

By: Representative Malone

To: Penitentiary

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1381

1 AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE ALLOCATION AND DISTRIBUTION OF INMATE TELEPHONE CALL
3 COMMISSIONS TO PROVIDE FOR THE PURCHASE OF AN INMATE INFORMATION
4 TECHNOLOGY SYSTEM, AND TO INCREASE THE MEMBERSHIP OF THE INMATE
5 WELFARE FUND COMMITTEE; AND FOR RELATED PURPOSES.

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

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

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

13 (2) There shall be deposited into the Inmate Welfare Fund
14 interest * * * earned on inmate deposits, all net profits from the
15 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.

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

25 (a) * * * Twenty-five percent (25%) of the inmate
26 telephone call commissions shall be used to purchase and maintain
27 telecommunication equipment to be used by the department.

28 * * *



29 (b) Twenty-five percent (25%) of the inmate telephone
30 call commissions shall be deposited into the Prison Agricultural
31 Enterprises Fund. The Mississippi Department of Corrections may
32 use these funds to supplement the Prison Agricultural Enterprises
33 Fund created in Section 47-5-66.

34 (c) Twenty-five percent (25%) of the inmate telephone
35 call commissions shall be deposited into the Inmate Welfare Fund.

36 (d) Twenty-five percent (25%) of the inmate telephone
37 call commissions shall be deposited into a fund called the "Inmate
38 Technology Fund" to purchase an Inmate Information Technology
39 System. This paragraph shall be repealed on July 1, 2007.

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

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

59 (6) A portion of the Inmate Welfare Fund shall be deposited
60 in the Discharged Offenders Revolving Fund, as created under
61 Section 47-5-155, in amounts necessary to provide a balance not to



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

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

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

88 **SECTION 2.** This act shall take effect and be in force from
89 and after July 1, 2002.

