

By: Representatives Malone, Coleman (29th)

To: Penitentiary

HOUSE BILL NO. 1465

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO  
2 RENAME THE DIVISION OF COMMUNITY SERVICES AND THE POSITION OF THE  
3 DEPUTY COMMISSIONER OF COMMUNITY SERVICES OF THE DEPARTMENT OF  
4 CORRECTIONS; TO AMEND SECTIONS 47-5-8, 47-5-158, 47-7-5, 47-7-9,  
5 47-7-34, 47-7-41, 47-7-49, 99-15-127, 99-19-45 AND 99-19-48,  
6 MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 47-5-26, Mississippi Code of 1972, is  
9 amended as follows:

10 47-5-26. (1) The commissioner shall employ the following  
11 personnel:

12 (a) A Deputy Commissioner for Administration and  
13 Finance who shall supervise and implement all fiscal policies and  
14 programs within the department, supervise and implement all hiring  
15 and personnel matters within the department, supervise the  
16 department's personnel director, supervise and implement all  
17 purchasing within the department and supervise and implement all  
18 data processing activities within the department, and shall serve  
19 as the Chief Executive Officer of the Division of Administration  
20 and Finance. He shall possess either:

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

27 (ii) A bachelor's degree from an accredited  
28 four-year college or university in public or business

29 administration, accounting, economics or a directly related field,  
30 and six (6) years of experience in work related to the  
31 above-described duties, one (1) year of which must have included  
32 line or functional supervision. Certification by the State of  
33 Mississippi as a certified public accountant may be substituted  
34 for one (1) year of the required experience.

35 (b) A Deputy Commissioner for Community Corrections who  
36 shall initiate and administer programs including but not limited  
37 to supervision of probationers, parolees and suspensioners,  
38 counseling, community-based treatment, interstate compact  
39 administration and enforcement, prevention programs, halfway  
40 houses and group homes, restitution centers, presentence  
41 investigations, and work and educational releases, and to serve as  
42 the Chief Executive Officer of the Division of Community  
43 Corrections. The Deputy Commissioner for Community Corrections is  
44 charged with full and complete cooperation with the State Parole  
45 Board and shall make monthly reports to the Chairman of the Parole  
46 Board in the form and type required by the chairman, in his  
47 discretion, for the proper performance of the probation and parole  
48 functions. After a plea or verdict of guilty to a felony is  
49 entered against a person and before he is sentenced, the Deputy  
50 Commissioner for Community Corrections shall procure from any  
51 available source and shall file in the presentence records any  
52 information regarding any criminal history of the person such as  
53 fingerprints, dates of arrests, complaints, civil and criminal  
54 charges, investigative reports of arresting and prosecuting  
55 agencies, reports of the National Crime Information Center, the  
56 nature and character of each offense, noting all particular  
57 circumstances thereof and any similar data about the person. The  
58 Deputy Commissioner for Community Corrections shall keep an  
59 accurate and complete duplicate record of this file and shall  
60 furnish the duplicate to the department. This file shall be  
61 placed in and shall constitute a part of the inmate's master file.

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

72 (c) A Deputy Commissioner for Institutions who shall  
73 administer institutions, reception and diagnostic centers,  
74 prerelease centers and other facilities and programs provided  
75 therein, and to serve as the chief executive officer of the  
76 division of institutions. He shall possess either (i) a master's  
77 degree in counseling, criminal justice, psychology, guidance,  
78 social work, business or some related field, and at least four (4)  
79 years' full-time experience in corrections, including at least one  
80 (1) year of correctional management experience; or (ii) a  
81 bachelor's degree in a field described in subparagraph (i) of this  
82 paragraph and at least six (6) years' full-time work in  
83 corrections, four (4) years of which shall have been at the  
84 correctional management level.

85 (2) The commissioner shall employ an administrative  
86 assistant for parole matters who shall be an employee of the  
87 department assigned to the State Parole Board and who shall work  
88 under the guidance and supervision of the board.

89 (3) The administrative assistant for parole matters shall  
90 receive an annual salary to be established by the Legislature.  
91 The salaries of department employees not established by the  
92 Legislature shall receive an annual salary established by the  
93 State Personnel Board.

94           (4) The commissioner shall employ a superintendent for the  
95 Parchman facility, Central Mississippi Correctional Facility and  
96 South Mississippi Correctional Institution of the Department of  
97 Corrections. The superintendent of the Mississippi State  
98 Penitentiary shall reside on the grounds of the Parchman facility.  
99 Each superintendent shall appoint an officer in charge when he is  
100 absent.

101           Each superintendent shall develop and implement a plan for  
102 the prevention and control of an inmate riot and shall file a  
103 report with the Chairman of the Senate Corrections Committee and  
104 the Chairman of the House Penitentiary Committee on the first day  
105 of each regular session of the Legislature regarding the status of  
106 the plan.

107           In order that the grievances and complaints of inmates,  
108 employees and visitors at each facility may be heard in a timely  
109 and orderly manner, each superintendent shall appoint or designate  
110 an employee at the facility to hear grievances and complaints and  
111 to report grievances and complaints to the superintendent. Each  
112 superintendent shall institute procedures as are necessary to  
113 provide confidentiality to those who file grievances and  
114 complaints.

115           SECTION 2. Section 47-5-158, Mississippi Code of 1972, is  
116 amended as follows:

117           47-5-158. (1) The department is authorized to maintain a  
118 bank account which shall be designated as the Inmate Welfare Fund.  
119 All monies now held in a similar fund for the benefit and welfare  
120 of inmates shall be deposited into the Inmate Welfare Fund. This  
121 fund shall be used for the benefit and welfare of inmates in the  
122 custody of the department.

123           (2) There shall be deposited into the Inmate Welfare Fund  
124 interest previously earned on inmate deposits, all net profits  
125 from the operation of inmate canteens, the annual prison rodeo,  
126 performances of the Penitentiary band, interest earned on the

127 Inmate Welfare Fund and other revenues designated by the  
128 commissioner. All money shall be deposited into the Inmate  
129 Welfare Fund as provided in Section 7-9-21, Mississippi Code of  
130 1972.

131 (3) All inmate telephone call commissions shall be paid to  
132 the department. Monies in the fund may be expended by the  
133 Department of Corrections, upon requisition by the commissioner or  
134 his designee, only for the purposes established in this  
135 subsection.

136 (a) Beginning July 1, 1995, twenty-five percent (25%)  
137 of the inmate telephone call commissions shall be used to purchase  
138 and maintain telecommunication equipment to be used by the  
139 department.

140 (b) Before June 30, 1996, the commissioner shall  
141 transfer to the State Department of Education a percentage of the  
142 funds generated by the inmate telephone call commissions in an  
143 amount as specified in this paragraph. The amount of the transfer  
144 shall be a sum sufficient to comply with the provisions of Section  
145 11, Chapter 143, Laws of 1995, which set forth the performance  
146 target for the Writing to Read Lab Matching Grant Program in the  
147 placement of lab sites and the number of students served.

148 (c) Before June 30, 1996, the Department of Corrections  
149 may expend not more than Fifty Thousand Dollars (\$50,000.00) from  
150 the Inmate Welfare Fund for each prerelease center established by  
151 the department; however, the maximum amount expended by the  
152 department for all prerelease centers shall not exceed Two Hundred  
153 Thousand Dollars (\$200,000.00).

154 (d) Beginning July 1, 1996, fifty percent (50%) of the  
155 inmate telephone call commissions shall be deposited into the  
156 Prison Agriculture Enterprise Fund. The Mississippi Department of  
157 Corrections may use these funds to supplement the Prison  
158 Agricultural Enterprise Fund created in Section 47-5-66. The

159 remaining twenty-five percent (25%) of the inmate telephone call  
160 commissions shall be deposited into the Inmate Welfare Fund.

161 (4) The commissioner may invest in the manner authorized by  
162 law any money in the Inmate Welfare Fund that is not necessary for  
163 immediate use, and the interest earned shall be deposited in the  
164 Inmate Welfare Fund.

165 (5) The Deputy Commissioner for Administration and Finance  
166 shall be the custodian of the Inmate Welfare Fund. He shall  
167 establish and implement internal accounting controls that comply  
168 with generally accepted accounting principles. The Deputy  
169 Commissioner for Administration and Finance shall prepare and  
170 issue quarterly consolidated and individual facility financial  
171 statements to the prison auditor of the Joint Legislative  
172 Committee on Performance Evaluation and Expenditure Review. The  
173 Deputy Commissioner shall prepare an annual report which shall  
174 include a summary of expenditures from the fund by major  
175 categories and by individual facility. This annual report shall  
176 be sent to the prison auditor, the Legislative Budget Office, the  
177 Chairman of the Corrections Committee of the Senate, and the  
178 Chairman of the Penitentiary Committee of the House of  
179 Representatives.

180 (6) A portion of the Inmate Welfare Fund shall be deposited  
181 in the Discharged Offenders Revolving Fund, as created under  
182 Section 47-5-155, in amounts necessary to provide a balance not to  
183 exceed One Hundred Thousand Dollars (\$100,000.00) in the  
184 Discharged Offenders Revolving Fund, and shall be used to  
185 supplement those amounts paid to discharged, paroled or pardoned  
186 offenders from the department. The superintendent of the Parchman  
187 facility shall establish equitable criteria for the making of  
188 supplemental payments which shall not exceed Two Hundred Dollars  
189 (\$200.00) for any offender. The supplemental payments shall be  
190 subject to the approval of the commissioner. The State Treasurer  
191 shall not be required to replenish the Discharged Offenders

192 Revolving Fund for the supplemental payments made to discharged,  
193 paroled or pardoned offenders.

194 (7) The Inmate Welfare Fund Committee is hereby created and  
195 shall be composed of five (5) members: the Deputy Commissioner  
196 for Community Corrections, the Superintendent of the Parchman  
197 facility, the Superintendent of the Rankin County facility, the  
198 Superintendent of the Greene County facility, and one (1) member  
199 to be appointed by the Commissioner of Corrections. The member  
200 appointed by the commissioner shall be the chairman of the  
201 committee. The committee shall administer and supervise the  
202 operations and expenditures from the Inmate Welfare Fund and shall  
203 maintain an official minute book upon which shall be spread its  
204 authorization and approval for all such expenditures. The  
205 committee may promulgate regulations governing the use and  
206 expenditures of the fund.

207 (8) The Department of Audit shall conduct an annual  
208 comprehensive audit of the Inmate Welfare Fund.

209 SECTION 3. Section 47-7-5, Mississippi Code of 1972, is  
210 amended as follows:

211 47-7-5. (1) The State Parole Board, created under former  
212 Section 47-7-5, is hereby created, continued and reconstituted and  
213 shall be composed of five (5) members. The Governor shall appoint  
214 the members with the advice and consent of the Senate. All terms  
215 shall be at the will and pleasure of the Governor. Any vacancy  
216 shall be filled by the Governor, with the advice and consent of  
217 the Senate. The Governor shall appoint a chairman of the board.

218 (2) Any person who is appointed to serve on the board shall  
219 possess at least a bachelor's degree or a high school diploma and  
220 four (4) years' work experience. Each member shall devote his  
221 full time to the duties of his office and shall not engage in any  
222 other business or profession or hold any other public office. A  
223 member shall not receive compensation or per diem in addition to  
224 his salary as prohibited under Section 25-3-38. Each member shall

225 keep such hours and workdays as required of full-time state  
226 employees under Section 25-1-98. Individuals shall be appointed  
227 to serve on the board without reference to their political  
228 affiliations. Each board member, including the chairman, may be  
229 reimbursed for actual and necessary expenses as authorized by  
230 Section 25-3-41; but a member shall not be reimbursed for travel  
231 expenses from his residence to the nearest State Penitentiary.

232 (3) The board shall have exclusive responsibility for the  
233 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
234 shall have exclusive authority for revocation of the same. The  
235 board shall have exclusive responsibility for investigating  
236 clemency recommendations upon request of the Governor.

237 (4) The board, its members and staff shall be immune from  
238 civil liability for any official acts taken in good faith and in  
239 exercise of the board's legitimate governmental authority.

240 (5) The budget of the board shall be funded through a  
241 separate line item within the general appropriation bill for the  
242 support and maintenance of the department. Employees of the  
243 department which are employed by or assigned to the board shall  
244 work under the guidance and supervision of the board. There shall  
245 be an executive secretary to the board who shall be responsible  
246 for all administrative and general accounting duties related to  
247 the board. The executive secretary shall keep and preserve all  
248 records and papers pertaining to the board.

249 (6) The board shall have no authority or responsibility for  
250 supervision of offenders granted a release for any reason,  
251 including, but not limited to, probation, parole or executive  
252 clemency or other offenders requiring the same through interstate  
253 compact agreements. The supervision shall be provided exclusively  
254 by the staff of the Division of Community Corrections of the  
255 department.

256 (7) The State Parole Board, immediately after the effective  
257 date of this act, shall review all cases where an offender was



258 denied parole and any eligibility for reconsideration for parole  
259 for at least one (1) year after denial.

260 (8) The State Parole Board shall review and investigate all  
261 cases where offenders have been diagnosed with a serious illness.  
262 If the Medical Director of the Department of Corrections certifies  
263 to the State Parole Board that an offender is suffering from a  
264 terminal illness, the State Parole Board shall parole the offender  
265 with the approval and consent of the Commissioner of the  
266 Department of Corrections and the medical director.

267 (9) This section shall stand repealed on July 1, 2002.

268 SECTION 4. Section 47-7-9, Mississippi Code of 1972, is  
269 amended as follows:

270 47-7-9. (1) The circuit judges and county judges in the  
271 districts to which Division of Community Corrections personnel  
272 have been assigned shall have the power to request of the  
273 department transfer or removal of the division personnel from  
274 their court.

275 (2) (a) Division personnel shall investigate all cases  
276 referred to them for investigation by the board, the division or  
277 by any court in which they are authorized to serve. They shall  
278 furnish to each person released under their supervision a written  
279 statement of the conditions of probation, parole, earned-release  
280 supervision, post-release supervision or suspension and shall  
281 instruct him regarding the same. They shall keep informed  
282 concerning the conduct and conditions of persons under their  
283 supervision and use all suitable methods to aid and encourage them  
284 and to bring about improvements in their conduct and condition.  
285 They shall keep detailed records of their work and shall make such  
286 reports in writing as the court or the board may require.

287 (b) The division personnel duly assigned to court  
288 districts are hereby vested with all the powers of police officers  
289 or sheriffs to make arrests or perform any other duties required  
290 of policemen or sheriffs which may be incident to the division

291 personnel responsibilities. All probation and parole officers  
292 hired on or after July 1, 1994, will be placed in the Law  
293 Enforcement Officers' Training Program and will be required to  
294 meet the standards outlined by that program.

295 (c) It is the intention of the Legislature that insofar  
296 as practicable the case load of each division personnel  
297 supervising offenders in the community (hereinafter field  
298 supervisor) shall not exceed the number of cases that may be  
299 adequately handled.

300 (3) (a) Division personnel shall be provided to perform  
301 investigation for the court as provided in this subsection.  
302 Division personnel shall conduct presentence investigations on all  
303 persons convicted of a felony in any circuit court of the state,  
304 prior to sentencing and at the request of the circuit court judge  
305 of the court of conviction. The presentence evaluation report  
306 shall consist of a complete record of the offender's criminal  
307 history, educational level, employment history, psychological  
308 condition and such other information as the department or judge  
309 may deem necessary. Division personnel shall also prepare written  
310 victim impact statements at the request of the sentencing judge as  
311 provided in Section 99-19-157.

312 (b) In order that offenders in the custody of the  
313 department on July 1, 1976, may benefit from the kind of  
314 evaluations authorized in this section, an evaluation report to  
315 consist of the information required hereinabove, supplemented by  
316 an examination of an offender's record while in custody, shall be  
317 compiled by the division upon all offenders in the custody of the  
318 department on July 1, 1976. After a study of such reports by the  
319 State Parole Board those cases which the board believes would  
320 merit some type of executive clemency shall be submitted by the  
321 board to the Governor with its recommendation for the appropriate  
322 executive action.

323 (c) The department is authorized to accept gifts,  
324 grants and subsidies to conduct this activity.

325 SECTION 5. Section 47-7-34, Mississippi Code of 1972, is  
326 amended as follows:

327 47-7-34. (1) When a court imposes a sentence upon a  
328 conviction for any felony committed after June 30, 1995, the  
329 court, in addition to any other punishment imposed if the other  
330 punishment includes a term of incarceration in a state or local  
331 correctional facility, may impose a term of post-release  
332 supervision. However, the total number of years of incarceration  
333 plus the total number of years of post-release supervision shall  
334 not exceed the maximum sentence authorized to be imposed by law  
335 for the felony committed. The defendant shall be placed under  
336 post-release supervision upon release from the term of  
337 incarceration. The period of supervision shall be established by  
338 the court.

339 (2) The period of post-release supervision shall be  
340 conducted in the same manner as a like period of supervised  
341 probation, including a requirement that the defendant shall abide  
342 by any terms and conditions as the court may establish. Failure  
343 to successfully abide by the terms and conditions shall be grounds  
344 to terminate the period of post-release supervision and to  
345 recommit the defendant to the correctional facility from which he  
346 was previously released. Procedures for termination and  
347 recommitment shall be conducted in the same manner as procedures  
348 for the revocation of probation and imposition of a suspended  
349 sentence.

350 (3) Post-release supervision programs shall be operated  
351 through the probation and parole unit of the Division of Community  
352 Corrections of the department. The maximum amount of time that  
353 the Mississippi Department of Corrections may supervise an  
354 offender on the post-release supervision program is five (5)  
355 years.

356 SECTION 6. Section 47-7-41, Mississippi Code of 1972, is  
357 amended as follows:

358 47-7-41. When a probationer shall be discharged from  
359 probation by the court of original jurisdiction, the field  
360 supervisor, upon receiving a written request from the probationer,  
361 shall forward a written report of the record of the probationer to  
362 the Division of Community Corrections of the department, which  
363 shall present a copy of this report to the Governor. The Governor  
364 may, in his discretion, at any time thereafter by appropriate  
365 executive order restore any civil rights lost by the probationer  
366 by virtue of his conviction or plea of guilty in the court of  
367 original jurisdiction.

368 SECTION 7. Section 47-7-49, Mississippi Code of 1972, is  
369 amended as follows:

370 47-7-49. (1) Any offender on probation, parole,  
371 earned-release supervision, post-release supervision, earned  
372 probation or any other offender under the field supervision of the  
373 Community Corrections Division of the department shall pay to the  
374 department the sum of Twenty-five Dollars (\$25.00) per month by  
375 certified check or money order unless a hardship waiver is granted  
376 by the sentencing court. The commissioner or his designee shall  
377 deposit Twenty Dollars (\$20.00) of the payments received into a  
378 special fund in the State Treasury, which is hereby created, to be  
379 known as the Community Service Revolving Fund. Expenditures from  
380 this fund shall be made for: (a) the establishment of restitution  
381 and satellite centers; and (b) the establishment, administration  
382 and operation of the department's Drug Identification Program and  
383 the intensive supervision program. Ten Dollars (\$10.00) of the  
384 Twenty Dollars (\$20.00) may be used for salaries and to purchase  
385 equipment, supplies and vehicles to be used by the Community  
386 Corrections Division in the performance of its duties.  
387 Expenditures for the purposes established in this section may be

388 made from the fund upon requisition by the commissioner or his  
389 designee.

390 Of the remaining amount, Three Dollars (\$3.00) of the  
391 payments shall be deposited in the Crime Victims' Compensation  
392 Fund created in Section 99-41-29, Two Dollars (\$2.00) shall be  
393 deposited into the Training Revolving Fund created pursuant to  
394 Section 47-7-51. When a person is convicted of a felony in this  
395 state, in addition to any other sentence it may impose, the court  
396 may, in its discretion, order the offender to pay a state  
397 assessment not to exceed the greater of One Thousand Dollars  
398 (\$1,000.00) or the maximum fine that may be imposed for the  
399 offense, into the Crime Victims' Compensation Fund created  
400 pursuant to Section 99-41-29.

401 Any federal funds made available to the department for  
402 training or for training facilities, equipment or services shall  
403 be deposited in the Correctional Training Revolving Fund created  
404 in Section 47-7-51. The funds deposited in this account shall be  
405 used to support an expansion of the department's training program  
406 to include the renovation of facilities for training purposes,  
407 purchase of equipment and contracting of training services with  
408 community colleges in the state.

409 No offender shall be required to make this payment for a  
410 period of time longer than ten (10) years.

411 (2) The offender may be imprisoned until the payments are  
412 made if the offender is financially able to make the payments and  
413 the court in the county where the offender resides so finds,  
414 subject to the limitations hereinafter set out. The offender  
415 shall not be imprisoned if the offender is financially unable to  
416 make the payments and so states to the court in writing, under  
417 oath, and the court so finds.

418 (3) This section shall stand repealed from and after June  
419 30, 2001.

420 SECTION 8. Section 99-15-127, Mississippi Code of 1972, is  
421 amended as follows:

422 99-15-127. The Department of Corrections, Division of  
423 Community Corrections, is hereby directed to support Sections  
424 99-15-101 through 99-15-127 to the extent that field support  
425 personnel are available in circuit court districts, and the  
426 Commissioner of Corrections shall certify to the court that the  
427 Division of Community Corrections has sufficient field parole  
428 officers to supervise and oversee those individuals who may be  
429 placed in this program by the court.

430 SECTION 9. Section 99-19-45, Mississippi Code of 1972, is  
431 amended as follows:

432 99-19-45. The clerks of the circuit court of the counties in  
433 the State of Mississippi shall furnish the Mississippi Department  
434 of Corrections, within five (5) days after adjournment of court, a  
435 commitment paper showing the name of the person convicted, the  
436 crime, term of sentence, date of sentence, sex, race, and a brief  
437 history of the crime committed.

438 The clerks shall also furnish the Department of Corrections,  
439 within five (5) days after adjournment of such court, a certified  
440 copy of the probation order of an individual who is placed on  
441 probation under the supervision of the Division of Community  
442 Corrections of the department. Such order shall provide the name  
443 of the person placed on probation, the crime, term of sentence,  
444 date of sentence, period of probation, sex, race, and a brief  
445 history of the crime committed.

446 As compensation for such services they shall receive the sum  
447 of Fifty Cents (50¢) for each transcript, and the sum shall be  
448 paid out of the treasury of the county, with the approval of the  
449 board of supervisors, on the filing of a bill for such service.

450 SECTION 10. Section 99-19-48, Mississippi Code of 1972, is  
451 amended as follows:

452 99-19-48. The following form, to be furnished by the county,  
453 shall be used in transmitting the required data for any individual  
454 placed on probation under the supervision of the Division of  
455 Community Corrections of the Department of Corrections:

456 "Circuit Court, County of \_\_\_\_\_.

457 To the Mississippi Department of Corrections:

458 You are hereby notified that at the \_\_\_\_\_ term,  
459 20\_\_\_\_\_, of the circuit court, Judge \_\_\_\_\_

460 presiding, the following named person was tried, convicted and  
461 sentenced to a term in the State Penitentiary. The sentence was  
462 suspended and the person was placed on probation:

463 Name \_\_\_\_\_ Alias \_\_\_\_\_

464 Date of sentence \_\_\_\_\_ Crime \_\_\_\_\_

465 Term of sentence \_\_\_\_\_ Sex \_\_\_\_\_

466 Race \_\_\_\_\_ Appealed \_\_\_\_\_

467 Remarks: Give brief summary of crime committed. \_\_\_\_\_

468 \_\_\_\_\_

469 \_\_\_\_\_

470 Dated \_\_\_\_\_, 20\_\_\_\_\_ Clerk."

471 SECTION 11. Section 47-5-8, Mississippi Code of 1972, is  
472 amended as follows:

473 47-5-8. (1) There is hereby created the Mississippi  
474 Department of Corrections which shall be under the policy  
475 direction of the Governor. The chief administrative officer of  
476 the department shall be the Commissioner of Corrections.

477 (2) (a) There shall be a Division of Administration and  
478 Finance within the department which shall have as its chief  
479 administrative officer a Deputy Commissioner for Administration  
480 and Finance who shall be appointed by the commissioner, and shall  
481 be directly responsible to the commissioner.

482 (b) There shall be a Division of Community Corrections  
483 within the department which shall have as its chief administrative  
484 officer a Deputy Commissioner for Community Corrections who shall

485 be appointed by the commissioner, and shall be directly  
486 responsible to the commissioner. The Probation and Parole Board  
487 shall continue to exercise the authority as provided by law, but  
488 after July 1, 1976, the Division of Community Corrections shall  
489 serve as the administrative agency for the Probation and Parole  
490 Board.

491 (3) The department shall succeed to the exclusive control of  
492 all records, books, papers, equipment and supplies, and all lands,  
493 buildings and other real and personal property now or hereafter  
494 belonging to or assigned to the use and benefit or under the  
495 control of the Mississippi State Penitentiary and the Mississippi  
496 Probation and Parole Board, except the records of parole process  
497 and revocation and legal matters related thereto, and shall have  
498 the exercise and control of the use, distribution and disbursement  
499 of all funds, appropriations and taxes now or hereafter in  
500 possession, levied, collected or received or appropriated for the  
501 use, benefit, support and maintenance of these two (2) agencies  
502 except as otherwise provided by law, and the department shall have  
503 general supervision of all the affairs of the two (2) agencies  
504 herein named except as otherwise provided by law, and the care and  
505 conduct of all buildings and grounds, business methods and  
506 arrangements of accounts and records, the organization of the  
507 administrative plans of each institution, and all other matters  
508 incident to the proper functioning of the two (2) agencies.

509 (4) The commissioner may lease the lands for oil, gas,  
510 mineral exploration and other purposes, and contract with other  
511 state agencies for the proper management of lands under such  
512 leases or for the provision of other services, and the proceeds  
513 thereof shall be paid into the General Fund of the state.

514 SECTION 12. This act shall take effect and be in force from  
515 and after July 1, 2001.