

By: Representatives Bain, Williams-Barnes,  
Anthony

To: Judiciary B

HOUSE BILL NO. 551  
(As Sent to Governor)

1 AN ACT TO ENACT THE "EMPOWERING REENTRY THROUGH LICENSING  
2 ACT" WHICH PROVIDES FOR A SIX-MONTH PROVISIONAL DRIVER'S LICENSE  
3 ISSUED BY THE DEPARTMENT OF PUBLIC SAFETY TO ELIGIBLE PERSONS WHO  
4 HAVE BEEN RELEASED FROM INCARCERATION; TO DEFINE TERMS; TO  
5 AUTHORIZE PROVISIONAL LICENSES; TO PROVIDE CERTAIN REQUIREMENTS  
6 AND CERTAIN DISQUALIFICATIONS FOR ELIGIBILITY; TO REQUIRE CERTAIN  
7 DUTIES OF THE DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER THE ACT;  
8 TO DIRECT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO IDENTIFY  
9 ELIGIBLE PERSONS TO APPLY FOR A PROVISIONAL DRIVER'S LICENSE; TO  
10 AMEND SECTIONS 47-5-157 AND 47-7-33.1, MISSISSIPPI CODE OF 1972,  
11 TO CONFORM; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** This act shall be known and may be cited as the  
14 "Empowering Reentry Through Licensing Act."

15 **SECTION 2.** As used in Sections 1 through 6 of this act:

16 (a) "Department" means the Department of Public Safety.

17 (b) "Discharge plan" shall have the meaning provided in  
18 Section 47-7-33.1.

19 (c) "Driver's license" means a Class R license as  
20 authorized in Section 63-1-9.

21 (d) "Eligible person" means a person who has served a  
22 term of at least one (1) year and whose driver's license will be



23 or has been suspended, revoked or cancelled for any reason upon  
24 the person's release. An "eligible person" must be:

25 (i) Within one hundred eighty (180) days of  
26 release from incarceration; or

27 (ii) On probation or parole, having been released  
28 from incarceration within the previous six (6) months.

29 An "eligible person" must not be within the category of persons  
30 described by Section 4 of this act.

31 (e) "Provisional license" means a license as authorized  
32 in Section 3 of this act.

33 (f) "Provisional licensee" means the holder of a  
34 provisional driver's license.

35 (g) "Release from incarceration" shall mean release  
36 from a Mississippi Department of Corrections facility or an  
37 MDOC-approved residential program.

38 **SECTION 3.** (1) A provisional license shall be valid for six  
39 (6) months from the date of a person's release from incarceration.

40 (2) A provisional license shall permit the provisional  
41 licensee to drive a motor vehicle directly to and directly home  
42 from his or her residence and:

43 (a) A place where he or she is employed or will  
44 potentially be employed;

45 (b) A place where the licensee attends school;



46 (c) A place where the licensee's minor child attends  
47 school or day care, provided that there are no separate laws  
48 prohibiting such travel;

49 (d) A scheduled meeting with the licensee's probation  
50 or parole officer or other supervisor;

51 (e) Any place, location or meeting that the licensee's  
52 probation or parole officer has authorized the person to travel to  
53 or attend; or

54 (f) A place of religious instruction or worship.

55 (3) This act shall not apply to any type of commercial  
56 operator's license.

57 **SECTION 4.** A person is ineligible for a provisional license  
58 under this act if:

59 (a) The person was convicted of vehicular homicide, or  
60 a third or subsequent violation of any other law that prohibits  
61 operating a vehicle while intoxicated or under the influence of  
62 alcohol or drugs; or

63 (b) A person's driver's license has been suspended,  
64 revoked or cancelled pursuant to a report of conviction received  
65 pursuant to Article III of the Driver License Compact.

66 **SECTION 5.** (1) The department shall:

67 (a) Issue a provisional license to an eligible person  
68 upon receipt of an application;

69 (b) Defer payment of all fees, penalties and charges  
70 relating to the issuance of a provisional license under this



71 section that are incurred prior to or during the term of  
72 incarceration and owed by the applicant to the department;

73 (c) Inform the provisional licensee that the licensee  
74 has six (6) months from the date of release from incarceration to  
75 clear his or her driving record of any suspensions, revocations or  
76 cancellations in order to be eligible for a driver's license  
77 issued under Section 63-1-9;

78 (d) Shall issue a driver's license upon the collection  
79 of the standard fees and handling charges at the end of the term  
80 of the provisional license if the provisional licensee qualifies  
81 for full and unrestricted driving privileges and has paid any fees  
82 owed under paragraph (c) of this subsection;

83 (e) Develop procedures to:

84 (i) Issue a driver's license after the collection  
85 of the standard fees and handling charges to any person who, upon  
86 release from incarceration, qualifies for full and unrestricted  
87 driving privileges without the need of a provisional license; and

88 (ii) Renew the driver's license of an inmate after  
89 the collection of the standard fees and handling charges; and

90 (f) Promulgate the rules and regulations necessary to  
91 administer Sections 1 through 6 of this act.

92 (2) The department shall not assess an eligible person a fee  
93 for a provisional license.

94 (3) (a) The department may revoke the provisional license  
95 if the licensee commits an act or omission that causes the



96 community supervision or parole of the holder of the provisional  
97 license to be revoked. The provisional licensee's probation or  
98 parole officer shall notify the department if the supervision or  
99 parole status has been revoked. The court shall notify the  
100 department if the provisional licensee is charged with a new  
101 felony or any moving traffic violation.

102 (b) If the department revokes a provisional license  
103 issued pursuant to this section, the holder shall not be entitled  
104 to receive another provisional license.

105 (4) The department shall, in conjunction with the Department  
106 of Corrections, provide to each person admitted to the Department  
107 of Corrections the person's current driver's license status, a  
108 detailed driver's history and any outstanding warrant information  
109 available on the National Criminal Information Center Database.

110 **SECTION 6.** The Mississippi Department of Corrections shall:

111 (a) Identify eligible persons to apply for a  
112 provisional license under this section.

113 (b) Provide any inmate opportunity to renew the inmates  
114 driver's license under Section 5(1)(e) of this act.

115 (c) Promulgate any necessary rules or regulations to  
116 administer Sections 1 through 6 of this act.

117 **SECTION 7.** Section 47-5-157, Mississippi Code of 1972, is  
118 amended as follows:

119 47-5-157. (1) When an offender is entitled to a discharge  
120 from the custody of the department, or is released therefrom on



121 parole, pardon, or otherwise, the commissioner or his designee  
122 shall prepare and deliver to him a written discharge or release,  
123 as the case may be, dated and signed by him with seal annexed,  
124 giving the offender's name, the name of the offense or offenses  
125 for which he was convicted, the term of sentence imposed and the  
126 date thereof, the county in which he was sentenced, the amount of  
127 commutation received, if any, the trade he has learned, if any,  
128 his proficiency in same, and such description of the offender as  
129 may be practicable and the discharge plan developed as required by  
130 law. At least fifteen (15) days prior to the release of an  
131 offender as described herein, the director of records of the  
132 department shall give the written notice which is required  
133 pursuant to Section 47-5-177.

134 (2) The offender shall be furnished \* \* \*:

135 (a) A Mississippi driver's license, if eligible;

136 (b) A provisional license under Section 3 of this act;

137 or

138 (c) A state identification card that is not a  
139 department-issued identification card \* \* \*.

140 The offender shall also be furnished all money held to his  
141 credit by any official of the correctional system \* \* \* and, if  
142 needed, suitable civilian clothes.

143 (3) The amount of money which an offender is entitled to  
144 receive from the State of Mississippi when he is discharged from  
145 the state correctional system shall be determined as follows:



146 (a) If he has continuously served his sentence in one  
147 (1) year or less flat time, he shall be given Fifteen Dollars  
148 (\$15.00).

149 (b) If he has served his sentence in more than one (1)  
150 year flat time and in less than ten (10) years flat time, he shall  
151 be given Twenty-five Dollars (\$25.00).

152 (c) If he has continuously served his sentence in ten  
153 (10) or more years flat time, he shall be given Seventy-five  
154 Dollars (\$75.00).

155 (d) If he has continuously served his sentence in  
156 twenty (20) or more years flat time, he shall be given One Hundred  
157 Dollars (\$100.00).

158 (e) There shall be given in addition to the above  
159 specified monies in \* \* \* paragraphs (a), (b), (c) and (d) of this  
160 subsection, a bus ticket to the county of conviction or to a state  
161 line of Mississippi.

162 **SECTION 8.** Section 47-7-33.1, Mississippi Code of 1972, is  
163 amended as follows:

164 47-7-33.1. (1) The department shall create a discharge plan  
165 for any offender returning to the community, regardless of whether  
166 the person will discharge from the custody of the department, or  
167 is released on parole, pardon, or otherwise. At least ninety (90)  
168 days prior to an offender's earliest release date, the  
169 commissioner shall conduct a pre-release assessment and complete a  
170 written discharge plan based on the assessment results. The



171 discharge plan for parole eligible offenders shall be sent to the  
172 parole board at least thirty (30) days prior to the offender's  
173 parole eligibility date for approval. The board may suggest  
174 changes to the plan that it deems necessary to ensure a successful  
175 transition.

176 (2) The pre-release assessment shall identify whether an  
177 inmate requires assistance obtaining the following basic needs  
178 upon release: transportation, clothing and food, financial  
179 resources, identification documents, housing, employment,  
180 education, health care and support systems. The discharge plan  
181 shall include information necessary to address these needs and the  
182 steps being taken by the department to assist in this process,  
183 including an up-to-date version of the information described in  
184 Section 5(4) of this act. Based on the findings of the  
185 assessment, the commissioner shall:

186 (a) Arrange transportation for inmates from the  
187 correctional facility to their release destination;

188 (b) Ensure inmates have clean, seasonally appropriate  
189 clothing, and provide inmates with a list of food providers and  
190 other basic resources immediately accessible upon release;

191 (c) Ensure inmates have a provisional driver's license  
192 issued pursuant to this act, a regular driver's license if  
193 eligible, or a state-issued identification card that is not a  
194 Department of Corrections identification card;





195 (d) Assist inmates in identifying safe, affordable  
196 housing upon release. If accommodations are not available,  
197 determine whether temporary housing is available for at least ten  
198 (10) days after release. If temporary housing is not available,  
199 the discharge plan shall reflect that satisfactory housing has not  
200 been established and the person may be a candidate for  
201 transitional reentry center placement;

202 (e) Refer inmates without secured employment to  
203 employment opportunities;

204 (f) Provide inmates with contact information of a  
205 health care facility/provider in the community in which they plan  
206 to reside;

207 (g) Notify family members of the release date and  
208 release plan, if the inmate agrees; and

209 (h) Refer inmates to a community or a faith-based  
210 organization that can offer support within the first twenty-four  
211 (24) hours of release \* \* \*.

212 (3) A written discharge plan shall be provided to the  
213 offender and supervising probation officer or parole officer, if  
214 applicable.

215 (4) A discharge plan created for a parole-eligible offender  
216 shall also include supervision conditions and the intensity of  
217 supervision based on the assessed risk to recidivate and whether  
218 there is a need for transitional housing. The board shall approve



219 discharge plans before an offender is released on parole pursuant  
220 to this chapter.

221           **SECTION 9.** This act shall take effect and be in force from  
222 and after July 1, 2021.

