HOUSE BILL NO. 188

AN ACT TO AMEND SECTION 47-5-431, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A SHERIFF MAY TRANSPORT A COUNTY INMATE WHO POSSESSES A PARTICULAR SKILL TO ANY COUNTY WITHIN THE STATE TO MAKE USE OF THE PARTICULAR SKILL PURSUANT TO COURT APPROVAL; TO AMEND SECTION 47-5-938, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-431, Mississippi Code of 1972, is amended as follows:

47-5-431. (1) The sheriff may, in his discretion, use any person who has been convicted of a nonviolent felony and who is serving all or any part of his sentence in the county jail to pick up trash along public roads and state highways within the county.

(2) In addition, the sheriff may transport a county inmate possessing a particular work-related skill to any other county within the state to perform such skill on public property if approval for the transportation and use of the inmate is first obtained by a judge of the circuit or county court of the county where the inmate is confined and the sheriffs of both counties enter into an agreement regarding the transportation, supervision and safekeeping of the inmate.

(3) County inmates performing work under this section shall be eligible for earned time credit in the same manner as state inmates. State inmates shall be eligible for earned time credit in the same manner as other inmates confined or detained in state prisons or other state correctional facilities.

(4) Any inmate escaping while participating in the work described herein shall receive an additional five-year sentence.
SECTION 2. Section 47-5-938, Mississippi Code of 1972, is amended as follows:

47-5-938. (1) Offenders are encouraged to participate in work programs. The chief corrections officer as created in Section 47-5-935, with ratification of the board of supervisors of the county in which a correctional facility established pursuant to Sections 47-5-931 through 47-5-941, is located, may enter into agreements to provide work for any state offender housed in the facility, with the approval of the Commissioner of Corrections, to perform any work:

(a) Authorized in the Mississippi Prison Industries Act of 1990 as provided in Sections 47-5-531 through 47-5-575;

(b) Authorized in the Prison Agricultural Enterprises Act as provided in Sections 47-5-351 through 47-5-357;

(c) Authorized in the Penitentiary Made Goods Law of 1978 as provided in Sections 47-5-301 through 47-5-331;

(d) Authorized in the Public Service Work Programs Act as provided in Sections 47-5-401 through 47-5-421;

(e) Authorized in Section 47-5-431, regarding the use of county or state offenders to pick up trash along public roads and state highways.

(2) The chief corrections officer shall promulgate rules and regulations as may be necessary to govern the work performance of the offenders for the parties to the agreements. Political subdivisions of the State of Mississippi, including but not limited to counties, municipalities, school districts, drainage districts, water management districts and joint county-municipal endeavors are to have free use of the offender's labor but are responsible for reimbursing the facility for costs of transportation, guards, meals and other necessary costs when the inmates are providing work for that political body. Offenders may be compensated for work performed if the agreement so provides.
(3) There is created a special fund in the county treasury to be known as the "offender's compensation fund." All compensation paid to offenders shall be placed in the special fund for use by the offenders to purchase certain goods and other items of value as authorized in Section 47-5-109, for offenders housed in state correctional facilities. As provided in Section 47-5-194, no cash is to be paid to offenders. The agreement shall provide that a certain portion of the compensation shall be used for the welfare of the offenders. All money collected from the regional jail canteen operations shall be placed in a county special fund. Expenditures from that fund can be made by the chief corrections officer for any lawful purpose that is in the best interest and welfare of the offenders. The chief corrections officer, his employees and the county or counties owning the facility are given the authority necessary to carry out the provisions of this section.

(4) The provisions of this section shall be supplemental to any other provisions of law regarding offender labor and work programs.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.