

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

To: Appropriations

SENATE BILL NO. 2955  
(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 2019.

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, 2018, and ending June 30, 2019.....  
10 .....\$ 306,613,667.00.

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, 2018, and ending  
17 June 30, 2019.....\$ 34,904,251.00.





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

**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.....\$ 664,571.00  
 50 Special Funds..... 0.00  
 51 Total.....\$ 664,571.00

52 AUTHORIZED POSITIONS:

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

**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.....\$ 65,458,709.00  
 62 Special Funds..... 1,838,415.00  
 63 Total.....\$ 67,297,124.00

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.....	\$	70,352,627.00
74	Special Funds.....		<u>2,738,283.00</u>
75	Total.....	\$	73,090,910.00

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.....	\$	37,123,500.00
86	Special Funds.....		<u>0.00</u>
87	Total.....	\$	37,123,500.00

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.....	\$	7,188,945.00
Special Funds.....		<u>0.00</u>
Total.....	\$	7,188,945.00

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.....	\$	18,988,777.00
Special Funds.....		<u>14,350,217.00</u>
Total.....	\$	33,338,994.00

AUTHORIZED POSITIONS:

Permanent: Full Time.....	619
Part Time.....	0
Time-Limited: Full Time.....	86
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.....	\$	27,439,468.00
122	Special Funds.....		<u>618,028.00</u>
123	Total.....	\$	28,057,496.00

124 AUTHORIZED POSITIONS:

125	Permanent: Full Time.....	702
126	Part Time.....	2
127	Time-Limited: Full Time.....	7
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.....	\$	35,624,789.00
134	Special Funds.....		<u>1,352,349.00</u>
135	Total.....	\$	36,977,138.00

136 AUTHORIZED POSITIONS:

137	Permanent: Full Time.....	736
138	Part Time.....	9
139	Time-Limited: Full Time.....	8
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.....	\$	19,991,740.00
146	Special Funds.....		<u>443,135.00</u>
147	Total.....	\$	20,434,875.00

148 AUTHORIZED POSITIONS:

149	Permanent:	Full Time.....	404
150		Part Time.....	0
151	Time-Limited:	Full Time.....	4
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 2020 do not  
156 exceed Fiscal Year 2019 funds appropriated for that purpose,  
157 unless programs or positions are added to the agency's Fiscal Year  
158 2019 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 2019  
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 2019 "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 None of the funds herein appropriated shall be used in  
189 violation of Internal Revenue Service's Publication 15-A relating  
190 to the reporting of income paid to contract employees, as  
191 interpreted by the Office of the State Auditor.





192           **SECTION 4.** None of the funds appropriated under the  
 193 provisions of Sections 1 and 2 of this act may be expended by the  
 194 Department of Corrections after September 1, 2018, until the  
 195 Commissioner of Corrections, on behalf of the State of  
 196 Mississippi, has submitted an application to the United States  
 197 Secretary of Homeland Security to participate in the Criminal  
 198 Alien Program of the United States Immigration and Customs  
 199 Enforcement, in order to identify criminal aliens who are  
 200 incarcerated in state correctional facilities and ensure that they  
 201 are not released into the community by securing a final order of  
 202 removal that deports the aliens back to their home countries  
 203 before the termination of their sentences.

204           **SECTION 5.** In compliance with the "Mississippi Performance  
 205 Budget and Strategic Planning Act of 1994," it is the intent of  
 206 the Legislature that the funds provided herein shall be utilized  
 207 in the most efficient and effective manner possible to achieve the  
 208 intended mission of this agency. Based on the funding authorized,  
 209 this agency shall make every effort to attain the targeted  
 210 performance measures provided below:

211		FY2019
212	<u>Performance Measures</u>	<u>Target</u>
213	General Administration	
214	Support as a Percent of Total Budget (%)	8.78
215	State prisoners per 100,000 population	
216	(includes only inmates sentenced to more	



217	than a year)	630.00
218	Average Annual Incarceration Cost	
219	per Inmate (\$)	49.79
220	Percent of Offenders Returning to	
221	Incarceration within 3 Years of Release (%)	32.00
222	Farming Operations	
223	Annual Income from Farm Sales (\$)	1,500,000.00
224	Parole Board	
225	Number Paroled (Offenders)	5,000
226	Private Prisons	
227	Adult Basic Education Program (Num of Slots)	362
228	Vocational Education Program (Num of Slots)	208
229	Alcohol and Drug Program (Num of Slots)	237
230	Medical Services	
231	Inmate Days in Hospital (Number of)	4,172
232	Regional Facilities	
233	Adult Basic Education Program (Num of Slots)	653
234	Vocational Education Program (Num of Slots)	673
235	Alcohol and Drug Program (Num of Slots)	963
236	Probation/parole	
237	Recidivism Rate within 12 Months of Release	
238	Field Supervision (%)	14.00
239	Recidivism Rate within 36 Months of Release	
240	Field Supervision (%)	25.00
241	Community Work Centers	



242	Recidivism Rate within 12 Months	
243	of Release (%)	10.00
244	Recidivism Rate within 36 Months	
245	of Release (%)	19.00
246	Restitution Centers	
247	Recidivism Rate within 12 Months	
248	of Release (%)	20.00
249	Recidivism Rate within 36 Months	
250	of Release (%)	30.00
251	Local Confinement	
252	Total Number of Inmates Housed in	
253	County Jails (Inmate Days)	365,000
254	Institutional Security	
255	Assaults on Inmates per 100 inmates	
256	(Number of)	5.00
257	Assaults on Officers per 100 Inmates	
258	(Number of)	2.00
259	Number of Inmates to Officers (Ratio)	10.00
260	Evidenced Based Intervention	
261	Recidivism Rate for Inmates who complete the	
262	Adult Basic Education Program (%)	27.00
263	Recidivism Rate for Inmates who complete the	
264	Vocational Education Program (%)	16.00
265	Recidivism Rate for Inmates who complete the	
266	Alcohol and Drug Program (%)	33.00



267	Percent of Offenders Possessing GED	
268	Certificate or High School Diploma at the	
269	Time of Release (%)	56.00
270	Percent of Offenders Obtaining Marketable	
271	Job Skills During Incarceration (%)	6.00
272	Youthful Offender School	
273	Recidivism Rate for Youthful Offenders	
274	within 36 months of release (%)	40.00

275 A reporting of the degree to which the performance targets  
276 set above have been or are being achieved shall be provided in the  
277 agency's budget request submitted to the Joint Legislative Budget  
278 Committee for Fiscal Year 2020.

279 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,  
280 none shall be expended for personnel housing under the  
281 jurisdiction of the Department of Corrections unless the  
282 department shall collect a reasonable rent, after a finding of  
283 fact as to what is a reasonable rent, and/or the cost of utilities  
284 furnished to said housing. The Department of Corrections shall  
285 not pay for the installation or monthly service of any telephone  
286 installed in a staff residence under its jurisdiction.

287 It is further the intention of the Legislature that none of  
288 the funds provided herein shall be used to pay certain utilities  
289 for state-furnished housing for any employees. Such utilities  
290 shall include electricity, natural gas, butane, propane and cable  
291 services. Where actual cost cannot be determined, the agency



292 shall be required to provide meters to be in compliance with  
293 legislative intent. Such state-furnished housing shall include  
294 single-family and multifamily residences but shall not include any  
295 dormitory residences. Allowances for such utilities shall be  
296 prohibited.

297         **SECTION 7.** Of the funds appropriated in Sections 1 and 2,  
298 and authorized for expenditure in Section 3, payment may be  
299 authorized for court-ordered attorney fees and any accrued  
300 interest subject to the approval of the Office of the Attorney  
301 General.

302         **SECTION 8.** None of the money herein appropriated shall be  
303 paid to any person who by the provision of Section 47-5-47,  
304 Mississippi Code of 1972, as amended, is prohibited from being an  
305 employee of the Mississippi Department of Corrections. The State  
306 Department of Finance and Administration shall at least annually  
307 make a report to the Joint Legislative Committee on Performance  
308 Evaluation and Expenditure Review and to the Attorney General  
309 stating the name of any person prohibited under the provisions of  
310 Section 47-5-47, Mississippi Code of 1972, as amended, from being  
311 an employee of the Mississippi Department of Corrections who has  
312 during the preceding year received any money herein appropriated.  
313 In the event that any such person prohibited as hereinabove  
314 provided from receiving funds herein appropriated should receive  
315 any of said funds, the Attorney General shall immediately commence  
316 action to recover the monies so paid to said person and to enjoin



317 the further employment of said person at the Mississippi  
318 Department of Corrections.

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

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

331 **SECTION 11.** The department or its contracted medical  
332 provider will pay to a provider of a medical service for any and  
333 all incarcerated persons from a correctional or detention facility  
334 an amount based upon negotiated fees as agreed to by the medical  
335 care service providers and the department and/or its contracted  
336 medical provider. In the absence of a negotiated discounted fee  
337 schedule, medical care service providers will be paid by the  
338 department or its contracted medical service provider an amount no  
339 greater than the reimbursement rate applicable based on the  
340 Mississippi Medicaid reimbursement rate. This limitation applies  
341 to all medical care services, durable and nondurable goods,



342 prescription drugs and medications provided to any and all  
343 incarcerated persons outside of the correctional or detention  
344 facility. None of the monies appropriated herein may be used to  
345 pay for cosmetic medical procedures for any prisoner. Cosmetic  
346 medical procedure means any medical procedure performed in order  
347 to change an individual's appearance without significantly serving  
348 to prevent or treat illness or disease or to promote proper  
349 functioning of the body.

350         **SECTION 12.** It is the intention of the Legislature that the  
351 Commissioner of the Mississippi Department of Corrections shall  
352 have the authority to transfer cash from one special fund treasury  
353 fund to another special fund treasury fund under the control of  
354 the Department of Corrections. The purpose of this authority is  
355 to more efficiently use available cash reserves. It is further  
356 the intention of the Legislature that the Department of  
357 Corrections shall submit written justification for the transfer to  
358 the Legislative Budget Office and the Department of Finance and  
359 Administration on or before the fifteenth of the month prior to  
360 the effective date of the transfer.

361         **SECTION 13.** The Commissioner of the Mississippi Department  
362 of Corrections is hereby authorized to transfer spending authority  
363 between and within budgets, both positions and funds, in an amount  
364 not to exceed twenty-five percent (25%) of the authorized budgets  
365 in the aggregate. It is further the intention of the Legislature  
366 that the Department of Corrections shall submit written



367 justification for the transfer to the Legislative Budget Office  
368 and the Department of Finance and Administration on or before the  
369 fifteenth of the month prior to the effective date of the  
370 transfer.

371       **SECTION 14.** It is the intention of the Legislature that  
372 whenever two (2) or more bids are received by this agency for the  
373 purchase of commodities or equipment, and whenever all things  
374 stated in such received bids are equal with respect to price,  
375 quality and service, the Mississippi Industries for the Blind  
376 shall be given preference. A similar preference shall be given to  
377 the Mississippi Industries for the Blind whenever purchases are  
378 made without competitive bids.

379       **SECTION 15.** It is the intention of the Legislature that all  
380 funds held by the Inmate Welfare Fund be placed in a treasury fund  
381 effective July 1, 2018. Of the amounts appropriated in Section 2,  
382 an amount not exceeding Three Million Dollars (\$3,000,000.00)  
383 shall be available for expenditure in the Inmate Welfare Fund.

384       **SECTION 16.** It is the intention of the Legislature that the  
385 Mississippi Department of Corrections shall maintain complete  
386 accounting and personnel records related to the expenditure of all  
387 funds appropriated under this act and that such records shall be  
388 in the same format and level of detail as maintained for Fiscal  
389 Year 2018. It is further the intention of the Legislature that  
390 the agency's budget request for Fiscal Year 2020 shall be  
391 submitted to the Joint Legislative Budget Committee in a format





392 and level of detail comparable to the format and level of detail  
393 provided during the Fiscal Year 2019 budget request process.

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

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

413       **SECTION 19.** With the funds herein appropriated, it is the  
414 intent of the Legislature, that for Fiscal Year 2019, the  
415 Department of Corrections shall reimburse municipalities, up to  
416 Twenty Dollars (\$20.00) a day, for the cost incurred of housing



417 inmates in any jail facility based on time served for the  
418 conviction of larceny, shoplifting, or related convictions where  
419 the value of the property taken is Five Hundred Dollars (\$500.00)  
420 or more but is equal to or less than One Thousand Dollars  
421 (\$1,000.00). A copy of the court abstract of record and the jail  
422 docket shall be provided to show the total number of days an  
423 individual was incarcerated in said jail facility. The  
424 reimbursement shall be payable back to the municipality upon  
425 receipt of required documentation and an invoice. Total  
426 reimbursements resulting from this section shall not exceed One  
427 Hundred Twenty-five Thousand Dollars (\$125,000.00).

428       **SECTION 20.** Of the funds appropriated under the provisions of  
429 Section 2, Five Million Five Hundred Thousand Dollars  
430 (\$5,500,000.00), or so much thereof, shall be derived out of any  
431 money in the State Treasury to the credit of the Capital Expense  
432 Fund, as created in Section 27-103-303, Mississippi Code of 1972,  
433 and allocated in a manner as determined by the Treasurer's  
434 Office. These funds are provided for the purpose of making  
435 repairs at Wilkinson Correctional Facility. If bonds from House  
436 Bill 1649 are used for this roof repair, this section may be  
437 reduced with the funds being available for Department operations.  
438 However, at no time may these funds be reduced if the project is  
439 not fully funded.

440       **SECTION 21.** Of the funds appropriated under the provisions  
441 of Section 2, funds may be expended to defray the costs of



442 clothing for sworn nonuniform law enforcement officers in an  
443 amount not to exceed One Thousand Dollars (\$1,000.00) annually per  
444 officer.

445       **SECTION 22.** Of the funds appropriated in Section 1, it is  
446 the intention of the Legislature that Five Hundred Ten Thousand  
447 Two Hundred Sixty-one Dollars (\$510,261.00) shall be allocated to  
448 Victim's Notification Programs supported by General Fund court  
449 assessments.

450       **SECTION 23.** Of the funds appropriated herein, not more than  
451 Six Million Five Hundred Thousand Dollars (\$6,500,000.00) may be  
452 used to pay invoices from fiscal year 2018 for medical services  
453 provided to inmates.

454       **SECTION 24.** The money herein appropriated shall be paid by  
455 the State Treasurer out of any money in the State Treasury to the  
456 credit of the proper fund or funds as set forth in this act, upon  
457 warrants issued by the State Fiscal Officer; and the State Fiscal  
458 Officer shall issue his warrants upon requisitions signed by the  
459 proper person, officer or officers, in the manner provided by law.

460       **SECTION 25.** This act shall take effect and be in force from  
461 and after July 1, 2018.

