

By: Senator(s) Smith

To: Corrections

SENATE BILL NO. 2469

1 AN ACT TO AMEND SECTION 47-5-543, MISSISSIPPI CODE OF 1972,
 2 TO CLARIFY LEASING OPTIONS AVAILABLE TO PRISON INDUSTRIES; TO
 3 AMEND SECTION 47-5-557, MISSISSIPPI CODE OF 1972, TO CONFORM
 4 PRISON WORK PROGRAM TO FEDERAL LAW; TO AMEND SECTION 47-5-1251,
 5 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF
 6 CORRECTIONS TO CONTRACT WITH MISSISSIPPI PRISON INDUSTRIES
 7 CORPORATION UNDER THE PRISON INDUSTRY ENHANCEMENT PROGRAM; AND FOR
 8 RELATED PURPOSES.

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

10 SECTION 1. Section 47-5-543, Mississippi Code of 1972, is
 11 amended as follows:

12 47-5-543. (1) Within sixty (60) days after the formation of
 13 the corporation pursuant to the provisions of Section 47-5-535,
 14 the State Department of Corrections shall lease to the corporation
 15 all existing prison industries including the buildings, land,
 16 furnishings, equipment and other chattel used in the operation of
 17 such industries. Such lease shall be agreed upon by the State
 18 Department of Corrections, State Department of Finance and
 19 Administration and the corporation. The initial term of such
 20 lease shall not exceed six (6) years, provided that such lease may
 21 be renewed for * * * additional successive terms of years not to
 22 exceed six (6) years in any one (1) renewal. No sublease to the
 23 corporation shall be in excess of that amount for which the
 24 department is obligated to pay under any lease agreement with any
 25 other state agency. Any receivable and remaining funds shall be
 26 transferred to the corporation after the payment of any existing
 27 liabilities. No operating loss of any type shall be transferred
 28 to the corporation. The State Department of Corrections shall
 29 continue to manage and operate the prison industries until such

30 industries are leased to the corporation. When leasing any prison
31 industry program to the corporation, the corporation shall
32 exercise a reasonable effort to employ any personnel of the State
33 Department of Corrections who are currently involved in any prison
34 industry program being leased to the corporation. Before the
35 leasing of the prison industries, buildings, lands and other items
36 mentioned herein to the corporation, the State Auditor of Public
37 Accounts shall perform a comprehensive audit of all the items and
38 things mentioned herein which are to be leased by the department
39 to the corporation. The corporation may expand, eliminate,
40 suspend or alter any of its industries as it sees fit.

41 (2) Any lands, buildings, equipment, furnishings, livestock,
42 supplies and vehicles used in the department's farming operations
43 which were leased or transferred to the nonprofit corporation
44 under subsection (1) shall be transferred to the department. Any
45 personnel in the department's farming operations employed by the
46 nonprofit corporation who desire to be reassigned to the
47 department and who are under state service may be reassigned to
48 the department.

49 (3) The department is not required to lease land, buildings,
50 equipment, furnishings or other chattel used in its prison
51 agricultural enterprises.

52 SECTION 2. Section 47-5-557, Mississippi Code of 1972, is
53 amended as follows:

54 47-5-557. Any inmate who performs work for the corporation,
55 except those inmates employed by the corporation in the Prison
56 Industry Enhancement Program under Section 47-5-1251, shall not be
57 deemed an agent, employee or involuntary servant of the
58 corporation while performing such work or while going to and from
59 work or other specified areas.

60 SECTION 3. Section 47-5-1251, Mississippi Code of 1972, is
61 amended as follows:

62 47-5-1251. (1) There is created the "Prison Industry
63 Enhancement Program," through which the Department of Corrections
64 may contract with the nonprofit corporation organized and formed
65 under the "Mississippi Prison Industries Act of 1990" to employ
66 offenders within the custody of the department or prison
67 industries. The offenders must be under the supervision of the
68 department at all times while working. The offenders shall be
69 paid, by the entity or entities, wages at a rate which is not less
70 than that paid for similar work in the locality in which the work
71 is performed. The wages may be subject to deductions which shall
72 not, in the aggregate, exceed eighty percent (80%) of gross wages.
73 The deductions shall be limited to the following:

74 (a) To pay federal, state and local taxes;

75 (b) To pay reasonable charges for room and board as
76 determined by regulations issued by the Commissioner of
77 Corrections;

78 (c) To support the offender's family pursuant to state
79 statute, court order or agreement by the offender; and

80 (d) To pay contributions equaling not less than five
81 percent (5%) but not more than twenty percent (20%) of the
82 offender's gross wages into the Crime Victims' Compensation Fund
83 as created in Section 99-41-29.

84 (2) Notwithstanding any other provision of the law to the
85 contrary, the offenders shall not be qualified to receive any
86 payments for unemployment compensation while incarcerated.
87 However, the offenders shall not solely by their status as
88 offenders be deprived of the right to participate in benefits made
89 available by the federal or state government to other individuals
90 on the basis of their employment, such as workers' compensation.

91 (3) Offenders who participate in the employment must do so
92 voluntarily and must agree in advance to the specific deductions
93 made from gross wages pursuant to this section and to all other

94 financial arrangements or benefits resulting from participation in
95 the employment.

96 (4) The Department of Corrections shall develop rules and
97 regulations to meet the criteria established by the Bureau of
98 Justice Assistance under the Prison Industry Enhancement
99 Certification Program.

100 SECTION 4. This act shall take effect and be in force from
101 and after its passage.