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WEST'S ANNOTATED MISSISSIPPI CODE

TITLE 47. PRISONS AND PRISONERS; PROBATION AND PAROLE

CHAPTER 5. CORRECTIONAL SYSTEM

ADMINISTRATIVE REVIEW PROCEDURE

**→§ 47-5-801. Authority to adopt procedure**

The Department of Corrections is hereby authorized to adopt an administrative review procedure at each of its correctional facilities in compliance with [42 USCS Section 1997](#), the "Civil Rights of Institutionalized Persons Act," or CRIPA, and Part 40 of Title 28, Code of Federal Regulations.

Current with Chs. 301, 303, to 309, 311, 312, 316 to 321, 323, 326, 327, 329, 332, 340, 342, 348, and 349 of the 2006 Reg. Sess.

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**→§ 47-5-803. Use of procedure required**

(1) Upon approval of the administrative review procedure by a federal court as authorized and required by the Civil Rights of Institutionalized Persons Act, and the implementation of the procedure within the department, this procedure shall constitute the administrative remedies available to offenders for the purpose of preserving any cause of action such offenders may claim to have against the State of Mississippi, the Department of Corrections or its officials or employees.

(2) No state court shall entertain an offender's grievance or complaint which falls under the purview of the administrative review procedure unless and until such offender shall have exhausted the remedies as provided in such procedure. If at the time the petition is filed the administrative review process has not yet been completed, the court shall stay the proceedings for a period not to exceed ninety (90) days to allow for completion of the procedure and exhaustion of the remedies thereunder.

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**→§ 47-5-805. Existing lawsuits**

Any offender who, on July 1, 1994, is a plaintiff in a lawsuit naming the state, the Department of Corrections or an official or an employee of the Department of Corrections as a defendant or defendants shall be furnished notice by certified mail of [Sections 47-5-801](#) through [47-5-807](#) and the fact and date of the enactment of the administrative review procedure, and proof of notice of service of the offender plaintiff shall be filed in the offender's court record where such lawsuit is pending. Any offender so notified by certified mail shall, within thirty (30) days after receipt of such notice, commence administrative review, under the administrative review procedure, of the complaint which is the subject matter of his lawsuit. Any such pending lawsuit, on July 1, 1994, shall be stayed by the court for a period not to exceed ninety (90) days in order to require exhaustion of the remedies as provided under the administrative review procedure. If an offender fails to completely utilize the administrative review procedure during the period of the stay, then the court may consider this as a factor in deciding whether the case may proceed.

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**→§ 47-5-807. Right to judicial review**

Any offender who is aggrieved by an adverse decision rendered pursuant to any administrative review procedure under [Sections 47-5-801](#) through 47-5-807 may, within thirty (30) days after receipt of the agency's final decision, seek judicial review of the decision.

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