 following components:

533 (a) An assessment and placement component using a
534 recidivism needs assessment of the inmates.

535 (b) An intensive and comprehensive treatment and
536 rehabilitation component which addresses the specific drug or
537 alcohol problem of the inmate. This component shall include
538 relapse prevention strategies and anger management strategies.



539 (c) An aftercare post-release component that has a
540 specific transition plan for each inmate. The transition plan
541 must address specific post-release needs such as employment,
542 housing, medical care, relapse prevention and treatment. The plan
543 shall require personnel to assist the inmate with these needs and
544 to assist in finding community-based programs for the inmate. The
545 plan shall require the inmate to be tracked in at least thirty-day
546 intervals to measure compliance with his established transition
547 plan.

548 (d) A monitoring assessment of recidivism containing
549 post-release history of substance abuse, breaches of trust,
550 arrests, convictions, employment, community functioning, and
551 marital and family interaction.

552 (4) The department shall file a report annually on the
553 program with specific data on recidivism of inmates including the
554 data required in subsection (3) (d).

555 (5) The program authorized under this section may be renewed
556 if it meets performance requirements as may be determined by the
557 Legislature.

558 (6) This section shall be repealed on July 1, 2025.

559 **SECTION 14.** Section 47-5-941, Mississippi Code of 1972, is
560 brought forward as follows:

561 47-5-941. In addition to any other authority granted by law,
562 the Department of Corrections may contract with the Wilkinson
563 County industrial development or economic development authority



564 for the private incarceration of not more than one thousand
565 (1,000) state inmates at a facility in Wilkinson County. Any such
566 contract must comply with Sections 47-5-1211 through 47-5-1227.

567 **SECTION 15.** Section 47-5-942, Mississippi Code of 1972, is
568 brought forward as follows:

569 47-5-942. (1) The Department of Corrections, in its
570 discretion, may contract with the board of supervisors of a county
571 to be determined by the department, to house not more than five
572 hundred (500) adult male maximum security state inmates in a
573 maximum security regional correctional facility constructed only
574 with local, federal or private funds.

575 (2) The Department of Corrections may contract for a period
576 of not more than twenty-five (25) years. The contract shall
577 comply with the cost-savings requirements provided in Section
578 47-5-1211. The state shall retain responsibility for medical care
579 for state offenders to the extent that is required by law.

580 **SECTION 16.** Section 47-5-943, Mississippi Code of 1972, is
581 brought forward as follows:

582 47-5-943. The Mississippi Department of Corrections may
583 contract with the Walnut Grove Correctional Authority or the
584 governing authorities of the Municipality of Walnut Grove, Leake
585 County, Mississippi, to provide for the private housing, care and
586 control of not more than one thousand five hundred (1,500)
587 offenders who are in the custody of the Department of Corrections
588 at a maximum security facility in Walnut Grove. A county or



589 circuit judge shall not order any offender to be housed in the
590 correctional facility authorized in Sections 47-5-943 through
591 47-5-953. Commitment of offenders shall not be to this facility,
592 but shall be to the jurisdiction of the department. The
593 commissioner shall assign newly sentenced offenders to an
594 appropriate facility consistent with public safety. Any facility
595 owned or leased by the Walnut Grove Correctional Authority or the
596 Municipality of Walnut Grove for this purpose shall be designed,
597 constructed, operated and maintained in accordance with American
598 Correctional Association standards, and shall comply with all
599 constitutional standards of the United States and the State of
600 Mississippi and with all court orders that may now or hereinafter
601 be applicable to the facility. The contract must comply with
602 Sections 47-5-1211 through 47-5-1227.

603 **SECTION 17.** Section 47-5-945, Mississippi Code of 1972, is
604 brought forward as follows:

605 47-5-945. The Department of Corrections shall contract for
606 the purposes set out in Section 47-5-943 for a period of not more
607 than twenty (20) years. The Department of Corrections may include
608 in the contract, as an inflation factor, a three percent (3%)
609 annual increase in the contract price. The state shall retain
610 responsibility for medical care for state offenders to the extent
611 that is required by law.

612 **SECTION 18.** Section 47-5-949, Mississippi Code of 1972, is
613 brought forward as follows:



614 47-5-949. The correctional facility authorized in Section
615 47-5-943 shall provide any juvenile offender housed in the
616 facility with continuing education throughout his incarceration
617 which leads to the presentation of a high school diploma or High
618 School Equivalency Diploma equivalent. The facility also shall
619 provide a program of vocational education, which is to be included
620 in the continuing education program for a high school diploma or
621 High School Equivalency Diploma equivalent.

622 **SECTION 19.** Section 47-5-951, Mississippi Code of 1972, is
623 brought forward as follows:

624 47-5-951. The correctional facility authorized in Section
625 47-5-943 shall provide each juvenile offender housed in the
626 facility alcohol and drug counseling and treatment throughout his
627 incarceration.

628 **SECTION 20.** Section 47-5-953, Mississippi Code of 1972, is
629 brought forward as follows:

630 47-5-953. (1) If a second public or private correctional
631 facility for juvenile offenders is constructed, then the facility
632 shall be located in Kemper County. The facility shall comply with
633 the requirements and standards established in Sections 47-5-943
634 through 47-5-951.

635 (2) If a third public or private correctional facility for
636 juveniles is constructed, a site in North Mississippi and a site
637 in South Mississippi shall be considered. If a site is chosen in
638 North Mississippi, then preference shall be given to Quitman



639 County. The facility shall comply with the requirements and
640 standards established in Sections 47-5-943 through 47-5-951.

641 **SECTION 21.** Section 47-5-1003, Mississippi Code of 1972, is
642 brought forward as follows:

643 47-5-1003. (1) An intensive supervision program may be used
644 as an alternative to incarceration for offenders who are not
645 convicted of a crime of violence pursuant to Section 97-3-2 as
646 selected by the court and for juvenile offenders as provided in
647 Section 43-21-605. Any offender convicted of a sex crime shall
648 not be placed in the program.

649 (2) The court may place the defendant on intensive
650 supervision, except when a death sentence or life imprisonment is
651 the maximum penalty which may be imposed by a court or judge.

652 (3) To protect and to ensure the safety of the state's
653 citizens, any offender who violates an order or condition of the
654 intensive supervision program may be arrested by the correctional
655 field officer and placed in the actual custody of the Department
656 of Corrections. Such offender is under the full and complete
657 jurisdiction of the department and subject to removal from the
658 program by the classification hearing officer.

659 (4) When any circuit or county court places an offender in
660 an intensive supervision program, the court shall give notice to
661 the Mississippi Department of Corrections within fifteen (15) days
662 of the court's decision to place the offender in an intensive
663 supervision program. Notice shall be delivered to the central



664 office of the Mississippi Department of Corrections and to the
665 regional office of the department which will be providing
666 supervision to the offender in an intensive supervision program.

667 The courts may not require an offender to participate in the
668 intensive supervision program during a term of probation or
669 post-release supervision.

670 (5) The Department of Corrections shall provide to the
671 Oversight Task Force all relevant data regarding the offenders
672 participating in the intensive supervision program including the
673 number of offenders admitted to the program annually, the number
674 of offenders who leave the program annually and why they leave,
675 the number of offenders who are arrested or convicted annually and
676 the circumstances of the arrest and any other information
677 requested.

678 **SECTION 22.** This act shall take effect and be in force from
679 and after July 1, 2024.

