

By: Barnett (92nd)

To: Penitentiary

HOUSE BILL NO. 1063

1
2

3 AN ACT TO AMEND SECTIONS 47-5-401 AND 47-5-421, MISSISSIPPI
4 CODE OF 1972, TO ALLOW INMATES CONVICTED OF VIOLENT CRIMES TO BE
5 ELIGIBLE TO PARTICIPATE IN A WORK PROGRAM UNDER CERTAIN MITIGATING
6 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 47-5-401, Mississippi Code of 1972, is

9 amended as follows:

10 47-5-401. (1) There is hereby authorized, in each county of
11 the state, a public service work program for state inmates in
12 custody of the county. Such a program may be established at the
13 option of the county in accordance with the provisions of Sections

14 47-5-401 through 47-5-421. The department shall also recommend
15 rules and regulations concerning the participation of state
16 inmates in the program.

17 (2) An inmate shall not be eligible to participate in a work
18 program established in accordance with the provisions of Sections
19 47-5-401 through 47-5-421 if he has been convicted of any crime of
20 violence, including but not limited to murder, aggravated assault,
21 rape, robbery or armed robbery, unless, based on mitigating
22 circumstances indicating a particular inmate's individual
23 trustworthiness and needed work skills, the sheriff supervising
24 the work program shall declare an exception to the limitation and
25 notify, in writing, the Director of Classification of the
26 Department of Corrections.

27 (3) The inmates participating in the work program
28 established in accordance with the provisions of Sections 47-5-401
29 through 47-5-421 are restricted to the performance of public
30 service work for counties, municipalities, the state or nonprofit
31 charitable organizations, as defined by Section 501(c)(3) of the
32 Internal Revenue Code of 1986, except that the Classification
33 Committee of the Department of Corrections must approve all
34 requests by nonprofit charitable organizations to use offenders to

35perform any public service work. Upon request of the Board of
36Trustees of State Institutions of Higher Learning, or the board of
37trustees of a county school district, municipal school district or
38junior college district, the inmates may be permitted to perform
39work for such boards.

40 SECTION 2. Section 47-5-451, Mississippi Code of 1972, is
41amended as follows:

42 47-5-451. (1) There is hereby authorized, in each county of
43the state, a public service work program for state inmates in
44custody of the county. Such a program may be established at the
45option of the county in accordance with the provisions of Sections
4647-5-401 through 47-5-421. The department shall also recommend
47rules and regulations concerning the participation of state
48inmates in the program.

49 (2) An inmate shall not be eligible to participate in a work
50program established in accordance with the provisions of Sections

51 47-5-401 through 47-5-421, if he has been convicted of any crime
52 of violence, including but not limited to murder, aggravated
53 assault, rape, robbery or armed robbery, unless, based on
54 mitigating circumstances indicating a particular inmate's
55 individual trustworthiness and needed work skills, the sheriff
56 supervising the work program shall declare an exception to the
57 limitation and notify, in writing, the Director of Classification
58 of the Department of Corrections.

59 (3) The inmates participating in the work program
60 established in accordance with the provisions of Sections 47-5-401
61 through 47-5-421, are restricted to the performance of public
62 service work for counties, municipalities, the state or nonprofit
63 charitable organizations, as defined by Section 501(c)(3) of the
64 Internal Revenue Code of 1986, except that the Classification
65 Committee of the Department of Corrections must approve all
66 requests by nonprofit charitable organizations to use offenders to

67perform any public service work. Upon request of the Board of
68Trustees of State Institutions of Higher Learning, or the board of
69trustees of a county school district, municipal school district or
70junior college district, the inmates may be permitted to perform
71work for such boards.

72 SECTION 3. This act shall take effect and be in force from
73and after July 1, 2000.