MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Hill

To: Judiciary, Division B

SENATE BILL NO. 2115

AN ACT TO AMEND SECTION 47-7-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PROBATION AND PAROLE OFFICER SHALL NOT HANDLE MORE THAN 100 CASES AT ONE TIME; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-7-9, Mississippi Code of 1972, is amended as follows:

47-7-9. (1) The circuit judges and county judges in the districts to which Division of Community Corrections personnel have been assigned shall have the power to request of the department transfer or removal of the division personnel from their court.

(2) (a) Division personnel shall investigate all cases referred to them for investigation by the board, the division or by any court in which they are authorized to serve. They shall furnish to each person released under their supervision a written statement of the conditions of probation, parole, earned-release supervision, post-release supervision or suspension and shall instruct the person regarding the same. They shall administer a

risk and needs assessment on each person under their supervision to measure criminal risk factors and individual needs. They shall use the results of the risk and needs assessment to guide supervision responses consistent with evidence-based practices as to the level of supervision and the practices used to reduce recidivism. They shall develop a supervision plan for each person assessed as moderate to high risk to reoffend. They shall keep informed concerning the conduct and conditions of persons under their supervision and use all suitable methods that are consistent with evidence-based practices to aid and encourage them and to bring about improvements in their conduct and condition and to reduce the risk of recidivism. They shall keep detailed records of their work and shall make such reports in writing as the court or the board may require.

(b) Division personnel shall complete annual training on evidence-based practices and criminal risk factors, as well as instructions on how to target these factors to reduce recidivism.

(c) The division personnel duly assigned to court districts are hereby vested with all the powers of police officers or sheriffs to make arrests or perform any other duties required of policemen or sheriffs which may be incident to the division personnel responsibilities. All probation and parole officers hired on or after July 1, 1994, will be placed in the Law Enforcement Officers Training Program and will be required to meet the standards outlined by that program.

(d) It is the intention of the Legislature that * * * the case load of each probation and parole officer, field supervisor or such other division personnel supervising offenders in the community * * * shall not exceed * * * one hundred (100) cases at any given time.

(3) (a) Division personnel shall be provided to perform investigation for the court as provided in this subsection. Division personnel shall conduct presentence investigations on all persons convicted of a felony in any circuit court of the state, prior to sentencing and at the request of the circuit court judge of the court of conviction. The presentence evaluation report shall consist of a complete record of the offender's criminal history, educational level, employment history, psychological condition and such other information as the department or judge may deem necessary. Division personnel shall also prepare written victim impact statements at the request of the sentencing judge as provided in Section 99-19-157.

(b) In order that offenders in the custody of the department on July 1, 1976, may benefit from the kind of evaluations authorized in this section, an evaluation report to consist of the information required hereinabove, supplemented by an examination of an offender's record while in custody, shall be compiled by the division upon all offenders in the custody of the department on July 1, 1976. After a study of such reports by the State Parole Board those cases which the board believes would

merit some type of executive clemency shall be submitted by the board to the Governor with its recommendation for the appropriate executive action.

(c) The department is authorized to accept gifts, grants and subsidies to conduct this activity.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.