

By: Senator(s) Smith

To: Corrections

SENATE BILL NO. 2335

1 AN ACT TO AMEND SECTIONS 47-5-5 AND 47-5-10, MISSISSIPPI CODE
2 OF 1972, TO REQUIRE THE CONSOLIDATION OF ALCOHOL AND DRUG
3 TREATMENT PROGRAMS OF THE DEPARTMENT OF CORRECTIONS; TO REQUIRE
4 SUCH PROGRAMS TO BE CENTRALIZED AT ONE FACILITY OF THE DEPARTMENT
5 OF CORRECTIONS; AND FOR RELATED PURPOSES.

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

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

9 47-5-5. The commissioner, as soon as possible after passage
10 of this section, shall prepare a plan to bring about the limited
11 centralization of facilities within the state correctional system
12 grounds at Parchman, Mississippi. The commissioner is authorized
13 and empowered to use any state funds appropriated for such
14 purposes, together with any available federal funds appropriated
15 by the United States Congress for improvement of correctional
16 institutions to construct modern security facilities for housing
17 of offenders to the end that the state correctional system
18 achieves the greatest degree of security for said offenders.
19 Provided, however, that no new facility to house offenders shall
20 be constructed within two-fifths (2/5) of a mile of any other
21 offender camp. The commissioner shall bring about centralization
22 of food facilities, recreational activities, utility services and
23 other related facilities and correctional services that are
24 presently decentralized within the correctional system.

25 It is the intent of the Mississippi Legislature that the
26 commissioner shall fully utilize existing knowledge, architectural
27 plans and expertise currently available with the Federal Bureau of
28 Prisons and the Law Enforcement Assistance Administration to the



29 end that the State of Mississippi shall have an efficient, modern,
30 and properly secure state correctional system.

31 The commissioner is authorized to receive and disburse
32 private and public grants, gifts and bequests which may be
33 available to this state for correctional facilities, offender
34 rehabilitation purposes and related purposes, which said sum so
35 received shall be subject to all of the laws applicable to the
36 Department of Finance and Administration.

37 The commissioner shall centralize all alcohol and drug
38 treatment programs within the department. The commissioner shall
39 designate one (1) correctional facility within the department to
40 provide alcohol and drug treatment programs and to house inmates
41 participating in such programs.

42 **SECTION 2.** Section 47-5-10, Mississippi Code of 1972, is
43 amended as follows:

44 47-5-10. The department shall have the following powers and
45 duties:

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

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

52 (c) To maintain, administer and exercise executive and
53 administrative supervision over all state correctional
54 institutions and facilities used for the custody, training, care,
55 treatment and after-care supervision of adult offenders committed
56 to the department; provided, however, that such supervision shall
57 not extend to any institution or facility for which executive and
58 administrative supervision has been provided by law through
59 another agency;

60 (d) To plan, develop and coordinate a statewide,
61 comprehensive correctional program designed to train and



62 rehabilitate offenders in order to prevent, control and retard
63 recidivism;

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

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

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

74 (h) To develop and implement diversified programs and
75 facilities to promote, enhance, provide and assure the
76 opportunities for the successful custody, training and treatment
77 of adult offenders properly committed to the department or
78 confined in any facility under its control. Such programs and
79 facilities may include but not be limited to institutions, group
80 homes, halfway houses, diagnostic centers, work and educational
81 release centers, restitution centers, counseling and supervision
82 of probation, parole, suspension and compact cases, presentence
83 investigating and other state and local community-based programs
84 and facilities;

85 (i) To receive, hold and use, as a corporate body, any
86 real, personal and mixed property donated to the department, and
87 any other corporate authority as shall be necessary for the
88 operation of any facility at present or hereafter;

89 (j) To provide those personnel, facilities, programs
90 and services the department shall find necessary in the operation
91 of a modern correctional system for the custody, care, study and
92 treatment of adult offenders placed under its jurisdiction by the
93 courts and other agencies in accordance with law;



94 (k) To develop the capacity and administrative network
95 necessary to deliver advisory consultation and technical
96 assistance to units of local government for the purpose of
97 assisting them in developing model local correctional programs for
98 adult offenders;

99 (l) To cooperate with other departments and agencies
100 and with local communities for the development of standards and
101 programs for better correctional services in this state;

102 (m) To administer all monies and properties of the
103 department;

104 (n) To report annually to the Legislature and the
105 Governor on the committed persons, institutions and programs of
106 the department;

107 (o) To cooperate with the courts and with public and
108 private agencies and officials to assist in attaining the purposes
109 of this chapter and Chapter 7 of this title. The department may
110 enter into agreements and contracts with other departments of
111 federal, state or local government and with private agencies
112 concerning the discharge of its responsibilities or theirs. The
113 department shall have the authority to accept and expend or use
114 gifts, grants and subsidies from public and private sources;

115 (p) To provide, in its discretion, alcohol and drug
116 treatment programs for inmates suffering from a dependency or
117 addiction to alcohol or drugs. If such programs are offered, the
118 programs shall be provided at one (1) correctional facility within
119 the department;

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

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

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



126 **SECTION 3.** This act shall take effect and be in force from
127 and after July 1, 2002.

