

By: Clarke

To: Penitentiary;  
Appropriations

HOUSE BILL NO. 1470

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3 AN ACT TO CREATE A NEW CODE SECTION TO REQUIRE THE  
4 COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO  
5 ESTABLISH A TOLL FREE HOTLINE IN ALL STATE CORRECTIONAL FACILITIES  
6 FOR THE PURPOSE OF RECEIVING COMPLAINTS OF ALLEGED SEXUAL  
7 MISCONDUCT COMMITTED AGAINST FEMALE OFFENDERS BY CORRECTIONAL  
8 OFFICERS OR STAFF MEMBERS; TO PROVIDE THE FUNCTIONS OF THE  
9 HOTLINE; TO REQUIRE THE COMMISSIONER TO PUBLICIZE THE EXISTENCE OF  
10 THE HOTLINE SERVICE TO ALL FEMALE OFFENDERS; TO REQUIRE THE  
11 COMMISSIONER TO APPOINT A FIVE MEMBER INDEPENDENT INVESTIGATIVE  
12 BOARD FOR THE PURPOSE OF DETERMINING THE VALIDITY OF THE ALLEGED  
13 SEXUAL MISCONDUCT; TO PROVIDE THAT ALL TELEPHONE CALLS PLACED TO  
14 THE HOTLINE SHALL BE FREE FROM MONITORING BY THE PRISON OFFICIALS;  
15 TO PROVIDE A PENALTY FOR VIOLATIONS OF THIS PROVISION; AND FOR  
16 RELATED PURPOSES.

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

18 SECTION 1. (1) The Commissioner of the Mississippi

19 Department of Corrections shall establish a toll free hotline in

20 all state correctional facilities for the purpose of receiving

21complaints of alleged sexual misconduct committed against female  
22offenders by staff members of the department. For purposes of  
23this section, "hotline" means a direct telephone line to one (1)  
24or more licensed social workers employed by the department.

25 (2) The individual(s) answering the hotline shall:

26 (a) Provide offenders with information about their  
27rights and about nongovernmental organizations that they may  
28contact for assistance;

29 (b) Forward verified complaints to the Chairman of the  
30Senate Corrections Committee, the Chairman of the Penitentiary  
31Committee of the House of Representatives and the State Attorney  
32General;

33 (c) Ensure the confidentiality of all calls received  
34and any written correspondence emerging from an offender's contact  
35with the hotline; and

36 (d) Maintain an accurate compilation of all data

37collected through the hotline for investigative purposes.

38       (3) The Commissioner shall publicize the existence of the  
39hotline to all female offenders.

40       (4) The Commissioner of the Mississippi Department of  
41Corrections shall appoint a five (5) member independent internal  
42investigative board solely for the purpose of administering the  
43hotline program and determining the validity of the alleged sexual  
44abuse of female inmates.

45       (5) Officers and staff members of the department alleged to  
46have engaged in sexual misconduct with an offender shall be  
47assigned to a position which does not require physical contact  
48with offenders until completion of the investigation. Upon  
49completion of the investigation, the officer or staff member shall  
50be notified and a hearing held in compliance with the personnel  
51policy and procedures of the department. If sexual misconduct is  
52determined to have occurred, the officer or staff member shall be

53suspended or dismissed in accordance with the personnel policies  
54and procedures.

55 (6) All calls placed to the hotline shall be free from  
56monitoring by prison officials. It shall be unlawful for any  
57officer or employee of a correctional facility or agent of a  
58provider of telecommunication services to monitor, intercept or  
59otherwise interfere with any telecommunications associated with  
60the use of the toll free hotline. Any person who violates this  
61provision shall be guilty of a felony and upon conviction shall be  
62fined not more than Four Thousand Dollars(\$4,000.00) or imprisoned  
63for a term not to exceed four (4) years, or both.

64 (7) The Commissioner shall establish the toll free hotline  
65not later than December 31, 2000.

66 SECTION 2. Section 1 of this act shall be codified as a  
67separate code section in Title 47, Mississippi Code of 1972.

68 SECTION 3. This act shall take effect and be in force from

69and after July 1, 2000.