

By: Senator(s) Barnett

To: Corrections;
Appropriations

SENATE BILL NO. 2353

1 AN ACT TO PHASEDOWN THE OPERATION OF THE STATE PENITENTIARY
2 AT PARCHMAN IN SUNFLOWER AND QUITMAN COUNTIES OVER A FOUR-YEAR
3 PERIOD AND TRANSFER ITS INMATES, EMPLOYEES AND PROGRAMS TO OTHER
4 STATE AND REGIONAL FACILITIES OF THE MISSISSIPPI DEPARTMENT OF
5 CORRECTIONS; TO AUTHORIZE AND DIRECT THE COMMISSIONER OF
6 CORRECTIONS TO DEVELOP AND SUBMIT TO THE LEGISLATURE A PLAN TO
7 IMPLEMENT THIS PHASEDOWN UNDER CERTAIN CONDITIONS AND TO
8 PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE PLAN; TO
9 AUTHORIZE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO HOLD THE
10 LAND AT PARCHMAN IN TRUST AND TO LEASE THE GROUNDS AND BUILDINGS
11 FOR AGRICULTURAL, INDUSTRIAL, COMMERCIAL, RESIDENTIAL RECREATIONAL
12 OR OTHER USES FOR A GROUND RENTAL UNDER CERTAIN CONDITIONS; TO
13 AUTHORIZE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO DESIGNATE
14 AN EXISTING BUILDING AT PARCHMAN FOR THE DELIVERY OF MENTAL HEALTH
15 SERVICES TO INMATES WITH MENTAL ILLNESS INCARCERATED IN ANY STATE
16 OR REGIONAL CORRECTIONAL FACILITY TO BE KNOWN AS THE "NORTHWEST
17 MISSISSIPPI FACILITY FOR THE TREATMENT AND CARE OF INMATES WITH
18 MENTAL ILLNESS," AND TO PRESCRIBE STANDARDS FOR THE OPERATION OF
19 SAID MENTAL HEALTH TREATMENT FACILITY; TO PROVIDE THAT ANY
20 BUILDINGS OR OTHER FACILITIES REMAINING AT PARCHMAN SHALL BE
21 RENAMED "NORTHWEST MISSISSIPPI CORRECTIONAL FACILITY"; TO AMEND
22 SECTIONS 47-4-1, 47-5-3, 47-5-5, 47-5-6, 47-5-10, 47-5-20,
23 47-5-28, 47-5-30, 47-5-64 AND 47-5-66, MISSISSIPPI CODE OF 1972,
24 TO CREATE THE CORRECTIONAL INFRASTRUCTURE AND INMATE HOUSING FUND
25 AND IN CONFORMITY THERETO; TO AMEND SECTION 47-5-35, MISSISSIPPI
26 CODE OF 1972, TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE
27 CORRECTIONAL AUDITOR; TO AMEND SECTIONS 47-5-539 AND 47-5-579,
28 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE MISSISSIPPI
29 DEPARTMENT OF CORRECTIONS TO EXPAND THE PILOT WORK INITIATIVE
30 UNDER THE MISSISSIPPI PRISON INDUSTRIES CORPORATION AT CENTRAL
31 MISSISSIPPI CORRECTIONAL FACILITY TO ANY STATE, REGIONAL AND
32 PRIVATE CORRECTIONAL FACILITY IN THE STATE OF MISSISSIPPI WHICH
33 HOUSE INMATES UNDER THE JURISDICTION OF THE MISSISSIPPI DEPARTMENT
34 OF CORRECTIONS; TO PRESCRIBE CERTAIN CONDITIONS FOR THE OPERATION



35 OF THE MISSISSIPPI PRISON INDUSTRIES PROGRAM; TO DELETE THE
36 AUTOMATIC REPEALER ON THE PRISON INDUSTRIES PROGRAM; TO DELETE THE
37 AUTOMATIC REPEALER ON THE MISSISSIPPI EARNED PAROLE ELIGIBILITY
38 ACT OF 2021; TO BRING FORWARD SECTION 1 OF CHAPTER 479, LAWS OF
39 2021; TO AMEND SECTIONS 47-7-3 AND 47-7-5, MISSISSIPPI CODE OF
40 1972, AND BRING FORWARD SECTIONS 47-7-3.1, 47-7-3.2, 47-7-15,
41 47-7-17 AND 47-7-18, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO
42 AMEND SECTIONS 47-5-473, 47-5-577, 47-5-911 AND 47-5-1251,
43 MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALERS ON THE
44 CORRECTIONAL SYSTEM PILOT WORK RELEASE PROGRAM, THE CORRECTIONAL
45 SYSTEM MISSISSIPPI PRISON INDUSTRIES ACT OF 1990, THE CORRECTIONAL
46 SYSTEM PRISON INDUSTRIES PILOT WORK INITIATIVE AT CENTRAL
47 MISSISSIPPI CORRECTIONAL FACILITY, THE CORRECTIONAL SYSTEM
48 PROVISIONS FOR STATE OFFENDERS SERVING SENTENCES IN COUNTY JAILS,
49 THE CORRECTIONAL SYSTEM PRISON INDUSTRY ENHANCEMENT PROGRAM AND
50 THE CORRECTIONAL SYSTEM PROBATION AND PAROLE LAW; AND FOR RELATED
51 PURPOSES.

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

53 **SECTION 1.** (1) It is the finding of the Legislature that
54 the Mississippi Department of Corrections should phasedown the
55 operation of the State Penitentiary at Parchman in Sunflower and
56 Quitman Counties over a four-year period beginning July 1, 2024,
57 and transfer its inmates, employees and programs to other state
58 and regional facilities of the department based on relevant
59 factors, including the age of the prison, facility maintenance
60 needs of the prison, proximity to other prisons, the local labor
61 pool and availability of workforce for staffing the institution,
62 historical correctional officer vacancy rates at the prison and
63 the need to better align inmate populations with prison capacity.
64 Further, savings gained from consolidation of Parchman may be
65 redirected to correctional officer salaries to specifically
66 address officer turnover.

67 (2) The Commissioner of Corrections, on or before January 1,
68 2025, shall develop and submit to the Legislature a plan to bring



69 about the decentralization of facilities within the state
70 correctional system grounds at Parchman, Mississippi, over a
71 four-year period beginning July 1, 2024, with recommendations for
72 necessary legislation. In developing the plan for the transfer of
73 inmates and consolidation of existing programs at the former State
74 Penitentiary at Parchman, the Commissioner of Corrections is
75 specifically authorized and directed to contract with the
76 Tallahatchie County Correctional Facility at Tutwiler for the
77 incarceration of inmates formerly housed at Parchman, Mississippi.
78 After entering into an agreement for the receipt of state funds
79 for the transferred inmates and programs, the Tutwiler facility
80 shall be renamed and known as the "Northwest Mississippi
81 Correctional Facility." Any facilities, buildings, hospital
82 facilities, nursing home facilities or other necessary buildings
83 remaining at the correctional system grounds at Parchman,
84 Mississippi, following the phasedown required under this section
85 shall be renamed "Northwest Mississippi Correctional Facility" and
86 shall be operated as a branch of the central administrative office
87 at Tutwiler. The commissioner is authorized and empowered to use
88 any state funds appropriated for such purposes. It is the intent
89 of the Legislature that the commissioner shall fully utilize
90 existing knowledge, architectural plans and expertise currently
91 available with the Federal Bureau of Prisons and the Law
92 Enforcement Assistance Administration to the end that the State of



93 Mississippi shall have an efficient, modern and properly secure
94 state correctional system.

95 (3) The commissioner is authorized to receive and disburse
96 private and public funds and grants which may be available for
97 correctional facilities, offender rehabilitation purposes and
98 related purposes to develop and submit this consolidation plan.
99 The commissioner is authorized and directed to promulgate rules
100 and regulations to implement this four-year consolidation plan.

101 (4) It is the intent of the Legislature that the
102 Commissioner of Corrections reduce the inmate population of the
103 State Penitentiary at Parchman by not less than one thousand seven
104 hundred (1,700) inmates on or before July 1, 2026, and the
105 commissioner is hereby empowered and directed to implement this
106 requirement. The commissioner shall make monthly progress reports
107 to the House and Senate Corrections Committees and the Auditor of
108 the Correctional System at PEER. The reports shall:

109 (a) Show progress prior to January 1, 2025, in
110 developing a plan for legislative review; and

111 (b) Show progress in implementing the phasedown plan
112 after January 1, 2025.

113 The plan developed by the Commissioner of Corrections shall
114 provide a time schedule for the orderly, efficient and deliberate
115 transfer of inmates and consolidation of existing programs at the
116 State Penitentiary at Parchman and the necessary renovation of
117 existing facilities at state and regional correction facilities



118 with the assistance of the Bureau of Buildings, Grounds and Real
119 Property Management of the Department of Finance and
120 Administration. The plan developed by the commissioner shall
121 provide for the maximum internal security of inmates at the State
122 Penitentiary by creating a unit of security facilities to aid in
123 phasing down the Parchman program. The plan shall unitize
124 supportive functions so as to minimize the basic cost for such
125 facilities and create an efficient, effective security system for
126 inmates.

127 (5) In developing the phasedown plan, the commissioner shall
128 ensure that any administrative functions and activities that
129 support the entire Mississippi Department of Corrections system,
130 including, but not limited to, the textile production program
131 located at Parchman, shall be transferred to other appropriate
132 facilities in the state correctional system.

133 (6) It is the intent of the Legislature that any savings
134 resulting from the phasedown of operations and facilities at the
135 State Penitentiary at Parchman may be directed to increasing
136 correctional officer salaries in the state correctional system,
137 subject to specific appropriation by the Legislature.

138 (7) In developing the phasedown plan, the commissioner shall
139 ensure that any hospital, medical or long-term care facility,
140 including the Northwest Mississippi Facility for the Treatment and
141 Care of Inmates with Mental Illness, shall continue to be located
142 on the grounds of the former State Penitentiary at Parchman.



143 (8) Unit 29 (known as "death row") and its cells for
144 protective custody inmates shall continue to be located on the
145 grounds of the former State Penitentiary at Parchman.

146 (9) Whenever the term "State Penitentiary at Parchman" or
147 "Parchman prison" appears in the laws or statutes, it shall be
148 construed to mean the "Northwest Mississippi Correctional
149 Facility" created in this section.

150 **SECTION 2.** As part of the consolidation plan developed under
151 Section 1 of this act, the Mississippi Department of Corrections
152 shall hold the land, buildings and fixtures at the State
153 Penitentiary at Parchman in Sunflower and Quitman Counties in
154 trust. The commissioner shall provide for the lease of the
155 grounds and/or buildings at Parchman, Mississippi, for
156 agricultural, industrial, commercial, residential, recreational,
157 catfish farming or other for a term not exceeding forty (40) years
158 for a ground rental, payable annually. All leases shall contain
159 rent adjustment clauses or other such provisions requiring that
160 the consideration for every lease of such lands shall be adjusted
161 not less than once every ten (10) years from the date of the lease
162 to reflect the current fair market rental value of the lands,
163 exclusive of any improvements thereon. All lease provisions,
164 public bid requirements, Public Procurement Review Board
165 requirements and next payment provisions contained in Section
166 47-5-66 shall be fully applicable to leases authorized under this
167 section. The commissioner may, at any time by agreement with any



168 lessee of such lands, cancel an existing lease and execute a new
169 lease contract on such land where major capital improvements have
170 been made or for the purpose of facilitating the addition of major
171 capital improvements thereon, provided that the rental amount of
172 such new lease shall not be less than the rental amount in the
173 prior lease, and the term of such new lease shall not exceed forty
174 (40) years for a ground rental payable annually. The commissioner
175 may find that in the interest of good trust management it may be
176 necessary to grant in the original lease contract an option to
177 renew any lease not subject to competitive bid procedures, for a
178 term not to exceed twenty-five (25) years, provided that the
179 execution of a new lease shall be required to effectuate the
180 additional lease period and the provisions of all applicable
181 statutes setting for the procedure and requirements have been
182 satisfied. Subleasing or assignment of any lease of Parchman land
183 shall only be allowed when provided in the lease contract or at
184 the discretion of the commissioner. The Mississippi Department of
185 Corrections has the right and remedies for the security and
186 collection of such rents given by law to landlords.

187 **SECTION 3.** (1) As part of the consolidation plan for the
188 buildings and grounds at the state correctional facility grounds
189 at Parchman, the commissioner may designate an existing building
190 or buildings for the delivery of mental health services to inmates
191 with mental illness incarcerated in any state or regional
192 correctional facilities, to be known as the "Northwest Mississippi



193 Facility for the Treatment and Care of Inmates with Mental
194 Illness." For purposes of this treatment program, a mental
195 disorder is defined as a syndrome characterized by clinical
196 significant disturbance in an individual's cognition, emotion
197 regulation, or behavior that reflects a dysfunction in the
198 psychological, biological, or developmental processes underlying
199 mental functioning. Mental disorders are usually associated with
200 significant distress or disability in social, occupational, or
201 other activities. Classification of an inmate as seriously
202 mentally ill requires consideration of his/her diagnoses; the
203 severity and duration of his/her symptoms; the degree of
204 functional impairment associated with the illness; and his/her
205 treatment history and current treatment needs. The following
206 diagnoses are generally classified as serious mental illnesses:
207 Schizophrenia Spectrum and other Psychotic Disorders; Bipolar and
208 Related Disorders; Major Depressive Disorders; Anxiety Disorders;
209 Obsessive-compulsive and related Disorders; Trauma and
210 Stressor-related disorders; intellectual disabilities and autism
211 Spectrum disorders; Major Neurocognitive disorders; and
212 Personality disorders. The primary purpose of this treatment
213 facility shall be to ensure that inmates with mental illness are
214 identified and receive treatment to assist their progress toward
215 recovery, while reducing or eliminating the frequency and severity
216 of symptoms and associated negative outcomes of mental illness,
217 such as exacerbation of acute symptoms, placement in restrictive



218 housing, need for psychiatric hospitalization, suicide attempts
219 and death by suicide. The secondary purpose of this treatment
220 facility is to address dynamic risk factors associated with
221 recidivism in inmates with mental illness to increase prosocial
222 and adaptive living skills and the likelihood of successful
223 reentry to the community. The facility may provide group and
224 individual therapy sessions in which clinicians instruct
225 participants about anger management, medication adherence and
226 other skills.

227 (2) The Mississippi Department of Corrections shall make
228 applications to the State Department of Health and/or the State
229 Department of Mental Health for the proper licensure and
230 certification necessary for the establishment and operation of the
231 Northwest Mississippi Facility for the Treatment and Care of
232 Inmates with Mental Illness.

233 (3) The commissioner, with the assistance of the State
234 Department of Health and the State Department of Mental Health,
235 shall develop and promulgate regulations for the standards for the
236 selection and admittance of inmates into the Northwest Mississippi
237 Facility for the Treatment and Care of Inmates with Mental
238 Illness, and for the operation of the program.

239 (4) The facilities authorized under this section shall not
240 be subject to the phasedown and decentralization requirements of
241 Section 1 of this act.



242 **SECTION 4.** Section 47-4-1, Mississippi Code of 1972, is
243 amended as follows:

244 47-4-1. (1) It is lawful for there to be located within
245 Wilkinson County and Leflore County a correctional facility
246 operated entirely by a private entity pursuant to a contractual
247 agreement between such private entity and the federal government,
248 any state, or a political subdivision of any state to provide
249 correctional services to any such public entity for the
250 confinement of inmates subject to the jurisdiction of such public
251 entity. Any person confined in such a facility pursuant to the
252 laws of the jurisdiction from which he is sent shall be considered
253 lawfully confined within this state. The private entity shall
254 assume complete responsibility for the inmates and shall be liable
255 to the State of Mississippi for any illegal or tortious actions of
256 such inmates.

257 (2) The Department of Corrections shall contract with the
258 Board of Supervisors of Leflore County for the private
259 incarceration of not more than one thousand (1,000) state inmates
260 at a facility in Leflore County. Any contract must comply with
261 the requirements of Section 47-5-1211 through Section 47-5-1227.

262 (3) It is lawful for any county to contract with a private
263 entity for the purpose of providing correctional services for the
264 confinement of federal inmates subject to the jurisdiction of the
265 United States. Any person confined in such a facility pursuant to
266 the laws of the United States shall be considered lawfully



267 confined within this state. The private entity shall assume
268 complete responsibility for the inmates and shall be liable to the
269 county or the State of Mississippi, as the case may be, for any
270 illegal or tortious actions of the inmates.

271 (4) It is lawful for there to be located within any county a
272 correctional facility operated entirely by a private entity and
273 the federal government to provide correctional services to the
274 United States for the confinement of federal inmates subject to
275 the jurisdiction of the United States. Any person confined in a
276 facility pursuant to the laws of the United States shall be
277 considered lawfully confined within this state. The private
278 entity shall assume complete responsibility for the inmates and
279 shall be liable to the State of Mississippi for any illegal or
280 tortious actions of the inmates.

281 A person convicted of simple assault on an employee of a
282 private correctional facility while such employee is acting within
283 the scope of his or her duty or employment shall be punished by a
284 fine of not more than One Thousand Dollars (\$1,000.00) or by
285 imprisonment for not more than five (5) years, or both.

286 A person convicted of aggravated assault on an employee of a
287 private correctional facility while such employee is acting within
288 the scope of his or her duty or employment shall be punished by a
289 fine of not more than Five Thousand Dollars (\$5,000.00) or by
290 imprisonment for not more than thirty (30) years, or both.



291 (5) The Department of Corrections may contract with the
292 Tallahatchie County Correctional Facility authorized in Chapter
293 904, Local and Private Laws of 1999, for the private incarceration
294 of not more than one thousand (1,000) state inmates at a facility
295 in Tallahatchie County. Any contract must comply with the
296 requirements of Section 47-5-1211 through Section 47-5-1227. No
297 state inmate shall be assigned to the Tallahatchie County
298 Correctional Facility unless the inmate cost per day is at least
299 ten percent (10%) less than the inmate cost per day for housing a
300 state inmate at a state correctional facility. The Department of
301 Corrections may contract with the Tallahatchie County Correctional
302 Facility at Tutwiler for the incarceration of inmates as provided
303 in the decentralization plan for the facilities within the state
304 correctional system grounds at Parchman, Mississippi, as provided
305 in Section 1 of this act. Following implementation of this
306 transfer plan, the facility shall be renamed and known as
307 "Northwest Mississippi Correctional Facility," which shall include
308 the administrative offices of this facility. The Tallahatchie
309 Prison Authority shall rename this facility as "Northwest
310 Mississippi Correctional Facility" as a condition for receiving
311 and holding state inmates.

312 (6) If a private entity houses state inmates, the private
313 entity shall not displace state inmate beds with federal inmate
314 beds unless the private entity has obtained prior written approval
315 from the Commissioner of Corrections.



316 (7) It is lawful for there to be located within Leflore
317 County a correctional facility operated entirely by a private
318 entity pursuant to a contractual agreement between such private
319 entity and the federal government, the State of Mississippi, or
320 Leflore County for the incarceration of federal inmates. Such
321 correctional facility may include a separate Leflore County jail
322 which may be located on or adjacent to the correctional facility
323 site. To further the provisions of this subsection:

324 (a) Any private entity, the State of Mississippi, or
325 Leflore County may enter into any agreement regarding real
326 property or property, including, but not limited to, a lease, a
327 ground lease and leaseback arrangement, a sublease or any other
328 lease agreement or arrangement, as lessor or lessee. Such
329 agreements shall not exceed forty (40) years. The Department of
330 Corrections may enter such agreements or arrangements on behalf of
331 the State of Mississippi;

332 (b) The powers conferred under this subsection shall be
333 additional and supplemental to the powers conferred by any other
334 law. Where the provisions of this subsection conflict with other
335 law, this subsection shall control; and

336 (c) The private entity shall assume complete
337 responsibility for the inmates and shall be liable to the State of
338 Mississippi for any illegal or tortious actions of the inmates.

339 (8) Any regional correction facility may contract with the
340 Mississippi Department of Corrections for the incarceration of



341 inmates authorized under the plan for the decentralization of the
342 state correctional system grounds at Parchman, Mississippi, as
343 provided in Section 1 of this act.

344 **SECTION 5.** Section 47-5-3, Mississippi Code of 1972, is
345 amended as follows:

346 47-5-3. (1) The plantation known as Parchman owned by the
347 state in Sunflower and Quitman Counties, and in such other places
348 as are now or may be hereafter owned or operated by the state for
349 correctional purposes shall constitute the facilities of the
350 correctional system for the custody, punishment, confinement at
351 hard labor and reformation of all persons convicted of felony in
352 the courts of the state and sentenced to the custody of the
353 department, and whenever the term "Penitentiary" or "State
354 Penitentiary" appears in the laws of the State of Mississippi, it
355 shall mean any facility under the jurisdiction of the Department
356 of Corrections which is used for the purposes described herein.

357 (2) The facilities at the State Penitentiary at Parchman in
358 Sunflower and Quitman counties shall be phased down over a
359 four-year period beginning July 1, 2024, pursuant to the plan
360 developed by the Commissioner of Corrections under Section 1 of
361 this act. Any buildings, facilities, offices, hospitals or
362 nursing homes remaining at the State Penitentiary at Parchman
363 shall be renamed and known as "Northwest Mississippi Correctional
364 Facility."



365 **SECTION 6.** Section 47-5-5, Mississippi Code of 1972, is
366 amended as follows:

367 47-5-5. The commissioner, as soon as possible after passage
368 of this section, shall prepare a plan to bring about the * * *
369 decentralization of facilities within the state correctional
370 system grounds at Parchman, Mississippi, pursuant to Section 1 of
371 this act. * * *

372 It is the intent of the Mississippi Legislature that the
373 commissioner shall fully utilize existing knowledge, architectural
374 plans and expertise currently available with the Federal Bureau of
375 Prisons and the Law Enforcement Assistance Administration to the
376 end that the State of Mississippi shall have an efficient, modern,
377 and properly secure state correctional system.

378 The commissioner is authorized to receive and disburse
379 private and public grants, gifts and bequests which may be
380 available to this state for correctional facilities, offender
381 rehabilitation purposes and related purposes, which said sum so
382 received shall be subject to all of the laws applicable to
383 the * * * Department of Finance and Administration.

384 **SECTION 7.** Section 47-5-6, Mississippi Code of 1972, is
385 amended as follows:

386 47-5-6. (1) There is hereby established a committee to be
387 known as the Corrections and Criminal Justice Oversight Task
388 Force, hereinafter called the Oversight Task Force, which must



389 exercise the powers and fulfill the duties described in this
390 chapter.

391 (2) The Oversight Task Force shall be composed of the
392 following members:

393 (a) The Lieutenant Governor shall appoint two (2)
394 members;

395 (b) The Speaker of the House of Representatives shall
396 appoint two (2) members;

397 (c) The Commissioner of the Department of Corrections,
398 or his designee;

399 (d) The Chief Justice of the Mississippi Supreme Court
400 shall appoint one (1) member of the circuit court;

401 (e) The Governor shall appoint one (1) member from the
402 Parole Board;

403 * * *

404 (* * *f) The Attorney General shall appoint one (1)
405 member representing the victims' community;

406 (* * *g) The Mississippi Association of Supervisors
407 shall appoint one (1) member to represent the association;

408 (* * *h) The Mississippi Chief of Police Association
409 shall appoint one (1) member to represent the association * * *;

410 (* * *i) The President of the Mississippi Prosecutors'
411 Association;

412 (* * *j) The President of the Mississippi Sheriffs'
413 Association, or his designee;



414 (* * *k) The Office of the State Public Defender shall
415 appoint one (1) member to represent the public defender's office;
416 and

417 (* * *l) The Governor shall appoint one (1) advocate
418 for offenders and families who have been directly affected by the
419 prison justice system. The appointment made pursuant to this
420 paragraph (* * *l) shall occur on July 1, * * * 2024.

421 (3) The task force shall meet on or before July 15, * * *
422 2024, at the call of the Commissioner of the Department of
423 Corrections and organize itself by electing one (1) of its members
424 as chair and such other officers as the task force may consider
425 necessary. Thereafter, the task force shall meet at least
426 biannually and at the call of the chair or by a majority of the
427 members. A quorum consists of seven (7) members.

428 (4) The task force shall have the following powers and
429 duties:

430 (a) Track and assess outcomes from the * * * plan
431 developed for the phasedown of the correctional system operations
432 at Parchman, Mississippi, as prescribed in Section 1 of this act;

433 (b) Prepare and submit an annual report no later than
434 the first day of the second full week of each regular session of
435 the Legislature on the outcome and performance measures to the
436 Legislature, Governor and Chief Justice. The report shall include
437 recommendations for improvements, recommendations on transfers of
438 funding based on the success or failure of implementation of the



439 recommendations, and a summary of savings. The report may also
440 present additional recommendations to the Legislature on future
441 legislation and policy options to enhance public safety and
442 control corrections costs;

443 (c) Monitor compliance with sentencing standards,
444 assess their impact on the correctional resources of the state and
445 determine if the standards advance the adopted sentencing policy
446 goals of the state;

447 (d) Review the classifications of crimes and sentences
448 and make recommendations for change when supported by information
449 that change is advisable to further the adopted sentencing policy
450 goals of the state;

451 (e) Develop a research and analysis system to determine
452 the feasibility, impact on resources, and budget consequences of
453 any proposed or existing legislation affecting sentence length;

454 (f) Request, review, and receive data and reports on
455 performance outcome measures as related to Chapter 457, Laws of
456 2014;

457 (g) To undertake such additional studies or evaluations
458 as the Oversight Task Force considers necessary to provide
459 sentencing reform information and analysis;

460 (h) Prepare and conduct annual continuing legal
461 education seminars regarding the sentencing guidelines to be
462 presented to judges, prosecuting attorneys and their deputies, and
463 public defenders and their deputies, as so required;



464 (i) The Oversight Task Force shall use clerical and
465 professional employees of the Department of Corrections for its
466 staff;

467 (j) The Executive Director of the PEER Committee shall
468 assign such staff to support the Oversight Task Force as he
469 determines to be necessary to enable the Oversight Task Force to
470 carry out its functions;

471 (* * * k) The Oversight Task Force may employ or retain
472 other professional staff, upon the determination of the necessity
473 for other staff;

474 (* * * l) The Oversight Task Force may employ
475 consultants to assist in the evaluations and, when necessary, the
476 implementation of the recommendations of the * * * plan developed
477 under Section 1 of this act;

478 (* * * m) The Oversight Task Force is encouraged to
479 apply for and may expend grants, gifts, or federal funds it
480 receives from other sources to carry out its duties and
481 responsibilities.

482 **SECTION 8.** Section 47-5-10, Mississippi Code of 1972, is
483 amended as follows:

484 47-5-10. (1) The department shall have the following powers
485 and duties:

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



489 (b) To provide for the care, custody, study, training,
490 supervision and treatment of adult offenders committed to the
491 department;

492 (c) To maintain, administer and exercise executive and
493 administrative supervision over all state correctional
494 institutions and facilities used for the custody, training, care,
495 treatment and after-care supervision of adult offenders committed
496 to the department; provided, however, that such supervision shall
497 not extend to any institution or facility for which executive and
498 administrative supervision has been provided by law through
499 another agency;

500 (d) To plan, develop and coordinate a statewide,
501 comprehensive correctional program designed to train and
502 rehabilitate offenders in order to prevent, control and retard
503 recidivism;

504 (e) To maintain records of persons committed to it, and
505 to establish programs of research, statistics and planning:

506 (i) An offender's records shall include a single
507 cover sheet that contains the following information about the
508 offender: name, including any aliases; department inmate number;
509 social security number; photograph; court of conviction; cause
510 number; date of conviction; date of sentence; total number of days
511 in the department's custody or number of days creditable toward
512 time served on each charge; date of actual custody; and date of
513 any revocation of a suspended sentence;



514 (ii) The department shall maintain an offender's
515 cover sheet in the course of its regularly conducted business
516 activities and shall include an offender's cover sheet in each
517 request from a court, prosecutor or law enforcement agency for a
518 summary of an offender's records with the department, also known
519 as a "pen-pack." The cover sheet shall conform to Rules 803(6)
520 and 803(8) of the Mississippi Rules of Evidence for admission as
521 an exception to the hearsay rule and may be admissible when
522 properly authenticated according to evidentiary rules and when
523 offered for the purpose of enhanced sentencing under Section
524 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

525 (iii) This subsection is not intended to conflict
526 with an offender's right of confrontation in criminal proceedings
527 under the state or federal constitution;

528 (f) To investigate the grievances of any person
529 committed to the department, and to inquire into any alleged
530 misconduct by employees; and for this purpose it may issue
531 subpoenas and compel the attendance of witnesses and the
532 production of writings and papers, and may examine under oath any
533 witnesses who may appear before it;

534 (g) To administer programs of training and development
535 of personnel of the department;

536 (h) To develop and implement diversified programs and
537 facilities to promote, enhance, provide and assure the
538 opportunities for the successful custody, training and treatment



539 of adult offenders properly committed to the department or
540 confined in any facility under its control. Such programs and
541 facilities may include, but not be limited to, institutions, group
542 homes, halfway houses, diagnostic centers, work and educational
543 release centers, technical violation centers, restitution centers,
544 counseling and supervision of probation, parole, suspension and
545 compact cases, presentence investigating and other state and local
546 community-based programs and facilities;

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

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

556 (k) To develop the capacity and administrative network
557 necessary to deliver advisory consultation and technical
558 assistance to units of local government for the purpose of
559 assisting them in developing model local correctional programs for
560 adult offenders;

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



564 (m) To administer all monies and properties of the
565 department;

566 (n) To report annually to the Legislature and the
567 Governor on the committed persons, institutions and programs of
568 the department;

569 (o) To cooperate with the courts and with public and
570 private agencies and officials to assist in attaining the purposes
571 of this chapter and Chapter 7 of this title. The department may
572 enter into agreements and contracts with other departments of
573 federal, state or local government and with private agencies
574 concerning the discharge of its responsibilities or theirs. The
575 department shall have the authority to accept and expend or use
576 gifts, grants and subsidies from public and private sources;

577 (p) To make all rules and regulations and exercise all
578 powers and duties vested by law in the department;

579 (q) The department may require a search of all persons
580 entering the grounds and facilities at the correctional system;

581 (r) To submit, in a timely manner, to the Oversight
582 Task Force established in Section 47-5-6 any reports required by
583 law or regulation or requested by the task force; * * *

584 (s) To discharge any other power or duty imposed or
585 established by law * * *, and

586 (t) To implement the plan developed by the commissioner
587 for the phasedown of the state correctional system at Parchman,
588 Mississippi, pursuant to Section 1 of this act.



589 (2) The department is hereby established as a Local
590 Educational Agency and an Educational Service Agency both as
591 defined in 34 CFR Section 300, to receive Title I, Part B funding
592 and other available funding and to provide educational services to
593 eligible incarcerated students. The department is authorized, if
594 necessary, to adopt policies and procedures to carry out its
595 responsibilities as a Local Educational Agency and an Educational
596 Service Agency.

597 **SECTION 9.** Section 47-5-20, Mississippi Code of 1972, is
598 amended as follows:

599 47-5-20. The commissioner shall have the following powers
600 and duties:

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

602 (b) To approve proposals for the location of new
603 facilities, for major renovation activities, and for the creation
604 of new programs and divisions within the department as well as for
605 the abolition of the same; provided, however, that the
606 commissioner shall approve the location of no new facility unless
607 the board of supervisors of the county or the governing
608 authorities of the municipality in which the new facility is to be
609 located shall have had the opportunity with at least sixty (60)
610 days' prior notice to disapprove the location of the proposed
611 facility. If either the board of supervisors or the governing
612 authorities shall disapprove the facility, it shall not be located
613 in that county or municipality. Said notice shall be made by



614 certified mail, return receipt requested, to the members of the
615 board or governing authorities and to the clerk thereof;

616 (c) Except as otherwise provided or required by law, to
617 open bids and approve the sale of any products or manufactured
618 goods by the department according to applicable provisions of law
619 regarding bidding and sale of state property, and according to
620 rules and regulations established by the State Fiscal Management
621 Board;

622 (d) To adopt administrative rules and regulations
623 including, but not limited to, offender transfer procedures, award
624 of administrative earned time, personnel procedures, employment
625 practices * * *;

626 (e) To develop the plan for the phasedown of state
627 correctional system facilities and programs at Parchman,
628 Mississippi, and to promulgate regulations to implement said plan,
629 as prescribed in Section 1 of this act.

630 **SECTION 10.** Section 47-5-28, Mississippi Code of 1972, is
631 amended as follows:

632 47-5-28. The commissioner shall have the following powers
633 and duties:

634 (a) To implement and administer laws and policy
635 relating to corrections and coordinate the efforts of the
636 department with those of the federal government and other state
637 departments and agencies, county governments, municipal



638 governments, and private agencies concerned with providing
639 offender services;

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

645 (c) To promulgate and publish such rules, regulations
646 and policies of the department as are needed for the efficient
647 government and maintenance of all facilities and programs in
648 accord insofar as possible with currently accepted standards of
649 adult offender care and treatment;

650 (d) To provide the Parole Board with suitable and
651 sufficient office space and support resources and staff necessary
652 to conduct Parole Board business under the guidance of the
653 Chairman of the Parole Board;

654 (e) To contract for transitional reentry center beds
655 that will be used as noncorrections housing for offenders released
656 from the department on parole, probation or post-release
657 supervision but do not have appropriate housing available upon
658 release. At least one hundred (100) but no more than eight
659 hundred (800) transitional reentry center beds contracted by the
660 department and chosen by the Parole Board shall be available for
661 the Parole Board to place parolees without appropriate housing;



662 (f) To designate deputy commissioners while performing
663 their officially assigned duties relating to the custody, control,
664 transportation, recapture or arrest of any offender within the
665 jurisdiction of the department or any offender of any jail,
666 penitentiary, public workhouse or overnight lockup of the state or
667 any political subdivision thereof not within the jurisdiction of
668 the department, to the status of peace officers anywhere in the
669 state in any matter relating to the custody, control,
670 transportation or recapture of such offender, and shall have the
671 status of law enforcement officers and peace officers as
672 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

673 For the purpose of administration and enforcement of this
674 chapter, deputy commissioners of the Mississippi Department of
675 Corrections, who are certified by the Mississippi Board on Law
676 Enforcement Officer Standards and Training, have the powers of a
677 law enforcement officer of this state. Such powers shall include
678 to make arrests and to serve and execute search warrants and other
679 valid legal process anywhere within the State of Mississippi while
680 performing their officially assigned duties relating to the
681 custody, control, transportation, recapture or arrest of any
682 offender within the jurisdiction of the department or any offender
683 of any jail, penitentiary, public workhouse or overnight lockup of
684 the state or any political subdivision thereof not within the
685 jurisdiction of the department in any matter relating to the
686 custody, control, transportation or recapture of such offender;



687 (g) To make an annual report to the Governor and the
688 Legislature reflecting the activities of the department and make
689 recommendations for improvement of the services to be performed by
690 the department;

691 (h) To cooperate fully with periodic independent
692 internal investigations of the department and to file the report
693 with the Governor and the Legislature;

694 (i) To contract with licensed special care facilities
695 for paroled inmates to provide authorized medical services and
696 support services for medically frail inmates who have been paroled
697 and who have voluntarily submitted to the Department of Corrections
698 an address to one of the licensed care facilities to receive such
699 services; * * *

700 (j) To perform such other duties necessary to
701 effectively and efficiently carry out the purposes of the
702 department as may be directed by the Governor * * *; and

703 (k) To develop the plan for the phasedown of
704 correctional system facilities and programs at Parchman,
705 Mississippi, and to promulgate necessary regulations for the
706 implementation of the plan, as prescribed in Section 1 of this
707 act.

708 **SECTION 11.** Section 47-5-30, Mississippi Code of 1972, is
709 amended as follows:

710 47-5-30. (1) The Commissioner of Corrections shall develop
711 a strategic plan for its operation of the state correctional



712 system. The strategic plan shall cover a five-year period. The
713 plan shall include, at a minimum, the following:

714 (a) A clearly defined comprehensive statement of the
715 mission, goals and objectives of the agency;

716 (b) Performance effectiveness objectives for each
717 facility under the jurisdiction of the department;

718 (c) A description of the department's internal
719 management system used to evaluate its performance in relation to
720 projected levels;

721 (d) Detailed plans and strategies for meeting current
722 and future needs and achieving goals and objectives established
723 for the state correctional system;

724 (e) A detailed analysis of the use of current agency
725 resources in meeting current needs and expected future needs, and
726 additional resources that may be necessary to meet future needs;

727 (f) An analysis of factors affecting projected prison
728 populations, including impact of juveniles on prison populations
729 and how populations are expected to change within the period of
730 the plan;

731 (g) A plan to remove inmates from county jails.

732 (2) The department shall revise the plan annually.

733 (3) Upon completion of the initial plan and each revision,
734 the department shall provide copies to the Governor, the
735 Lieutenant Governor, the Speaker of the House of Representatives,
736 the Chairman of the Senate Corrections Committee, the Chairman of



737 the House Penitentiary Committee, the Legislative Budget Office,
738 the Performance Evaluation and Expenditure Review Committee, the
739 Executive Director of the Department of Finance and Administration
740 and the Legislative Reference Bureau.

741 (4) The commissioner shall develop the strategic plan * * *
742 for the phasedown of correctional system operations at Parchman,
743 Mississippi, and promulgate necessary regulations for the
744 implementation of the plan as prescribed in Section 1 of this act,
745 on or before January 1, 2025.

746 **SECTION 12.** Section 47-5-64, Mississippi Code of 1972, is
747 amended as follows:

748 47-5-64. (1) The commissioner is hereby directed to
749 determine the number of acres and location of land under the
750 department's jurisdiction that are needed for security purposes,
751 for Prison Agricultural Enterprises and for nonagricultural
752 purposes. The commissioner shall designate and reserve such
753 additional land for agricultural or nonagricultural enterprise
754 projects of the department, as he deems necessary. The
755 commissioner shall then recommend to the Department of Finance and
756 Administration the number of acres of department land that should
757 be leased to private entities and the term of the leases.

758 * * *

759 (* * *2) The Department of Finance and Administration, with
760 the approval of the Governor, the Secretary of State and the
761 Commissioner of the Department of Corrections, is authorized to



762 lease Penitentiary land for power generation projects or other
763 commercial or industrial projects at the same time that it leases
764 the land * * *. The Department of Finance and Administration is
765 authorized to negotiate all aspects of leases or related
766 agreements executed under this subsection consistent with the
767 following:

768 (a) The period of the lease term combined with the term
769 of renewal shall not exceed forty (40) years.

770 (b) Any lease or renewal lease shall:

771 (i) Provide for periodic rent adjustments
772 throughout the term of the lease; and

773 (ii) Require the lessee to provide a
774 decommissioning and restoration bond or other security securing
775 the lessee's obligation to remove all aboveground and underground
776 facilities to a depth of at least three (3) feet underground and
777 to restore the surface to a condition similar to its condition
778 before the commencement of the lease.

779 (c) Any lease or renewal lease may provide for any
780 combination of the following: base rent, bonuses, percentage of
781 income payments, royalty payments or other terms and conditions
782 that the Department of Finance and Administration deems necessary
783 to maintain a fair and equitable return to the state and to
784 protect the leased land throughout the term of the lease or
785 renewal lease.



786 (d) Oil, gas and mineral rights in the leased land
787 shall be reserved to the State of Mississippi.

788 (e) This subsection does not authorize the sale or
789 transfer of title to any state lands.

790 (f) The Department of Finance and Administration may
791 charge fees and expenses, not to exceed costs, incurred in
792 administering this subsection.

793 (g) Any monies derived from leasing lands under this
794 subsection shall be deposited to the Prison Agricultural
795 Enterprise Fund as provided in Section 47-5-66.

796 **SECTION 13.** Section 47-5-66, Mississippi Code of 1972, is
797 amended as follows:

798 47-5-66. (1) Except as provided in Section 47-5-64(3) and
799 Section 2 of this act, it shall be the duty of the Department of
800 Finance and Administration, with the approval of the Public
801 Procurement Review Board, to lease lands at public contract upon
802 the submission of two (2) or more sealed bids to the Department of
803 Finance and Administration after having advertised the land for
804 rent in newspapers of general circulation published in Jackson,
805 Mississippi; Memphis, Tennessee; the county in which the land is
806 located; and contiguous counties for a period of not less than two
807 (2) successive weeks. The first publication shall be made not
808 less than ten (10) days before the date of the public contract,
809 and the last publication shall be made not more than seven (7)
810 days before that date. The Department of Finance and



811 Administration may reject any and all bids. If all bids on a
812 tract or parcel of land are rejected, the Department of Finance
813 and Administration may then advertise for new bids on that tract
814 or parcel of land. Successful bidders shall take possession of
815 their leaseholds at the time authorized by the Department of
816 Finance and Administration. However, rent shall be due no later
817 than the day upon which the lessee shall assume possession of the
818 leasehold, and shall be due on the anniversary date for each
819 following year of the lease. The Department of Finance and
820 Administration may provide in any lease that rent shall be paid in
821 full in advance or paid in installments, as may be necessary or
822 appropriate. In addition, the Department of Finance and
823 Administration may accept, and the lease may provide for,
824 assignments of federal, state or other agricultural support
825 payments, growing crops or the proceeds from the sale thereof,
826 promissory notes, or any other good and valuable consideration
827 offered by any lessee to meet the rent requirements of the lease.
828 If a promissory note is offered by a lessee, it shall be secured
829 by a first lien on the crop of the lessee, or the proceeds from
830 the sale thereof. The lien shall be filed pursuant to Article 9
831 of the Uniform Commercial Code and Section 1324 of the Food
832 Security Act of 1985, as enacted or amended. If the note is not
833 paid at maturity, it shall bear interest at the rate provided for
834 judgments and decrees in Section 75-17-7 from its maturity date
835 until the note is paid. The note shall provide for the payment of



836 all costs of collection and reasonable attorney's fees if default
837 is made in the payment of the note. The payment of rent by
838 promissory note or any means other than cash in advance shall be
839 subject to the approval of the Public Procurement Review Board,
840 which shall place the approval of record in the minutes of the
841 board.

842 (2) There is created a special fund to be designated as the
843 " * * * Correctional Infrastructure and Inmate Housing Fund" and to
844 be used for the purpose of conducting, operating and managing the
845 agricultural * * *, nonagricultural and economic development
846 enterprises of the department as authorized in Section 2 of this
847 act. Any monies derived from the leasing of Penitentiary lands,
848 from the sales of timber as provided in Section 47-5-56, from the
849 prison's agricultural and nonagricultural enterprises or earmarked
850 for the Prison Industries Fund shall be deposited to the special
851 fund. However, fifteen percent (15%) of the monies derived from
852 the leasing of Penitentiary lands under Section 47-5-64(3) shall
853 be deposited to a special fund to be distributed annually on a
854 student pro rata basis to the public schools located in Sunflower
855 County by the Department of Finance and Administration.

856 (3) All profits derived from prison industries shall be
857 placed in a special fund in the State Treasury to be known as the
858 "Prison Industries Fund," to be appropriated each year by the
859 Legislature to the nonprofit corporation, which is required to be



860 organized under the provisions of Section 47-5-535, for the
861 purpose of operating and managing the prison industries.

862 (4) The state shall have the rights and remedies for the
863 security and collection of the rents given by law to landlords.

864 (5) Lands leased for agricultural purposes under Section
865 47-5-64(2) shall be subject to a fee-in-lieu of ad valorem taxes,
866 including taxes levied for school purposes. The fee-in-lieu shall
867 be Nine Dollars (\$9.00) per acre. Upon the execution of the
868 agricultural leases to private entities as authorized by Section
869 47-5-64(2), the Department of Finance and Administration shall
870 collect the in lieu fee and shall forward the fees to the tax
871 collector in which the land is located. The tax collector shall
872 disburse the fees to the appropriate county or municipal governing
873 authority on a pro rata basis. The sum apportioned to a school
874 district shall not be less than the school district's pro rata
875 share based upon the proportion that the millage imposed for the
876 school district by the appropriate levying authority bears to the
877 millage imposed by the levying authority for all other county or
878 municipal purposes. Any funds obtained by the corporation as a
879 result of sale of goods and services manufactured and provided by
880 it shall be accounted for separate and apart from any funds
881 received by the corporation through appropriation from the State
882 Legislature. All nonappropriated funds generated by the
883 corporation shall not be subject to appropriation by the State
884 Legislature.



885 (6) Any land leased, as provided under Section 47-5-64(2),
886 shall not be leased for an amount less than would be received if
887 such land were to be leased under any federal loan program. In
888 addition, all leases shall be subject to the final approval of the
889 Public Procurement Review Board before such leases are to become
890 effective.

891 **SECTION 14.** Section 47-5-35, Mississippi Code of 1972, is
892 amended as follows:

893 47-5-35. The Executive Director of the Joint Legislative
894 Committee on Performance Evaluation and Expenditure Review (PEER)
895 shall * * * make available an * * * analyst to * * * review and
896 monitor the correctional system, * * * whose duty shall be
897 to * * * monitor the financial condition of the Mississippi
898 Department of Corrections (MDOC) and evaluate the efficiency and
899 effectiveness of its programs and operations. * * * Duties of the
900 analyst for the correctional system shall include: review and
901 monitor the financial condition of MDOC, including, but not
902 limited to, the overall budget, agency expenditures and available
903 revenues; review and monitor the procurement processes of MDOC,
904 including contracts, reporting, recordkeeping and bid requirements
905 to ensure compliance with state law and procurement best
906 practices; evaluate the programs and operations of the department
907 for efficiency and effectiveness in the use of available
908 resources; and analyze data produced by the MDOC data management
909 systems. The analyst may inspect facilities where MDOC units are



910 located unannounced without prior MDOC permission. In addition,
911 the analyst shall review and evaluate any issues within or
912 pertaining to the correctional system as requested by either the
913 Chairmen of the Corrections Committees of the Senate or House, or
914 by the PEER Committee.

915 Such * * * analyst shall make, at least, a * * * quarterly
916 report to the Legislative Budget Office and the Chairman of the
917 Corrections Committee of the Senate and the Chairman of the * * *
918 Corrections Committee * * * of the House of Representatives
919 regarding the financial condition and procurement processes of
920 MDOC. Such analyst shall also make periodic reports to the
921 Chairman of the Corrections Committee of the Senate, the Chairman
922 of the Corrections Committee of the House of Representatives, and
923 the PEER Committee regarding the programs and operations of the
924 correctional system, as well as other related issues, as
925 requested.

926 * * *

927 **SECTION 15.** Section 47-5-539, Mississippi Code of 1972, is
928 amended as follows:

929 47-5-539. For the purposes of Sections 47-5-531 through
930 47-5-575, the following terms shall have the following meaning
931 unless the context shall provide otherwise:

932 (a) "Chief executive officer" means the chief executive
933 officer of the corporation established under this chapter.



934 (b) "Corporation" means the private nonprofit
935 corporation which is required to be organized and formed to carry
936 out the provisions of Sections 47-5-531 through 47-5-575 regarding
937 prison industries.

938 (c) "Department" means the State Department of
939 Corrections.

940 (d) "Inmate" means any person under the jurisdiction of
941 the Mississippi Department of Corrections who is incarcerated
942 within any of the following state, regional or private
943 correctional * * * facilities:

944 (i) Central Mississippi Correctional Facility;

945 (ii) Marshall County Correctional Facility;

946 (iii) Northwest Mississippi Correctional Facility;

947 (iv) Delta Correctional Facility;

948 (v) Mississippi Correctional Institute for Women;

949 (vi) South Mississippi Correctional Institution;

950 (vii) Walnut Grove Correctional Facility;

951 (viii) Alcorn County Regional Correctional

952 Facility;

953 (ix) Carroll/Montgomery County Regional

954 Correctional Facility;

955 (x) George/Greene County Correctional Facility;

956 (xi) Bolivar County Correctional Facility;

957 (xii) Chickasaw County Regional Correctional

958 Facility;



- 959 (xiii) Holmes/Humphreys County Correctional
960 Facility;
- 961 (xiv) Issaquena County Correctional Facility;
962 (xv) Kemper/Neshoba County Regional Correctional
963 Facility;
- 964 (xvi) Jefferson/Franklin County Correctional
965 Facility;
- 966 (xvii) Leake County Correctional Facility;
967 (xviii) Marion/Walthall County Correctional
968 Facility;
- 969 (xix) Washington County Regional Correctional
970 Facility;
- 971 (xx) Yazoo Regional Correctional Facility;
972 (xxi) Stone County Correctional Facility;
973 (xxii) Winston/Choctaw County Correctional
974 Facility;
- 975 (xxiii) East Mississippi Correctional Facility;
976 (xxiv) Wilkinson County Correctional Facility;
977 (xxv) Tallahatchie County Correctional Facility;
978 and
- 979 (xxvi) Any approved county jail.

980 (e) "Prison industry program" means any program which
981 is considered to be a part of any prison industry in this state.

982 (f) "Prison agricultural enterprises" means all
983 agricultural endeavors as defined in Section 47-5-353.



984 (g) "Work initiative" or "initiative" means the program
985 authorized in Section 47-5-579.

986 **SECTION 16.** Section 47-5-579, Mississippi Code of 1972, is
987 amended as follows:

988 47-5-579. (1) (a) The corporation is authorized to create
989 a Pilot Work Initiative at * * * each of the state, regional and
990 private facilities listed in Section 47-5-539(d). * * * Each
991 initiative shall be limited to no more than twenty-five (25)
992 inmates in the * * * state, regional or private facility at any
993 given time.

994 (b) The department shall:

995 (i) Have the ultimate authority for oversight of
996 the administration of the initiative;

997 (ii) Delegate the administration of the initiative
998 to the corporation; and

999 (iii) Oversee the selection of inmates for
1000 admission to the initiative.

1001 (2) (a) An inmate is eligible for participation in the
1002 initiative if the inmate has:

1003 (i) No more than two (2) years remaining on the
1004 inmate's sentence;

1005 (ii) Not been convicted under Section 97-9-49
1006 within the last five (5) years; and

1007 (iii) Not been sentenced for a sex offense as
1008 defined in Section 45-33-23(h).



1009 (b) Any inmate that meets the eligibility requirements
1010 of paragraph (a) may request assignment to the work initiative
1011 established under this section.

1012 (3) (a) The commissioner shall select inmates for admission
1013 to the program.

1014 (b) An inmate currently participating in vocational
1015 training or a soft skills training program with the department
1016 shall have priority in admission to the program.

1017 (4) (a) The chief executive officer may authorize the
1018 inmate to participate in educational or other rehabilitative
1019 programs designed to supplement his work initiative employment or
1020 to prepare the person for successful reentry.

1021 (b) Before accepting any participants to the program,
1022 the corporation, in consultation with the department, shall adopt
1023 and publish rules and regulations to effectuate this section no
1024 later than six (6) months after the effective date of this
1025 section. These rules and regulations shall include all protection
1026 requirements for work release programs established pursuant to
1027 Sections 47-5-451 through 47-5-471. Participating employers shall
1028 pay no less than the prevailing wage for the position and shall
1029 under no circumstance pay less than the federal minimum wage.

1030 (5) Any inmate assigned to the initiative who, without
1031 proper authority or just cause, leaves the area to which he has
1032 been assigned to work or attend educational or other
1033 rehabilitative programs, or leaves the vehicle or route of travel



1034 involved in his or her going to or returning from such place, will
1035 be guilty of escape as provided in Section 97-9-49. An offender
1036 who is convicted under Section 97-9-49 shall be ineligible for
1037 further participation in the work initiative during his or her
1038 current term of confinement.

1039 (6) (a) The inmate shall maintain an account through a
1040 local financial institution and shall provide a copy of a check
1041 stub to the chief executive officer.

1042 (b) The inmate shall be required:

1043 (i) To pay twenty-five percent (25%) of the
1044 inmate's wages after mandatory deductions for the following
1045 purposes:

1046 1. To pay support of dependents or to the
1047 Mississippi Department of Human Services on behalf of dependents
1048 as may be ordered by a judge of competent jurisdiction; and

1049 2. To pay any fines, restitution, or costs as
1050 ordered by the court to include any fines and fees associated with
1051 obtaining a valid driver's license upon release.

1052 (ii) To pay ten percent (10%) of the inmate's
1053 wages to the corporation for administrative expenses to include
1054 transportation costs, to be remitted to the facility where the
1055 work was performed by the inmate.

1056 (iii) To save fifty percent (50%) of the inmate's
1057 wages in the account required under paragraph (a) of this



1058 subsection. Monies under this sub-item shall be made available to
1059 the inmate upon parole or release.

1060 (c) The inmate shall have access to the remaining
1061 fifteen percent (15%) of the monies in the inmate's account to
1062 purchase incidental expenses.

1063 (7) The chief executive officer of the corporation shall
1064 collect and maintain data which shall be shared semiannually with
1065 the Joint Legislative Committee on Performance Evaluation and
1066 Expenditure Review (PEER) and the Corrections and Criminal Justice
1067 Oversight Task Force in sortable electronic format. The first
1068 report shall be made on January 15, * * * 2025, and in six-month
1069 intervals thereafter unless PEER establishes a different schedule.
1070 The data shall include:

1071 (a) Total number of participants at the beginning of
1072 each month by race, gender, and offenses charged;

1073 (b) Total number of participants at the end of each
1074 month by race, gender, and offenses charged;

1075 (c) Total number of participants who began the program
1076 in each month by race, gender, and offenses charged;

1077 (d) Total number of participants who successfully
1078 completed the program in each month by race, gender, and offenses
1079 charged;

1080 (e) Total number of participants who left the program
1081 in each month and reason for leaving by race, gender, and offenses
1082 charged;



1083 (f) Total number of participants who were arrested for
1084 a new criminal offense while in the program in each month by race,
1085 gender and offenses charged;

1086 (g) Total number of participants who were convicted of
1087 a new crime while in the program in each month by race, gender and
1088 offenses charged;

1089 (h) Total number of participants who completed the
1090 program and were convicted of a new crime within three (3) years
1091 of completing the program;

1092 (i) Total amount earned by participants and how the
1093 earnings were distributed in each month;

1094 (j) Results of any initial risk and needs assessments
1095 conducted on each participant by race, gender, and offenses
1096 charged;

1097 (k) Total list of participating employers;

1098 (l) Total list of jobs acquired by participants;

1099 (m) Total list the hourly wage paid to each
1100 participant;

1101 (n) Total accounting of the manner and use of the ten
1102 percent (10%) of the wages paid to the corporation by the inmate
1103 for administrative expenses;

1104 (o) Total costs associated with program operations;

1105 (p) Total list of participating financial institutions;

1106 (q) The number of accounts opened by participants at
1107 financial institutions;



1108 (r) The average hourly wage earned in the program; and
1109 (s) Any other data or information as requested by the
1110 task force.

1111 (8) The Joint Legislative Committee on Performance
1112 Evaluation and Expenditure Review (PEER) shall conduct a review of
1113 the expanded initiative established under this section and produce
1114 a report to the Legislature on * * * its effectiveness by January
1115 1, * * * 2026. The PEER Committee shall seek the assistance of
1116 the Corrections and Criminal Justice Task Force and may seek
1117 assistance from any other criminal justice experts it deems
1118 necessary during its review.

1119 * * *

1120 **SECTION 17.** Section 1 of Chapter 479, Laws of 2021, is
1121 brought forward as follows:

1122 Section 1. This act shall be known and may be cited as the
1123 "Mississippi Earned Parole Eligibility Act."

1124 **SECTION 18.** Section 47-7-3, Mississippi Code of 1972, is
1125 amended as follows:

1126 47-7-3. (1) Every prisoner who has been convicted of any
1127 offense against the State of Mississippi, and is confined in the
1128 execution of a judgment of such conviction in the Mississippi
1129 Department of Corrections for a definite term or terms of one (1)
1130 year or over, or for the term of his or her natural life, whose
1131 record of conduct shows that such prisoner has observed the rules
1132 of the department, and who has served the minimum required time



1133 for parole eligibility, may be released on parole as set forth
1134 herein:

1135 (a) **Habitual offenders.** Except as provided by Sections
1136 99-19-81 through 99-19-87, no person sentenced as a confirmed and
1137 habitual criminal shall be eligible for parole;

1138 (b) **Sex offenders.** Any person who has been sentenced
1139 for a sex offense as defined in Section 45-33-23(h) shall not be
1140 released on parole except for a person under the age of nineteen
1141 (19) who has been convicted under Section 97-3-67;

1142 (c) **Capital offenders.** No person sentenced for the
1143 following offenses shall be eligible for parole:

1144 (i) Capital murder committed on or after July 1,
1145 1994, as defined in Section 97-3-19(2);

1146 (ii) Any offense to which an offender is sentenced
1147 to life imprisonment under the provisions of Section 99-19-101; or

1148 (iii) Any offense to which an offender is
1149 sentenced to life imprisonment without eligibility for parole
1150 under the provisions of Section 99-19-101, whose crime was
1151 committed on or after July 1, 1994;

1152 (d) **Murder.** No person sentenced for murder in the
1153 first degree, whose crime was committed on or after June 30, 1995,
1154 or murder in the second degree, as defined in Section 97-3-19,
1155 shall be eligible for parole;



1156 (e) **Human trafficking.** No person sentenced for human
1157 trafficking, as defined in Section 97-3-54.1, whose crime was
1158 committed on or after July 1, 2014, shall be eligible for parole;

1159 (f) **Drug trafficking.** No person sentenced for
1160 trafficking and aggravated trafficking, as defined in Section
1161 41-29-139(f) through (g), shall be eligible for parole;

1162 (g) **Offenses specifically prohibiting parole release.**
1163 No person shall be eligible for parole who is convicted of any
1164 offense that specifically prohibits parole release;

1165 (h) (i) **Offenders eligible for parole consideration**
1166 **for offenses committed after June 30, 1995.** Except as provided in
1167 paragraphs (a) through (g) of this subsection, offenders may be
1168 considered eligible for parole release as follows:

1169 1. **Nonviolent crimes.** All persons sentenced
1170 for a nonviolent offense shall be eligible for parole only after
1171 they have served twenty-five percent (25%) or ten (10) years,
1172 whichever is less, of the sentence or sentences imposed by the
1173 trial court. For purposes of this paragraph, "nonviolent crime"
1174 means a felony not designated as a crime of violence in Section
1175 97-3-2.

1176 2. **Violent crimes.** A person who is sentenced
1177 for a violent offense as defined in Section 97-3-2, except robbery
1178 with a deadly weapon as defined in Section 97-3-79, drive-by
1179 shooting as defined in Section 97-3-109, and carjacking as defined
1180 in Section 97-3-117, shall be eligible for parole only after



1181 having served fifty percent (50%) or twenty (20) years, whichever
1182 is less, of the sentence or sentences imposed by the trial court.
1183 Those persons sentenced for robbery with a deadly weapon as
1184 defined in Section 97-3-79, drive-by shooting as defined in
1185 Section 97-3-109, and carjacking as defined in Section 97-3-117,
1186 shall be eligible for parole only after having served sixty
1187 percent (60%) or twenty-five (25) years, whichever is less, of the
1188 sentence or sentences imposed by the trial court.

1189 **3. Nonviolent and nonhabitual drug offenses.**

1190 A person who has been sentenced to a drug offense pursuant to
1191 Section 41-29-139(a) through (d), whose crime was committed after
1192 June 30, 1995, shall be eligible for parole only after he has
1193 served twenty-five percent (25%) or ten (10) years, whichever is
1194 less, of the sentence or sentences imposed.

1195 (ii) **Parole hearing required.** All persons
1196 eligible for parole under subparagraph (i) of this paragraph (h)
1197 who are serving a sentence or sentences for a crime of violence,
1198 as defined in Section 97-3-2, shall be required to have a parole
1199 hearing before the Parole Board pursuant to Section 47-7-17, prior
1200 to parole release.

1201 (iii) **Geriatric parole.** Notwithstanding the
1202 provisions in subparagraph (i) of this paragraph (h), a person
1203 serving a sentence who has reached the age of sixty (60) or older
1204 and who has served no less than ten (10) years of the sentence or
1205 sentences imposed by the trial court shall be eligible for parole.



1206 Any person eligible for parole under this subparagraph (iii) shall
1207 be required to have a parole hearing before the board prior to
1208 parole release. No inmate shall be eligible for parole under this
1209 subparagraph (iii) of this paragraph (h) if:

1210 1. The inmate is sentenced as a habitual
1211 offender under Sections 99-19-81 through 99-19-87;

1212 2. The inmate is sentenced for a crime of
1213 violence under Section 97-3-2;

1214 3. The inmate is sentenced for an offense
1215 that specifically prohibits parole release;

1216 4. The inmate is sentenced for trafficking in
1217 controlled substances under Section 41-29-139(f);

1218 5. The inmate is sentenced for a sex crime;
1219 or

1220 6. The inmate has not served one-fourth (1/4)
1221 of the sentence imposed by the court.

1222 (iv) **Parole consideration as authorized by the**
1223 **trial court.** Notwithstanding the provisions of paragraph (a) of
1224 this subsection, any offender who has not committed a crime of
1225 violence under Section 97-3-2 and has served twenty-five percent
1226 (25%) or more of his sentence may be paroled by the State Parole
1227 Board if, after the sentencing judge or if the sentencing judge is
1228 retired, disabled or incapacitated, the senior circuit judge
1229 authorizes the offender to be eligible for parole consideration;
1230 or if the senior circuit judge must be recused, another circuit



1231 judge of the same district or a senior status judge may hear and
1232 decide the matter. A petition for parole eligibility
1233 consideration pursuant to this subparagraph (iv) shall be filed in
1234 the original criminal cause or causes, and the offender shall
1235 serve an executed copy of the petition on the District Attorney.
1236 The court may, in its discretion, require the District Attorney to
1237 respond to the petition.

1238 (2) The State Parole Board shall, by rules and regulations,
1239 establish a method of determining a tentative parole hearing date
1240 for each eligible offender taken into the custody of the
1241 Department of Corrections. The tentative parole hearing date
1242 shall be determined within ninety (90) days after the department
1243 has assumed custody of the offender. Except as provided in
1244 Section 47-7-18, the parole hearing date shall occur when the
1245 offender is within thirty (30) days of the month of his parole
1246 eligibility date. Any parole eligibility date shall not be
1247 earlier than as required in this section.

1248 (3) Notwithstanding any other provision of law, an inmate
1249 shall not be eligible to receive earned time, good time or any
1250 other administrative reduction of time which shall reduce the time
1251 necessary to be served for parole eligibility as provided in
1252 subsection (1) of this section.

1253 (4) Any inmate within forty-eight (48) months of his parole
1254 eligibility date and who meets the criteria established by the
1255 classification board shall receive priority for placement in any



1256 educational development and job-training programs that are part of
1257 his or her parole case plan. Any inmate refusing to participate
1258 in an educational development or job-training program, including,
1259 but not limited to, programs required as part of the case plan,
1260 shall be in jeopardy of noncompliance with the case plan and may
1261 be denied parole.

1262 (5) In addition to other requirements, if an offender is
1263 convicted of a drug or driving under the influence felony, the
1264 offender must complete a drug and alcohol rehabilitation program
1265 prior to parole, or the offender shall be required to complete a
1266 postrelease drug and alcohol program as a condition of parole.

1267 (6) Except as provided in subsection (1)(a) through (h) of
1268 this section, all other persons shall be eligible for parole after
1269 serving twenty-five percent (25%) of the sentence or sentences
1270 imposed by the trial court, or, if sentenced to thirty (30) years
1271 or more, after serving ten (10) years of the sentence or sentences
1272 imposed by the trial court.

1273 (7) The Corrections and Criminal Justice Oversight Task
1274 Force established in Section 47-5-6 shall develop and submit
1275 recommendations to the Governor and to the Legislature annually on
1276 or before December 1st concerning issues relating to juvenile and
1277 habitual offender parole reform and to review and monitor the
1278 implementation of Chapter 479, Laws of 2021.

1279 (8) The amendments contained in Chapter 479, Laws of 2021,
1280 shall apply retroactively from and after July 1, 1995.



1281 (9) Notwithstanding provisions to the contrary in this
1282 section, a person who was sentenced before July 1, 2021, may be
1283 considered for parole if the person's sentence would have been
1284 parole eligible before July 1, 2021.

1285 * * *

1286 **SECTION 19.** Section 47-7-5, Mississippi Code of 1972, is
1287 amended as follows:

1288 47-7-5. (1) The State Parole Board, created under former
1289 Section 47-7-5, is hereby created, continued and reconstituted and
1290 shall be composed of five (5) members. The Governor shall appoint
1291 the members with the advice and consent of the Senate. All terms
1292 shall be at the will and pleasure of the Governor. Any vacancy
1293 shall be filled by the Governor, with the advice and consent of
1294 the Senate. The Governor shall appoint a chairman of the board.

1295 (2) Any person who is appointed to serve on the board shall
1296 possess at least a bachelor's degree or a high school diploma and
1297 four (4) years' work experience. Each member shall devote his
1298 full time to the duties of his office and shall not engage in any
1299 other business or profession or hold any other public office. A
1300 member shall receive compensation or per diem in addition to his
1301 or her salary. Each member shall keep such hours and workdays as
1302 required of full-time state employees under Section 25-1-98.
1303 Individuals shall be appointed to serve on the board without
1304 reference to their political affiliations. Each board member,
1305 including the chairman, may be reimbursed for actual and necessary



1306 expenses as authorized by Section 25-3-41. Each member of the
1307 board shall complete annual training developed based on guidance
1308 from the National Institute of Corrections, the Association of
1309 Paroling Authorities International, or the American Probation and
1310 Parole Association. Each first-time appointee of the board shall,
1311 within sixty (60) days of appointment, or as soon as practical,
1312 complete training for first-time Parole Board members developed in
1313 consideration of information from the National Institute of
1314 Corrections, the Association of Paroling Authorities
1315 International, or the American Probation and Parole Association.

1316 (3) The board shall have exclusive responsibility for the
1317 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
1318 shall have exclusive authority for revocation of the same. The
1319 board shall have exclusive responsibility for investigating
1320 clemency recommendations upon request of the Governor.

1321 (4) The board, its members and staff, shall be immune from
1322 civil liability for any official acts taken in good faith and in
1323 exercise of the board's legitimate governmental authority.

1324 (5) The budget of the board shall be funded through a
1325 separate line item within the general appropriation bill for the
1326 support and maintenance of the department. Employees of the
1327 department which are employed by or assigned to the board shall
1328 work under the guidance and supervision of the board. There shall
1329 be an executive secretary to the board who shall be responsible
1330 for all administrative and general accounting duties related to



1331 the board. The executive secretary shall keep and preserve all
1332 records and papers pertaining to the board.

1333 (6) The board shall have no authority or responsibility for
1334 supervision of offenders granted a release for any reason,
1335 including, but not limited to, probation, parole or executive
1336 clemency or other offenders requiring the same through interstate
1337 compact agreements. The supervision shall be provided exclusively
1338 by the staff of the Division of Community Corrections of the
1339 department.

1340 (7) (a) The Parole Board is authorized to select and place
1341 offenders in an electronic monitoring program under the conditions
1342 and criteria imposed by the Parole Board. The conditions,
1343 restrictions and requirements of Section 47-7-17 and Sections
1344 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
1345 any offender placed in an electronic monitoring program by the
1346 Parole Board.

1347 (b) Any offender placed in an electronic monitoring
1348 program under this subsection shall pay the program fee provided
1349 in Section 47-5-1013. The program fees shall be deposited in the
1350 special fund created in Section 47-5-1007.

1351 (c) The department shall have absolute immunity from
1352 liability for any injury resulting from a determination by the
1353 Parole Board that an offender be placed in an electronic
1354 monitoring program.



1355 (8) (a) The Parole Board shall maintain a central registry
1356 of paroled inmates. The Parole Board shall place the following
1357 information on the registry: name, address, photograph, crime for
1358 which paroled, the date of the end of parole or flat-time date and
1359 other information deemed necessary. The Parole Board shall
1360 immediately remove information on a parolee at the end of his
1361 parole or flat-time date.

1362 (b) When a person is placed on parole, the Parole Board
1363 shall inform the parolee of the duty to report to the parole
1364 officer any change in address ten (10) days before changing
1365 address.

1366 (c) The Parole Board shall utilize an Internet website
1367 or other electronic means to release or publish the information.

1368 (d) Records maintained on the registry shall be open to
1369 law enforcement agencies and the public and shall be available no
1370 later than July 1, 2003.

1371 (9) An affirmative vote of at least four (4) members of the
1372 Parole Board shall be required to grant parole to an inmate
1373 convicted of capital murder or a sex crime.

1374 * * *

1375 **SECTION 20.** Section 47-7-3.1, Mississippi Code of 1972, is
1376 brought forward as follows:

1377 47-7-3.1. (1) In consultation with the Parole Board, the
1378 department shall develop a case plan for all parole-eligible
1379 inmates to guide an inmate's rehabilitation while in the



1380 department's custody and to reduce the likelihood of recidivism
1381 after release.

1382 (2) The case plan shall include, but not be limited to:

1383 (a) Programming and treatment requirements based on the
1384 results of a risk and needs assessment;

1385 (b) Any programming or treatment requirements contained
1386 in the sentencing order; and

1387 (c) General behavior requirements in accordance with
1388 the rules and policies of the department.

1389 (3) With respect to parole-eligible inmates admitted to the
1390 department's custody on or after July 1, 2021, the department
1391 shall complete the case plan within ninety (90) days of admission.
1392 With respect to parole-eligible inmates admitted to the
1393 department's custody before July 1, 2021, the department shall
1394 complete the case plan by January 1, 2022.

1395 (4) The department shall provide the inmate with a written
1396 copy of the case plan and the inmate's caseworker shall explain
1397 the conditions set forth in the case plan.

1398 (a) Within ninety (90) days of admission, the
1399 caseworker shall notify the inmate of their parole eligibility
1400 date as calculated in accordance with Section 47-7-3(3);

1401 (b) At the time a parole-eligible inmate receives the
1402 case plan, the department shall send the case plan to the Parole
1403 Board for approval.



1404 (5) With respect to parole-eligible inmates admitted to the
1405 department's custody after July 1, 2021, the department shall
1406 ensure that the case plan is achievable prior to the inmate's
1407 parole eligibility date. With respect to parole-eligible inmates
1408 admitted to the department's custody before July 1, 2021, the
1409 department shall, to the extent possible, ensure that the case
1410 plan is achievable prior to the inmate's parole eligibility date
1411 or next parole hearing date, or date of release, whichever is
1412 sooner.

1413 (6) The caseworker shall meet with the inmate every eight
1414 (8) weeks from the date the offender received the case plan to
1415 review the inmate's case plan progress.

1416 (7) Every four (4) months the department shall
1417 electronically submit a progress report on each parole-eligible
1418 inmate's case plan to the Parole Board. The board may meet to
1419 review an inmate's case plan and may provide written input to the
1420 caseworker on the inmate's progress toward completion of the case
1421 plan.

1422 (8) The Parole Board shall provide semiannually to the
1423 Oversight Task Force the number of parole hearings held, the
1424 number of prisoners released to parole without a hearing and the
1425 number of parolees released after a hearing.

1426 (9) If the Department of Corrections fails to adequately
1427 provide opportunity and access for the completion of such case
1428 plans, the Department of Corrections shall, to the extent



1429 possible, contract with regional jail facilities that offer
1430 educational development and job-training programs to facilitate
1431 the fulfillment of the case plans of parole-eligible inmates.

1432 **SECTION 21.** Section 47-7-3.2, Mississippi Code of 1972, is
1433 brought forward as follows:

1434 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
1435 47-5-138.1 or 47-5-142, no person convicted of a criminal offense
1436 on or after July 1, 2014, shall be released by the department
1437 until he or she has served no less than the percentage of the
1438 sentence or sentences imposed by the court as set forth below:

1439 (a) Twenty-five percent (25%) or ten (10) years,
1440 whichever is less, for a nonviolent crime;

1441 (b) Fifty percent (50%) or twenty (20) years, whichever
1442 is less, for a crime of violence pursuant to Section 97-3-2,
1443 except for robbery with a deadly weapon as defined in Section
1444 97-3-79, drive-by shooting as defined in Section 97-3-109, or
1445 carjacking as defined in Section 97-3-117;

1446 (c) Sixty percent (60%) or twenty-five (25) years,
1447 whichever is less, for robbery with a deadly weapon as defined in
1448 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,
1449 or carjacking as defined in Section 97-3-117.

1450 (2) This section shall not apply to:

1451 (a) Offenders sentenced to life imprisonment;

1452 (b) Offenders convicted as habitual offenders pursuant
1453 to Sections 99-19-81 through 99-19-87;



1454 (c) Offenders serving a sentence for a sex offense; or
1455 (d) Offenders serving a sentence for trafficking
1456 pursuant to Section 41-29-139(f).

1457 **SECTION 22.** Section 47-7-15, Mississippi Code of 1972, is
1458 brought forward as follows:

1459 47-7-15. The board shall adopt an official seal of which the
1460 courts shall take judicial notice. Decisions of the board shall
1461 be made by majority vote, except as provided in Section 47-7-5(9).

1462 The board shall keep a record of its acts and shall notify
1463 each institution of its decisions relating to the persons who are
1464 or have been confined therein. At the close of each fiscal year
1465 the board shall submit to the Governor and to the Legislature a
1466 report with statistical and other data of its work.

1467 **SECTION 23.** Section 47-7-17, Mississippi Code of 1972, is
1468 brought forward as follows:

1469 47-7-17. (1) Within one (1) year after his admission and at
1470 such intervals thereafter as it may determine, the board shall
1471 secure and consider all pertinent information regarding each
1472 offender, except any under sentence of death or otherwise
1473 ineligible for parole, including the circumstances of his offense,
1474 his previous social history, his previous criminal record,
1475 including any records of law enforcement agencies or of a youth
1476 court regarding that offender's juvenile criminal history, his
1477 conduct, employment and attitude while in the custody of the
1478 department, the case plan created to prepare the offender for



1479 parole, and the reports of such physical and mental examinations
1480 as have been made. The board shall furnish at least three (3)
1481 months' written notice to each such offender of the date on which
1482 he is eligible for parole.

1483 (2) Except as provided in Section 47-7-18, the board shall
1484 require a parole-eligible offender to have a hearing as required
1485 in this chapter before the board and to be interviewed. The
1486 hearing shall be held no later than thirty (30) days prior to the
1487 month of eligibility. No application for parole of a person
1488 convicted of a capital offense shall be considered by the board
1489 unless and until notice of the filing of such application shall
1490 have been published at least once a week for two (2) weeks in a
1491 newspaper published in or having general circulation in the county
1492 in which the crime was committed. The board shall, within thirty
1493 (30) days prior to the scheduled hearing, also give notice of the
1494 filing of the application for parole to the victim of the offense
1495 for which the prisoner is incarcerated and being considered for
1496 parole or, in case the offense be homicide, a designee of the
1497 immediate family of the victim, provided the victim or designated
1498 family member has furnished in writing a current address to the
1499 board for such purpose. The victim or designated family member
1500 shall be provided an opportunity to be heard by the board before
1501 the board makes a decision regarding release on parole. The board
1502 shall consider whether any restitution ordered has been paid in
1503 full. Parole release shall, at the hearing, be ordered only for



1504 the best interest of society, not as an award of clemency; it
1505 shall not be considered to be a reduction of sentence or pardon.
1506 An offender shall be placed on parole only when arrangements have
1507 been made for his proper employment or for his maintenance and
1508 care, and when the board believes that he is able and willing to
1509 fulfill the obligations of a law-abiding citizen. When the board
1510 determines that the offender will need transitional housing upon
1511 release in order to improve the likelihood of the offender
1512 becoming a law-abiding citizen, the board may parole the offender
1513 with the condition that the inmate spends no more than six (6)
1514 months in a transitional reentry center. At least fifteen (15)
1515 days prior to the release of an offender on parole, the director
1516 of records of the department shall give the written notice which
1517 is required pursuant to Section 47-5-177. Every offender while on
1518 parole shall remain in the legal custody of the department from
1519 which he was released and shall be amenable to the orders of the
1520 board. Upon determination by the board that an offender is
1521 eligible for release by parole, notice shall also be given within
1522 at least fifteen (15) days before release, by the board to the
1523 victim of the offense or the victim's family member, as indicated
1524 above, regarding the date when the offender's release shall occur,
1525 provided a current address of the victim or the victim's family
1526 member has been furnished in writing to the board for such
1527 purpose.



1528 (3) Failure to provide notice to the victim or the victim's
1529 family member of the filing of the application for parole or of
1530 any decision made by the board regarding parole shall not
1531 constitute grounds for vacating an otherwise lawful parole
1532 determination nor shall it create any right or liability, civilly
1533 or criminally, against the board or any member thereof.

1534 (4) A letter of protest against granting an offender parole
1535 shall not be treated as the conclusive and only reason for not
1536 granting parole.

1537 (5) The board may adopt such other rules not inconsistent
1538 with law as it may deem proper or necessary with respect to the
1539 eligibility of offenders for parole, the conduct of parole
1540 hearings, or conditions to be imposed upon parolees, including a
1541 condition that the parolee submit, as provided in Section 47-5-601
1542 to any type of breath, saliva or urine chemical analysis test, the
1543 purpose of which is to detect the possible presence of alcohol or
1544 a substance prohibited or controlled by any law of the State of
1545 Mississippi or the United States. The board shall have the
1546 authority to adopt rules related to the placement of certain
1547 offenders on unsupervised parole and for the operation of
1548 transitional reentry centers. However, in no case shall an
1549 offender be placed on unsupervised parole before he has served a
1550 minimum of fifty percent (50%) of the period of supervised parole.

1551 **SECTION 24.** Section 47-7-18, Mississippi Code of 1972, is
1552 brought forward as follows:



1553 47-7-18 (1) No inmate convicted of a sex offense as defined
1554 by Section 45-33-23(h), a crime of violence as defined by Section
1555 97-3-2, or both, nor an inmate who is eligible for geriatric
1556 parole shall be released on parole without a hearing before the
1557 Parole Board as required by Section 47-7-17. All other inmates
1558 eligible for parole pursuant to Section 47-7-3 shall be released
1559 from incarceration to parole supervision on the inmate's parole
1560 eligibility date, without a hearing before the board, if:

1561 (a) The inmate has met the requirements of the parole
1562 case plan established pursuant to Section 47-7-3.1;

1563 (b) A victim of the offense has not requested the board
1564 conduct a hearing;

1565 (c) The inmate has not received a serious or major
1566 violation report within the past six (6) months;

1567 (d) The inmate has agreed to the conditions of
1568 supervision; and

1569 (e) The inmate has a discharge plan approved by the
1570 board.

1571 (2) At least thirty (30) days prior to an inmate's parole
1572 eligibility date, the department shall notify the board in writing
1573 of the inmate's compliance or noncompliance with the case plan.
1574 If an inmate fails to meet a requirement of the case plan, prior
1575 to the parole eligibility date, he or she shall have a hearing
1576 before the board to determine if completion of the case plan can
1577 occur while in the community.



1578 (3) Any inmate for whom there is insufficient information
1579 for the department to determine compliance with the case plan
1580 shall have a hearing with the board.

1581 (4) A hearing shall be held with the board if requested by
1582 the victim following notification of the inmate's parole release
1583 date pursuant to Section 47-7-17.

1584 (5) A hearing shall be held by the board if a law
1585 enforcement official from the community to which the inmate will
1586 return contacts the board or the department and requests a hearing
1587 to consider information relevant to public safety risks posed by
1588 the inmate if paroled at the initial parole eligibility date. The
1589 law enforcement official shall submit an explanation documenting
1590 these concerns for the board to consider.

1591 (6) If a parole hearing is held, the board may determine the
1592 inmate has sufficiently complied with the case plan or that the
1593 incomplete case plan is not the fault of the inmate and that
1594 granting parole is not incompatible with public safety, the board
1595 may then parole the inmate with appropriate conditions. If the
1596 board determines that the inmate has sufficiently complied with
1597 the case plan but the discharge plan indicates that the inmate
1598 does not have appropriate housing immediately upon release, the
1599 board may parole the inmate to a transitional reentry center with
1600 the condition that the inmate spends no more than six (6) months
1601 in the center. If the board determines that the inmate has not
1602 substantively complied with the requirement(s) of the case plan it



1603 may deny parole. If the board denies parole, the board may
1604 schedule a subsequent parole hearing and, if a new date is
1605 scheduled, the board shall identify the corrective action the
1606 inmate will need to take in order to be granted parole. Any
1607 inmate not released at the time of the inmate's initial parole
1608 date shall have a parole hearing at least every year.

1609 **SECTION 25.** Section 47-5-473, Mississippi Code of 1972, is
1610 amended as follows:

1611 47-5-473. (1) The Sheriffs of Rankin County, Harrison
1612 County and Lee County are authorized to establish a Pilot Work
1613 Release Program. No person sentenced for a crime listed in
1614 Section 97-3-2 shall be eligible for participation in the program
1615 established under this section. During the pilot phase of the
1616 program, there shall be a limit of twenty-five (25) people in the
1617 program at a time.

1618 (2) The sheriff shall collect and maintain data which shall
1619 be shared semiannually with the Joint Legislative Committee on
1620 Performance Evaluation and Expenditure Review (PEER) and the
1621 Corrections and Criminal Justice Oversight Task Force in sortable
1622 electronic format. The first report shall be made before January
1623 15, 2022, and in six-month intervals thereafter. The data shall
1624 include:

1625 (a) Total number of participants at the beginning of
1626 each month by race, gender, and offenses charged;



1627 (b) Total number of participants at the end of each
1628 month by race, gender, and offenses charged;

1629 (c) Total number of participants who began the program
1630 in each month by race, gender, and offenses charged;

1631 (d) Total number of participants who successfully
1632 completed the program in each month by race, gender, and offenses
1633 charged;

1634 (e) Total number of participants who left the program
1635 in each month and reason for leaving by race, gender, and offenses
1636 charged;

1637 (f) Total number of participants who were arrested for
1638 a new criminal offense while in the program in each month by race,
1639 gender, and offenses charged;

1640 (g) Total number of participants who were convicted of
1641 a new crime while in the program in each month by race, gender,
1642 and offenses charged;

1643 (h) Total number of participants who completed the
1644 program and were convicted of a new crime within three (3) years
1645 of completing the program;

1646 (i) Total amount earned by participants and how the
1647 earnings were distributed in each month;

1648 (j) Results of any initial risk and needs assessments
1649 conducted on each participant by race, gender, and offenses
1650 charged; and



1651 (k) Any other data or information as requested by the
1652 task force.

1653 (3) Any person who has been sentenced to confinement in jail
1654 or who has been sentenced for a felony conviction but is confined
1655 in a jail may request assignment to the work release program
1656 established under this section. Admission to the program shall be
1657 in the discretion of the sheriff. The sheriff may further
1658 authorize the offender to participate in educational or other
1659 rehabilitative programs designed to supplement his work release
1660 employment or to prepare the person for successful reentry. No
1661 offender shall be eligible for this program if he or she has more
1662 than one (1) year remaining on his or her sentence.

1663 (4) The sheriff shall adopt and publish rules and
1664 regulations prior to accepting inmates. These rules and
1665 regulations shall at a minimum include all requirements for work
1666 release programs established pursuant to Sections 47-5-451 through
1667 47-5-471. Participating employers shall pay no less than the
1668 prevailing wage for the position and shall under no circumstance
1669 pay less than the federal minimum wage.

1670 (5) Any offender assigned to such a program by the sheriff
1671 who, without proper authority or just cause, leaves the area to
1672 which he has been assigned to work or attend educational or other
1673 rehabilitative programs, or leaves the vehicle or route of travel
1674 involved in his or her going to or returning from such place, will
1675 be guilty of escape as provided in Section 97-9-49. An offender



1676 who is found guilty under this section shall be ineligible for
1677 further participation in a work release program during his or her
1678 current term of confinement.

1679 (6) The offender shall maintain an account through a local
1680 financial institution and shall provide a copy of a check stub to
1681 the sheriff. The offender may be required to pay up to
1682 twenty-five percent (25%) of his or her wages after mandatory
1683 deductions for the following purposes:

1684 (a) To pay support of dependents or to the Mississippi
1685 Department of Human Services on behalf of dependents as may be
1686 ordered by a judge of competent jurisdiction; and

1687 (b) To pay any fines, restitution, or costs as ordered
1688 by the court to include any fines and fees associated with
1689 obtaining a valid driver's license upon release.

1690 (7) The inmate shall have access to his or her account to
1691 purchase incidental expenses.

1692 (8) The Joint Legislative Committee on Performance
1693 Evaluation and Expenditure Review (PEER) shall conduct a review of
1694 the work release program established under this section and
1695 produce a report to the Legislature on their effectiveness by
1696 December 1, 2022. The PEER Committee shall seek the assistance of
1697 the Corrections and Criminal Justice Task Force and may seek
1698 assistance from any other criminal justice experts it deems
1699 necessary during its review.

1700 (9) This section shall stand repealed on July 1, * * * 2028.



1701 **SECTION 26.** Section 47-5-577, Mississippi Code of 1972, is
1702 amended as follows:

1703 47-5-577. Sections 47-5-531 through 47-5-575, which create
1704 the Mississippi Prison Industries Act of 1990, shall stand
1705 repealed from and after July 1, * * * 2028.

1706 **SECTION 27.** Section 47-5-911, Mississippi Code of 1972, is
1707 amended as follows:

1708 47-5-911. Sections 47-5-901 through 47-5-911 shall stand
1709 repealed on July 1, * * * 2028.

1710 **SECTION 28.** Section 47-5-1251, Mississippi Code of 1972, is
1711 amended as follows:

1712 47-5-1251. (1) There is created the "Prison Industry
1713 Enhancement Program," through which the Department of Corrections
1714 may contract with the nonprofit corporation organized and formed
1715 under the "Mississippi Prison Industries Act of 1990" to employ
1716 offenders within the custody of the department or prison
1717 industries.

1718 (2) Except as provided in Section 47-5-579, which is the
1719 provision authorizing a work initiative, the offenders must be
1720 under the supervision of the department at all times while
1721 working. The offenders shall be paid, by the entity or entities,
1722 wages at a rate which is not less than that paid for similar work
1723 in the locality in which the work is performed. The wages may be
1724 subject to deductions which shall not, in the aggregate, exceed



1725 eighty percent (80%) of gross wages. The deductions shall be
1726 limited to the following:

1727 (a) To pay federal, state and local taxes;

1728 (b) To pay reasonable charges for room and board as
1729 determined by regulations issued by the Commissioner of
1730 Corrections;

1731 (c) To support the offender's family pursuant to state
1732 statute, court order or agreement by the offender; and

1733 (d) To pay contributions equaling not less than five
1734 percent (5%) but not more than twenty percent (20%) of the
1735 offender's gross wages into the Crime Victims' Compensation Fund
1736 as created in Section 99-41-29.

1737 (3) Notwithstanding any other provision of the law to the
1738 contrary, the offenders shall not be qualified to receive any
1739 payments for unemployment compensation while incarcerated.

1740 However, the offenders shall not solely by their status as
1741 offenders be deprived of the right to participate in benefits made
1742 available by the federal or state government to other individuals
1743 on the basis of their employment, such as workers' compensation.

1744 (4) Offenders who participate in the employment must do so
1745 voluntarily and must agree in advance to the specific deductions
1746 made from gross wages pursuant to this section and to all other
1747 financial arrangements or benefits resulting from participation in
1748 the employment.



1749 (5) The Department of Corrections shall develop rules and
1750 regulations to meet the criteria established by the Bureau of
1751 Justice Assistance under the Prison Industry Enhancement
1752 Certification Program.

1753 (6) This section shall stand repealed on July 1, * * * 2028.

1754 **SECTION 29.** This act shall take effect and be in force from
1755 and after July 1, 2024.

