

By: Senator(s) Clarke, Hopson, Tindell,
Jackson (32nd), McDaniel, Simmons (13th)

To: Appropriations

SENATE BILL NO. 2877
(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 2017.

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, 2016, and ending June 30, 2017.....
10\$ 326,079,680.00.

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, 2016, and ending
17 June 30, 2017.....\$ 31,332,451.00.



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 **CENTRAL OFFICE**

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

24 FUNDING:

25	General Funds.....	\$	52,245,807.00
26	Special Funds.....		<u>9,838,814.00</u>
27	Total.....	\$	62,084,621.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	204
30		Part Time.....	2
31	Time-Limited:	Full Time.....	8
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>2,782,716.00</u>
39	Total.....	\$	2,782,716.00

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.....\$ 695,202.00
50 Special Funds.....0.00
51 Total.....\$ 695,202.00

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.....\$ 74,642,441.00
62 Special Funds.....0.00
63 Total.....\$ 74,642,441.00

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.....	\$	61,758,880.00
74	Special Funds.....		<u>0.00</u>
75	Total.....	\$	61,758,880.00

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.....	\$	37,287,305.00
86	Special Funds.....		<u>0.00</u>
87	Total.....	\$	37,287,305.00

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.....	\$	5,462,134.00
Special Funds.....		<u>0.00</u>
Total.....	\$	5,462,134.00

AUTHORIZED POSITIONS:

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

COMMUNITY CORRECTIONS

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

FUNDING:

General Funds.....	\$	15,395,589.00
Special Funds.....		<u>15,774,855.00</u>
Total.....	\$	31,170,444.00

AUTHORIZED POSITIONS:

Permanent: Full Time.....	597
Part Time.....	0
Time-Limited: Full Time.....	87
Part Time.....	0

CENTRAL MISSISSIPPI CORRECTIONAL



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

120 FUNDING:

121	General Funds.....	\$	26,703,163.00
122	Special Funds.....		<u>617,500.00</u>
123	Total.....	\$	27,320,663.00

124 AUTHORIZED POSITIONS:

125	Permanent:	Full Time.....	663
126		Part Time.....	2
127	Time-Limited:	Full Time.....	10
128		Part Time.....	0

129 **PARCHMAN**

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

132 FUNDING:

133	General Funds.....	\$	35,009,460.00
134	Special Funds.....		<u>1,350,831.00</u>
135	Total.....	\$	36,360,291.00

136 AUTHORIZED POSITIONS:

137	Permanent:	Full Time.....	894
138		Part Time.....	10
139	Time-Limited:	Full Time.....	12
140		Part Time.....	0

141 **SOUTH MISSISSIPPI CORRECTIONAL**



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

144 FUNDING:

145	General Funds.....	\$	16,879,699.00
146	Special Funds.....		<u>967,735.00</u>
147	Total.....	\$	17,847,434.00

148 AUTHORIZED POSITIONS:

149	Permanent:	Full Time.....	431
150		Part Time.....	0
151	Time-Limited:	Full Time.....	2
152		Part Time.....	0

153 With the funds herein appropriated, it shall be the agency's
154 responsibility to make certain that funds required to be
155 appropriated for "Personal Services" for Fiscal Year 2018 do not
156 exceed Fiscal Year 2017 funds appropriated for that purpose,
157 unless programs or positions are added to the agency's Fiscal Year
158 2017 budget by the Mississippi Legislature. Based on data
159 provided by the Legislative Budget Office, the State Personnel
160 Board shall determine and publish the projected annual cost to
161 fully fund all appropriated positions in compliance with the
162 provisions of this act. It shall be the responsibility of the
163 agency head to ensure that no single personnel action increases
164 this projected annual cost and/or the Fiscal Year 2017
165 appropriations for "Personal Services" when annualized, with the
166 exception of escalated funds and the award of benchmarks. If, at



167 the time the agency takes any action to change "Personal
168 Services," the State Personnel Board determines that the agency
169 has taken an action which would cause the agency to exceed this
170 projected annual cost or the Fiscal Year 2017 "Personal Services"
171 appropriated level, when annualized, then only those actions which
172 reduce the projected annual cost and/or the appropriation
173 requirement will be processed by the State Personnel Board until
174 such time as the requirements of this provision are met.

175 Any transfers or escalations shall be made in accordance with
176 the terms, conditions and procedures established by law or
177 allowable under the terms set forth within this act. The State
178 Personnel Board shall not escalate positions without written
179 approval from the Department of Finance and Administration. The
180 Department of Finance and Administration shall not provide written
181 approval to escalate any funds for salaries and/or positions
182 without proof of availability of new or additional funds above the
183 appropriated level.

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

188 Any funds expended over Fiscal Year 2016 levels for
189 individual personnel services shall be utilized for the hiring,
190 compensation, and retention of members of the Correctional Officer
191 Class and the Probation/Parole Agent Class. Of those new



192 expenditures, Community Corrections shall have priority. Any new
193 hires within the Central Office shall be to fill vacancies created
194 within the last fiscal year or the current fiscal year.

195 No personnel action of the Mississippi Department of
196 Corrections as it relates to "Personal Services" and/or "Salaries,
197 Wages and Fringe Benefits" shall be subject to the limitations of
198 the Variable Compensation Plan (VCP) of the Mississippi State
199 Personnel Board during the one-year period beginning July 1, 2016.

200 None of the funds herein appropriated shall be used in
201 violation of Internal Revenue Service's Publication 15-A relating
202 to the reporting of income paid to contract employees, as
203 interpreted by the Office of the State Auditor.

204 **SECTION 4.** None of the funds appropriated under the
205 provisions of Sections 1 and 2 of this act may be expended by the
206 Department of Corrections after September 1, 2016, until the
207 Commissioner of Corrections, on behalf of the State of
208 Mississippi, has submitted an application to the United States
209 Secretary of Homeland Security to participate in the Criminal
210 Alien Program of the United States Immigration and Customs
211 Enforcement, in order to identify criminal aliens who are
212 incarcerated in state correctional facilities and ensure that they
213 are not released into the community by securing a final order of
214 removal that deports the aliens back to their home countries
215 before the termination of their sentences.



216 **SECTION 5.** In compliance with the "Mississippi Performance
 217 Budget and Strategic Planning Act of 1994," it is the intent of
 218 the Legislature that the funds provided herein shall be utilized
 219 in the most efficient and effective manner possible to achieve the
 220 intended mission of this agency. Based on the funding authorized,
 221 this agency shall make every effort to attain the targeted
 222 performance measures provided below:

223	FY2017
224 <u>Performance Measures</u>	<u>Target</u>
225 General Administration	
226 Support as a Percent of Total Budget	4.65
227 MDOC Custody Population per 100,000	
228 MS Residents	630
229 Average Annual Incarceration Cost	
230 per Inmate (\$)	45.07
231 Percent of Offenders Returning to	
232 Incarceration within 3 yrs of Release (%)	33.00
233 Farming Operations	
234 Annual Income from Farm Sales	1,800,000.00
235 Parole Board	
236 Number Paroled (Offenders)	5,595
237 Private Prisons	
238 Adult Basic Education Program (Num of Slots)	387
239 Vocational Education Program (Num of Slots)	250
240 Alcohol and Drug Program (Num of Slots)	360



241	Medical Services	
242	Number of Inmate Days in Hospital	3,691
243	Regional Facilities	
244	Adult Basic Education Program (Num of Slots)	382
245	Vocational Education Program (Num of Slots)	486
246	Alcohol and Drug Program (Num of Slots)	513
247	Evidenced-Based Intervention	
248	Recidivism Rate for Inmates who complete the	
249	Adult Basic Education Program	35.00
250	Recidivism Rate for Inmates who complete the	
251	Vocational Education Program	20.00
252	Recidivism Rate for Inmates who complete the	
253	Alcohol and Drug Program	33.20
254	Percent of Offenders Possessing GED	
255	Certificate or High School Diploma at the	
256	Time of Release (%)	58.00
257	Percent of Offenders Obtaining Marketable	
258	Job Skills During Incarceration (%)	4.00
259	Probation/parole	
260	Recidivism Rate within 12 Months of Release	
261	Field Supervision	13.23
262	Recidivism Rate within 36 Months of Release	
263	Field Supervision	26.44
264	Community Work Centers	
265	Recidivism Rate within 12 Months of Release	19.20



266	Recidivism Rate within 36 Months of Release	43.87
267	Restitution Centers	
268	Recidivism Rate within 12 Months of Release	20.81
269	Recidivism Rate within 36 Months of Release	32.98
270	Local Confinement	
271	Total Number of Inmates Housed in	
272	County Jails (Inmate Days)	269,735
273	Institutional Security	
274	Number of Assaults on Inmates per 100	
275	Inmates	0.08
276	Number of Assaults on Officers per 100	
277	Inmates	0.21
278	Number of Inmates to Officers (Ratio)	7.00
279	Youthful Offender School	
280	Recidivism Rate for Youthful Offenders	46.00
281	A reporting of the degree to which the performance targets	
282	set above have been or are being achieved shall be provided in the	
283	agency's budget request submitted to the Joint Legislative Budget	
284	Committee for Fiscal Year 2018.	
285	SECTION 6. Of the funds appropriated in Sections 1 and 2,	
286	none shall be expended for personnel housing under the	
287	jurisdiction of the Department of Corrections unless the	
288	department shall collect a reasonable rent, after a finding of	
289	fact as to what is a reasonable rent, and/or the cost of utilities	
290	furnished to said housing. The Department of Corrections shall	



291 not pay for the installation or monthly service of any telephone
292 installed in a staff residence under its jurisdiction.

293 It is further the intention of the Legislature that none of
294 the funds provided herein shall be used to pay certain utilities
295 for state-furnished housing for any employees. Such utilities
296 shall include electricity, natural gas, butane, propane and cable
297 services. Where actual cost cannot be determined, the agency
298 shall be required to provide meters to be in compliance with
299 legislative intent. Such state-furnished housing shall include
300 single-family and multifamily residences but shall not include any
301 dormitory residences. Allowances for such utilities shall be
302 prohibited.

303 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
304 and authorized for expenditure in Section 3, payment may be
305 authorized for court-ordered attorney fees and any accrued
306 interest subject to the approval of the Office of the Attorney
307 General.

308 **SECTION 8.** None of the money herein appropriated shall be
309 paid to any person who by the provision of Section 47-5-47,
310 Mississippi Code of 1972, as amended, is prohibited from being an
311 employee of the Mississippi Department of Corrections. The State
312 Department of Finance and Administration shall at least annually
313 make a report to the Joint Legislative Committee on Performance
314 Evaluation and Expenditure Review and to the Attorney General
315 stating the name of any person prohibited under the provisions of



316 Section 47-5-47, Mississippi Code of 1972, as amended, from being
317 an employee of the Mississippi Department of Corrections who has
318 during the preceding year received any money herein appropriated.
319 In the event that any such person prohibited as hereinabove
320 provided from receiving funds herein appropriated should receive
321 any of said funds, the Attorney General shall immediately commence
322 action to recover the monies so paid to said person and to enjoin
323 the further employment of said person at the Mississippi
324 Department of Corrections.

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

329 **SECTION 10.** It is the intention of the Legislature that the
330 per diem rates paid to regional facilities shall not exceed
331 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
332 All regional facilities shall continue to receive the annual three
333 percent (3%) increase in the per diem rate as authorized in
334 Section 47-5-933, Mississippi Code of 1972, however, in no event
335 shall any regional facility's per diem rate exceed Twenty-nine
336 Dollars and Seventy-four Cents (\$29.74) per inmate.

337 **SECTION 11.** The department or its contracted medical
338 provider will pay to a provider of a medical service for any and
339 all incarcerated persons from a correctional or detention facility
340 an amount based upon negotiated fees as agreed to by the medical



341 care service providers and the department and/or its contracted
342 medical provider. In the absence of a negotiated discounted fee
343 schedule, medical care service providers will be paid by the
344 department or its contracted medical service provider an amount no
345 greater than the reimbursement rate applicable based on the
346 Mississippi Medicaid reimbursement rate. This limitation applies
347 to all medical care services, durable and nondurable goods,
348 prescription drugs and medications provided to any and all
349 incarcerated persons outside of the correctional or detention
350 facility. None of the monies appropriated herein may be used to
351 pay for cosmetic medical procedures for any prisoner. Cosmetic
352 medical procedure means any medical procedure performed in order
353 to change an individual's appearance without significantly serving
354 to prevent or treat illness or disease or to promote proper
355 functioning of the body.

356 **SECTION 12.** It is the intention of the Legislature that the
357 Commissioner of the Mississippi Department of Corrections shall
358 have the authority to transfer cash from one special fund treasury
359 fund to another special fund treasury fund under the control of
360 the Department of Corrections. The purpose of this authority is
361 to more efficiently use available cash reserves. It is further
362 the intention of the Legislature that the Department of
363 Corrections shall submit written justification for the transfer to
364 the Legislative Budget Office and the Department of Finance and



365 Administration on or before the fifteenth of the month prior to
366 the effective date of the transfer.

367 **SECTION 13.** The Commissioner of the Mississippi Department
368 of Corrections is hereby authorized to transfer spending authority
369 between and within budgets, both positions and funds, in an amount
370 not to exceed twenty-five percent (25%) of the authorized budgets
371 in the aggregate. It is further the intention of the Legislature
372 that the Department of Corrections shall submit written
373 justification for the transfer to the Legislative Budget Office
374 and the Department of Finance and Administration on or before the
375 fifteenth of the month prior to the effective date of the
376 transfer. However, no transfers shall be authorized which
377 increase the major object of expenditure "Salaries, Wages and
378 Fringe Benefits" in any budget authorized in Section 3 of this
379 act.

380 **SECTION 14.** It is the intention of the Legislature that
381 whenever two (2) or more bids are received by this agency for the
382 purchase of commodities or equipment, and whenever all things
383 stated in such received bids are equal with respect to price,
384 quality and service, the Mississippi Industries for the Blind
385 shall be given preference. A similar preference shall be given to
386 the Mississippi Industries for the Blind whenever purchases are
387 made without competitive bids.

388 **SECTION 15.** It is the intention of the Legislature that all
389 funds held by the Inmate Welfare Fund be placed in a treasury fund



390 effective July 1, 2016. Of the amounts appropriated in Section 2,
391 an amount not exceeding Three Million Dollars (\$3,000,000.00)
392 shall be available for expenditure in the Inmate Welfare Fund.

393 **SECTION 16.** It is the intention of the Legislature that the
394 Mississippi Department of Corrections shall maintain complete
395 accounting and personnel records related to the expenditure of all
396 funds appropriated under this act and that such records shall be
397 in the same format and level of detail as maintained for Fiscal
398 Year 2016. It is further the intention of the Legislature that
399 the agency's budget request for Fiscal Year 2018 shall be
400 submitted to the Joint Legislative Budget Committee in a format
401 and level of detail comparable to the format and level of detail
402 provided during the Fiscal Year 2017 budget request process.

403 **SECTION 17.** It is the intention of the Legislature for the
404 Mississippi Department of Corrections to manage funds budgeted and
405 allocated. In so doing, the commissioner of the department shall
406 have the authority to amend, extend and/or renew the term of any
407 lease agreement or any inmate housing agreement in connection with
408 a correctional facility. Notwithstanding any statutory limits to
409 the contrary, such amendment, extension and/or renewal may be for
410 a length of time up to and including ten (10) years as is
411 necessary for the continued operations of such facilities and
412 implementation of the department's duties and responsibilities in
413 accordance with Title 47 of the Mississippi Code of 1972, as
414 amended.



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

422 **SECTION 19.** With the funds herein appropriated, it is the
423 intent of the Legislature, that for Fiscal Year 2017, the
424 Department of Corrections shall reimburse municipalities, up to
425 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
426 inmates in any jail facility based on time served for the
427 conviction of larceny, shoplifting, or related convictions where
428 the value of the property taken is Five Hundred Dollars (\$500.00)
429 or more but is equal to or less than One Thousand Dollars
430 (\$1,000.00). A copy of the court abstract of record and the jail
431 docket shall be provided to show the total number of days an
432 individual was incarcerated in said jail facility. The
433 reimbursement shall be payable back to the municipality upon
434 receipt of required documentation and an invoice. Total
435 reimbursements resulting from this section shall not exceed One
436 Hundred Twenty-five Thousand Dollars (\$125,000.00).

437 **SECTION 20.** Of the funds appropriated under the provisions
438 of Section 2, funds may be expended to defray the costs of
439 clothing for sworn nonuniform law enforcement officers in an



440 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
441 officer.

442 **SECTION 21.** The money herein appropriated shall be paid by
443 the State Treasurer out of any money in the State Treasury to the
444 credit of the proper fund or funds as set forth in this act, upon
445 warrants issued by the State Fiscal Officer; and the State Fiscal
446 Officer shall issue his warrants upon requisitions signed by the
447 proper person, officer or officers, in the manner provided by law.

448 **SECTION 22.** This act shall take effect and be in force from
449 and after July 1, 2016.

