

By: Senator(s) Barnett

To: Corrections

SENATE BILL NO. 2050

1 AN ACT TO AMEND SECTION 47-5-1015, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE DATE OF THE REPEALER ON THE INTENSIVE SUPERVISION
3 PROGRAM AND ELECTRONIC HOME DETENTION; TO AMEND SECTION 47-5-1011,
4 MISSISSIPPI CODE OF 1972, TO MAKE A SPELLING CORRECTION; TO BRING
5 FORWARD SECTIONS 47-5-1001 THROUGH 47-5-1009, SECTION 47-5-1013
6 AND SECTION 47-5-1014, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR
7 AN INTENSIVE SUPERVISION PROGRAM AND ELECTRONIC HOME DETENTION
8 UNDER THE MISSISSIPPI DEPARTMENT OF CORRECTIONS, FOR THE PURPOSE
9 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-5-1015, Mississippi Code of 1972, is
12 amended as follows:

13 47-5-1015. Sections 47-5-1001 through 47-5-1015 shall stand
14 repealed after June 30, * * * 2029.

15 **SECTION 2.** Section 47-5-1011, Mississippi Code of 1972, is
16 amended as follows:

17 47-5-1011. (1) Before entering an order for commitment for
18 electronic house arrest, the department shall inform the
19 participant and other persons residing in the home of the nature
20 and extent of the approved electronic monitoring devices by doing
21 the following:



22 (a) Securing the written consent of the participant in
23 the program to comply with the rules and regulations of the
24 program.

25 (b) Advising adult persons residing in the home of the
26 participant at the time an order or commitment for electronic
27 house arrest is entered and asking such persons to acknowledge the
28 nature and extent of approved electronic monitoring devices.

29 (c) * * * Ensuring that the approved electronic devices
30 are minimally intrusive upon the privacy of other persons residing
31 in the home while remaining in compliance with Sections 47-5-1001
32 through 47-5-1015.

33 (2) The participant shall be responsible for the cost of
34 equipment and any damage to such equipment. Any intentional
35 damage, any attempt to defeat monitoring, any committing of a
36 criminal offense or any associating with felons or known
37 criminals, shall constitute a violation of the program.

38 (3) Any person whose residence is utilized in the program
39 shall agree to keep the home drug and alcohol free and to exclude
40 known felons and criminals in order to provide a noncriminal
41 environment.

42 **SECTION 3.** Section 47-5-1001, Mississippi Code of 1972, is
43 brought forward as follows:

44 47-5-1001. For purposes of Sections 47-5-1001 through
45 47-5-1015, the following words shall have the meaning ascribed
46 herein unless the context shall otherwise require:



(a) "Approved electronic monitoring device" means a device approved by the department which is primarily intended to record and transmit information regarding the offender's presence or nonpresence in the home.

(b) "Correctional field officer" means the supervising probation and parole officer in charge of supervising the offender.

(c) "Court" means a circuit court having jurisdiction to place an offender into the intensive supervision program.

(d) "Department" means the Department of Corrections.

(e) "House arrest" means the confinement of a person convicted or charged with a crime to his place of residence under the terms and conditions established by the department or court.

(f) "Operating capacity" means the total number of state offenders which can be safely and reasonably housed in facilities operated by the department and in local or county jails or other facilities authorized to house state offenders as certified by the department, subject to applicable federal and state laws and rules and regulations.

(g) "Participant" means an offender placed into an intensive supervision program.

SECTION 4. Section 47-5-1003, Mississippi Code of 1972, is brought forward as follows:

47-5-1003. (1) An intensive supervision program may be used as an alternative to incarceration for offenders who are not



72 convicted of a crime of violence pursuant to Section 97-3-2 as
73 selected by the court and for juvenile offenders as provided in
74 Section 43-21-605. Any offender convicted of a sex crime shall
75 not be placed in the program.

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

79 (3) To protect and to ensure the safety of the state's
80 citizens, any offender who violates an order or condition of the
81 intensive supervision program may be arrested by the correctional
82 field officer and placed in the actual custody of the Department
83 of Corrections. Such offender is under the full and complete
84 jurisdiction of the department and subject to removal from the
85 program by the classification hearing officer.

86 (4) When any circuit or county court places an offender in
87 an intensive supervision program, the court shall give notice to
88 the Mississippi Department of Corrections within fifteen (15) days
89 of the court's decision to place the offender in an intensive
90 supervision program. Notice shall be delivered to the central
91 office of the Mississippi Department of Corrections and to the
92 regional office of the department which will be providing
93 supervision to the offender in an intensive supervision program.

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



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

SECTION 5. Section 47-5-1005, Mississippi Code of 1972, is brought forward as follows:

47-5-1005. (1) The department shall promulgate rules that prescribe reasonable guidelines under which an intensive supervision program shall operate. These rules shall include, but not be limited to, the following:

(a) The participant shall remain within the interior premises or within the property boundaries of his or her residence at all times during the hours designated by the correctional field officer.

(b) Approved absences from the home may include, but are not limited to, the following:

(i) Working or employment approved by the court or department and traveling to or from approved employment;

(ii) Unemployed and seeking employment approved for the participant by the court or department;



(iii) Undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved for the participant by the court or department;

(iv) Attending an educational institution or a program approved for the participant by the court or department;

(v) Participating in community work release or a community service program approved for the participant by the court or department; or

(vi) For another compelling reason consistent with the public interest, as approved by the court or department.

(c) Except in case of a medical emergency and approval by the Commissioner of the Department of Corrections, or his designee, or by circuit court order for medical purposes, no participant in the intensive supervision program may leave the jurisdiction of the State of Mississippi.

(2) The department shall select and approve all electronic monitoring devices used under Sections 47-5-1001 through 47-5-1015.

(3) The department may lease the equipment necessary to implement the intensive supervision program and to contract for the monitoring of such devices. The department is authorized to select the lowest price and best source in contracting for these services.

SECTION 6. Section 47-5-1007, Mississippi Code of 1972, is brought forward as follows:



146 47-5-1007. (1) Any participant in the intensive supervision
147 program who engages in employment shall pay a monthly fee to the
148 department for each month such person is enrolled in the program.
149 The department may waive the monthly fee if the offender is a
150 full-time student or is engaged in vocational training. Juvenile
151 offenders shall pay a monthly fee of not less than Ten Dollars
152 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a
153 sliding scale using the standard of need for each family that is
154 used to calculate TANF benefits. Money received by the department
155 from participants in the program shall be deposited into a special
156 fund which is hereby created in the State Treasury. It shall be
157 used, upon appropriation by the Legislature, for the purpose of
158 helping to defray the costs involved in administering and
159 supervising such program. Unexpended amounts remaining in such
160 special fund at the end of a fiscal year shall not lapse into the
161 State General Fund, and any interest earned on amounts in such
162 special fund shall be deposited to the credit of the special fund.

163 (2) The participant shall admit any correctional officer
164 into his residence at any time for purposes of verifying the
165 participant's compliance with the conditions of his detention.

166 (3) The participant shall make the necessary arrangements to
167 allow for correctional officers to visit the participant's place
168 of education or employment at any time, based upon the approval of
169 the educational institution or employer, for the purpose of



verifying the participant's compliance with the conditions of his detention.

(4) The participant shall acknowledge and participate with the approved electronic monitoring device as designated by the department at any time for the purpose of verifying the participant's compliance with the conditions of his detention.

(5) The participant shall be responsible for and shall maintain the following:

(a) A working telephone line in the participant's home;

(b) A monitoring device in the participant's home, or on the participant's person, or both; and

(c) A monitoring device in the participant's home and on the participant's person in the absence of a telephone.

(6) The participant shall obtain approval from the correctional field officer before the participant changes residence.

(7) The participant shall not commit another crime during the period of home detention ordered by the court or department.

(8) Notice shall be given to the participant that violation of the order of home detention shall subject the participant to prosecution for the crime of escape as a felony.

(9) The participant shall abide by other conditions as set by the court or the department.

SECTION 7. Section 47-5-1009, Mississippi Code of 1972, is brought forward as follows:



47-5-1009. (1) The department shall have absolute immunity from liability for any injury resulting from a determination by a judge or correctional officer that an offender shall be allowed to participate in the electronic home detention program.

(2) The Department of Audit shall annually audit the records of the department to ensure compliance with Sections 47-5-1001 through 47-5-1015.

SECTION 8. Section 47-5-1013, Mississippi Code of 1972, is brought forward as follows:

47-5-1013. Participants enrolled in an intensive supervision program shall be required to:

(a) Maintain employment if physically able, or full-time student status at an approved school or vocational trade, and make progress deemed satisfactory to the correctional field officer, or both, or be involved in supervised job searches.

(b) Pay restitution and program fees as directed by the department. Program fees shall not be less than Eighty-eight Dollars (\$88.00) per month. The sentencing judge may charge a program fee of less than Eighty-eight Dollars (\$88.00) per month in cases of extreme financial hardship, when such judge determines that the offender's participation in the program would provide a benefit to his community. Juvenile offenders shall not pay a program fee but shall pay a monthly fee as provided in Section 47-5-1007. Program fees shall be deposited in the special fund created in Section 47-5-1007.



220 (c) Establish a place of residence at a place approved
221 by the correctional field officer, and not change his residence
222 without the officer's approval. The correctional officer shall be
223 allowed to inspect the place of residence for alcoholic beverages,
224 controlled substances and drug paraphernalia.

225 (d) Remain at his place of residence at all times
226 except to go to work, to attend school, to perform community
227 service and as specifically allowed in each instance by the
228 correctional field officer.

229 (e) Allow administration of drug and alcohol tests as
230 requested by the field officer.

231 (f) Perform not less than ten (10) hours of community
232 service each month.

233 (g) Meet any other conditions imposed by the court to
234 meet the needs of the offender and limit the risks to the
235 community.

236 **SECTION 9.** Section 47-5-1014, Mississippi Code of 1972, is
237 brought forward as follows:

238 47-5-1014. (1) Participants who have been in the intensive
239 supervision program since July 1, 2004, whether placed into the
240 program before or after July 1, 2004, shall pay a Fifty Dollar
241 (\$50.00) monthly supervision fee to the Mississippi Department of
242 Corrections for their supervision from July 1, 2004, or from the
243 date the participant entered the program after July 1, 2004, until
244 completion of the program, or April 6, 2005, or whichever occurs



245 first. From and after April 6, 2005, all participants of the
246 intensive supervision program shall pay the fee as established in
247 Section 47-5-1013.

248 (2) The Department of Corrections shall use its best effort
249 to collect the monthly supervision fees in arrearage under this
250 section.

251 (3) A participant's failure to pay the monthly fees in
252 arrearage shall not be deemed a violation of a condition of the
253 program, and the participant shall not be removed from the program
254 for failure to pay the monthly fees in arrearage.

255 (4) This section shall not apply to any fees incurred after
256 April 6, 2005.

257 (5) Any arrearage remaining under this section at the end of
258 the offender's participation in the program shall automatically be
259 reduced to a civil judgment and upon notice by the Department of
260 Corrections shall be recorded with the circuit court clerk in the
261 county wherein the participant resides. The Department of
262 Corrections and/or the district attorney shall use best efforts to
263 collect the judgment.

264 **SECTION 10.** This act shall take effect and be in force from
265 and after June 30, 2025.

