MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Johnson

To: Corrections;
Appropriations

# HOUSE BILL NO. 1111

AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO CONVERT THE THREE RESTITUTION CENTERS IN THE STATE TO POST-RELEASE REENTRY CENTERS; TO PROVIDE THAT THE POST-RELEASE REENTRY CENTERS SHALL BE FOR INDIVIDUALS WHO ARE ELIGIBLE FOR RELEASE, INCLUDING THOSE ELIGIBLE FOR PAROLE AND EARLY RELEASE SUPERVISION, IF SUCH INDIVIDUALS DO NOT HAVE IMMEDIATE ACCESS TO HOUSING UPON RELEASE; TO REQUIRE THE DEPARTMENT TO ADMINISTER SERVICES IN THE POST-RELEASE REENTRY CENTERS AS WELL AS OTHER FACILITIES THAT PROVIDE POST-RELEASE REENTRY SERVICES; TO REQUIRE THE DEPARTMENT TO ASSIST RESIDENTS OF THE CENTERS IN OBTAINING CERTAIN REENTRY NECESSITIES SUCH AS HOUSING, JOB SKILLS TRAINING AND DRIVER'S LICENSES; TO AMEND SECTIONS 45-33-35 AND 47-5-110, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS; TO REPEAL SECTION 99-37-19, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE DEPARTMENT OF CORRECTIONS TO OPERATE RESTITUTION CENTERS; TO REPEAL SECTION 99-37-21, MISSISSIPPI CODE OF 1972, WHICH PROVIDES CERTAIN POWERS AND DUTIES OF THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HUMAN SERVICES REGARDING RESTITUTION CENTERS; AND FOR RELATED PURPOSES.

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

**SECTION 1.** (1) The Department of Corrections shall convert the Greenwood Restitution Center, Flowood Restitution Center, and the Pascagoula Restitution Center to post-release reentry centers.

(2) Any person who is eligible for release, including parole and early release supervision, shall be eligible for placement in a post-release reentry center. Participation in a post-release

reentry center is intended for those who do not have immediate access to housing or other support services upon release from incarceration. Residents of post-release reentry centers shall remain at a center for ninety (90) days or until other housing becomes available, whichever period is shorter. A person otherwise eligible for release from incarceration may not be detained due to their refusal to accept placement in a post-release reentry center. The residence restrictions provided in Section 45-33-25 shall not apply to post-release reentry centers regardless of the location of the center.

**SECTION 2.** (1) The Department of Corrections shall institute and administer services in post-release reentry centers at the facilities identified under Section 1 of this act and at other facilities which provide post-release reentry services.

(2) The Department of Corrections shall:

(a) Seek funding from federal or other sources to provide the maximum supportive services for residents and the families of residents who are participating in a post-release reentry program;

(b) Develop programs at post-release reentry centers through which residents are provided support, training, and connection to services necessary to contribute to society and the support of themselves and their families upon returning to local communities following incarceration; and

(c) Develop evidence-based pilot programs in furtherance of aiding personal growth and development, overcoming problematic behaviors, establishing a verified residency plan, and teaching skills to enhance the resident's quality of life and successful reentry into the community. The programs may be residential or nonresidential as appropriate.

(3) The Department of Corrections shall assist residents in obtaining:

(a) Counseling/case management services;

(b) Housing;

(c) Employment or job skills training;

(d) State-issued driver's licenses or a state-issued IDs should a driver's license be unobtainable;

(e) Health care services;

(f) Educational services;

(g) Cognitive behavioral programs;

(h) Drug and alcohol treatment and recovery services; and

(i) Other community support services.

**SECTION 3.** Section 45-33-35, Mississippi Code of 1972, is amended as follows:

45-33-35. (1) The Mississippi Department of Public Safety shall maintain a central registry of sex offender information as defined in Section 45-33-25 and shall adopt rules and regulations necessary to carry out this section. The responsible agencies

shall provide the information required in Section 45-33-25 on a form developed by the department to ensure accurate information is maintained.

(2) Upon conviction, adjudication or acquittal by reason of insanity of any sex offender, if the sex offender is not immediately confined or not sentenced to a term of imprisonment, the clerk of the court which convicted and sentenced the sex offender shall inform the person of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the department.

(3) Before release from prison or placement on parole, supervised release or in a work center *** * ***, the Department of Corrections shall inform the person of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the Department of Public Safety.

(4) Before release from a community regional mental health center or from confinement in a mental institution following an acquittal by reason of insanity, the director of the facility

shall inform the offender of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the Department of Public Safety.

(5) Before release from a youthful offender facility, the director of the facility shall inform the person of the duty to register, including the duty to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, and shall perform the registration duties as described in Section 45-33-23 and forward the information to the Department of Public Safety.

(6) In addition to performing the registration duties, the responsible agency shall:

(a) Inform the person having a duty to register that:

(i) The person is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, at least ten (10) days before changing address.

(ii) Any change of address to another jurisdiction shall be reported to the department by personally appearing at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by

electronic means, not less than ten (10) days before the change of address. The offender shall comply with any registration requirement in the new jurisdiction.

(iii) The person must register in any jurisdiction where the person is employed, carries on a vocation, is stationed in the military or is a student.

(iv) Address verifications shall be made by personally appearing at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within the required time period.

(v) Notification or verification of a change in status of a registrant's enrollment, employment or vocation at any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education shall be reported to the department by personally appearing at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) business days of the change.

(vi) If the person has been convicted of a sex offense, the person shall notify any organization for which the person volunteers in which volunteers have direct, private or unsupervised contact with minors that the person has been convicted of a sex offense as provided in Section 45-33-32(1).

(vii) Upon any change of name or employment, a registrant is required to personally appear at a facility designated by the Department of Public Safety, or in a manner of the Department of Public Safety's choosing, including by electronic means, within three (3) business days of the change.

(viii) Upon any change of vehicle information, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(ix) Upon any change of e-mail address or addresses, instant message address or addresses or any other designation used in Internet communications, postings or telephone communications, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(x) Upon any change of information deemed to be necessary to the state's policy to assist local law enforcement agencies' efforts to protect their communities, a registrant is required to report the change on an appropriate form supplied by the department within three (3) business days of the change.

(b) Require the person to read and sign a form stating that the duty of the person to register under this chapter has been explained.

(c) Obtain or facilitate the obtaining of a biological sample from every registrant as required by this chapter if such

biological sample has not already been provided to the Mississippi Forensics Laboratory.

(d) Provide a copy of the order of conviction or sentencing order to the department at the time of registration.

**SECTION 4.** Section 47-5-110, Mississippi Code of 1972, is amended as follows:

47-5-110. (1) Commitment to any institution or facility within the jurisdiction of the department shall be to the department, not to a particular institution or facility. The commissioner shall assign a newly committed offender to an appropriate facility consistent with public safety; provided, however, that any offender who, in the opinion of the sentencing judge, requires confinement in a maximum security unit shall be assigned, upon initial commitment, to the Parchman facility. The commissioner may extend the place of confinement of eligible offenders as provided under subsection (2) of this section. He may transfer an offender from one (1) institution to another, consistent with the commitment and in accordance with treatment, training and security needs. The commissioner shall have the authority to transfer inmates from the various correctional facilities of the department to restitution centers *** * ***. The commissioner shall prepare appropriate standards of eligibility for such transfers of offenders from one (1) institution to another institution and transfers of offenders who meet the qualifications for placement in restitution centers. The

commissioner shall have the authority to remove the offenders from restitution centers and to transfer them to other facilities of the department. The commissioner shall obtain the approval of the sentencing court before transferring an offender committed to the department to a restitution center. On the request of the chief executive officer of the affected unit of local government, the commissioner may transfer a person detained in a local facility to a state facility. The commissioner shall determine the cost of care for that person to be borne by the unit of local government. The commissioner may assign to a community work center, any offender who is convicted under the Mississippi Implied Consent Law and who is sentenced to the custody of the Department of Corrections, except that if a death or a serious maiming has occurred during the commission of the violation of the Mississippi Implied Consent Law, then the offender so convicted may not be assigned to a community work center.

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

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

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

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

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

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

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

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

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

**SECTION 5.** The term "restitution center" appearing in the laws of this state shall mean "post-release reentry center" whenever it appears in Sections 25-3-25, 45-33-27, 45-44-35, 47-5-10, 47-5-26, 47-5-110, 47-5-194 and 47-7-37.

**SECTION 6.** Section 99-37-19, Mississippi Code of 1972, which authorizes the Department of Corrections to operate restitution centers, is hereby repealed.

**SECTION 7.** Section 99-37-21, Mississippi Code of 1972, which provides certain powers and duties of the Department of Human Services and the Department of Corrections regarding restitution centers, is hereby repealed.

**SECTION 8.** This act shall take effect and be in force from and after July 1, 2021.