

By: Senator(s) Hill, Tate, England

To: Corrections

SENATE BILL NO. 2238

1 AN ACT TO AMEND SECTION 47-7-2, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE DEFINITION OF "TECHNICAL VIOLATION" WITHIN PROBATION
3 AND PAROLE LAW TO PROVIDE THAT A TECHNICAL VIOLATION SHALL NOT
4 INCLUDE THE COMMISSION OF A NEW CRIMINAL OFFENSE BY A PROBATIONER;
5 TO AMEND SECTION 47-7-38, MISSISSIPPI CODE OF 1972, TO CONFORM;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 47-7-2, Mississippi Code of 1972, is
9 amended as follows:

10 47-7-2. For purposes of this chapter, the following words
11 shall have the meaning ascribed herein unless the context shall
12 otherwise require:

13 (a) "Adult" means a person who is seventeen (17) years
14 of age or older, or any person convicted of any crime not subject
15 to the provisions of the youth court law, or any person
16 "certified" to be tried as an adult by any youth court in the
17 state.

18 (b) "Board" means the State Parole Board.

19 (c) "Parole case plan" means an individualized, written
20 accountability and behavior change strategy developed by the



21 department in collaboration with the parole board to prepare
22 offenders for release on parole at the parole eligibility date.
23 The case plan shall focus on the offender's criminal risk factors
24 that, if addressed, reduce the likelihood of reoffending.

25 (d) "Commissioner" means the Commissioner of
26 Corrections.

27 (e) "Correctional system" means the facilities,
28 institutions, programs and personnel of the department utilized
29 for adult offenders who are committed to the custody of the
30 department.

31 (f) "Criminal risk factors" means characteristics that
32 increase a person's likelihood of reoffending. These
33 characteristics include: antisocial behavior; antisocial
34 personality; criminal thinking; criminal associates; dysfunctional
35 family; low levels of employment or education; poor use of leisure
36 and recreation; and substance abuse.

37 (g) "Department" means the Mississippi Department of
38 Corrections.

39 (h) "Detention" means the temporary care of juveniles
40 and adults who require secure custody for their own or the
41 community's protection in a physically restricting facility prior
42 to adjudication, or retention in a physically restricting facility
43 upon being taken into custody after an alleged parole or probation
44 violation.



(i) "Discharge plan" means an individualized written document that provides information to support the offender in meeting the basic needs identified in the pre-release assessment. This information shall include, but is not limited to: contact names, phone numbers, and addresses of referrals and resources.

(j) "Evidence-based practices" means supervision policies, procedures, and practices that scientific research demonstrates reduce recidivism.

(k) "Facility" or "institution" means any facility for the custody, care, treatment and study of offenders which is under the supervision and control of the department.

(l) "Juvenile," "minor" or "youthful" means a person less than seventeen (17) years of age.

(m) "Offender" means any person convicted of a crime or offense under the laws and ordinances of the state and its political subdivisions.

(n) "Pre-release assessment" means a determination of an offender's ability to attend to basic needs, including, but not limited to, transportation, clothing and food, financial resources, personal identification documents, housing, employment, education, and health care, following release.

(o) "Special meetings" means those meetings called by the chairman with at least twenty-four (24) hours' notice or a unanimous waiver of notice.



69 (p) "Supervision plan" means a plan developed by the
70 community corrections department to manage offenders on probation
71 and parole in a way that reduces the likelihood they will commit a
72 new criminal offense or violate the terms of supervision and that
73 increases the likelihood of obtaining stable housing, employment
74 and skills necessary to sustain positive conduct.

75 (q) "Technical violation" means an act or omission by
76 the probationer that violates a condition or conditions of
77 probation placed on the probationer by the court or the probation
78 officer. "Technical violation" does not include the commission of
79 a new criminal offense by the probationer.

80 (r) "Transitional reentry center" means a
81 state-operated or state-contracted facility used to house
82 offenders leaving the physical custody of the Department of
83 Corrections on parole, probation or post-release supervision who
84 are in need of temporary housing and services that reduce their
85 risk to reoffend.

86 (s) "Unit of local government" means a county, city,
87 town, village or other general purpose political subdivision of
88 the state.

89 (t) "Risk and needs assessment" means the determination
90 of a person's risk to reoffend using an actuarial assessment tool
91 validated on Mississippi corrections populations and the needs
92 that, when addressed, reduce the risk to reoffend.



93 **SECTION 2.** Section 47-7-38, Mississippi Code of 1972, is
94 amended as follows:

95 47-7-38. (1) The department shall have the authority to
96 impose graduated sanctions as an alternative to judicial
97 modification or revocation, as provided in Sections 47-7-27 and
98 47-7-37, for offenders on probation, parole, or post-release
99 supervision who commit technical violations of the conditions of
100 supervision as defined by Section 47-7-2.

101 (2) The commissioner shall develop a standardized graduated
102 sanctions system, which shall include a grid to guide field
103 officers in determining the suitable response to a technical
104 violation. The commissioner shall promulgate rules and
105 regulations for the development and application of the system of
106 sanctions. Field officers shall be required to conform to the
107 sanction grid developed.

108 (3) The system of sanctions shall include a list of
109 sanctions for the most common types of violations. When
110 determining the sanction to impose, the field officer shall take
111 into account the offender's assessed risk level, previous
112 violations and sanctions, and severity of the current and prior
113 violations.

114 (4) Field officers shall notify the sentencing court when a
115 probationer has committed a technical violation or the parole
116 board when a parolee has committed a technical violation of the
117 type of violation and the sanction imposed. * * *



(5) The graduated sanctions that the department may impose include, but shall not be limited to:

(a) Verbal warnings;

(b) Increased reporting;

(c) Increased drug and alcohol testing;

(d) Mandatory substance abuse treatment;

(e) Loss of earned-discharge credits; and

(f) Incarceration in a county jail for no more than two (2) days. Incarceration as a sanction shall not be used more than two (2) times per month for a total period incarcerated of no more than four (4) days.

(6) The system shall also define positive reinforcements that offenders will receive for compliance with conditions of supervision. These positive reinforcements shall include, but not limited to:

(a) Verbal recognition;

(b) Reduced reporting; and

(c) Credits for earned discharge which shall be awarded pursuant to Section 47-7-40.

(7) The Department of Corrections shall provide semiannually to the Oversight Task Force the number and percentage of offenders who have one or more violations during the year, the average number of violations per offender during the year and the total and average number of incarceration sanctions as defined in subsection (5) of this section imposed during the year.



143 **SECTION 3.** This act shall take effect and be in force from
144 and after July 1, 2025.

