

By: Senator(s) Barnett

To: Corrections;
Appropriations

SENATE BILL NO. 2035

1 AN ACT TO AMEND SECTION 47-5-11, MISSISSIPPI CODE OF 1972, TO
2 PRESCRIBE SPECIFIC DATA TO BE COLLECTED BY THE MISSISSIPPI
3 DEPARTMENT OF CORRECTIONS RELATIVE TO INMATE OFFENSE, INMATE
4 SENTENCING, CORRECTIONAL FACILITY INMATE POPULATION AND STAFFING,
5 AND PROBATION AND PAROLEE IDENTIFICATION; TO DIRECT THE DEPARTMENT
6 TO PUBLISH DATASETS ON A CONFIDENTIAL BASIS; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 47-5-11, Mississippi Code of 1972, is
10 amended as follows:

11 47-5-11. (1) Subject to appropriation, the Mississippi
12 Department of Corrections shall procure a data collection and
13 reporting system that allows the department to collect and keep
14 current the following information:

15 (a) Information related to each inmate, including:
16 (i) Identifying information, including name, date
17 of birth, race, ethnicity, gender, highest education level,
18 immigration status, case number, identification number assigned by
19 the department, and any other information designated by the
20 department;

(ii) Information related to each offense for which

the person was convicted, including, but not limited to:

1. Description of each offense, including the statute or statutes violated;

2. Drug type for each drug charge, if known;

or

3. Indication by data flag or other means, of

a. The person was involved in or

associated with a criminal gang at the time of the offense;

b. The offense resulted in the person

being sentenced as a habitual offender under Section 99-19-81;
c. The offense resulted in the person

being sentenced as a habitual offender under Section 99-19-83;
d. The offense was committed after the

person served time for a conviction in a state or federal prison
in Mississippi or another state;

e. The offense resulted in the person
being required to register as a sex offender; or

f. Any other characteristic of the offense designated by the department.

4. Date that a court entered the sentence;

5. Sentence imposed by the court:

6. Amount of time served in custody by the defendant related to each charge prior to sentencing that is

46 credited at the time of disposition of the charge to reduce the
47 imposed length of time the defendant will be incarcerated;

48 7. Total amount of court costs imposed by the
49 court at the disposition of the case;

50 8. Total amount of fines imposed by the court
51 at the disposition of the case;

52 9. Restitution amount ordered at sentencing;

53 or

54 10. The sentencing judge and court.

55 (iii) Date the inmate was admitted to the custody
56 of the Department of Corrections for his or her current
57 incarceration;

58 (iv) Whether the reason for the current admission
59 to the department is for a new conviction or for a violation of
60 probation or parole. For an admission for a probation or parole
61 violation, the department shall report whether the violation was
62 technical or was due to the commission of a new criminal act;

63 (v) Prior incarceration within the state;

64 (vi) Any detainers the department is aware of;

65 (vii) The inmate's case plan, including:

66 1. The results of the inmate's criminogenic
67 risk-needs assessment at admission and in preparation for release
68 from incarceration;

69 2. Updated versions of the case plan;

3. The status of progress, including a description of rehabilitative and educational programs which the inmate has completed while in custody, including, but not limited to, high school equivalency, post-secondary degrees, occupational certifications and similar credentials, addiction treatment, mental health treatment, and re-entry preparation courses.

(viii) Whether the department has possession of the inmate's:

1. Social security card;

2. Birth certificate; or

3. Driver's license if the inmate possesses a

driver's license at the time of admission to the department;

4. Provisional driver's license to be

provided upon release, as provided for in Section 63-1-301 et seq.;

(ix) Institution placement and the security level

assigned to the institution. If the inmate is located in more than one (1) institution during the inmate's incarceration, all such institutions are to be listed with the date the inmate was placed at each location;

(x) Custody level assignment. If the inmate is

assigned more than one (1) custody level during the inmate's incarceration, all such assignments are to be listed with the date each assignment was issued;

(xi) Trusty status, including the date trusty status was granted and the date it was revoked, if applicable;

(xii) Disciplinary violation or violations while in custody and the disciplinary action or actions taken in response to the violation;

(xiii) Release date if the person were to serve the entire sentence incarcerated, and the tentative release date based on eligibility for parole and for other reductions in time to be served;

(xiv) Actual release date and reason for release, including whether the person completed his sentence, or was released due to parole, earned time, or other reason, which is to be specified; if granted parole, an indication of whether the person was granted presumptive parole;

(xv) Earned time granted;

(xvi) Length of sentence served;

(xvii) Length of concurrent or consecutive
ed;

(xviii) Disciplinary violation or violations after release and the disciplinary action or actions taken in response to the violation; and

(xix) Any other information necessary to produce
the reports required in subsection (2) of this section.

(b) Information related to persons supervised by the department on probation or post-release supervision, including, but not limited to:

(i) Identifying information, including name, date of birth, race, ethnicity, gender, highest education level, immigration status, case number, and identification number assigned by the department;

(ii) Length of probation sentence imposed and amount of time that has been served on such sentence;

(iii) Projected termination date for probation;

(iv) The post-release case plan and status of

progress in meeting its requirements or recommendations;

(v) Revocation of probation or parole due to a

violation, including whether the revocation is due to a technical violation of the conditions of supervision or the commission of a new felony; and

(vi) Any other information necessary to produce

the reports required in subsection (2) of this section.

(c) Information related to prisons, including, but not limited to:

(i) Daily prison population of all inmates

incarcerated in a state correctional institution or facility;

(ii) Daily number of correctional officers for

each state correctional institution or facility and the number of vacancies in those positions;

(iii) Average daily cost per inmate at each state

correctional institution or facility;

(iv) Per diem rates paid to each facility housing

state inmates, including regional facilities, community work

centers, and local jails; and

(v) Any other information necessary to produce the

reports required in subsection (2) of this section.

(d) The department shall maintain the data described in

this subsection and any other data the department deems

appropriate in a format that allows it to be aggregated in real

time and the aggregated data published in real time in dashboard

format on the department's website. The department shall also

make the aggregated data available on the department's website

a modern, open, electronic format that is machine-readable and

readily accessible by the public. Data for which real-time

aggregating and posting is not feasible shall be aggregated and

posted on the department's website as quickly as feasible but no

less often than monthly. The department may use the reporting

requirements in subsection (2) of this section to guide its

development of relevant portions of the dashboard.

(2) The Department of Corrections shall semiannually report

information required in this subsection (2) to the Oversight Task

Force, and upon request, shall report the information to the PEEB

Committee as follows:

(a) Prison data, which shall include:

167 (i) The number of offenders entering prison on a
168 new offense;

169 (ii) The number of offenders entering prison as a
170 result of revocation of supervision;

171 (iii) The average sentence length for new prison
172 sentences by offense type;

173 (iv) The average remaining sentence length for
174 offenders entering prison for a probation revocation;

175 (v) The average remaining sentence length for
176 offenders entering prison for a parole revocation;

177 (vi) The average percentage of prison sentence
178 served in prison by offense type;

179 (vii) The average length of stay by offense type;
180 * * * (viii) Recidivism rates. For the purposes o

181 this report, "recidivism" means conviction of a new felony offense
182 within three (3) years of release from prison;

183 1. Recidivism rates by offense type;

184 2. Recidivism rates by risk level;

185 (* * * ixviii) Total prison population by offense
186 type and type of admission into prison;

187 * * * _____ 1. By offense type;

188 2. By type of admission into prison.

189 (ix) The number of rehabilitative and educational
190 milestones described in subsection (1)(a)(xvi) of this section
191 which have been achieved by the current population under

192 department custody or supervision, listed by milestone, including,
193 but not limited to, specific certifications earned;
194 (x) The number of inmates who are working in
195 Prison Agricultural Enterprises and other job programs inside the
196 prison, listed by program; and
197 (xi) The number of inmates who are participating
198 in work-release programs, listed by facility.
199 (b) Probation data, which shall include:
200 (i) The number of offenders supervised on
201 probation;
202 (ii) The number of offenders placed on probation;
203 (iii) The number of probationers revoked for a
204 technical violation and sentenced to a term of imprisonment in a
205 technical violation center and the average length of time served
206 in a technical violation center;
207 (iv) The number of probationers revoked for a
208 technical violation and sentenced to a term of imprisonment
209 in * * * another type of department of correction a facility other
210 than a technical violation center and the average length of time
211 served in such facilities;
212 (v) The number of probationers who are convicted
213 of a new felony offense and sentenced to a term of imprisonment;
214 (vi) The number of probationers held * * *on a
215 violation in a county jail awaiting a revocation hearing; and

(vii) The average length of stay in a county jail for probationers awaiting a revocation hearing.

(c) Post-release supervision data, which shall include:

(i) The number of offenders supervised on

post-release supervision, by the type of supervision;

(ii) The number of offenders placed on

post-release supervision;

(iii) The number of offenders on

post-release * * * ~~probationers~~ supervision revoked for * * * a

technical violation and sentenced to a term of imprisonment in a

technical violation center, and the average length of time served

in a technical violation center;

(iv) The number of offenders on post-release * * *

probationers supervision revoked for a technical violation and

sentenced to a term of imprisonment in * * * another type of

department of correction facility a facility other than a

technical violation center, and the average length of time served

in such facilities;

(v) The number of offenders on post-release * * *

probationers supervision who are convicted of a new felony offense

and sentenced to a term of imprisonment;

(vi) The number of offenders on post-release * * *

probationers supervision held * * * on a violation in a county

jail awaiting a revocation hearing, and average length of stay in

a county jail awaiting a revocation hearing; * * *-and



241 (vii) * * *—~~The average length of stay in a county~~
242 ~~jail for post-release probationers awaiting a revocation hearing.~~
243 Recidivism rates by offense type and risk level, reported by the
244 number of years since release. For the purposes of this report,
245 "recidivism" means the commission of a crime after the person has
246 been convicted of a previous crime, whether the person is under
247 supervision of the department or not. The department shall report
248 recidivism rates for one (1), three (3), and five (5) years
249 following release from prison;

250 (viii) The number of people who have been paroled
251 due to a designation as medically frail; and
252 (ix) The number of people who have been granted
253 presumptive parole.

254 * * *—(2) ~~The Department of Corrections shall semiannually~~
255 ~~report information required in subsection (1) of this section to~~
256 ~~the Oversight Task Force, and upon request, shall report the~~
257 ~~information to the PEER Committee.~~

258 (3) As used in this section, the term "technical violation"
259 means an act or omission by a person on probation or post-release
260 supervision that violates a condition or conditions of supervision
261 placed on the offender by the sentencing judge, the department, or
262 the Parole Board, other than for the commission of a new crime.
263 Commission of a new crime is not a technical violation.

264 (4) Information collected under this section which is
265 confidential and exempt upon collection remains confidential and

266 exempt when reported by the Department of Corrections under this
267 section.

268 (5) The data collection and reporting system required in
269 subsection (2) of this section shall allow appropriate access for
270 agencies to query underlying data that is not public but is
271 intrinsic to their work.

272 **SECTION 2.** This act shall take effect and be in force from
273 and after July 1, 2026.

