


MEMO

TO: DISPATCHERS AND OFFICERS
FROM: LORIE KING, COURT CLERK 
DATE: NOVEMBER 17, 2022
RE: MS PROVISIONAL DRIVER LICENSE

MS DEPT. OF PUBLIC SAFETY ALLOWS FOR A PROVISIONAL DRIVER LICENSE (PER SENATE BILL 2561) FOR PERSONS RECENTLY RELEASED FROM MDOC CUSTODY FOR A PERIOD OF SIX MONTHS.

THE DRIVER MUST BE IN POSSESSION OF THE LICENSE TO BE COVERED. **THERE ARE NO EXTENSIONS OR REPLACEMENTS.** WHEN THE DRIVER HISTORY IS RUN IT WILL SHOW "SUSPENDED" OR "CANCELLED." THERE IS NOT A RECORD OF THIS PROVISIONAL LICENSE THROUGH NCIC. HOWEVER, THE DRIVER IS LICENSED TO DRIVE FROM HOME TO WORK AND BACK, SCHOOL, CHILDS SCHOOL OR DAYCARE, PROBATION OFFICER MEETING OR CLASS, OR CHURCH.

THIS DOES NOT APPLY TO COMMERCIAL DRIVER LICENSES.

INCLUDED IN THIS MEMO IS COPY OF A PROVISIONAL LICENSE AND SENATE BILL 2561

MISSISSIPPI

DEPARTMENT OF PUBLIC SAFETY



ISSUE DATE
6/13/2022

EXPIRES
12/13/2022

IDENTIFICATION NUMBER
8010040

COX

114 French Road
Braxton, MS 39044

DOB: 5/31

SEX: F HT: 5'11" EYES: GREEN

PROVISIONAL
DRIVER LICENSE

VALID FOR 6 MONTHS OF ISSUANCE

MISSISSIPPI LEGISLATURE

2021 Regular Session

To: Judiciary, Division B

By: Senator(s) Sparks, Blount, Barnett, Horhn, Witherspoon,
Turner-Ford, Simmons (12th), Simmons (13th), Jordan, Jackson
(32nd), Thomas, Butler

Senate Bill 2561

(As Passed the Senate)

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

MISSISSIPPI:

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

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

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

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

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

(d) "Eligible person" means a person who has served a term of at least one (1) year and whose driver's license will be or has been suspended, revoked or cancelled for any reason upon the person's release. An "eligible person" must be:

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

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

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

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

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

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

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

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

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

(b) A place where the licensee attends school

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

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

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

(f) A place of religious instruction or worship.

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

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

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

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

SECTION 5. (1) The department shall:

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

(b) Defer payment of all fees, penalties and charges relating to the issuance of a provisional license under this section that are incurred prior to or during the term of incarceration and owed by the applicant to the department;

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

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

(e) Develop procedures to:

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

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

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

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

(3) (a) The department may revoke the provisional license if the licensee commits an act or omission that causes the community supervision or parole of the holder of the provisional license to be revoked. The provisional licensee's probation or parole officer shall notify the department if the supervision or parole status has been revoked. The court shall notify the department if the provisional licensee is charged with a new felony or any moving traffic violation.

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

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

SECTION 6. The Mississippi Department of Corrections shall:

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

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

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

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

47-5-157. (1) When an offender is entitled to a discharge from the custody of the department, or is released therefrom on parole, pardon, or otherwise, the commissioner or his designee shall prepare and deliver to him a written discharge or release, as the case may be, dated and signed by him with seal annexed, giving the offender's name, the name of the offense or offenses for which he was convicted, the term of sentence imposed and the date thereof, the county in which he was sentenced, the amount

of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such description of the offender as may be practicable and the discharge plan developed as required by law. At least fifteen (15) days prior to the release of an offender as described herein, the director of records of the department shall give the written notice which is required pursuant to Section 47-5-177.

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

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

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

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

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

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

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

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

(c) If he has continuously served his sentence in ten (10) or more years flat time, he shall be given Seventy-five

Dollars (\$75.00).

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

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

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

47-7-33.1. (1) The department shall create a discharge plan for any offender returning to the community, regardless of whether the person will discharge from the custody of the department, or is released on parole, pardon, or otherwise. At least ninety (90) days prior to an offender's earliest release date, the commissioner shall conduct a pre-release assessment and complete a written discharge plan based on the assessment results. The discharge plan for parole eligible offenders shall be sent to the parole board at least thirty (30) days prior to the offender's parole eligibility date for approval. The board may suggest changes to the plan that it deems necessary to ensure a successful transition.

(2) The pre-release assessment shall identify whether an inmate requires assistance obtaining the following basic needs upon release: transportation, clothing and food, financial resources, identification documents, housing, employment, education, health care and support systems. The discharge plan

shall include information necessary to address these needs and the steps being taken by the department to assist in this process, including an up-to-date version of the information described in Section 5(4) of this act. Based on the findings of the assessment, the commissioner shall:

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

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

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

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

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

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

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

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

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

(4) A discharge plan created for a parole-eligible offender shall also include supervision conditions and the intensity of supervision based on the assessed risk to recidivate and whether there is a need for transitional housing. The board shall approve discharge plans before an offender is released on parole pursuant to this chapter.

SECTION 9. This act shall take effect and be in force from and after July 1, 2020.