

By: Malone

To: Penitentiary

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 946

1 AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT INMATE TELEPHONE CALL COMMISSIONS SHALL BE
3 RETAINED BY EACH REGIONAL CORRECTIONAL FACILITY THAT COLLECTS THE
4 TELEPHONE COMMISSIONS AND TO REQUIRE EACH CORRECTIONAL FACILITY TO
5 PROPOSE AND SUBMIT A PLAN FOR EXPENDITURE OF THE FUNDS TO THE
6 DEPARTMENT OF CORRECTIONS FOR THE COMMISSION'S APPROVAL; AND FOR
7 RELATED PURPOSES.

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

9 SECTION 1. Section 47-5-158, Mississippi Code of 1972, is
10 amended as follows:

11 47-5-158. (1) The department is authorized to maintain a
12 bank account which shall be designated as the Inmate Welfare Fund.

13 All monies now held in a similar fund for the benefit and welfare
14 of inmates shall be deposited into the Inmate Welfare Fund. This
15 fund shall be used for the benefit and welfare of inmates in the
16 custody of the department.

17 (2) There shall be deposited into the Inmate Welfare Fund
18 interest previously earned on inmate deposits, all net profits
19 from the operation of inmate canteens, the annual prison rodeo,
20 performances of the Penitentiary band, interest earned on the
21 Inmate Welfare Fund and other revenues designated by the
22 commissioner. All money shall be deposited into the Inmate
23 Welfare Fund as provided in Section 7-9-21, Mississippi Code of
24 1972.

25 (3) All inmate telephone call commissions, except as
26 otherwise provided in this subsection regarding the commissions
27 generated at any regional correctional facility, shall be paid to
28 the department. Monies in the fund may be expended by the

29 Department of Corrections, upon requisition by the commissioner or
30 his designee, only for the purposes established in this
31 subsection. Each regional correctional facility shall retain one
32 hundred percent (100%) of all telephone commissions generated by
33 inmate telephone calls. Each regional correctional facility shall
34 propose and submit a plan for expenditure of the funds to the
35 Department of Corrections for the commission's approval before the
36 funds may be expended. No such funds may be expended by a
37 regional correctional facility except as authorized by the
38 commission.

39 (a) Beginning July 1, 1995, twenty-five percent (25%)
40 of the inmate telephone call commissions shall be used to purchase
41 and maintain telecommunication equipment to be used by the
42 department.

43 * * *

44 (b) 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, 2000.