

By: Representatives Scott, Sykes

To: Corrections

HOUSE BILL NO. 45

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 MADE BY INMATES; AND FOR RELATED PURPOSES.

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

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

8 47-5-158. (1) The department is authorized to maintain a  
9 bank account which shall be designated as the Inmate Welfare Fund.  
10 All monies now held in a similar fund or in a bank account or  
11 accounts for the benefit and welfare of inmates shall be deposited  
12 into the Inmate Welfare Fund. This fund shall be used for the  
13 benefit and welfare of inmates in the custody of the department  
14 and shall be expended in accordance with any provisions or  
15 restrictions in the regulations promulgated under subsection (7)  
16 of this section.

17 (2) There shall be deposited into the Inmate Welfare Fund  
18 interest previously earned on inmate deposits, all net profits  
19 from the operation of inmate canteens, performances of the



20 Penitentiary band, interest earned on the Inmate Welfare Fund and  
21 other revenues designated by the commissioner. All \* \* \* monies  
22 shall be deposited into the Inmate Welfare Fund as provided in  
23 Section 7-9-21.

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

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

31 (b) Until July 1, 2008, twenty-five percent (25%) of  
32 the inmate telephone call commissions shall be deposited into the  
33 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,  
34 thirty-five percent (35%) of the inmate telephone call commissions  
35 shall be deposited into the Prison Agricultural Enterprise Fund.  
36 The department may use these funds to supplement the Prison  
37 Agricultural Enterprise Fund created in Section 47-5-66.

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

40 From and after July 1, 2017, the Department of Corrections  
41 shall set a flat rate with its telephone service provider that is  
42 comparable to standard residential phone service for all local  
43 collect calls and long distance collect calls that are placed by  
44 inmates.



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

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

63 (6) A portion of the Inmate Welfare Fund shall be deposited  
64 in the Discharged Offenders Revolving Fund, as created under  
65 Section 47-5-155, in amounts necessary to provide a balance not to  
66 exceed One Hundred Thousand Dollars (\$100,000.00) in the  
67 Discharged Offenders Revolving Fund, and shall be used to  
68 supplement those amounts paid to discharged, paroled or pardoned  
69 offenders from the department. The superintendent of the Parchman



70 facility shall establish equitable criteria for the making of  
71 supplemental payments which shall not exceed Two Hundred Dollars  
72 (\$200.00) for any offender. The supplemental payments shall be  
73 subject to the approval of the commissioner. The State Treasurer  
74 shall not be required to replenish the Discharged Offenders  
75 Revolving Fund for the supplemental payments made to discharged,  
76 paroled or pardoned offenders.

77 (7) (a) The Inmate Welfare Fund Committee is hereby created  
78 and shall be composed of nine (9) members: The Deputy  
79 Commissioner for Community Corrections, the Deputy Commissioner of  
80 Institutions, the Superintendent of the Parchman facility, the  
81 Superintendent of the Rankin County facility, the Superintendent  
82 of the Greene County facility, the State Treasurer, the State  
83 Auditor, and two (2) members to be appointed by the Commissioner  
84 of Corrections, one (1) of whom must have a relative incarcerated  
85 by the department at the time of appointment and shall be a  
86 representative of inmate families. The commissioner shall appoint  
87 the chairman of the committee. The committee shall administer and  
88 supervise the operations and expenditures from the Inmate Welfare  
89 Fund and shall maintain an official minute book upon which shall  
90 be spread its authorization and approval for all such  
91 expenditures. The committee shall promulgate regulations  
92 governing the use and expenditures of the fund.

93 (b) Regulations adopted shall set out what types of  
94 items shall be allowable purchases, and in all cases, the minutes



95 of the committee shall explain which regulation permits any  
96 purchase it approves. Additionally, regulations of the committee  
97 shall prescribe the number of members necessary to constitute a  
98 quorum, minimum attendance requirements for a member to retain a  
99 seat on the committee, and a mission statement for the committee.

100 (c) The committee shall conduct an annual needs  
101 assessment to determine what types of items should be purchased  
102 for the benefit of inmates. The needs assessments shall be  
103 conducted with the assistance of the department personnel, inmates  
104 and the families of inmates.

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

108 (8) The Department of Audit shall conduct an annual  
109 comprehensive special audit of the committee's use of the Inmate  
110 Welfare Fund. The department shall incorporate in its special  
111 audit report any recommendations it has concerning the financial  
112 and management control practices of the committee. The department  
113 shall report its findings and recommendations to the Chairmen of  
114 the Senate and House Corrections Committees.

115 **SECTION 2.** This act shall take effect and be in force from  
116 and after July 1, 2017.

