

By: Representatives Malone, Coleman (29th)

To: Penitentiary

HOUSE BILL NO. 1139
(As Passed the House)

1 AN ACT TO AMEND SECTION 47-5-8, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE COMMISSIONER OF CORRECTIONS TO TRANSFER CERTAIN
3 EMPLOYEES OF THE DEPARTMENT TO ANY FACILITY; AND FOR RELATED
4 PURPOSES.

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

6 SECTION 1. Section 47-5-8, Mississippi Code of 1972, is
7 amended as follows:

8 47-5-8. (1) There is hereby created the Mississippi
9 Department of Corrections which shall be under the policy
10 direction of the Governor. The chief administrative officer of
11 the department shall be the Commissioner of Corrections.

12 (2) The commissioner, in his discretion, may transfer
13 wardens, deputy wardens, division directors and superintendents of
14 the department to any facility designated by the commissioner.
15 This subsection (2) shall stand repealed from and after June 30,
16 2002.

17 (3) (a) There shall be a Division of Administration and
18 Finance within the department which shall have as its chief
19 administrative officer a deputy commissioner for administration
20 and finance who shall be appointed by the commissioner, and shall
21 be directly responsible to the commissioner.

22 (b) There shall be a Division of Community Services
23 within the department which shall have as its chief administrative
24 officer a deputy commissioner for community services who shall be
25 appointed by the commissioner, and shall be directly responsible
26 to the commissioner. The Probation and Parole Board shall
27 continue to exercise the authority as provided by law, but after

28 July 1, 1976, the Division of Community Services shall serve as
29 the administrative agency for the Probation and Parole Board.

30 (4) The department shall succeed to the exclusive control of
31 all records, books, papers, equipment and supplies, and all lands,
32 buildings and other real and personal property now or hereafter
33 belonging to or assigned to the use and benefit or under the
34 control of the Mississippi State Penitentiary and the Mississippi
35 Probation and Parole Board, except the records of parole process
36 and revocation and legal matters related thereto, and shall have
37 the exercise and control of the use, distribution and disbursement
38 of all funds, appropriations and taxes now or hereafter in
39 possession, levied, collected or received or appropriated for the
40 use, benefit, support and maintenance of these two (2) agencies
41 except as otherwise provided by law, and the department shall have
42 general supervision of all the affairs of the two (2) agencies
43 herein named except as otherwise provided by law, and the care and
44 conduct of all buildings and grounds, business methods and
45 arrangements of accounts and records, the organization of the
46 administrative plans of each institution, and all other matters
47 incident to the proper functioning of the two (2) agencies.

48 (5) The commissioner may lease the lands for oil, gas,
49 mineral exploration and other purposes, and contract with other
50 state agencies for the proper management of lands under such
51 leases or for the provision of other services, and the proceeds
52 thereof shall be paid into the General Fund of the state.

53 SECTION 2. This act shall take effect and be in force from
54 and after July 1, 2001.