

By: Senator(s) Clarke, Burton, Lee, Jackson
(32nd), McDaniel, Simmons (13th)

To: Appropriations

SENATE BILL NO. 2855
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR
3 FISCAL YEAR 2016.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the Mississippi Department of Corrections for the
9 fiscal year beginning July 1, 2015, and ending June 30, 2016.....
10\$ 333,063,329.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the Mississippi
14 Department of Corrections which is collected by or otherwise
15 becomes available for the purpose of defraying the expenses of the
16 department, for the fiscal year beginning July 1, 2015, and ending
17 June 30, 2016.....\$ 28,697,981.00.



18 **SECTION 3.** Of the funds appropriated under the provisions of
 19 Sections 1 and 2, not more than the amounts set forth below shall
 20 be expended:

21 **SUPPORT**

22 Of the funds appropriated under the provisions of this act,
 23 the following funding and positions are authorized:

24 FUNDING:

| | | |
|----|--------------------|----------------------|
| 25 | General Funds..... | \$ 143,557,434.00 |
| 26 | Special Funds..... | <u>25,622,722.00</u> |
| 27 | Total..... | \$ 169,180,156.00 |

28 AUTHORIZED POSITIONS:

| | | |
|----|---------------------------------|-------|
| 29 | Permanent: Full Time..... | 2,869 |
| 30 | Part Time..... | 15 |
| 31 | Time-Limited: Full Time..... | 133 |
| 32 | Part Time..... | 0 |

33 **FARMING OPERATIONS**

34 Of the funds appropriated under the provisions of this act,
 35 the following funding and positions are authorized:

36 FUNDING:

| | | |
|----|--------------------|---------------------|
| 37 | General Funds..... | \$ 0.00 |
| 38 | Special Funds..... | <u>2,832,716.00</u> |
| 39 | Total..... | \$ 2,832,716.00 |

40 AUTHORIZED POSITIONS:

| | | |
|----|---------------------------------|----|
| 41 | Permanent: Full Time..... | 12 |
| 42 | Part Time..... | 0 |



43 Time-Limited: Full Time..... 0
44 Part Time..... 0

45 **PAROLE BOARD**

46 Of the funds appropriated under the provisions of this act,
47 the following funding and positions are authorized:

48 FUNDING:

49 General Funds.....\$ 750,194.00
50 Special Funds.....0.00
51 Total.....\$ 750,194.00

52 AUTHORIZED POSITIONS:

53 Permanent: Full Time..... 8
54 Part Time..... 0
55 Time-Limited: Full Time..... 0
56 Part Time..... 0

57 **PRIVATE PRISONS**

58 Of the funds appropriated under the provisions of this act,
59 the following funding and positions are authorized:

60 FUNDING:

61 General Funds.....\$ 72,858,541.00
62 Special Funds.....0.00
63 Total.....\$ 72,858,541.00

64 AUTHORIZED POSITIONS:

65 Permanent: Full Time..... 0
66 Part Time..... 0
67 Time-Limited: Full Time..... 0



68 Part Time..... 0

69 **MEDICAL SERVICES**

70 Of the funds appropriated under the provisions of this act,
71 the following funding and positions are authorized:

72 FUNDING:

| | | | |
|----|--------------------|----|-------------------|
| 73 | General Funds..... | \$ | 64,000,000.00 |
| 74 | Special Funds..... | | <u>242,543.00</u> |
| 75 | Total..... | \$ | 64,242,543.00 |

76 AUTHORIZED POSITIONS:

| | | | |
|----|---------------|----------------|---|
| 77 | Permanent: | Full Time..... | 0 |
| 78 | | Part Time..... | 0 |
| 79 | Time-Limited: | Full Time..... | 2 |
| 80 | | Part Time..... | 0 |

81 **REGIONAL FACILITIES**

82 Of the funds appropriated under the provisions of this act,
83 the following funding and positions are authorized:

84 FUNDING:

| | | | |
|----|--------------------|----|---------------|
| 85 | General Funds..... | \$ | 44,505,910.00 |
| 86 | Special Funds..... | | <u>0.00</u> |
| 87 | Total..... | \$ | 44,505,910.00 |

88 AUTHORIZED POSITIONS:

| | | | |
|----|---------------|----------------|---|
| 89 | Permanent: | Full Time..... | 0 |
| 90 | | Part Time..... | 0 |
| 91 | Time-Limited: | Full Time..... | 0 |
| 92 | | Part Time..... | 0 |



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LOCAL CONFINEMENT

Of the funds appropriated under the provisions of this act,
the following funding and positions are authorized:

FUNDING:

| | | |
|--------------------|----|--------------|
| General Funds..... | \$ | 7,391,250.00 |
| Special Funds..... | | <u>0.00</u> |
| Total..... | \$ | 7,391,250.00 |

AUTHORIZED POSITIONS:

| | |
|------------------------------|---|
| Permanent: Full Time..... | 0 |
| Part Time..... | 0 |
| Time-Limited: Full Time..... | 0 |
| Part Time..... | 0 |

With the funds herein appropriated, it shall be the agency's
responsibility to make certain that funds required to be
appropriated for "Personal Services" for Fiscal Year 2017 do not
exceed Fiscal Year 2016 funds appropriated for that purpose,
unless programs or positions are added to the agency's Fiscal Year
2016 budget by the Mississippi Legislature. Based on data
provided by the Legislative Budget Office, the State Personnel
Board shall determine and publish the projected annual cost to
fully fund all appropriated positions in compliance with the
provisions of this act. It shall be the responsibility of the
agency head to ensure that no single personnel action increases
this projected annual cost and/or the Fiscal Year 2016
appropriations for "Personal Services" when annualized, with the



118 exception of escalated funds and the award of benchmarks. If, at
119 the time the agency takes any action to change "Personal
120 Services," the State Personnel Board determines that the agency
121 has taken an action which would cause the agency to exceed this
122 projected annual cost or the Fiscal Year 2016 "Personal Services"
123 appropriated level, when annualized, then only those actions which
124 reduce the projected annual cost and/or the appropriation
125 requirement will be processed by the State Personnel Board until
126 such time as the requirements of this provision are met.

127 Any transfers or escalations shall be made in accordance with
128 the terms, conditions and procedures established by law or
129 allowable under the terms set forth within this act. The State
130 Personnel Board shall not escalate positions without written
131 approval from the Department of Finance and Administration. The
132 Department of Finance and Administration shall not provide written
133 approval to escalate any funds for salaries and/or positions
134 without proof of availability of new or additional funds above the
135 appropriated level.

136 No general funds authorized to be expended herein shall be
137 used to replace federal funds and/or other special funds which are
138 being used for salaries authorized under the provisions of this
139 act and which are withdrawn and no longer available.

140 None of the funds herein appropriated shall be used in
141 violation of Internal Revenue Service's Publication 15-A relating



142 to the reporting of income paid to contract employees, as
143 interpreted by the Office of the State Auditor.

144 **SECTION 4.** None of the funds appropriated under the
145 provisions of Sections 1 and 2 of this act may be expended by the
146 Department of Corrections after September 1, 2015, until the
147 Commissioner of Corrections, on behalf of the State of
148 Mississippi, has submitted an application to the United States
149 Secretary of Homeland Security to participate in the Criminal
150 Alien Program of the United States Immigration and Customs
151 Enforcement, in order to identify criminal aliens who are
152 incarcerated in state correctional facilities and ensure that they
153 are not released into the community by securing a final order of
154 removal that deports the aliens back to their home countries
155 before the termination of their sentences.

156 **SECTION 5.** In compliance with the "Mississippi Performance
157 Budget and Strategic Planning Act of 1994," it is the intent of
158 the Legislature that the funds provided herein shall be utilized
159 in the most efficient and effective manner possible to achieve the
160 intended mission of this agency. Based on the funding authorized,
161 this agency shall make every effort to attain the targeted
162 performance measures provided below:

| | | |
|-----|--|---------------|
| 163 | | FY2016 |
| 164 | <u>Performance Measures</u> | <u>Target</u> |
| 165 | Institutions - Parchman | |
| 166 | Adult Basic Education Program (Num of Slots) | 150 |



| | | |
|-----|--|-------|
| 167 | Vocational Education Program (Num of Slots) | 225 |
| 168 | Alcohol and Drug Program (Num of Slots) | 452 |
| 169 | Central MS Correctional Fac | |
| 170 | Adult Basic Education Program (Num of Slots) | 150 |
| 171 | Vocational Education Program (Num of Slots) | 75 |
| 172 | Alcohol and Drug Program (Num of Slots) | 191 |
| 173 | South MS Correctional Fac | |
| 174 | Adult Basic Education Program (Num of Slots) | 130 |
| 175 | Vocational Education Program (Num of Slots) | 75 |
| 176 | Alcohol and Drug Program (Num of Slots) | 200 |
| 177 | Community Corrections | |
| 178 | Supervised Offenders to | |
| 179 | Offenders in Custody (Ratio) | 2.16 |
| 180 | Adult Basic Education Program (Num of Slots) | 270 |
| 181 | Alcohol and Drug Program (Num of Slots) | 366 |
| 182 | Supportive Services | |
| 183 | MDOC Custody Population per 100,000 | |
| 184 | MS Residents | 640 |
| 185 | Average Annual Incarceration Cost | |
| 186 | Per Inmate (\$) | 45.07 |
| 187 | Percent of Offenders Returning to | |
| 188 | Incarceration within 3 yrs of Release (%) | 33.00 |
| 189 | Percent of Offenders Possessing GED | |
| 190 | Certificate or High School Diploma at Time | |
| 191 | of Release (%) | 52.99 |



| | | |
|-----|--|-----------|
| 192 | Percent of Offenders Obtaining Marketable | |
| 193 | Job Skills During Incarceration (%) | 4.90 |
| 194 | Number of Inmates to Correctional | |
| 195 | Officers (Ratio) | 7.86 |
| 196 | Farming | |
| 197 | Annual Income from Farm Sales (\$) | 1,580,000 |
| 198 | Parole Board | |
| 199 | Number Paroled (Offenders) | 3,071 |
| 200 | Private Prisons | |
| 201 | Adult Basic Education Program (Num of Slots) | 797 |
| 202 | Vocational Education Program (Num of Slots) | 309 |
| 203 | Alcohol and Drug Program (Num of Slots) | 467 |
| 204 | Medical Services | |
| 205 | Number of Inmate Days in Hospital | 3,700 |
| 206 | Regional Facilities | |
| 207 | Adult Basic Education Program (Num of Slots) | 833 |
| 208 | Vocational Education Program (Num of Slots) | 342 |
| 209 | Alcohol and Drug Program (Num of Slots) | 640 |
| 210 | Local Confinement | |
| 211 | Total Number of Inmates Housed in | |
| 212 | County Jails (Inmate Days) | 634,370 |
| 213 | A reporting of the degree to which the performance targets | |
| 214 | set above have been or are being achieved shall be provided in the | |
| 215 | agency's budget request submitted to the Joint Legislative Budget | |
| 216 | Committee for Fiscal Year 2017. | |



217 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
218 none shall be expended for personnel housing under the
219 jurisdiction of the Department of Corrections unless the
220 department shall collect a reasonable rent, after a finding of
221 fact as to what is a reasonable rent, and/or the cost of utilities
222 furnished to said housing. The Department of Corrections shall
223 not pay for the installation or monthly service of any telephone
224 installed in a staff residence under its jurisdiction.

225 It is further the intention of the Legislature that none of
226 the funds provided herein shall be used to pay certain utilities
227 for state-furnished housing for any employees. Such utilities
228 shall include electricity, natural gas, butane, propane and cable
229 services. Where actual cost cannot be determined, the agency
230 shall be required to provide meters to be in compliance with
231 legislative intent. Such state-furnished housing shall include
232 single-family and multifamily residences but shall not include any
233 dormitory residences. Allowances for such utilities shall be
234 prohibited.

235 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
236 and authorized for expenditure in Section 3, payment may be
237 authorized for court-ordered attorney fees and any accrued
238 interest subject to the approval of the Office of the Attorney
239 General.

240 **SECTION 8.** None of the money herein appropriated shall be
241 paid to any person who by the provision of Section 47-5-47,



242 Mississippi Code of 1972, as amended, is prohibited from being an
243 employee of the Mississippi Department of Corrections. The State
244 Department of Finance and Administration shall at least annually
245 make a report to the Joint Legislative Committee on Performance
246 Evaluation and Expenditure Review and to the Attorney General
247 stating the name of any person prohibited under the provisions of
248 Section 47-5-47, Mississippi Code of 1972, as amended, from being
249 an employee of the Mississippi Department of Corrections who has
250 during the preceding year received any money herein appropriated.
251 In the event that any such person prohibited as hereinabove
252 provided from receiving funds herein appropriated should receive
253 any of said funds, the Attorney General shall immediately commence
254 action to recover the monies so paid to said person and to enjoin
255 the further employment of said person at the Mississippi
256 Department of Corrections.

257 **SECTION 9.** It is the intent of the Legislature that all
258 prisoners at Parchman shall work a minimum of eight (8) hours per
259 day, excluding prisoners with a physical disability or those
260 incarcerated in maximum security.

261 **SECTION 10.** It is the intention of the Legislature that the
262 per diem rates paid to regional facilities shall not exceed
263 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
264 All regional facilities shall continue to receive the annual three
265 percent (3%) increase in the per diem rate as authorized in
266 Section 47-5-933, Mississippi Code of 1972, however, in no event



267 shall any regional facility's per diem rate exceed Twenty-nine
268 Dollars and Seventy-four Cents (\$29.74) per inmate.

269 **SECTION 11.** The department or its contracted medical
270 provider will pay to a provider of a medical service for any and
271 all incarcerated persons from a correctional or detention facility
272 an amount based upon negotiated fees as agreed to by the medical
273 care service providers and the department and/or its contracted
274 medical provider. In the absence of a negotiated discounted fee
275 schedule, medical care service providers will be paid by the
276 department or its contracted medical service provider an amount no
277 greater than the reimbursement rate applicable based on the
278 Mississippi Medicaid reimbursement rate. This limitation applies
279 to all medical care services, durable and nondurable goods,
280 prescription drugs and medications provided to any and all
281 incarcerated persons outside of the correctional or detention
282 facility. None of the monies appropriated herein may be used to
283 pay for cosmetic medical procedures for any prisoner. Cosmetic
284 medical procedure means any medical procedure performed in order
285 to change an individual's appearance without significantly serving
286 to prevent or treat illness or disease or to promote proper
287 functioning of the body.

288 **SECTION 12.** It is the intention of the Legislature that the
289 Commissioner of the Mississippi Department of Corrections shall
290 have the authority to transfer cash from one special fund treasury
291 fund to another special fund treasury fund under the control of



292 the Department of Corrections. The purpose of this authority is
293 to more efficiently use available cash reserves. It is further
294 the intention of the Legislature that the Department of
295 Corrections shall submit written justification for the transfer to
296 the Legislative Budget Office and the Department of Finance and
297 Administration on or before the fifteenth of the month prior to
298 the effective date of the transfer.

299 **SECTION 13.** The Commissioner of the Mississippi Department
300 of Corrections is hereby authorized to transfer spending authority
301 between and within budgets, both positions and funds, in an amount
302 not to exceed twenty-five percent (25%) of the authorized budgets
303 in the aggregate. It is further the intention of the Legislature
304 that the Department of Corrections shall submit written
305 justification for the transfer to the Legislative Budget Office
306 and the Department of Finance and Administration on or before the
307 fifteenth of the month prior to the effective date of the
308 transfer. However, no transfers shall be authorized which
309 increase the major object of expenditure "Salaries, Wages and
310 Fringe Benefits" in any budget authorized in Section 3 of this
311 act.

312 **SECTION 14.** It is the intention of the Legislature that
313 whenever two (2) or more bids are received by this agency for the
314 purchase of commodities or equipment, and whenever all things
315 stated in such received bids are equal with respect to price,
316 quality and service, the Mississippi Industries for the Blind



317 shall be given preference. A similar preference shall be given to
318 the Mississippi Industries for the Blind whenever purchases are
319 made without competitive bids.

320 **SECTION 15.** Of the funds appropriated under the provisions
321 of Section 2 and allocated in Section 3, within the private
322 prisons' budget, Two Hundred Sixty-two Thousand Nine Hundred Nine
323 Dollars (\$262,909.00) may be used for educational efforts at the
324 Walnut Grove Youthful Correctional Facility.

325 **SECTION 16.** It is the intention of the Legislature that the
326 Mississippi Department of Corrections shall maintain complete
327 accounting and personnel records related to the expenditure of all
328 funds appropriated under this act and that such records shall be
329 in the same format and level of detail as maintained for Fiscal
330 Year 2015. It is further the intention of the Legislature that
331 the agency's budget request for Fiscal Year 2017 shall be
332 submitted to the Joint Legislative Budget Committee in a format
333 and level of detail comparable to the format and level of detail
334 provided during the Fiscal Year 2016 budget request process.

335 **SECTION 17.** It is the intention of the Legislature for the
336 Mississippi Department of Corrections to manage funds budgeted and
337 allocated. In so doing, the commissioner of the department shall
338 have the authority to amend, extend and/or renew the term of any
339 lease agreement or any inmate housing agreement in connection with
340 a correctional facility. Notwithstanding any statutory limits to
341 the contrary, such amendment, extension and/or renewal may be for



342 a length of time up to and including ten (10) years as is
343 necessary for the continued operations of such facilities and
344 implementation of the department's duties and responsibilities in
345 accordance with Title 47 of the Mississippi Code of 1972, as
346 amended.

347 **SECTION 18.** With the funds herein appropriated, it is the
348 intent of the Legislature that upon vouchers submitted by the
349 board of supervisors of any county housing offenders in county
350 jails pending a probation or parole revocation hearing, the
351 department shall pay the reimbursement costs as provided for in
352 Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by
353 House Bill No. 585, 2014 Regular Session.

354 **SECTION 19.** With the funds herein appropriated, it is the
355 intent of the Legislature, that for Fiscal Year 2016, the
356 Department of Corrections shall reimburse municipalities, up to
357 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
358 inmates in any jail facility based on time served for the
359 conviction of larceny, shoplifting, or related convictions where
360 the value of the property taken is Five Hundred Dollars (\$500.00)
361 or more but is equal to or less than One Thousand Dollars
362 (\$1,000.00). A copy of the court abstract of record and the jail
363 docket shall be provided to show the total number of days an
364 individual was incarcerated in said jail facility. The
365 reimbursement shall be payable back to the municipality upon
366 receipt of required documentation and an invoice. Total



367 reimbursements resulting from this section shall not exceed One
368 Hundred Twenty-five Thousand Dollars (\$125,000.00).

369 **SECTION 20.** Of the funds appropriated under the provisions
370 of Section 2, funds may be expended to defray the costs of
371 clothing for sworn nonuniform law enforcement officers in an
372 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
373 officer.

374 **SECTION 21.** The following sum, or so much thereof as may be
375 necessary, is reappropriated out of any money in the Capital
376 Expense Fund as created in Section 27-103-303, Mississippi Code of
377 1972, not otherwise appropriated, to the Mississippi Department of
378 Corrections, as authorized in SB 2868, 2014 Regular Session, for
379 the fiscal year beginning July 1, 2015, and ending
380 June 30, 2016.....\$ 12,239,668.00.

381 **SECTION 22.** The money herein appropriated shall be paid by
382 the State Treasurer out of any money in the State Treasury to the
383 credit of the proper fund or funds as set forth in this act, upon
384 warrants issued by the State Fiscal Officer; and the State Fiscal
385 Officer shall issue his warrants upon requisitions signed by the
386 proper person, officer or officers, in the manner provided by law.

387 **SECTION 23.** This act shall take effect and be in force from
388 and after July 1, 2015.

