

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:



**SECTION 1.**

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

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

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

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

**SECTION 2.**

(1) The Department of Corrections shall institute and administer services in prerelease reentry centers at the facilities listed in Section 1 of this act and at other facilities that provide prerelease reentry services.

(2) The Department of Corrections must:

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

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



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

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

- (a) Counseling and case management services;
- (b) Housing;
- (c) Employment or job skills training;
- (d) State-issued driver's licenses or a state-issued identification card should a driver's license be unobtainable;
- (e) Health care services;
- (f) Educational services;
- (g) Cognitive behavioral programs;
- (h) Drug and alcohol treatment and recovery services;
- (i) Other community support services; and
- (j) Leave and passes as allowed.

**SECTION 3.** Section 25-3-25, Mississippi Code of 1972, is brought forward as follows:

25-3-25. (1) Except as otherwise provided in subsections (2) through (3) of this section, the salaries of sheriffs of the various counties are fixed as full compensation for their services.



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,



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

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

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

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

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

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



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

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

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





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

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

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

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

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

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



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

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

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



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

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

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

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

(i) The person is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by 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.

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

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.



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

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

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

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

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



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

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

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

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

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

(a) To accept adult offenders committed to it by the courts of this state for incarceration, care, custody, treatment and rehabilitation;

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

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



administrative supervision has been provided by law through  
another agency;

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

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

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

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



offered for the purpose of enhanced sentencing under Section  
41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

(iii) This subsection is not intended to conflict  
with an offender's right of confrontation in criminal proceedings  
under the state or federal constitution;

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

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

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



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

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

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

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

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

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

**SECTION 7.** Section 47-5-26, Mississippi Code of 1972, is 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.



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



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

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



670           (2) Subsection (1) does not apply to offenders who are  
671 granted a parole; placed on work release, supervised earned  
672 release, earned probation or probation; or granted leave for the  
673 duration of such leave; however, these offenders may be restricted  
674 by the parole or probation order or by order of the commissioner  
675 with respect to amounts or form of money possessed or controlled  
676 by the offenders.

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.

681           (4) Any money possessed by an offender may be confiscated by  
682 the corrections officer who discovers the possession. The  
683 department shall establish a policy and procedure for the  
684 collection and accounting of all confiscated funds. All  
685 confiscated coin or currency shall be deposited in a special fund  
686 which is created in the State Treasury. The money in this special  
687 fund may be appropriated by the Legislature to enhance the  
688 security of the department's facilities. Unexpended amounts  
689 remaining in the special fund at the end of a fiscal year shall  
690 not lapse into the State General Fund, but funds may be expended  
691 only by appropriation approved by the Legislature. Any interest  
692 earned on amounts in the special fund shall be deposited to the  
693 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:

706           47-5-1207. (1) The State Prison Emergency Construction and  
707 Management Board shall select a suitable site or sites for a  
708 public or private facility not to exceed one thousand (1,000) beds  
709 in any of the following counties: Lauderdale, Quitman, Perry and  
710 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



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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

(d) For an offender charged with a technical violation who has not been detained awaiting the revocation hearing, the 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.

