

By: Representative Johnson

To: Corrections;
Appropriations A

HOUSE BILL NO. 224

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO CONVERT
2 THE THREE RESTITUTION CENTERS IN THE STATE TO POST-RELEASE REENTRY
3 CENTERS; TO PROVIDE THAT THE POST-RELEASE REENTRY CENTERS SHALL BE
4 FOR INDIVIDUALS WHO ARE ELIGIBLE FOR RELEASE, INCLUDING THOSE
5 ELIGIBLE FOR PAROLE AND EARLY RELEASE SUPERVISION, IF SUCH
6 INDIVIDUALS DO NOT HAVE IMMEDIATE ACCESS TO HOUSING UPON RELEASE;
7 TO REQUIRE THE DEPARTMENT TO ADMINISTER SERVICES IN THE
8 POST-RELEASE REENTRY CENTERS AS WELL AS OTHER FACILITIES THAT
9 PROVIDE POST-RELEASE REENTRY SERVICES; TO REQUIRE THE DEPARTMENT
10 TO ASSIST RESIDENTS OF THE CENTERS IN OBTAINING CERTAIN REENTRY
11 NECESSITIES SUCH AS HOUSING, JOB SKILLS TRAINING AND DRIVER'S
12 LICENSES; TO AMEND SECTIONS 45-33-35 AND 47-5-110, MISSISSIPPI
13 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO REPEAL
14 SECTION 99-37-19, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
15 DEPARTMENT OF CORRECTIONS TO OPERATE RESTITUTION CENTERS; TO
16 REPEAL SECTION 99-37-21, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
17 CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF CORRECTIONS AND THE
18 DEPARTMENT OF HUMAN SERVICES REGARDING RESTITUTION CENTERS; AND
19 FOR RELATED PURPOSES.

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

21 SECTION 1. (1) The Department of Corrections shall convert
22 the Madison County Restitution Center, Flowood Restitution Center,
23 and the Pascagoula Restitution Center to post-release reentry
24 centers.

25 (2) Any person who is eligible for release, including parole
26 and early release supervision, shall be eligible for placement in

27 a post-release reentry center. Participation in a post-release
28 reentry center is intended for those who do not have immediate
29 access to housing or other support services upon release from
30 incarceration. Residents of post-release reentry centers shall
31 remain at a center for ninety (90) days or until other housing
32 becomes available, whichever period is shorter. A person
33 otherwise eligible for release from incarceration may not be
34 detained due to their refusal to accept placement in a
35 post-release reentry center. The residence restrictions provided
36 in Section 45-33-25 shall not apply to post-release reentry
37 centers regardless of the location of the center.

38 **SECTION 2.** (1) The Department of Corrections shall
39 institute and administer services in post-release reentry centers
40 at the facilities identified under Section 1 of this act and at
41 other facilities which provide post-release reentry services.

42 (2) The Department of Corrections shall:

43 (a) Seek funding from federal or other sources to
44 provide the maximum supportive services for residents and the
45 families of residents who are participating in a post-release
46 reentry program;

47 (b) Develop programs at post-release reentry centers
48 through which residents are provided support, training, and
49 connection to services necessary to contribute to society and the
50 support of themselves and their families upon returning to local
51 communities following incarceration; and



52 (c) Develop evidence-based pilot programs in
53 furtherance of aiding personal growth and development, overcoming
54 problematic behaviors, establishing a verified residency plan, and
55 teaching skills to enhance the resident's quality of life and
56 successful reentry into the community. The programs may be
57 residential or nonresidential as appropriate.

58 (3) The Department of Corrections shall assist residents in
59 obtaining:

- 60 (a) Counseling/case management services;
- 61 (b) Housing;
- 62 (c) Employment or job skills training;
- 63 (d) State-issued driver's licenses or state-issued IDs
- 64 should a driver's license be unobtainable;
- 65 (e) Health care services;
- 66 (f) Educational services;
- 67 (g) Cognitive behavioral programs;
- 68 (h) Drug and alcohol treatment and recovery services;
- 69 and
- 70 (i) Other community support services.

71 **SECTION 3.** Section 45-33-35, Mississippi Code of 1972, is
72 amended as follows:

73 45-33-35. (1) The Mississippi Department of Public Safety
74 shall maintain a central registry of sex offender information as
75 defined in Section 45-33-25 and shall adopt rules and regulations
76 necessary to carry out this section. The responsible agencies



77 shall provide the information required in Section 45-33-25 on a
78 form developed by the department to ensure accurate information is
79 maintained.

80 (2) Upon conviction, adjudication or acquittal by reason of
81 insanity of any sex offender, if the sex offender is not
82 immediately confined or not sentenced to a term of imprisonment,
83 the clerk of the court which convicted and sentenced the sex
84 offender shall inform the person of the duty to register,
85 including the duty to personally appear at a facility designated
86 by the Department of Public Safety, or in a manner of the
87 Department of Public Safety's choosing, including by electronic
88 means, and shall perform the registration duties as described in
89 Section 45-33-23 and forward the information to the department.

90 (3) Before release from prison or placement on parole,
91 supervised release or in a work center * * *, the Department of
92 Corrections shall inform the person of the duty to register,
93 including the duty to personally appear at a facility designated
94 by the Department of Public Safety, or in a manner of the
95 Department of Public Safety's choosing, including by electronic
96 means, and shall perform the registration duties as described in
97 Section 45-33-23 and forward the information to the Department of
98 Public Safety.

99 (4) Before release from a community regional mental health
100 center or from confinement in a mental institution following an
101 acquittal by reason of insanity, the director of the facility

102 shall inform the offender of the duty to register, including the
103 duty to personally appear at a facility designated by the
104 Department of Public Safety, or in a manner of the Department of
105 Public Safety's choosing, including by electronic means, and shall
106 perform the registration duties as described in Section 45-33-23
107 and forward the information to the Department of Public Safety.

108 (5) Before release from a youthful offender facility, the
109 director of the facility shall inform the person of the duty to
110 register, including the duty to personally appear at a facility
111 designated by the Department of Public Safety, or in a manner of
112 the Department of Public Safety's choosing, including by
113 electronic means, and shall perform the registration duties as
114 described in Section 45-33-23 and forward the information to the
115 Department of Public Safety.

116 (6) In addition to performing the registration duties, the
117 responsible agency shall:

118 (a) Inform the person having a duty to register that:
119 (i) The person is required to personally appear at
120 a facility designated by the Department of Public Safety, or in a
121 manner of the Department of Public Safety's choosing, including by
122 electronic means, at least ten (10) days before changing address.

123 (ii) Any change of address to another jurisdiction
124 shall be reported to the department by personally appearing at a
125 facility designated by the Department of Public Safety, or in a
126 manner of the Department of Public Safety's choosing, including by



127 electronic means, not less than ten (10) days before the change of
128 address. The offender shall comply with any registration
129 requirement in the new jurisdiction.

130 (iii) The person must register in any jurisdiction
131 where the person is employed, carries on a vocation, is stationed
132 in the military or is a student.

133 (iv) Address verifications shall be made by
134 personally appearing at a facility designated by the Department of
135 Public Safety, or in a manner of the Department of Public Safety's
136 choosing, including by electronic means, within the required time
137 period.

138 (v) Notification or verification of a change in
139 status of a registrant's enrollment, employment or vocation at any
140 public or private educational institution, including any secondary
141 school, trade or professional institution, or institution of
142 higher education shall be reported to the department by personally
143 appearing at a facility designated by the Department of Public
144 Safety, or in a manner of the Department of Public Safety's
145 choosing, including by electronic means, within three (3) business
146 days of the change.

147 (vi) If the person has been convicted of a sex
148 offense, the person shall notify any organization for which the
149 person volunteers in which volunteers have direct, private or
150 unsupervised contact with minors that the person has been
151 convicted of a sex offense as provided in Section 45-33-32(1).

152 (vii) Upon any change of name or employment, a
153 registrant is required to personally appear at a facility
154 designated by the Department of Public Safety, or in a manner of
155 the Department of Public Safety's choosing, including by
156 electronic means, within three (3) business days of the change.

157 (viii) Upon any change of vehicle information, a
158 registrant is required to report the change on an appropriate form
159 supplied by the department within three (3) business days of the
160 change.

161 (ix) Upon any change of e-mail address or
162 addresses, instant message address or addresses or any other
163 designation used in Internet communications, postings or telephone
164 communications, a registrant is required to report the change on
165 an appropriate form supplied by the department within three (3)
166 business days of the change.

167 (x) Upon any change of information deemed to be
168 necessary to the state's policy to assist local law enforcement
169 agencies' efforts to protect their communities, a registrant is
170 required to report the change on an appropriate form supplied by
171 the department within three (3) business days of the change.

172 (b) Require the person to read and sign a form stating
173 that the duty of the person to register under this chapter has
174 been explained.

175 (c) Obtain or facilitate the obtaining of a biological
176 sample from every registrant as required by this chapter if such

177 biological sample has not already been provided to the Mississippi
178 Forensics Laboratory.

179 (d) Provide a copy of the order of conviction or
180 sentencing order to the department at the time of registration.

181 **SECTION 4.** Section 47-5-110, Mississippi Code of 1972, is
182 amended as follows:

183 47-5-110. (1) Commitment to any institution or facility
184 within the jurisdiction of the department shall be to the
185 department, not to a particular institution or facility. The
186 commissioner shall assign a newly committed offender to an
187 appropriate facility consistent with public safety; provided,
188 however, that any offender who, in the opinion of the sentencing
189 judge, requires confinement in a maximum security unit shall be
190 assigned, upon initial commitment, to the Parchman facility. The
191 commissioner may extend the place of confinement of eligible
192 offenders as provided under subsection (2) of this section. He
193 may transfer an offender from one (1) institution to another,
194 consistent with the commitment and in accordance with treatment,
195 training and security needs. The commissioner shall have the
196 authority to transfer inmates from the various correctional
197 facilities of the department to restitution centers * * *. The
198 commissioner shall prepare appropriate standards of eligibility
199 for such transfers of offenders from one (1) institution to
200 another institution and transfers of offenders who meet the
201 qualifications for placement in restitution centers. The



202 commissioner shall have the authority to remove the offenders from
203 restitution centers and to transfer them to other facilities of
204 the department. The commissioner shall obtain the approval of the
205 sentencing court before transferring an offender committed to the
206 department to a restitution center. On the request of the chief
207 executive officer of the affected unit of local government, the
208 commissioner may transfer a person detained in a local facility to
209 a state facility. The commissioner shall determine the cost of
210 care for that person to be borne by the unit of local government.
211 The commissioner may assign to a community work center, any
212 offender who is convicted under the Mississippi Implied Consent
213 Law and who is sentenced to the custody of the Department of
214 Corrections, except that if a death or a serious maiming has
215 occurred during the commission of the violation of the Mississippi
216 Implied Consent Law, then the offender so convicted may not be
217 assigned to a community work center.

218 (2) The department may establish by rule or policy and
219 procedure a community prerelease program which shall be subject to
220 the following requirements:

221 (a) The commissioner may extend the limits of
222 confinement of offenders serving sentences for violent or
223 nonviolent crimes who have six (6) months or less remaining before
224 release on parole, conditional release or discharge to participate
225 in the program. Parole violators may be allowed to participate in
226 the program.



227 (b) Any offender who is referred to the program shall
228 remain an offender of the department and shall be subject to rules
229 and regulations of the department pertaining to offenders of the
230 department until discharged or released on parole or conditional
231 release by the State Parole Board.

232 (c) The department shall require the offender to
233 participate in work or educational or vocational programs and
234 other activities that may be necessary for the supervision and
235 treatment of the offender.

236 (d) An offender assigned to the program shall be
237 authorized to leave a community prerelease center only for the
238 purpose and time necessary to participate in the program and
239 activities authorized in paragraph (c) of this subsection.

240 (3) The commissioner shall have absolute immunity from
241 liability for any injury resulting from a determination by the
242 commissioner that an offender shall be allowed to participate in
243 the community prerelease program.

244 (4) (a) The department may by rule or policy and procedure
245 provide evidence-based programs for the benefit of inmates, with
246 emphasis on those that are targeted at reducing inmate recidivism
247 and prerelease service for offenders at each of its major
248 correctional facilities: Mississippi State Penitentiary, Central
249 Mississippi Correctional Institution and South Mississippi
250 Correctional Institution and other facilities where the department
251 confines state inmates.



252 (b) The commissioner may establish prerelease programs
253 at the South Mississippi Correctional Institution. The prerelease
254 program may be located on the grounds of this facility or another
255 facility designated by the commissioner.

256 (c) For purposes of this subsection, the term
257 "evidence-based programs" shall have ascribed to it the meaning in
258 Section 27-103-159.

259 **SECTION 5.** The term "restitution center" appearing in the
260 laws of this state shall mean "post-release reentry center"
261 whenever it appears in Sections 25-3-25, 45-33-27, 45-44-35,
262 47-5-10, 47-5-26, 47-5-110, 47-5-194 and 47-7-37.

263 **SECTION 6.** Section 99-37-19, Mississippi Code of 1972, which
264 authorizes the Department of Corrections to operate restitution
265 centers, is hereby repealed.

266 **SECTION 7.** Section 99-37-21, Mississippi Code of 1972, which
267 provides certain powers and duties of the Department of Human
268 Services and the Department of Corrections regarding restitution
269 centers, is hereby repealed.

270 **SECTION 8.** This act shall take effect and be in force from
271 and after July 1, 2025.

