

By: Senator(s) Simmons (12th)

To: Corrections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2363

1 AN ACT TO END THE USE OF RESTITUTION CENTERS AND CONVERT
2 RESTITUTION CENTERS TO PRERELEASE REENTRY CENTERS; TO BRING
3 FORWARD SECTION 25-3-25, MISSISSIPPI CODE OF 1972, WHICH THE
4 DUTIES AND COMPENSATION FOR SHERIFFS, FOR THE PURPOSE OF POSSIBLE
5 AMENDMENT; TO BRING FORWARD SECTION 45-33-27, MISSISSIPPI CODE OF
6 1972, WHICH PROVIDES THE TIME FRAME FOR REGISTRATION OF OFFENDERS,
7 FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
8 45-33-35, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A CENTRAL
9 REGISTRY OF OFFENDERS, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO
10 BRING FORWARD SECTION 47-5-10, MISSISSIPPI CODE OF 1972, WHICH
11 OUTLINES DEPARTMENT FUNCTIONS, FOR THE PURPOSE OF POSSIBLE
12 AMENDMENT; TO BRING FORWARD SECTION 47-5-26, MISSISSIPPI CODE OF
13 1972, WHICH OUTLINES SUBORDINATE PERSONNEL, FOR THE PURPOSE OF
14 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-5-110, MISSISSIPPI
15 CODE OF 1972, WHICH ASSIGNS THE PRERELEASE PROGRAM, FOR THE
16 PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-5-194,
17 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE CASHLESS SYSTEM
18 AND PROHIBITS FINANCIAL ITEMS, FOR THE PURPOSE OF POSSIBLE
19 AMENDMENT; TO BRING FORWARD SECTION 47-5-1207, MISSISSIPPI CODE OF
20 1972, WHICH PROVIDES FOR THE CONSTRUCTION OF ADDITIONAL PUBLIC OR
21 PRIVATE CORRECTIONAL FACILITIES, FOR THE PURPOSE OF POSSIBLE
22 AMENDMENT; TO BRING FORWARD SECTION 47-7-37, MISSISSIPPI CODE OF
23 1972, WHICH PROVIDES FOR PROBATION VIOLATIONS AND PROCEDURES FOR
24 BAIL, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO REPEAL SECTION
25 99-37-19, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE
26 ESTABLISHMENT OF RESTITUTION CENTERS; TO REPEAL SECTION 99-37-21,
27 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE COOPERATION OF THE
28 DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF CORRECTIONS AT
29 RESTITUTION CENTERS; AND FOR RELATED PURPOSES.

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

31 **SECTION 1.** (1) The Department of Corrections is directed to
32 convert the Greenwood Restitution Center, Flowood Restitution
33 Center, Hinds County Restitution Center, and Pascagoula
34 Restitution Center to operate as prerelease reentry centers.

35 (2) The department may place any inmate in a prerelease
36 reentry center if:

37 (a) The inmate is within one (1) year of his or her
38 earliest release date; and

39 (b) The inmate is approved for placement at the reentry
40 center by the classification hearing officer and the Commissioner
41 of the Department of Corrections or the commissioner's designee.

42 **SECTION 2.** (1) The Department of Corrections shall
43 institute and administer services in prerelease reentry centers at
44 the facilities listed in Section 1 of this act and at other
45 facilities that provide prerelease reentry services.

46 (2) The Department of Corrections must:

47 (a) Seek funding from federal or other sources to
48 provide the maximum supportive services for offenders and the
49 families of offenders who are participating in a prerelease
50 reentry program;

51 (b) Develop programs at prerelease reentry centers
52 through which offenders may be afforded support, training, and
53 connection to services necessary for them to contribute to society
54 and the support of themselves and their families upon release from
55 incarceration; and



56 (c) Develop pilot programs in furtherance of aiding
57 personal growth and development, overcoming problematic behaviors,
58 establishing a verified residency plan, and teaching skills to
59 enhance the offender's quality of life and successful reentry into
60 the community.

61 (3) The Department of Corrections must assist offenders in
62 prerelease reentry centers in obtaining prior to release:

63 (a) Counseling and case management services;

64 (b) Housing;

65 (c) Employment or job skills training;

66 (d) State-issued driver's licenses or a state-issued

67 identification card should a driver's license be unobtainable;

68 (e) Health care services;

69 (f) Educational services;

70 (g) Cognitive behavioral programs;

71 (h) Drug and alcohol treatment and recover

72 (i) Other community support serv

73 (j) Leave and passes as allowed.

SECTION 3. Section 25

75 brought forward as follows:

76 25-3-25. (1) Except as otherwise provided in subsections

77 (2) through (3) of this section, the salaries of sheriffs

18 various c



80 The annual salary for each sheriff shall be based upon the
81 total population of his county according to the latest federal
82 decennial census in the following categories and for the following
83 amounts; however, no sheriff shall be paid less than the salary
84 authorized under this section to be paid the sheriff based upon
85 the population of the county according to the most recent federal
86 decennial census:

87 (a) For counties with a total population of more than
88 one hundred thousand (100,000), a salary of One Hundred Four
89 Thousand Dollars (\$104,000.00).

90 (b) For counties with a total population of more than
91 forty-four thousand (44,000) and not more than one hundred
92 thousand (100,000), a salary of Ninety-five Thousand Dollars
93 (\$95,000.00).

94 (c) For counties with a total population of more than
95 thirty thousand (30,000) and not more than forty-four thousand
96 (44,000), a salary of Ninety Thousand Dollars (\$90,000.00).

97 (d) For counties with a total population of more than
98 twelve thousand five hundred (12,500) and not more than thirty
99 thousand (30,000), a salary of Eighty-five Thousand Dollars
100 (\$85,000.00).

101 (e) For counties with a total population of not more
102 than twelve thousand five hundred (12,500), a salary of Eighty
103 Thousand Dollars (\$80,000.00).

104 (2) In addition to the salary provided in subsection (1) of
105 this section, the board of supervisors of any county, in its
106 discretion, may pay an annual supplement to the sheriff of the
107 county in an amount not to exceed Thirty-five Thousand Dollars
108 (\$35,000.00). The amount of the supplement shall be spread on the
109 minutes of the board.

110 (3) In addition to the salary provided in subsection (1) of
111 this section and any supplements authorized in subsection (2) of
112 this section, a sheriff may receive the premium pay provided for
113 in Section 45-2-41 as part of the sheriff's compensation.

114 (4) (a) The salaries provided in this section shall be
115 payable monthly on the first day of each calendar month by
116 chancery clerk's warrant drawn on the general fund of the county;
117 however, the board of supervisors, by resolution duly adopted and
118 entered on its minutes, may provide that such salaries shall be
119 paid semimonthly on the first and fifteenth day of each month. If
120 a pay date falls on a weekend or legal holiday, salary payments
121 shall be made on the workday immediately preceding the weekend or
122 legal holiday.

123 (b) At least Ten Dollars (\$10.00) from each fee
124 collected and deposited into the county's general fund under the
125 provisions of * * * Section 25-7-19(1)(a), (c) and (g) shall be
126 used for the sheriffs' salaries authorized in Section 25-3-25; as
127 such ten-dollar * * * amount was authorized * * * in Chapter 331,



128 Laws of 2007, for the purpose of providing additional monies to
129 the counties for sheriffs' salaries.

130 (5) (a) All sheriffs, each year, shall attend twenty (20)
131 hours of continuing education courses in law enforcement. Such
132 courses shall be approved by the Mississippi Board on Law
133 Enforcement Officer Standards and Training. Such education
134 courses may be provided by an accredited law enforcement academy
135 or by the Mississippi Sheriffs' Association.

136 (b) The Mississippi Board on Law Enforcement Officer
137 Standards and Training shall reimburse each county for the
138 expenses incurred by sheriffs and deputy sheriffs for attendance
139 at any approved training programs as required by this subsection.

140 (6) Notwithstanding any provision of this section to the
141 contrary, no sheriff shall receive for his services an annual
142 salary less than the salary paid to that sheriff on July 1, 2024.

143 **SECTION 4.** Section 45-33-27, Mississippi Code of 1972, is
144 brought forward as follows:

145 45-33-27. (1) A person required to register on the basis of
146 a conviction, adjudication of delinquency or acquittal by reason
147 of insanity entered shall register with the responsible agency
148 within three (3) business days of the date of judgment unless the
149 person is immediately confined or committed, in which case the
150 person shall register before release in accordance with the
151 procedures established by the department. The responsible agency
152 shall immediately forward the registration information to the



153 Department of Public Safety. The person is also required to
154 personally appear at a facility designated by the Department of
155 Public Safety, or in a manner of the Department of Public Safety's
156 choosing, including by electronic means, within three (3) days of
157 registration with the responsible agency and to obtain a sex
158 offender registration card.

159 (2) If a person who is required to register under this
160 section is released from prison or placed on parole or supervised
161 release or in a restitution center or community work center, the
162 Department of Corrections shall perform the registration duties
163 before placement in a center or before release and immediately
164 forward the registration information to the Department of Public
165 Safety. The person is also required to personally appear at a
166 facility designated by the Department of Public Safety, or in a
167 manner of the Department of Public Safety's choosing, including by
168 electronic means, within three (3) days of release or placement in
169 a restitution center or community work center.

170 (3) If a person required to register under this section is
171 placed on probation, the court, at the time of entering the order,
172 shall register the person and immediately forward the registration
173 information to the Department of Public Safety. The person is
174 also required to personally appear at a facility designated by the
175 Department of Public Safety, or in a manner of the Department of
176 Public Safety's choosing, including by electronic means, within
177 three (3) days of the entry of the order.



178 (4) Any person required to register who is neither
179 incarcerated, detained nor committed at the time the requirement
180 to register attaches shall present himself to the county sheriff
181 to register within three (3) business days, and shall personally
182 appear at a facility designated by the Department of Public
183 Safety, or in a manner of the Department of Public Safety's
184 choosing, including by electronic means, within three (3) days of
185 the time the requirement to register attaches.

186 (5) An offender moving to or returning to this state from
187 another jurisdiction shall notify the Department of Public Safety
188 ten (10) days before the person first resides in or returns to
189 this state and shall present himself to the sheriff of the county
190 of his residence within three (3) business days after first
191 residing in or returning to a county of this state to provide the
192 required registration information. The person is also required to
193 register by personally appearing at a facility designated by the
194 Department of Public Safety, or in a manner of the Department of
195 Public Safety's choosing, including by electronic means, within
196 three (3) days after first residing in or moving to a county of
197 this state. If the offender fails to appear for registration as
198 required in this state, the department shall notify the other
199 jurisdiction of the failure to register.

200 (6) A person, other than a person confined in a correctional
201 or juvenile detention facility or involuntarily committed on the
202 basis of mental illness, who is required to register on the basis



203 of a sex offense for which a conviction, adjudication of
204 delinquency or acquittal by reason of insanity was entered shall
205 register with the sheriff of the county in which he resides no
206 later than August 15, 2000, or within three (3) business days of
207 first residing in or returning to a county of this state.

208 (7) Every person required to register shall show proof of
209 domicile. The commissioner shall promulgate any rules and
210 regulations necessary to enforce this requirement and shall
211 prescribe the means by which such person may show domicile.

212 (8) Any driver's license photograph, I.D. photograph, sex
213 offender photograph, fingerprint, driver's license application
214 and/or anything submitted to the Department of Public Safety by a
215 known convicted sex offender, registered or not registered, can be
216 used by the Department of Public Safety or any other authorized
217 law enforcement agency for any means necessary in registration,
218 identification, investigation regarding their tracking or
219 identification.

220 (9) The department will assist local law enforcement
221 agencies in the effort to conduct address and other verifications
222 of registered sex offenders and will assist in the location and
223 apprehension of noncompliant sex offenders.

224 **SECTION 5.** Section 45-33-35, Mississippi Code of 1972, is
225 brought forward as follows:

226 45-33-35. (1) The Mississippi Department of Public Safety
227 shall maintain a central registry of sex offender information as

228 defined in Section 45-33-25 and shall adopt rules and regulations
229 necessary to carry out this section. The responsible agencies
230 shall provide the information required in Section 45-33-25 on a
231 form developed by the department to ensure accurate information is
232 maintained.

233 (2) Upon conviction, adjudication or acquittal by reason of
234 insanity of any sex offender, if the sex offender is not
235 immediately confined or not sentenced to a term of imprisonment,
236 the clerk of the court which convicted and sentenced the sex
237 offender shall inform the person of the duty to register,
238 including the duty to personally appear at a facility designated
239 by the Department of Public Safety, or in a manner of the
240 Department of Public Safety's choosing, including by electronic
241 means, and shall perform the registration duties as described in
242 Section 45-33-23 and forward the information to the department.

243 (3) Before release from prison or placement on parole,
244 supervised release or in a work center or restitution center, the
245 Department of Corrections shall inform the person of the duty to
246 register, including the duty to personally appear at a facility
247 designated by the Department of Public Safety, or in a manner of
248 the Department of Public Safety's choosing, including by
249 electronic means, and shall perform the registration duties as
250 described in Section 45-33-23 and forward the information to the
251 Department of Public Safety.

252 (4) Before release from a community regional mental health
253 center or from confinement in a mental institution following an
254 acquittal by reason of insanity, the director of the facility
255 shall inform the offender of the duty to register, including the
256 duty to personally appear at a facility designated by the
257 Department of Public Safety, or in a manner of the Department of
258 Public Safety's choosing, including by electronic means, and shall
259 perform the registration duties as described in Section 45-33-23
260 and forward the information to the Department of Public Safety.

261 (5) Before release from a youthful offender facility, the
262 director of the facility shall inform the person of the duty to
263 register, including the duty to personally appear at a facility
264 designated by the Department of Public Safety, or in a manner of
265 the Department of Public Safety's choosing, including by
266 electronic means, and shall perform the registration duties as
267 described in Section 45-33-23 and forward the information to the
268 Department of Public Safety.

269 (6) In addition to performing the registration duties, the
270 responsible agency shall:

271 (a) Inform the person having a duty to register that:

272 (i) The person is required to personally appear at
273 a facility designated by the Department of Public Safety, or in a
274 manner of the Department of Public Safety's choosing, including by
275 electronic means, at least ten (10) days before changing address.



276 (ii) Any change of address to another jurisdiction
277 shall be reported to the department by personally appearing at a
278 facility designated by the Department of Public Safety, or in a
279 manner of the Department of Public Safety's choosing, including by
280 electronic means, not less than ten (10) days before the change of
281 address. The offender shall comply with any registration
282 requirement in the new jurisdiction.

286 (iv) Address verifications shall be made by
287 personally appearing at a facility designated by the Department of
288 Public Safety, or in a manner of the Department of Public Safety's
289 choosing, including by electronic means, within the required time
290 period.

291 (v) Notification or verification of a change in
292 status of a registrant's enrollment, employment or vocation at any
293 public or private educational institution, including any secondary
294 school, trade or professional institution, or institution of
295 higher education shall be reported to the department by personally
296 appearing at a facility designated by the Department of Public
297 Safety, or in a manner of the Department of Public Safety's
298 choosing, including by electronic means, within three (3) business
299 days of the change.



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

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

310 (viii) Upon any change of vehicle information, a
311 registrant is required to report the change on an appropriate form
312 supplied by the department within three (3) business days of the
313 change.

314 (ix) Upon any change of e-mail address or
315 addresses, instant message address or addresses or any other
316 designation used in Internet communications, postings or telephone
317 communications, a registrant is required to report the change on
318 an appropriate form supplied by the department within three (3)
319 business days of the change.

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



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

328 (c) Obtain or facilitate the obtaining of a biological
329 sample from every registrant as required by this chapter if such
330 biological sample has not already been provided to the Mississippi
331 Forensics Laboratory.

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

334 **SECTION 6.** Section 47-5-10, Mississippi Code of 1972, is
335 brought forward as follows:

336 47-5-10. (1) The department shall have the following powers
337 and duties:

341 (b) To provide for the care, custody, study, training,
342 supervision and treatment of adult offenders committed to the
343 department:

344 (c) To maintain, administer and exercise executive and
345 administrative supervision over all state correctional
346 institutions and facilities used for the custody, training, care,
347 treatment and after-care supervision of adult offenders committed
348 to the department; provided, however, that such supervision shall
349 not extend to any institution or facility for which executive and



350 administrative supervision has been provided by law through
351 another agency;

352 (d) To plan, develop and coordinate a statewide,
353 comprehensive correctional program designed to train and
354 rehabilitate offenders in order to prevent, control and retard
355 recidivism;

356 (e) To maintain records of persons committed to it, and
357 to establish programs of research, statistics and planning:

358 (i) An offender's records shall include a single
359 cover sheet that contains the following information about the
360 offender: name, including any aliases; department inmate number;
361 social security number; photograph; court of conviction; cause
362 number; date of conviction; date of sentence; total number of days
363 in the department's custody or number of days creditable toward
364 time served on each charge; date of actual custody; and date of
365 any revocation of a suspended sentence;

366 (ii) The department shall maintain an offender's
367 cover sheet in the course of its regularly conducted business
368 activities and shall include an offender's cover sheet in each
369 request from a court, prosecutor or law enforcement agency for a
370 summary of an offender's records with the department, also known
371 as a "pen-pack." The cover sheet shall conform to Rules 803(6)
372 and 803(8) of the Mississippi Rules of Evidence for admission as
373 an exception to the hearsay rule and may be admissible when
374 properly authenticated according to evidentiary rules and when



375 offered for the purpose of enhanced sentencing under Section
376 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and
377 (iii) This subsection is not intended to conflict
378 with an offender's right of confrontation in criminal proceedings
379 under the state or federal constitution;

380 (f) To investigate the grievances of any person
381 committed to the department, and to inquire into any alleged
382 misconduct by employees; and for this purpose it may issue
383 subpoenas and compel the attendance of witnesses and the
384 production of writings and papers, and may examine under oath any
385 witnesses who may appear before it;

386 (g) To administer programs of training and development
387 of personnel of the department;

388 (h) To develop and implement diversified programs and
389 facilities to promote, enhance, provide and assure the
390 opportunities for the successful custody, training and treatment
391 of adult offenders properly committed to the department or
392 confined in any facility under its control. Such programs and
393 facilities may include, but not be limited to, institutions, group
394 homes, halfway houses, diagnostic centers, work and educational
395 release centers, technical violation centers, restitution centers,
396 counseling and supervision of probation, parole, suspension and
397 compact cases, presentence investigating and other state and local
398 community-based programs and facilities;

399 (i) To receive, hold and use, as a corporate body, any
400 real, personal and mixed property donated to the department, and
401 any other corporate authority as shall be necessary for the
402 operation of any facility at present or hereafter;

403 (j) To provide those personnel, facilities, programs
404 and services the department shall find necessary in the operation
405 of a modern correctional system for the custody, care, study and
406 treatment of adult offenders placed under its jurisdiction by the
407 courts and other agencies in accordance with law;

408 (k) To develop the capacity and administrative network
409 necessary to deliver advisory consultation and technical
410 assistance to units of local government for the purpose of
411 assisting them in developing model local correctional programs for
412 adult offenders;

413 (1) To cooperate with other departments and agencies
414 and with local communities for the development of standards and
415 programs for better correctional services in this state;

416 (m) To administer all monies and properties of the
417 department:

418 (n) To report annually to the Legislature and the
419 Governor on the committed persons, institutions and programs of
420 the department;

421 (o) To cooperate with the courts and with public and
422 private agencies and officials to assist in attaining the purposes
423 of this chapter and Chapter 7 of this title. The department may



424 enter into agreements and contracts with other departments of
425 federal, state or local government and with private agencies
426 concerning the discharge of its responsibilities or theirs. The
427 department shall have the authority to accept and expend or use
428 gifts, grants and subsidies from public and private sources;

429 (p) To make all rules and regulations and exercise all
430 powers and duties vested by law in the department;

431 (q) The department may require a search of all persons
432 entering the grounds and facilities at the correctional system;

433 (r) To submit, in a timely manner, to the Oversight
434 Task Force established in Section 47-5-6 any reports required by
435 law or regulation or requested by the task force; and

436 (s) To discharge any other power or duty imposed or
437 established by law.

438 (2) The department is hereby established as a Local
439 Educational Agency and an Educational Service Agency both as
440 defined in 34 CFR Section 300, to receive Title I, Part B funding
441 and other available funding and to provide educational services to
442 eligible incarcerated students. The department is authorized, if
443 necessary, to adopt policies and procedures to carry out its
444 responsibilities as a Local Educational Agency and an Educational
445 Service Agency.

446 **SECTION 7.** Section 47-5-26, Mississippi Code of 1972, is
447 brought forward as follows:

448 47-5-26. (1) The commissioner shall employ the following
449 personnel:

450 (a) A Deputy Commissioner for Administration and
451 Finance, who shall supervise and implement all fiscal policies and
452 programs within the department, supervise and implement all hiring
453 and personnel matters within the department, supervise the
454 department's personnel director, supervise and implement all
455 purchasing within the department and supervise and implement all
456 data processing activities within the department, and who shall
457 serve as the Chief Executive Officer of the Division of
458 Administration and Finance. He shall possess either:

459 (i) A master's degree from an accredited four-year
460 college or university in public or business administration,
461 accounting, economics or a directly related field, and four (4)
462 years of experience in work related to the above-described duties,
463 one (1) year of which must have included line or functional
464 supervision; or

465 (ii) A bachelor's degree from an accredited
466 four-year college or university in public or business
467 administration, accounting, economics or a directly related field,
468 and six (6) years of experience in work related to the
469 above-described duties, one (1) year of which must have included
470 line or functional supervision. Certification by the State of
471 Mississippi as a certified public accountant may be substituted
472 for one (1) year of the required experience.



(b) A Deputy Commissioner for Community Corrections, who shall initiate and administer programs, including, but not limited to, supervision of probationers, parolees and suspensioners, counseling, community-based treatment, interstate compact administration and enforcement, prevention programs, halfway houses and group homes, technical violation centers, restitution centers, presentence investigations, and work and educational releases, and shall serve as the Chief Executive Officer of the Division of Community Services. The Deputy Commissioner for Community Corrections is charged with full and complete cooperation with the State Parole Board and shall make monthly reports to the Chairman of the Parole Board in the form and type required by the chairman, in his discretion, for the proper performance of the probation and parole functions. After a plea or verdict of guilty to a felony is entered against a person and before he is sentenced, the Deputy Commissioner for Community Corrections shall procure from any available source and shall file in the presentence records any information regarding any criminal history of the person such as fingerprints, dates of arrests, complaints, civil and criminal charges, investigative reports of arresting and prosecuting agencies, reports of the National Crime Information Center, the nature and character of each offense, noting all particular circumstances thereof and any similar data about the person. The Deputy Commissioner for Community Corrections shall keep an accurate and complete duplicate record

498 of this file and shall furnish the duplicate to the department.
499 This file shall be placed in and shall constitute a part of the
500 inmate's master file. The Deputy Commissioner for Community
501 Corrections shall furnish this file to the State Parole Board when
502 the file is needed in the course of its official duties. He shall
503 possess either: (i) a master's degree in counseling, corrections
504 psychology, guidance, social work, criminal justice or some
505 related field and at least four (4) years' full-time experience in
506 such field, including at least one (1) year of supervisory
507 experience; or (ii) a bachelor's degree in a field described in
508 subparagraph (i) of this paragraph and at least six (6) years'
509 full-time work in corrections, one (1) year of which shall have
510 been at the supervisory level.

511 (c) A Deputy Commissioner for Institutions, who shall
512 administer institutions, reception and diagnostic centers,
513 prerelease centers and other facilities and programs provided
514 therein, and shall serve as the Chief Executive Officer of the
515 Division of Institutions. He shall possess either: (i) a
516 master's degree in counseling, criminal justice, psychology,
517 guidance, social work, business or some related field, and at
518 least four (4) years' full-time experience in corrections,
519 including at least one (1) year of correctional management
520 experience; or (ii) a bachelor's degree in a field described in
521 subparagraph (i) of this paragraph and at least six (6) years'



522 full-time work in corrections, four (4) years of which shall have
523 been at the correctional management level.

524 (d) A Deputy Commissioner for Programs, Education and
525 Reentry, who shall initiate and administer programs, including but
526 not limited to, education services, religious services, moral
527 rehabilitation, alcohol and drug rehabilitation, and court
528 reentry. The Deputy Commissioner for Programs, Education and
529 Reentry may coordinate with any educational institution to develop
530 a program for moral rehabilitation with an emphasis on promoting
531 effective programs for release. The Deputy Commissioner for
532 Programs, Education and Reentry shall focus on reentry programs
533 aimed at reducing recidivism. The programs shall incorporate a
534 moral component focused on providing offenders with an opportunity
535 to make positive changes while incarcerated that will enable them
536 to be productive members of society upon their release. Such
537 deputy commissioner shall possess either:

538 (i) A master's degree in counseling, corrections,
539 psychology, guidance, social work, criminal justice or some
540 related field and at least four (4) years' full-time experience in
541 such field, including at least one (1) year of supervisory
542 experience; or

543 (ii) A bachelor's degree in a field described in
544 subparagraph (i) of this paragraph and at least six (6) years
545 full-time work in corrections, one (1) year of which shall have
546 been at the supervisory level.



547 (2) The commissioner shall employ an administrative
548 assistant for parole matters who shall be selected by the State
549 Parole Board who shall be an employee of the department assigned
550 to the State Parole Board and who shall be located at the office
551 of the State Parole Board, and who shall work under the guidance,
552 supervision and direction of the board.

553 (3) The administrative assistant for parole matters shall
554 receive an annual salary to be established by the Legislature.
555 The salaries of department employees not established by the
556 Legislature shall receive an annual salary established by the
557 State Personnel Board.

558 (4) The commissioner shall employ a superintendent for the
559 Parchman facility, Central Mississippi Correctional Facility and
560 South Mississippi Correctional Institution of the Department of
561 Corrections. The Superintendent of the Mississippi State
562 Penitentiary shall reside on the grounds of the Parchman facility.
563 Each superintendent shall appoint an officer in charge when he is
564 absent.

565 Each superintendent shall develop and implement a plan for
566 the prevention and control of an inmate riot and shall file a
567 report with the Chairman of the Senate Corrections Committee and
568 the Chairman of the House Penitentiary Committee on the first day
569 of each regular session of the Legislature regarding the status of
570 the plan.



571 In order that the grievances and complaints of inmates,
572 employees and visitors at each facility may be heard in a timely
573 and orderly manner, each superintendent shall appoint or designate
574 an employee at the facility to hear grievances and complaints and
575 to report grievances and complaints to the superintendent. Each
576 superintendent shall institute procedures as are necessary to
577 provide confidentiality to those who file grievances and
578 complaints.

579 (5) For a one-year period beginning July 1, 2016, any person
580 authorized for employment under this section shall not be subject
581 to the rules, regulations and procedures of the State Personnel
582 Board, except as otherwise provided under Section 25-9-127(5).

583 **SECTION 8.** Section 47-5-110, Mississippi Code of 1972, is
584 brought forward as follows:

585 47-5-110. (1) Commitment to any institution or facility
586 within the jurisdiction of the department shall be to the
587 department, not to a particular institution or facility. The
588 commissioner shall assign a newly committed offender to an
589 appropriate facility consistent with public safety; provided,
590 however, that any offender who, in the opinion of the sentencing
591 judge, requires confinement in a maximum security unit shall be
592 assigned, upon initial commitment, to the Parchman facility. The
593 commissioner may extend the place of confinement of eligible
594 offenders as provided under subsection (2) of this section. He
595 may transfer an offender from one (1) institution to another,



596 consistent with the commitment and in accordance with treatment,
597 training and security needs. The commissioner shall have the
598 authority to transfer inmates from the various correctional
599 facilities of the department to restitution centers if such
600 inmates meet the qualifications prescribed in Section 99-37-19.
601 The commissioner shall prepare appropriate standards of
602 eligibility for such transfers of offenders from one (1)
603 institution to another institution and transfers of offenders who
604 meet the qualifications for placement in restitution centers. The
605 commissioner shall have the authority to remove the offenders from
606 restitution centers and to transfer them to other facilities of
607 the department. The commissioner shall obtain the approval of the
608 sentencing court before transferring an offender committed to the
609 department to a restitution center. On the request of the chief
610 executive officer of the affected unit of local government, the
611 commissioner may transfer a person detained in a local facility to
612 a state facility. The commissioner shall determine the cost of
613 care for that person to be borne by the unit of local government.
614 The commissioner may assign to a community work center, any
615 offender who is convicted under the Mississippi Implied Consent
616 Law and who is sentenced to the custody of the Department of
617 Corrections, except that if a death or a serious maiming has
618 occurred during the commission of the violation of the Mississippi
619 Implied Consent Law, then the offender so convicted may not be
620 assigned to a community work center.



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

624 (a) The commissioner may extend the limits of
625 confinement of offenders serving sentences for violent or
626 nonviolent crimes who have six (6) months or less remaining before
627 release on parole, conditional release or discharge to participate
628 in the program. Parole violators may be allowed to participate in
629 the program.

630 (b) Any offender who is referred to the program shall
631 remain an offender of the department and shall be subject to rules
632 and regulations of the department pertaining to offenders of the
633 department until discharged or released on parole or conditional
634 release by the State Parole Board.

635 (c) The department shall require the offender to
636 participate in work or educational or vocational programs and
637 other activities that may be necessary for the supervision and
638 treatment of the offender.

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

643 (3) The commissioner shall have absolute immunity from
644 liability for any injury resulting from a determination by the



645 commissioner that an offender shall be allowed to participate in
646 the community prerelease program.

647 (4) (a) The department may by rule or policy and procedure
648 provide evidence-based programs for the benefit of inmates, with
649 emphasis on those that are targeted at reducing inmate recidivism
650 and prerelease service for offenders at each of its major
651 correctional facilities: Mississippi State Penitentiary, Central
652 Mississippi Correctional Institution and South Mississippi
653 Correctional Institution and other facilities where the department
654 confines state inmates.

655 (b) The commissioner may establish prerelease programs
656 at the South Mississippi Correctional Institution. The prerelease
657 program may be located on the grounds of this facility or another
658 facility designated by the commissioner.

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

662 **SECTION 9.** Section 47-5-194, Mississippi Code of 1972, is
663 brought forward as follows:

664 47-5-194. (1) It is unlawful for any offender committed to
665 the department to possess:

666 (a) Coin or currency on his person or in premises
667 assigned to him or under his control;

668 (b) A money order, traveler's check, promissory note,
669 credit card, personal check or other negotiable instrument.

677 (3) A violation of subsection (1) shall be considered a
678 rules violation or a violation of the conditions of parole or
679 probation as the case may be and shall be processed in the manner
680 of similar violations.

(4) Any money possessed by an offender may be confiscated by the corrections officer who discovers the possession. The department shall establish a policy and procedure for the collection and accounting of all confiscated funds. All confiscated coin or currency shall be deposited in a special fund which is created in the State Treasury. The money in this special fund may be appropriated by the Legislature to enhance the security of the department's facilities. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, but funds may be expended only by appropriation approved by the Legislature. Any interest earned on amounts in the special fund shall be deposited to the credit of the special fund.



694 (5) The possession of coin, currency, money order,
695 traveler's check or other negotiable instrument on the grounds of
696 a facility is prohibited.

697 (6) The department shall establish a cashless system for
698 facilities no later than July 1, 1996. The department shall
699 provide lockers for visitors to place prohibited items when on
700 grounds of a facility. The department is authorized to charge
701 visitors an hourly rental fee for use of the lockers. Community
702 work centers and restitution centers are exempt unless designated
703 by the commissioner as being included in the cashless system.

704 **SECTION 10.** Section 47-5-1207, Mississippi Code of 1972, is
705 brought forward as follows:

47-5-1207. (1) The State Prison Emergency Construction and Management Board shall select a suitable site or sites for a public or private facility not to exceed one thousand (1,000) beds in any of the following counties: Lauderdale, Quitman, Perry and Sharkey.

711 (2) The State Prison Emergency Construction and Management
712 Board may contract for the construction, lease, acquisition,
713 improvement, operation and management of a private correctional
714 facility in Marshall County or Wilkinson County for the private
715 incarceration of not more than one thousand (1,000) state inmates
716 at the facility.

717 (3) The State Prison Emergency Construction and Management
718 Board may contract with any county industrial or economic



719 development authority or district for the construction, lease,
720 acquisition, improvement, operation and management of a private
721 correctional facility to be sited or constructed under Chapter 26,
722 Laws of 1994 First Extraordinary Session.

723 (4) The State Prison Emergency Construction and Management
724 Board may contract for the construction, lease, acquisition,
725 improvement and operation of two (2) private restitution centers,
726 one of which may be in Bolivar County. The capacity of each
727 restitution center shall not exceed seventy-five (75) state
728 inmates.

729 (5) (a) The State Prison Emergency Construction and
730 Management Board may contract for the special needs facility and
731 services authorized in Sections 47-5-1101 through 47-5-1123.

732 (b) No later than September 15, 1994, the Joint
733 Legislative Committee on Performance Evaluation and Expenditure
734 Review shall determine the state medical cost per inmate day to
735 use as a basis for measuring the validity of ten percent (10%)
736 savings of the contractor cost.

737 (6) Each private contractor and private facility housing
738 state inmates must meet the requirements of Section 47-5-1211
739 through Section 47-5-1227.

740 (7) No additional emergency prisons shall be located in any
741 city and/or county, except upon the submission to the State Prison
742 Emergency Construction and Management Board, of a resolution
743 signed by a majority of the governing authorities of the city

744 and/or county, wherein the proposed prison site is to be located,
745 approving and/or requesting that a prison facility be located at
746 the proposed site.

747 **SECTION 11.** Section 47-7-37, Mississippi Code of 1972, is
748 brought forward as follows:

749 47-7-37. (1) The period of probation shall be fixed by the
750 court, and may at any time be extended or terminated by the court,
751 or judge in vacation. Such period with any extension thereof
752 shall not exceed five (5) years, except that in cases of desertion
753 and/or failure to support minor children, the period of probation
754 may be fixed and/or extended by the court for so long as the duty
755 to support such minor children exists. The time served on
756 probation or post-release supervision may be reduced pursuant to
757 Section 47-7-40.

758 (2) At any time during the period of probation, the court,
759 or judge in vacation, may issue a warrant for violating any of the
760 conditions of probation or suspension of sentence and cause the
761 probationer to be arrested. Any probation and parole officer may
762 arrest a probationer without a warrant, or may deputize any other
763 officer with power of arrest to do so by giving him a written
764 statement setting forth that the probationer has, in the judgment
765 of the probation and parole officer, violated the conditions of
766 probation. Such written statement delivered with the probationer
767 by the arresting officer to the official in charge of a county



768 jail or other place of detention shall be sufficient warrant for
769 the detention of the probationer.

770 (3) Whenever an offender is arrested on a warrant for an
771 alleged violation of probation as herein provided, the department
772 shall hold an informal preliminary hearing within seventy-two (72)
773 hours of the arrest to determine whether there is reasonable cause
774 to believe the person has violated a condition of probation. A
775 preliminary hearing shall not be required when the offender is not
776 under arrest on a warrant or the offender signed a waiver of a
777 preliminary hearing. The preliminary hearing may be conducted
778 electronically. If reasonable cause is found, the offender may be
779 confined no more than twenty-one (21) days from the admission to
780 detention until a revocation hearing is held. If the revocation
781 hearing is not held within twenty-one (21) days, the probationer
782 shall be released from custody and returned to probation status.

783 (4) If a probationer or offender is subject to registration
784 as a sex offender, the court must make a finding that the
785 probationer or offender is not a danger to the public prior to
786 release with or without bail. In determining the danger posed by
787 the release of the offender or probationer, the court may consider
788 the nature and circumstances of the violation and any new offenses
789 charged; the offender or probationer's past and present conduct,
790 including convictions of crimes and any record of arrests without
791 conviction for crimes involving violence or sex crimes; any other
792 evidence of allegations of unlawful sexual conduct or the use of



793 violence by the offender or probationer; the offender or
794 probationer's family ties, length of residence in the community,
795 employment history and mental condition; the offender or
796 probationer's history and conduct during the probation or other
797 supervised release and any other previous supervisions, including
798 disciplinary records of previous incarcerations; the likelihood
799 that the offender or probationer will engage again in a criminal
800 course of conduct; the weight of the evidence against the offender
801 or probationer; and any other facts the court considers relevant.

802 (5) (a) The probation and parole officer after making an
803 arrest shall present to the detaining authorities a similar
804 statement of the circumstances of violation. The probation and
805 parole officer shall at once notify the court of the arrest and
806 detention of the probationer and shall submit a report in writing
807 showing in what manner the probationer has violated the conditions
808 of probation. Within twenty-one (21) days of arrest and detention
809 by warrant as herein provided, the court shall cause the
810 probationer to be brought before it and may continue or revoke all
811 or any part of the probation or the suspension of sentence. If
812 the court revokes probation for one or more technical violations,
813 the court shall impose a period of imprisonment to be served in
814 either a technical violation center or a restitution center not to
815 exceed ninety (90) days for the first revocation and not to exceed
816 one hundred twenty (120) days for the second revocation. For the
817 third revocation, the court may impose a period of imprisonment to



818 be served in either a technical violation center or a restitution
819 center for up to one hundred eighty (180) days or the court may
820 impose the remainder of the suspended portion of the sentence.
821 For the fourth and any subsequent revocation, the court may impose
822 up to the remainder of the suspended portion of the sentence. The
823 period of imprisonment in a technical violation center imposed
824 under this section shall not be reduced in any manner.

825 (b) If the offender is not detained as a result of the
826 warrant, the court shall cause the probationer to be brought
827 before it within a reasonable time and may continue or revoke all
828 or any part of the probation or the suspension of sentence, and
829 may cause the sentence imposed to be executed or may impose any
830 part of the sentence which might have been imposed at the time of
831 conviction. If the court revokes probation for one or more
832 technical violations, the court shall impose a period of
833 imprisonment to be served in either a technical violation center
834 or a restitution center not to exceed ninety (90) days for the
835 first revocation and not to exceed one hundred twenty (120) days
836 for the second revocation. For the third revocation, the court
837 may impose a period of imprisonment to be served in either a
838 technical violation center or a restitution center for up to one
839 hundred eighty (180) days or the court may impose the remainder of
840 the suspended portion of the sentence. For the fourth and any
841 subsequent revocation, the court may impose up to the remainder of
842 the suspended portion of the sentence. The period of imprisonment



843 in a technical violation center imposed under this section shall
844 not be reduced in any manner.

845 (c) If the court does not hold a hearing or does not
846 take action on the violation within the twenty-one-day period, the
847 offender shall be released from detention and shall return to
848 probation status. The court may subsequently hold a hearing and
849 may revoke probation or may continue probation and modify the
850 terms and conditions of probation. If the court revokes probation
851 for one or more technical violations, the court shall impose a
852 period of imprisonment to be served in either a technical
853 violation center operated by the department or a restitution
854 center not to exceed ninety (90) days for the first revocation and
855 not to exceed one hundred twenty (120) days for the second
856 revocation. For the third revocation, the court may impose a
857 period of imprisonment to be served in either a technical
858 violation center or a restitution center for up to one hundred
859 eighty (180) days or the court may impose the remainder of the
860 suspended portion of the sentence. For the fourth and any
861 subsequent revocation, the court may impose up to the remainder of
862 the suspended portion of the sentence. The period of imprisonment
863 in a technical violation center imposed under this section shall
864 not be reduced in any manner.

865 (d) For an offender charged with a technical violation
866 who has not been detained awaiting the revocation hearing, the
867 court may hold a hearing within a reasonable time. The court may



868 revoke probation or may continue probation and modify the terms
869 and conditions of probation. If the court revokes probation for
870 one or more technical violations the court shall impose a period
871 of imprisonment to be served in either a technical violation
872 center operated by the department or a restitution center not to
873 exceed ninety (90) days for the first revocation and not to exceed
874 one hundred twenty (120) days for the second revocation. For the
875 third revocation, the court may impose a period of imprisonment to
876 be served in either a technical violation center or a restitution
877 center for up to one hundred eighty (180) days or the court may
878 impose the remainder of the suspended portion of the sentence.
879 For the fourth and any subsequent revocation, the court may impose
880 up to the remainder of the suspended portion of the sentence. The
881 period of imprisonment in a technical violation center imposed
882 under this section shall not be reduced in any manner.

883 (6) If the probationer is arrested in a circuit court
884 district in the State of Mississippi other than that in which he
885 was convicted, the probation and parole officer, upon the written
886 request of the sentencing judge, shall furnish to the circuit
887 court or the county court of the county in which the arrest is
888 made, or to the judge of such court, a report concerning the
889 probationer, and such court or the judge in vacation shall have
890 authority, after a hearing, to continue or revoke all or any part
891 of probation or all or any part of the suspension of sentence, and
892 may in case of revocation proceed to deal with the case as if



893 there had been no probation. In such case, the clerk of the court
894 in which the order of revocation is issued shall forward a
895 transcript of such order to the clerk of the court of original
896 jurisdiction, and the clerk of that court shall proceed as if the
897 order of revocation had been issued by the court of original
898 jurisdiction. Upon the revocation of probation or suspension of
899 sentence of any offender, such offender shall be placed in the
900 legal custody of the State Department of Corrections and shall be
901 subject to the requirements thereof.

902 (7) Any probationer who removes himself from the State of
903 Mississippi without permission of the court placing him on
904 probation, or the court to which jurisdiction has been
905 transferred, shall be deemed and considered a fugitive from
906 justice and shall be subject to extradition as now provided by
907 law. No part of the time that one is on probation shall be
908 considered as any part of the time that he shall be sentenced to
909 serve.

910 (8) The arresting officer, except when a probation and
911 parole officer, shall be allowed the same fees as now provided by
912 law for arrest on warrant, and such fees shall be taxed against
913 the probationer and paid as now provided by law.

914 (9) The arrest, revocation and recommitment procedures of
915 this section also apply to persons who are serving a period of
916 post-release supervision imposed by the court.

917 (10) Unless good cause for the delay is established in the
918 record of the proceeding, the probation revocation charge shall be
919 dismissed if the revocation hearing is not held within thirty (30)
920 days of the warrant being issued.

921 (11) The Department of Corrections shall provide
922 semiannually to the Oversight Task Force the number of warrants
923 issued for an alleged violation of probation or post-release
924 supervision, the average time between detention on a warrant and
925 preliminary hearing, the average time between detention on a
926 warrant and revocation hearing, the number of ninety-day sentences
927 in a technical violation center issued by the court, the number of
928 one-hundred-twenty-day sentences in a technical violation center
929 issued by the court, the number of one-hundred-eighty-day
930 sentences issued by the court, and the number and average length
931 of the suspended sentences imposed by the court in response to a
932 violation.

933 **SECTION 12.** Section 99-37-19, Mississippi Code of 1972,
934 which authorizes county and municipal governing authorities to
935 cooperate in the establishment of restitution centers, is
936 repealed.

937 **SECTION 13.** Section 99-37-21, Mississippi Code of 1972,
938 which authorizes the cooperation of the Department of Human
939 Services and the Department of Corrections in the institution and
940 administration of services at restitution centers, is repealed.



941 **SECTION 14.** This act shall take effect and be in force from
942 and after July 1, 2025.

