

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 1164

1 AN ACT TO CREATE NEW SECTION 47-5-183, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT
3 OF CORRECTIONS TO TRANSFER TERMINALLY ILL OFFENDERS TO THE
4 COMMUNITY CORRECTIONS DIVISION OF THE DEPARTMENT; TO AMEND
5 SECTIONS 47-5-20 AND 47-5-28, MISSISSIPPI CODE OF 1972, IN
6 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section
9 47-5-183, Mississippi Code of 1972:

10 47-5-183. The Commissioner of Corrections is authorized to
11 transfer terminally ill offenders to the Community Corrections
12 Division of the Mississippi Department of Corrections when the
13 medical director for the department has reviewed and investigated
14 cases where offenders have been diagnosed with a serious illness.
15 If the medical director certifies to the Commissioner of
16 Corrections that an offender is suffering from a terminal illness,
17 the Commissioner may release the offender and direct that the
18 Division of Community Corrections shall supervise the offender for
19 the remainder of his or her sentence. The offender shall be under
20 the full and complete jurisdiction of the department and subject
21 to being returned and placed in the actual custody of the
22 department by the classification committee for violating an order
23 or condition of the terminally ill offender's release. For
24 purposes of this section, "terminally ill" means a medical
25 prognosis of limited expected survival, of one (1) year or less
26 of an offender who is experiencing an illness for which
27 therapeutic strategies directed toward cure and control of the
28 disease alone outside the context of symptom control are no longer
29 appropriate.



30 **SECTION 2.** Section 47-5-20, Mississippi Code of 1972, is
31 amended as follows:

32 47-5-20. In addition to the powers and duties enumerated in
33 Section 47-5-28, the commissioner shall have the following powers
34 and duties:

35 (a) To establish the general policy of the department;

36 (b) To approve proposals for the location of new
37 facilities, for major renovation activities, and for the creation
38 of new programs and divisions within the department as well as for
39 the abolition of the same; provided, however, that the
40 commissioner shall approve the location of no new facility unless
41 the board of supervisors of the county or the governing
42 authorities of the municipality in which the new facility is to be
43 located shall have had the opportunity with at least sixty (60)
44 days' prior notice to disapprove the location of the proposed
45 facility. If either the board of supervisors or the governing
46 authorities shall disapprove the facility, it shall not be located
47 in that county or municipality. Said notice shall be made by
48 certified mail, return receipt requested, to the members of the
49 board or governing authorities and to the clerk thereof;

50 (c) Except as otherwise provided or required by law, to
51 open bids and approve the sale of any products or manufactured
52 goods by the department according to applicable provisions of law
53 regarding bidding and sale of state property, and according to
54 rules and regulations established by the State Fiscal Management
55 Board; * * *

56 (d) To adopt administrative rules and regulations
57 including, but not limited to, offender transfer procedures, award
58 of administrative earned time, personnel procedures, employment
59 practices; and

60 (e) To authorize the transfer of terminally ill
61 offenders to the Community Corrections Division of the Mississippi
62 Department of Corrections.



63 **SECTION 3.** Section 47-5-28, Mississippi Code of 1972, is
64 amended as follows:

65 47-5-28. In addition to the powers and duties enumerated in
66 Section 47-5-20, the commissioner shall have the following powers
67 and duties:

68 (a) To implement and administer laws and policy
69 relating to corrections and coordinate the efforts of the
70 department with those of the federal government and other state
71 departments and agencies, county governments, municipal
72 governments, and private agencies concerned with providing
73 offender services;

74 (b) To establish standards, in cooperation with other
75 state agencies having responsibility as provided by law, provide
76 technical assistance, and exercise the requisite supervision as it
77 relates to correctional programs over all state-supported adult
78 correctional facilities and community-based programs;

79 (c) To promulgate and publish such rules, regulations
80 and policies of the department as are needed for the efficient
81 government and maintenance of all facilities and programs in
82 accord insofar as possible with currently accepted standards of
83 adult offender care and treatment;

84 (d) To provide the Parole Board with suitable and
85 sufficient office space and support resources and staff necessary
86 to conducting Parole Board business under the guidance of the
87 Chairman of the Parole Board;

88 (e) To make an annual report to the Governor and the
89 Legislature reflecting the activities of the department and make
90 recommendations for improvement of the services to be performed by
91 the department;

92 (f) To cooperate fully with periodic independent
93 internal investigations of the department and to file the report
94 with the Governor and the Legislature;



95 (g) To perform such other duties necessary to
96 effectively and efficiently carry out the purposes of the
97 department as may be directed by the Governor;

98 (h) To authorize the transfer of terminally ill
99 offenders to the Community Corrections Division of the Mississippi
100 Department of Corrections.

101 **SECTION 4.** This act shall take effect and be in force from
102 and after July 1, 2003.

