

By: Senator(s) Gollott

To: Corrections

SENATE BILL NO. 3034

1 AN ACT TO PROVIDE A WORK RELEASE PROGRAM FOR INMATES; TO
2 AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO ESTABLISH RULES FOR THE
3 PROGRAM; TO PROVIDE FOR COMPENSATION OF INMATES; TO PROVIDE THAT
4 SUCH WORK SHALL NOT DISPLACE WORKERS TO PROVIDE FOR LOCAL WORK
5 PROGRAMS; AND FOR RELATED PURPOSES.

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

7 SECTION 1. For the purposes of this act, the following terms
8 shall have the meanings respectively ascribed to them by this
9 section:

10 (a) "Commissioner" means the Commissioner of the
11 Department of Corrections.

12 (b) "Department" means the Department of Corrections.

13 SECTION 2. (1) The department is authorized to adopt
14 regulations and policies permitting the commissioner to extend the
15 limits of the place of confinement of an inmate, as to whom there
16 is reasonable cause to believe he will know his trust, by
17 authorizing him, under prescribed conditions, to leave the
18 confines of that place unaccompanied by a custodial agent for a
19 prescribed period of time to work at paid employment while
20 continuing as an inmate of the institution or facility in which he
21 shall be confined except during the hours of his employment or
22 seeking of employment and traveling thereto and therefrom.
23 Inmates shall participate in paid employment at the discretion of
24 the commissioner.

25 (2) The department may adopt regulations as to the
26 eligibility of those inmates who are classified as minimum
27 security risks for the extension of confinement or the entering

28 into agreement between the department and any city, county or
29 federal agency for the housing of these inmates in a local place
30 of confinement. The department shall, as the need becomes
31 evident, designate and adapt facilities in the state prison system
32 to accomplish the purpose of this act.

33 SECTION 3. Employees of the department are authorized to
34 make investigations and recommendations pertaining to the validity
35 of requests for visits, job opportunities for inmates and to
36 otherwise assist the commissioner in the implementation of the
37 program authorized in this act.

38 SECTION 4. The commissioner shall endeavor to secure
39 employment for eligible inmates under this act, subject to the
40 following:

41 (a) The employment must be at a wage at least as high
42 as the prevailing wage for similar work in the area or community
43 where the work is performed and in accordance with the prevailing
44 working conditions in such an area;

45 (b) The employment shall not result in the displacement
46 of employed workers;

47 (c) Inmates eligible for work release shall not be
48 employed as strikebreakers or in impairing any existing contracts;
49 and

50 (d) Exploitation of eligible prisoners, in any form, is
51 prohibited.

52 SECTION 5. No inmate granted privileges under the provisions
53 of this act shall be deemed to be an agent, employee or
54 involuntary servant of the department while involved in the free
55 community or while going to and from employment, or other
56 specified areas.

57 SECTION 6. The employer of an inmate involved in work
58 release shall pay the inmate's wages directly to the department.
59 The commissioner may adopt regulations concerning the disbursement
60 of any earnings of the inmates involved in work release. The
61 department is authorized to withhold from an inmate's earnings
62 such cost incident to the inmate's confinement as the department
63 deemed appropriate and reasonable; however, in no event shall the
64 withheld earnings exceed twenty-five percent (25%) of the earnings

65 of the inmate. After all expenses have been deducted, the
66 remainder of the inmate's earnings shall be credited to his
67 account with the department. Upon his release all monies being
68 held by the department shall be paid over to the inmate.

69 SECTION 7. The commissioner shall prepare an annual report
70 to be filed not later than sixty (60) days following the close of
71 each fiscal year with the Governor, the Lieutenant Governor,
72 members of the Legislature and the Legislative Budget committee
73 showing the operation and administrations and suggestions as
74 deemed advisable. The commissioner will provide public
75 understanding of the provisions of this act as well as promote the
76 cooperation of all state agencies involved in implementing the
77 provisions of this act.

78 SECTION 8. (1) There is hereby authorized in each county of
79 the state a work release program for county inmates and state
80 inmates in custody fo the county. Such program may be established
81 at the option of the county in accordance with this act.

82 (2) The department is authorized to contract with the county
83 concerning the costs of maintenance of state inmates participating
84 in the program.

85 (3) The department may also promulgate rules and regulations
86 concerning state inmates participating in the program the
87 observance of which may be a condition to such participation.

88 SECTION 9. Any county establishing a work release program
89 pursuant to this act may also establish a work release camp to be
90 used in carrying out the program, wherein inmates participating in
91 the program may be housed in lieu of confinement in the county
92 jail.

93 SECTION 10. (1) Each county electing to establish a work
94 release program under this act is authorized to adopt regulations
95 and policies for extending the limits of the place of confinement
96 of an inmate as to whom there is reasonable cause to believe will
97 know his trust by authorizing him, under prescribed conditions, to

98 leave the confines of that place unaccompanied by a custodial
99 agent for a prescribed period of time to work at paid employment
100 while continuing as an inmate of the institution or facility in
101 which he shall be confined except during the hours of his
102 employment or seeking employment and traveling thereto and
103 therefrom.

104 (2) A state inmate approved by the department for
105 participation in a work release program established under this act
106 shall be initially assigned to the county of his choice if such
107 county has established a program under this act and if such
108 program can practically accommodate the inmate in view of the
109 number of participants already in the program and the availability
110 of housing and paid employment opportunities for which the inmate
111 is suited. Subsequent transfer requests must be approved by the
112 department. The department may transfer a state inmate on its own
113 motion upon written statement of good cause given to the inmate.
114 The sentencing judge or district attorney for the county in which
115 an inmate was convicted may protest the participation of the
116 inmate in a work release program in that county.

117 SECTION 11. Employees of the department and the county are
118 authorized to make investigations and recommendations pertaining
119 to the validity of requests for visits or job opportunities for
120 their respective inmates and to otherwise assist the department or
121 county in the implementation of the program authorized by this
122 act.

123 SECTION 12. The department and the county shall endeavor to
124 secure employment for eligible inmates under this act, subject to
125 the following conditions:

126 (a) The employment must be at a wage at least as high
127 as the prevailing wage for similar work in the area or community
128 where the work is performed and in accordance with the prevailing
129 working conditions in such an area;

130 (b) The employment shall not result in the displacement

131 of employed workers;

132 (c) Inmates eligible for work release shall not be
133 employed as strikebreakers or in impairing any existing contracts;

134 (d) Exploitation of eligible prisoners in any form is
135 prohibited.

136 SECTION 13. The State of Mississippi and any county are
137 hereby authorized to become employers of work release inmates
138 under this act, and as such may employ inmates to perform any
139 state or county job available, including, but not limited to, road
140 or bridge work, garbage collection and school grounds maintenance.

141 SECTION 14. The employer of an inmate involved in work
142 release shall send the inmate's wages directly to the county or
143 its designated agent. Of each inmate's earnings, twenty-five
144 percent (25%) of his gross wages shall be applied to the costs
145 incident to the inmate's confinement. If the costs of confinement
146 of a state inmate as agreed upon in the maintenance contract
147 exceeds twenty-five percent (25%) of his gross wages, the
148 department shall pay the difference to the county. The remainder
149 of the inmate's wages shall be credited to his account with the
150 county and shall be paid out as the inmate requests to furnish his
151 clothing, medical and dental care, spending money, savings or
152 dependent support.

153 SECTION 15. County inmates employed under this act shall be
154 eligible for good-time credit in the same manner as other inmates
155 confined or detained in the county jail or other county
156 correctional facility. State inmates so employed shall be
157 eligible for good-time credit in the same manner as other inmates
158 confined or detained in state prisons or other state correctional
159 facilities.

160 SECTION 16. No inmate granted privileges under this act
161 shall be deemed to be an agent, employee or involuntary servant of
162 the department, state or county while involved in the free
163 community or while going to and from employment or other specified

164 areas.

165 SECTION 17. The willful failure of an inmate to remain
166 within the extended limits of his confinement or to return to the
167 place of confinement within the time prescribed shall be deemed an
168 escape from a state correctional institution in the case of a
169 state inmate and an escape from the custody of the sheriff in the
170 case of a county inmate and shall be punishable accordingly.

171 SECTION 18. This act shall take effect and be in force from
172 and after July 1, 1999.