

By: Representatives Malone, Moody

To: Penitentiary

## HOUSE BILL NO. 1300

1 AN ACT TO BRING FORWARD SECTION 47-5-158, MISSISSIPPI CODE OF  
2 1972, WHICH CREATED THE INMATE WELFARE FUND; AND FOR RELATED  
3 PURPOSES.

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

5 SECTION 1. Section 47-5-158, Mississippi Code of 1972, is  
6 brought forward as follows:

7 47-5-158. (1) The department is authorized to maintain a  
8 bank account which shall be designated as the Inmate Welfare Fund.  
9 All monies now held in a similar fund for the benefit and welfare  
10 of inmates shall be deposited into the Inmate Welfare Fund. This  
11 fund shall be used for the benefit and welfare of inmates in the  
12 custody of the department.

13 (2) There shall be deposited into the Inmate Welfare Fund  
14 interest previously earned on inmate deposits, all net profits  
15 from the operation of inmate canteens, the annual prison rodeo,  
16 performances of the Penitentiary band, interest earned on the  
17 Inmate Welfare Fund and other revenues designated by the  
18 commissioner. All money shall be deposited into the Inmate  
19 Welfare Fund as provided in Section 7-9-21, Mississippi Code of  
20 1972.

21 (3) All inmate telephone call commissions shall be paid to  
22 the department. Monies in the fund may be expended by the  
23 Department of Corrections, upon requisition by the commissioner or  
24 his designee, only for the purposes established in this  
25 subsection.

26 (a) Beginning July 1, 1995, twenty-five percent (25%)

27 of the inmate telephone call commissions shall be used to purchase  
28 and maintain telecommunication equipment to be used by the  
29 department.

30 (b) Before June 30, 1996, the commissioner shall  
31 transfer to the State Department of Education a percentage of the  
32 funds generated by the inmate telephone call commissions in an  
33 amount as specified in this paragraph. The amount of the transfer  
34 shall be a sum sufficient to comply with the provisions of Section  
35 11, Chapter 143, Laws of 1995, which set forth the performance  
36 target for the Writing to Read Lab Matching Grant Program in the  
37 placement of lab sites and the number of students served.

38 (c) Before June 30, 1996, the Department of Corrections  
39 may expend not more than Fifty Thousand Dollars (\$50,000.00) from  
40 the Inmate Welfare Fund for each prerelease center established by  
41 the department; however, the maximum amount expended by the  
42 department for all prerelease centers shall not exceed Two Hundred  
43 Thousand Dollars (\$200,000.00).

44 (d) Beginning July 1, 1996, fifty percent (50%) of the  
45 inmate telephone call commissions shall be deposited into the  
46 Prison Agriculture Enterprise Fund. The Mississippi Department of  
47 Corrections may use these funds to supplement the Prison  
48 Agricultural Enterprise Fund created in Section 47-5-66. The  
49 remaining twenty-five percent (25%) of the inmate telephone call  
50 commissions shall be deposited into the Inmate Welfare Fund.

51 (4) The commissioner may invest in the manner authorized by  
52 law any money in the Inmate Welfare Fund that is not necessary for  
53 immediate use, and the interest earned shall be deposited in the  
54 Inmate Welfare Fund.

55 (5) The Deputy Commissioner for Administration and Finance  
56 shall be the custodian of the Inmate Welfare Fund. He shall  
57 establish and implement internal accounting controls that comply  
58 with generally accepted accounting principles. The Deputy  
59 Commissioner for Administration and Finance shall prepare and

60 issue quarterly consolidated and individual facility financial  
61 statements to the prison auditor of the Joint Legislative  
62 Committee on Performance Evaluation and Expenditure Review. The  
63 deputy commissioner shall prepare an annual report which shall  
64 include a summary of expenditures from the fund by major  
65 categories and by individual facility. This annual report shall  
66 be sent to the prison auditor, the Legislative Budget Office, the  
67 Chairman of the Corrections Committee of the Senate, and the  
68 Chairman of the Penitentiary Committee of the House of  
69 Representatives.

70 (6) A portion of the Inmate Welfare Fund shall be deposited  
71 in the Discharged Offenders Revolving Fund, as created under  
72 Section 47-5-155, in amounts necessary to provide a balance not to  
73 exceed One Hundred Thousand Dollars (\$100,000.00) in the  
74 Discharged Offenders Revolving Fund, and shall be used to  
75 supplement those amounts paid to discharged, paroled or pardoned  
76 offenders from the department. The superintendent of the Parchman  
77 facility shall establish equitable criteria for the making of  
78 supplemental payments which shall not exceed Two Hundred Dollars  
79 (\$200.00) for any offender. The supplemental payments shall be  
80 subject to the approval of the commissioner. The State Treasurer  
81 shall not be required to replenish the Discharged Offenders  
82 Revolving Fund for the supplemental payments made to discharged,  
83 paroled or pardoned offenders.

84 (7) The Inmate Welfare Fund Committee is hereby created and  
85 shall be composed of five (5) members: The Deputy Commissioner  
86 for Community Services, the Superintendent of the Parchman  
87 facility, the Superintendent of the Rankin County facility, the  
88 Superintendent of the Greene County facility, and one (1) member  
89 to be appointed by the Commissioner of Corrections. The member  
90 appointed by the commissioner shall be the chairman of the  
91 committee. The committee shall administer and supervise the  
92 operations and expenditures from the Inmate Welfare Fund and shall

93 maintain an official minute book upon which shall be spread its  
94 authorization and approval for all such expenditures. The  
95 committee may promulgate regulations governing the use and  
96 expenditures of the fund.

97 (8) The Department of Audit shall conduct an annual  
98 comprehensive audit of the Inmate Welfare Fund.

99 SECTION 2. This act shall take effect and be in force from  
100 and after July 1, 1999.