

By: Representative Barker

To: Corrections;  
Appropriations

HOUSE BILL NO. 906  
(As Sent to Governor)

1 AN ACT TO REPEAL THE AUTHORITY OF THE MISSISSIPPI DEPARTMENT  
2 OF CORRECTIONS TO OPERATE REGIMENTED INMATE DISCIPLINE PROGRAMS  
3 AND TO PROHIBIT THE FUTURE SENTENCING OF STATE INMATES TO SUCH  
4 PROGRAMS; TO AMEND SECTION 47-5-110, MISSISSIPPI CODE OF 1972, TO  
5 AUTHORIZE THE DEPARTMENT TO IMPLEMENT EVIDENCE-BASED PROGRAMS FOR  
6 THE BENEFIT OF INMATES, EMPHASIZING THOSE PROGRAMS THAT ARE  
7 TARGETED TO REDUCING RECIDIVISM; TO AMEND SECTIONS 47-5-124,  
8 47-5-940, 47-5-1205 AND 99-15-26 IN CONFORMITY THERETO; AND FOR  
9 RELATED PURPOSES.

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

11 **SECTION 1.** From and after January 1, 2017, no person to be  
12 sentenced to the custody of the Mississippi Department of  
13 Corrections shall be ordered to a Regimented Inmate Discipline  
14 (RID) program by any court of this state. The Department of  
15 Corrections shall either operate RID programs for inmates  
16 sentenced to such a program prior to January 1, 2017, or devise  
17 and implement suitable alternatives for any such inmates.

18 **SECTION 2.** Section 47-5-110, Mississippi Code of 1972, is  
19 amended as follows:

20 47-5-110. (1) Commitment to any institution or facility  
21 within the jurisdiction of the department shall be to the



22 department, not to a particular institution or facility. The  
23 commissioner shall assign a newly committed offender to an  
24 appropriate facility consistent with public safety; provided,  
25 however, that any offender who, in the opinion of the sentencing  
26 judge, requires confinement in a maximum security unit shall be  
27 assigned, upon initial commitment, to the Parchman facility. The  
28 commissioner may extend the place of confinement of eligible  
29 offenders as provided under subsection (2) of this section. He  
30 may transfer an offender from one (1) institution to another,  
31 consistent with the commitment and in accordance with treatment,  
32 training and security needs. The commissioner shall have the  
33 authority to transfer inmates from the various correctional  
34 facilities of the department to restitution centers if such  
35 inmates meet the qualifications prescribed in Section 99-37-19.  
36 The commissioner shall prepare appropriate standards of  
37 eligibility for such transfers of offenders from one (1)  
38 institution to another institution and transfers of offenders who  
39 meet the qualifications for placement in restitution centers. The  
40 commissioner shall have the authority to remove the offenders from  
41 restitution centers and to transfer them to other facilities of  
42 the department. The commissioner shall obtain the approval of the  
43 sentencing court before transferring an offender committed to the  
44 department to a restitution center. On the request of the chief  
45 executive officer of the affected unit of local government, the  
46 commissioner may transfer a person detained in a local facility to



47 a state facility. The commissioner shall determine the cost of  
48 care for that person to be borne by the unit of local government.  
49 The commissioner may assign to a community work center, any  
50 offender who is convicted under the Mississippi Implied Consent  
51 Law and who is sentenced to the custody of the Department of  
52 Corrections, except that if a death or a serious maiming has  
53 occurred during the commission of the violation of the Mississippi  
54 Implied Consent Law, then the offender so convicted may not be  
55 assigned to a community work center.

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

59 (a) The commissioner may extend the limits of  
60 confinement of offenders serving sentences for violent or  
61 nonviolent crimes who have six (6) months or less remaining before  
62 release on parole, conditional release or discharge to participate  
63 in the program. Parole violators may be allowed to participate in  
64 the program.

65 (b) Any offender who is referred to the program shall  
66 remain an offender of the department and shall be subject to rules  
67 and regulations of the department pertaining to offenders of the  
68 department until discharged or released on parole or conditional  
69 release by the State Parole Board.

70 (c) The department shall require the offender to  
71 participate in work or educational or vocational programs and



72 other activities that may be necessary for the supervision and  
73 treatment of the offender.

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

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

82 (4) (a) The department may by rule or policy and procedure  
83 provide \* \* \* evidence-based programs for the benefit of inmates,  
84 with emphasis on those that are targeted at reducing inmate  
85 recidivism and prerelease service for offenders at each of its  
86 major correctional facilities: Mississippi State Penitentiary,  
87 Central Mississippi Correctional Institution and South Mississippi  
88 Correctional Institution and other facilities where the department  
89 confines state inmates.

90 (b) The commissioner may establish \* \* \* prerelease  
91 programs at the South Mississippi Correctional Institution. \* \* \*  
92 The prerelease program may be located on the grounds of this  
93 facility or another facility designated by the commissioner.

94 (c) For purposes of this subsection, the term  
95 "evidence-based programs" shall have ascribed to it the meaning in  
96 Section 27-103-159.



97           **SECTION 3.** Section 47-5-940, Mississippi Code of 1972, is  
98 amended as follows:

99           47-5-940. (1) (a) The Department of Corrections may  
100 contract with the Bolivar County Regional Facility for a five-year  
101 pilot program dedicated to an intensive and comprehensive alcohol  
102 and other drug treatment program for not more than two hundred  
103 fifty (250) inmates. The Bolivar County Regional Facility shall  
104 have the option of canceling the contract for the drug treatment  
105 program after giving the Department of Corrections thirty (30)  
106 days' notice of its intent to cancel. The program shall be a  
107 prison-based treatment program designed to reduce substance abuse  
108 by inmates, correct dysfunctional thinking and behavioral  
109 patterns, and prepare inmates to make a successful and crime-free  
110 readjustment to the community.

111           (b) The Department of Corrections shall reimburse the  
112 Bolivar County Regional Facility at the per diem rate allowed  
113 under Section 47-5-933.

114           (2) (a) An inmate who is within eighteen (18) months of his  
115 earned release date or parole date may be placed in the program.

116           (b) The Department of Corrections shall remove any  
117 inmate within seventy-two (72) hours after being notified by the  
118 Bolivar County Regional Facility that the inmate is violent or  
119 refuses to participate in the drug treatment program.

120           (3) The program shall consist, but is not limited to, the  
121 following components:



122 (a) An assessment and placement component using a  
123 recidivism needs assessment of the inmates.

124 (b) An intensive and comprehensive treatment and  
125 rehabilitation component which addresses the specific drug or  
126 alcohol problem of the inmate. This component shall include  
127 relapse prevention strategies \* \* \* and anger management  
128 strategies \* \* \*.

129 (c) An aftercare post-release component that has a  
130 specific transition plan for each inmate. The transition plan  
131 must address specific post-release needs such as employment,  
132 housing, medical care, relapse prevention and treatment. The plan  
133 shall require personnel to assist the inmate with these needs and  
134 to assist in finding community-based programs for the inmate. The  
135 plan shall require the inmate to be tracked in at least thirty-day  
136 intervals to measure compliance with his established transition  
137 plan.

138 (d) A monitoring assessment of recidivism containing  
139 post-release history of substance abuse, breaches of trust,  
140 arrests, convictions, employment, community functioning, and  
141 marital and family interaction.

142 (4) The department shall file a report annually on the  
143 program with specific data on recidivism of inmates including the  
144 data required in subsection (3) (d).



145 (5) The program authorized under this section may be renewed  
146 if it meets performance requirements as may be determined by the  
147 Legislature.

148 (6) This section shall be repealed on July 3, \* \* \* 2018.

149 **SECTION 4.** Section 47-5-124, Mississippi Code of 1972, is  
150 amended as follows:

151 47-5-124. (1) Beginning January 1, 1995, the Department of  
152 Corrections shall phase in the following uniform designations for  
153 all offenders housed by the Department of Corrections:

154 (a) Maximum security offenders - Red and white  
155 horizontal stripes which are three (3) inches wide;

156 (b) Medium security offenders - Black and white  
157 horizontal stripes which are three (3) inches wide; and

158 (c) Minimum security offenders - Green and white  
159 horizontal stripes which are three (3) inches wide.

160 No offender may wear any article of clothing that is not  
161 issued to the offender by the Department of Corrections. The word  
162 "convict" must be written on the back of the shirt or other upper  
163 outer garment of clothing.

164 (2) No convict incarcerated in a state correctional facility  
165 or a private correctional facility may be authorized or permitted  
166 to operate, use or have in his possession during the term of his  
167 incarceration any radio, television, record player, tape player,  
168 recorder, compact disc player, stereo or computer, except when  
169 such devices are used in a work incentive program \* \* \* authorized



170 and administered by the Department of Corrections. The department  
171 shall develop and implement a plan to return such devices owned by  
172 inmates to the families of such inmates.

173 (3) No state correctional facility existing on August 23,  
174 1994, and no correctional facility, public or private, constructed  
175 or contracted for under the provisions of this chapter shall  
176 include weight lifting equipment, except when such equipment is  
177 used in a work incentive program \* \* \*.

178 (4) An inmate is prohibited from possessing individual air  
179 conditioners. However, the Department of Finance and  
180 Administration and Department of Corrections shall determine the  
181 feasibility and cost effectiveness of heating and refrigerated air  
182 conditioning equipment for the cooling and heating of a  
183 correctional facility constructed after August 23, 1994.

184 **SECTION 5.** Section 47-5-1205, Mississippi Code of 1972, is  
185 amended as follows:

186 47-5-1205. (1) The State Prison Emergency Construction and  
187 Management Board shall provide for the construction and shall  
188 equip additional housing and necessary support facilities for one  
189 thousand two hundred sixteen (1,216) medium security male  
190 offenders and for two hundred (200) male offenders sentenced  
191 to \* \* \* evidence-based programs for the benefit of inmates at the  
192 South Mississippi Correctional Institution. The department may  
193 house offenders not sentenced to \* \* \* such programs in the two





194 hundred (200) beds reserved for the program as it deems  
195 appropriate.

196 (2) The State Prison Emergency Construction and Management  
197 Board shall provide for the construction and shall equip  
198 additional housing and support facilities for seven hundred (700)  
199 medium security male offenders at the Central Mississippi  
200 Correctional Facility.

201 (3) The State Prison Emergency Construction and Management  
202 Board shall use funds from the "Corrections Facilities Emergency  
203 Construction Fund."

204 (4) The Department of Finance and Administration shall use  
205 its emergency powers to expedite the construction of these  
206 facilities. In the planning, design, procurement and construction  
207 of these facilities, the board shall make maximum utilization of  
208 plans, specifications and processes used in, completed or on-going  
209 construction projects for the Mississippi Department of  
210 Corrections.

211 **SECTION 6.** Section 99-15-26, Mississippi Code of 1972, is  
212 amended as follows:

213 99-15-26. (1) (a) In all criminal cases, felony and  
214 misdemeanor, other than crimes against the person, a crime of  
215 violence as defined in Section 97-3-2 or a violation of Section  
216 97-11-31, the circuit or county court shall be empowered, upon the  
217 entry of a plea of guilty by a criminal defendant made on or after  
218 July 1, 2014, to withhold acceptance of the plea and sentence



219 thereon pending successful completion of such conditions as may be  
220 imposed by the court pursuant to subsection (2) of this section.

221 (b) In all misdemeanor criminal cases, other than  
222 crimes against the person, the justice or municipal court shall be  
223 empowered, upon the entry of a plea of guilty by a criminal  
224 defendant, to withhold acceptance of the plea and sentence thereon  
225 pending successful completion of such conditions as may be imposed  
226 by the court pursuant to subsection (2) of this section.

227 (c) Notwithstanding Section 97-3-2, in all criminal  
228 cases charging a misdemeanor of domestic violence as defined in  
229 Section 99-3-7(5) or aggravated domestic violence as defined in  
230 Section 97-3-7(4), a circuit, county, justice or municipal court  
231 shall be empowered, upon the entry of a plea of guilty by the  
232 criminal defendant, to withhold acceptance of the plea and  
233 sentence thereon pending successful completion of such conditions  
234 as may be imposed by the court pursuant to subsection (2) of this  
235 section.

236 (d) No person having previously qualified under the  
237 provisions of this section shall be eligible to qualify for  
238 release in accordance with this section for a repeat offense. A  
239 person shall not be eligible to qualify for release in accordance  
240 with this section if charged with the offense of trafficking of a  
241 controlled substance as provided in Section 41-29-139(f).



242 (2) (a) Conditions which the circuit, county, justice or  
243 municipal court may impose under subsection (1) of this section  
244 shall consist of:

245 (i) Reasonable restitution to the victim of the  
246 crime.

247 (ii) Performance of not more than nine hundred  
248 sixty (960) hours of public service work approved by the court.

249 (iii) Payment of a fine not to exceed the  
250 statutory limit.

251 (iv) Successful completion of drug, alcohol,  
252 psychological or psychiatric treatment, successful completion of a  
253 program designed to bring about the cessation of domestic abuse,  
254 or any combination thereof, if the court deems treatment  
255 necessary.

256 (v) The circuit or county court, in its  
257 discretion, may require the defendant to remain in the program  
258 subject to good behavior for a period of time not to exceed five  
259 (5) years. The justice or municipal court, in its discretion, may  
260 require the defendant to remain in the program subject to good  
261 behavior for a period of time not to exceed two (2) years.

262 (b) Conditions which the circuit or county court may  
263 impose under subsection (1) of this section also include  
264 successful completion of \* \* \* an effective evidence-based program  
265 or a properly controlled pilot study designed to contribute to the  
266 evidence-based research literature on programs targeted at



267 reducing recidivism. Such program or pilot study may be community  
268 based or institutionally based and should address risk factors  
269 identified in a formal assessment of the offender's risks and  
270 needs.

271 (3) When the court has imposed upon the defendant the  
272 conditions set out in this section, the court shall release the  
273 bail bond, if any.

274 (4) Upon successful completion of the court-imposed  
275 conditions permitted by subsection (2) of this section, the court  
276 shall direct that the cause be dismissed and the case be closed.

277 (5) Upon petition therefor, the court shall expunge the  
278 record of any case in which an arrest was made, the person  
279 arrested was released and the case was dismissed or the charges  
280 were dropped or there was no disposition of such case.

281 (6) This section shall take effect and be in force from and  
282 after March 31, 1983.

283 **SECTION 7.** This act shall take effect and be in force from  
284 and after July 1, 2015.

