

MISSISSIPPI LEGISLATURE
2012 Regular Session
To: Corrections
By: Representative Flaggs

House Bill 523

(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-943, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT ONLY OFFENDERS WHO ARE 22 YEARS OF AGE OR YOUNGER BE HOUSED AT THE WALNUT GROVE CORRECTIONAL FACILITY; TO AUTHORIZE ANY STATE OFFENDER TO BE HOUSED AT SUCH FACILITY; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO ESTABLISH A YOUTHFUL OFFENDER UNIT ("YOU") AT THE CENTRAL MISSISSIPPI CORRECTIONAL FACILITY; TO PROVIDE THAT THE YOU SHALL BE FOR YOUTH 17 YEARS OF AGE AND UNDER WHO HAVE BEEN ASSIGNED TO THE DEPARTMENT OF CORRECTIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-943, Mississippi Code of 1972, is amended as follows:

47-5-943. The Mississippi Department of Corrections may contract with the Walnut Grove Correctional Authority or the governing authorities of the Municipality of Walnut Grove, Leake County, Mississippi, to provide for the private housing, care and control of not more than one thousand five hundred (1,500) * * * offenders who are in the custody of the Department of Corrections at a maximum security facility in Walnut Grove. * * * A county or circuit judge shall not order any offender to be housed in the correctional facility authorized in Sections 47-5-943 through 47-5-953. Commitment of * * * offenders shall not be to this facility, but shall be to the jurisdiction of the department. The commissioner shall assign newly sentenced offenders to an appropriate facility

consistent with public safety. Any facility owned or leased by the Walnut Grove Correctional Authority or the Municipality of Walnut Grove for this purpose shall be designed, constructed, operated and maintained in accordance with American Correctional Association standards, and shall comply with all constitutional standards of the United States and the State of Mississippi and with all court orders that may now or hereinafter be applicable to the facility. The contract must comply with Sections 47-5-1211 through 47-5-1227.

SECTION 2. (1) The Mississippi Department of Corrections shall establish a Youthful Offender Unit ("YOU") at the Central Mississippi Correctional Facility. All youth ages 17 years of age and under and who are assigned to a Mississippi Department of Corrections prison shall be housed in the YOU, except that nothing in this section shall prohibit the department from housing a youth who is 17 years of age and under in a community work center or other environments that are less restrictive than a Mississippi Department of Corrections prison.

(2) Youth ages 17 and under as prescribed in this section shall be housed in the YOU, separate from adult inmates. No individual who is over the age of 19 shall be housed in the YOU. The Commissioner of the Department of Corrections shall have discretion to house individuals who are 18 and 19 years of age and who have been classified as vulnerable in the YOU.

(3) The Mississippi Department of Corrections shall provide youth housed at the YOU with the opportunity for the appropriate amounts of interactive, structured rehabilitative

and/or educational programming, recreational and leisure activities outside of their cells on a daily basis, including weekends and holidays. The programming developed, as prescribed in this subsection shall, to the extent possible, be tailored to the developmental needs of adolescents.

SECTION 3. This act shall take effect and be in force from and after its passage.