

By: Representatives Malone, Coleman (29th)

To: Penitentiary

HOUSE BILL NO. 1469

1 AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE ALLOCATION AND DISTRIBUTION OF THE INMATE WELFARE
3 FUND; TO INCREASE THE SIZE OF THE INMATE WELFARE FUND COMMITTEE;
4 AND FOR RELATED PURPOSES.

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

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

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

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

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

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

31 * * *

32 **(b) Beginning July 1, 2001, twenty-five percent (25%)**
33 of the inmate telephone call commissions shall be deposited into
34 the Prison Agriculture Enterprise Fund. The Mississippi
35 Department of Corrections may use these funds to supplement the
36 Prison Agricultural Enterprise Fund created in Section 47-5-66.
37 The remaining fifty percent (50%) of the inmate telephone call
38 commissions shall be deposited into the Inmate Welfare Fund.

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

43 (5) The Deputy Commissioner for Administration and Finance
44 shall be the custodian of the Inmate Welfare Fund. He shall
45 establish and implement internal accounting controls that comply
46 with generally accepted accounting principles. The Deputy
47 Commissioner for Administration and Finance shall prepare and
48 issue quarterly consolidated and individual facility financial
49 statements to the prison auditor of the Joint Legislative
50 Committee on Performance Evaluation and Expenditure Review. The
51 deputy commissioner shall prepare an annual report which shall
52 include a summary of expenditures from the fund by major
53 categories and by individual facility. This annual report shall
54 be sent to the prison auditor, the Legislative Budget Office, the
55 Chairman of the Corrections Committee of the Senate, and the
56 Chairman of the Penitentiary Committee of the House of
57 Representatives.

58 (6) A portion of the Inmate Welfare Fund shall be deposited
59 in the Discharged Offenders Revolving Fund, as created under

60 Section 47-5-155, in amounts necessary to provide a balance not to
61 exceed One Hundred Thousand Dollars (\$100,000.00) in the
62 Discharged Offenders Revolving Fund, and shall be used to
63 supplement those amounts paid to discharged, paroled or pardoned
64 offenders from the department. The superintendent of the Parchman
65 facility shall establish equitable criteria for the making of
66 supplemental payments which shall not exceed Two Hundred Dollars
67 (\$200.00) for any offender. The supplemental payments shall be
68 subject to the approval of the commissioner. The State Treasurer
69 shall not be required to replenish the Discharged Offenders
70 Revolving Fund for the supplemental payments made to discharged,
71 paroled or pardoned offenders.

72 (7) The Inmate Welfare Fund Committee is hereby created and
73 shall be composed of seven (7) members: the Deputy Commissioner
74 for Community Services, the Deputy Commissioner of Institutions,
75 the Superintendent of the Parchman facility, the Superintendent of
76 the Rankin County facility, the Superintendent of the Greene
77 County facility, and two (2) members to be appointed by the
78 Commissioner of Corrections. The * * * commissioner shall appoint
79 the chairman of the committee. The committee shall administer and
80 supervise the operations and expenditures from the Inmate Welfare
81 Fund and shall maintain an official minute book upon which shall
82 be spread its authorization and approval for all such
83 expenditures. The committee may promulgate regulations governing
84 the use and expenditures of the fund.

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

87 SECTION 2. This act shall take effect and be in force from
88 and after July 1, 2001.