

By: Representative Denny

To: Corrections

## HOUSE BILL NO. 57

1 AN ACT TO AMEND SECTION 47-5-555, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE MISSISSIPPI PRISON INDUSTRIES CORPORATION TO  
3 UTILIZE MUNICIPAL AND COUNTY INMATE LABOR IF THE DEPARTMENT OF  
4 CORRECTIONS IS UNABLE TO PROVIDE SUFFICIENT INMATE LABOR FOR  
5 PRISON INDUSTRY PROGRAMS; TO AMEND SECTION 47-5-539, MISSISSIPPI  
6 CODE OF 1972, TO PROVIDE A CERTAIN DEFINITION; TO AMEND SECTION  
7 47-1-19, MISSISSIPPI CODE OF 1972, TO PROVIDE A CERTAIN EXCEPTION  
8 TO ALLOW THE HIRING OF CERTAIN PRISONS; TO CREATE A NEW SECTION TO  
9 AUTHORIZE THE BOARD OF SUPERVISORS OF ANY COUNTY OR THE GOVERNING  
10 AUTHORITIES OF ANY MUNICIPALITY TO PROVIDE SUFFICIENT INMATE LABOR  
11 TO THE CORPORATION UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED  
12 PURPOSES.

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

14 **SECTION 1.** Section 47-5-555, Mississippi Code of 1972, is  
15 amended as follows:

16 47-5-555. The department shall, subject to the necessary  
17 security requirements and the needs of the corporation, provide to  
18 the corporation sufficient inmate labor for the various prison  
19 industry programs. However, if the department is unable to  
20 provide sufficient inmate labor, then the corporation is  
21 authorized to utilize labor provided by municipal and county  
22 inmates for the various prison industry programs. Further, the  
23 department, county or municipality, as the case may be, may adopt



24 rules and regulations as may be necessary to govern the use of  
25 inmates by the corporation. The corporation shall establish  
26 policies and procedures, subject to the approval of the  
27 department, county or municipality, as the case may be, relating  
28 to the use of inmates in the prison industry programs.

29 **SECTION 2.** Section 47-5-539, Mississippi Code of 1972, is  
30 amended as follows:

31 47-5-539. For the purposes of Sections 47-5-531 through  
32 47-5-575, the following terms shall have the following meanings  
33 unless the context shall provide otherwise:

34 (a) "Corporation" means the private nonprofit  
35 corporation which is required to be organized and formed to carry  
36 out the provisions of Sections 47-5-531 through 47-5-575 regarding  
37 prison industries.

38 (b) "Department" means the State Department of  
39 Corrections.

40 (c) "Inmate" means any person incarcerated within any  
41 state correctional facility.

42 (d) "Municipal and county inmate" means any person  
43 incarcerated within any municipal or county jail who is not a  
44 state offender.

45 ( \* \* \*e) "Prison industry program" means any program  
46 which is considered to be a part of any prison industry in this  
47 state.



48 ( \* \* \*f) "Prison agricultural enterprises" means all  
49 agricultural endeavors as defined in Section 47-5-353.

50 **SECTION 3.** Section 47-1-19, Mississippi Code of 1972, is  
51 amended as follows:

52 47-1-19. (1) Except as provided under Section 47-5-555, it  
53 is unlawful for any county-housed state inmate or county prisoner  
54 or prisoners to be leased or hired to any individual or  
55 corporation for any purpose whatsoever. Nor shall they be worked  
56 under any contractor; but in working them on county farms, or on  
57 the public roads or on any other work, which work must be of an  
58 exclusively public character, they shall be under exclusive  
59 official control and management.

60 (2) (a) It is lawful for a state, county or municipality to  
61 provide prisoners for public service work for nonprofit charitable  
62 organizations as defined under Section 501(c)(3) of the Internal  
63 Revenue Code if that nonprofit charitable organization provides  
64 food to charities. In addition, it is lawful for a state, county  
65 or municipality to provide prisoners for public service work for  
66 churches according to criteria approved by the Department of  
67 Corrections.

68 (b) The prisoners participating in the public service  
69 work under paragraph (a) shall remain under the exclusive control  
70 and management of the county or municipality.



71 (c) A prisoner performing public service work under  
72 this subsection shall be entitled to earned credits as provided  
73 under this chapter.

74 **SECTION 4.** The board of supervisors of any county or the  
75 governing authorities of any municipality are authorized to  
76 provide sufficient inmate labor to the Mississippi Prison  
77 Industries Corporation as provided under Section 47-5-555.

78 **SECTION 5.** This act shall take effect and be in force from  
79 and after July 1, 2018.

