

By: Representative Scott

To: Corrections

HOUSE BILL NO. 265

1 AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO ESTABLISH A CERTAIN
3 FLAT RATE WITH ITS TELEPHONE SERVICE PROVIDER FOR TELEPHONE
4 COLLECT CALLS THAT ARE PLACED BY INMATES; AND FOR RELATED
5 PURPOSES.

6 WHEREAS, Mississippi ranked first in the percentage of
7 states' populations in poverty; and

8 WHEREAS, the State of Mississippi has the second highest
9 inmate population in the nation; and

10 WHEREAS, the majority of these inmates come from a background
11 of poverty; and

12 WHEREAS, although inmates are incarcerated, contact with
13 their families through phone calls help inmates stay connected to
14 their families and thus encourages humane treatment to others; and

15 WHEREAS, the excessive cost of phone calls that are placed by
16 inmates to their families, many of which are in poverty, is an
17 extreme burden to the families and such costs need to be reduced;

18 NOW, THEREFORE,

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



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

22 47-5-158. (1) The department is authorized to maintain a
23 bank account which shall be designated as the Inmate Welfare Fund.
24 All monies now held in a similar fund or in a bank account or
25 accounts for the benefit and welfare of inmates shall be deposited
26 into the Inmate Welfare Fund. This fund shall be used for the
27 benefit and welfare of inmates in the custody of the department
28 and shall be expended in accordance with any provisions or
29 restrictions in the regulations promulgated under subsection (7)
30 of this section.

31 (2) There shall be deposited into the Inmate Welfare Fund
32 interest previously earned on inmate deposits, all net profits
33 from the operation of inmate canteens, performances of the
34 Penitentiary band, interest earned on the Inmate Welfare Fund and
35 other revenues designated by the commissioner. All * * * monies
36 shall be deposited into the Inmate Welfare Fund as provided in
37 Section 7-9-21.

38 (3) All inmate telephone call commissions shall be paid to
39 the department. Monies in the fund may be expended by the
40 department, upon requisition by the commissioner or his designee,
41 only for the purposes established in this subsection.

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



45 (b) Until July 1, 2008, twenty-five percent (25%) of
46 the inmate telephone call commissions shall be deposited into the
47 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,
48 thirty-five percent (35%) of the inmate telephone call commissions
49 shall be deposited into the Prison Agricultural Enterprise Fund.
50 The department may use these funds to supplement the Prison
51 Agricultural Enterprise Fund created in Section 47-5-66.

52 (c) Forty percent (40%) of the inmate telephone call
53 commissions shall be deposited into the Inmate Welfare Fund.

54 From and after July 1, 2016, the Department of Corrections
55 shall set a flat rate with its telephone provider that is
56 comparable to standard residential phone service for all local
57 collect calls and long distance collect calls that are placed by
58 inmates.

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

63 (5) The Deputy Commissioner for Administration and Finance
64 shall establish and implement internal accounting controls for the
65 Inmate Welfare Fund that comply with generally accepted accounting
66 principles and regulations of the Department of Finance and
67 Administration. The Deputy Commissioner for Administration and
68 Finance shall prepare and issue quarterly consolidated and
69 individual facility financial statements to the prison auditor of



70 the Joint Legislative Committee on Performance Evaluation and
71 Expenditure Review. The deputy commissioner shall prepare an
72 annual report which shall include a summary of expenditures from
73 the fund by major categories and by individual facility. This
74 annual report shall be sent to the prison auditor, the Legislative
75 Budget Office, the * * * Chairmen of the Corrections Committees of
76 the Senate and the * * * House of Representatives.

77 (6) A portion of the Inmate Welfare Fund shall be deposited
78 in the Discharged Offenders Revolving Fund, as created under
79 Section 47-5-155, in amounts necessary to provide a balance not to
80 exceed One Hundred Thousand Dollars (\$100,000.00) in the
81 Discharged Offenders Revolving Fund, and shall be used to
82 supplement those amounts paid to discharged, paroled or pardoned
83 offenders from the department. The superintendent of the Parchman
84 facility shall establish equitable criteria for the making of
85 supplemental payments which shall not exceed Two Hundred Dollars
86 (\$200.00) for any offender. The supplemental payments shall be
87 subject to the approval of the commissioner. The State Treasurer
88 shall not be required to replenish the Discharged Offenders
89 Revolving Fund for the supplemental payments made to discharged,
90 paroled or pardoned offenders.

91 (7) (a) The Inmate Welfare Fund Committee is hereby created
92 and shall be composed of nine (9) members: The Deputy
93 Commissioner for Community Corrections, the Deputy Commissioner of
94 Institutions, the Superintendent of the Parchman facility, the



95 Superintendent of the Rankin County facility, the Superintendent
96 of the Greene County facility, the State Treasurer, the State
97 Auditor, and two (2) members to be appointed by the Commissioner
98 of Corrections, one (1) of whom must have a relative incarcerated
99 by the department at the time of appointment and shall be a
100 representative of inmate families. The commissioner shall appoint
101 the chairman of the committee. The committee shall administer and
102 supervise the operations and expenditures from the Inmate Welfare
103 Fund and shall maintain an official minute book upon which shall
104 be spread its authorization and approval for all such
105 expenditures. The committee shall promulgate regulations
106 governing the use and expenditures of the fund.

107 (b) Regulations adopted shall set out what types of
108 items shall be allowable purchases, and in all cases, the minutes
109 of the committee shall explain which regulation permits any
110 purchase it approves. Additionally, regulations of the committee
111 shall prescribe the number of members necessary to constitute a
112 quorum, minimum attendance requirements for a member to retain a
113 seat on the committee, and a mission statement for the committee.

114 (c) The committee shall conduct an annual needs
115 assessment to determine what types of items should be purchased
116 for the benefit of inmates. The needs assessments shall be
117 conducted with the assistance of the department personnel, inmates
118 and the families of inmates.



119 (d) The committee shall evaluate the proposals of
120 interested third parties for the administration of inmate canteen
121 services as provided in Section 47-5-109.1.

122 (8) The Department of Audit shall conduct an annual
123 comprehensive special audit of the committee's use of the Inmate
124 Welfare Fund. The department shall incorporate in its special
125 audit report any recommendations it has concerning the financial
126 and management control practices of the committee. The department
127 shall report its findings and recommendations to the Chairmen of
128 the Senate and House Corrections Committees.

129 **SECTION 2.** This act shall take effect and be in force from
130 and after July 1, 2016.

