

No Action
COMMITTEE AMENDMENT NO 1 PROPOSED TO

House Bill No. 435

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

7 **SECTION 1.** Section 47-5-110, Mississippi Code of 1972, is
8 amended as follows:
9 47-5-110. (1) Commitment to any institution or facility
10 within the jurisdiction of the department shall be to the
11 department, not to a particular institution or facility. The
12 commissioner shall assign a newly committed offender to an
13 appropriate facility consistent with public safety; provided,
14 however, that any offender who, in the opinion of the sentencing
15 judge, requires confinement in a maximum security unit shall be
16 assigned, upon initial commitment, to the Parchman facility. The
17 commissioner may extend the place of confinement of eligible
18 offenders as provided under subsection (2) of this section. He
19 may transfer an offender from one institution to another,
20 consistent with the commitment and in accordance with treatment,
21 training and security needs. The commissioner shall have the
22 authority to transfer inmates from the various correctional
23 facilities of the department to restitution centers if such
24 inmates meet the qualifications prescribed in Section 99-37-19.
25 The commissioner shall prepare appropriate standards of

26 eligibility for such transfers of offenders from one institution
27 to another institution and transfers of offenders who meet the
28 qualifications for placement in restitution centers. The
29 commissioner shall have the authority to remove the offenders from
30 restitution centers and to transfer them to other facilities of
31 the department. The commissioner shall obtain the approval of the
32 sentencing court before transferring an offender committed to the
33 department to a restitution center. On the request of the chief
34 executive officer of the affected unit of local government, the
35 commissioner may transfer a person detained in a local facility to
36 a state facility. The commissioner shall determine the cost of
37 care for that person to be borne by the unit of local government.
38 The commissioner may assign to a community work center, any
39 offender who is convicted under the Mississippi Implied Consent
40 Law and who is sentenced to the custody of the Department of
41 Corrections, except that if a death or a serious maiming has
42 occurred during the commission of the violation of the Mississippi
43 Implied Consent Law, then the offender so convicted may not be
44 assigned to a community work center.

45 (2) The department may establish by rule or policy and
46 procedure a community prerelease program which shall be subject to
47 the following requirements:

48 (a) The commissioner may extend the limits of
49 confinement of offenders serving sentences for violent or
50 nonviolent crimes who have six (6) months or less remaining before
51 release on parole, conditional release or discharge to participate
52 in the program. Parole violators may be allowed to participate in
53 the program.

54 (b) Any offender who is referred to the program shall
55 remain an offender of the department and shall be subject to rules
56 and regulations of the department pertaining to offenders of the

department until discharged or released on parole or conditional release by the State Parole Board.

(c) The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary for the supervision and treatment of the offender.

(d) An offender assigned to the program shall be authorized to leave a community prerelease center only for the purpose and time necessary to participate in the program and activities authorized in paragraph (c) of this subsection.

(3) The commissioner shall have absolute immunity from liability for any injury resulting from a determination by the commissioner that an offender shall be allowed to participate in the community prerelease program.

(4) (a) The department may by rule or policy and procedure provide the regimented inmate discipline program and prerelease service for offenders at each of its major correctional facilities: Mississippi State Penitentiary, Central Mississippi Correctional Institution and South Mississippi Correctional Institution.

(b) The commissioner may establish regimented inmate discipline and prerelease programs at the South Mississippi Correctional Institution. Offenders assigned to this facility may receive the services provided by the regimented inmate discipline program. The prerelease program may be located on the grounds of this facility or another facility designated by the commissioner.

(5) This section shall stand repealed on July 1, 2011.

SECTION 2. This act shall take effect and be in force from and after its passage.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO AMEND SECTION 47-5-110, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON THIS SECTION WHICH PROVIDES THAT ANY
3 COMMITMENTS TO ANY INSTITUTION OR FACILITY WITHIN THE JURISDICTION
4 OF THE DEPARTMENT OF CORRECTIONS SHALL BE TO THE DEPARTMENT OF
5 CORRECTIONS; AND FOR RELATED PURPOSES.