

By: Representative Baker (74th)

To: Corrections

HOUSE BILL NO. 1055

1 AN ACT TO AMEND SECTION 47-7-34, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE TOTAL NUMBER OF YEARS IMPOSED UNDER POST-RELEASE  
3 SUPERVISION SHALL NOT AFFECT THE MAXIMUM SENTENCE AUTHORIZED TO BE  
4 IMPOSED BY LAW FOR CERTAIN FELONS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-7-34, Mississippi Code of 1972, is  
7 amended as follows:

8 47-7-34. (1) When a court imposes a sentence upon a  
9 conviction for any felony committed after June 30, 1995, the  
10 court, in addition to any other punishment imposed if the other  
11 punishment includes a term of incarceration in a state or local  
12 correctional facility, may impose a term of post-release  
13 supervision. However, the total number of years \* \* \* of  
14 post-release supervision shall not exceed the maximum sentence  
15 authorized to be imposed by law for the felony committed. The  
16 defendant shall be placed under post-release supervision upon  
17 release from the term of incarceration. The period of supervision  
18 shall be established by the court.

19 (2) The period of post-release supervision shall be  
20 conducted in the same manner as a like period of supervised  
21 probation, including a requirement that the defendant shall abide  
22 by any terms and conditions as the court may establish. Failure  
23 to successfully abide by the terms and conditions shall be grounds  
24 to terminate the period of post-release supervision and to  
25 recommit the defendant to the correctional facility from which he  
26 was previously released. Procedures for termination and  
27 recommitment shall be conducted in the same manner as procedures

28 for the revocation of probation and imposition of a suspended  
29 sentence.

30 (3) Post-release supervision programs shall be operated  
31 through the probation and parole unit of the Division of Community  
32 Corrections of the department. The maximum amount of time that  
33 the Mississippi Department of Corrections may supervise an  
34 offender on the post-release supervision program is five (5)  
35 years.

36 **SECTION 2.** This act shall take effect and be in force from  
37 and after July 1, 2005.