

By: Representative Weathersby

To: Corrections

HOUSE BILL NO. 1177

1 AN ACT TO ABOLISH THE MISSISSIPPI PRISON INDUSTRIES
2 CORPORATION; TO AMEND SECTIONS 47-5-938 AND 47-5-1251, MISSISSIPPI
3 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO REPEAL
4 SECTIONS 47-5-531 THROUGH 47-5-575, MISSISSIPPI CODE OF 1972,
5 WHICH PROVIDE FOR THE MISSISSIPPI PRISON INDUSTRIES ACT OF 1990;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) The Mississippi Prison Industries
9 Corporation is hereby abolished.

10 (2) The Commissioner of the Department of Corrections shall
11 perform the duties of the corporation's chief executive officer
12 and board of directors and may assign to the appropriate divisions
13 within the department those powers and duties deemed appropriate
14 to carry out the lawful functions of the industrial prison
15 programs formerly run by the corporation.

16 (3) On July 1, 2019, all duties, responsibilities,
17 authority, power, assets, liabilities, contractual rights and
18 obligations and property rights, whether accruing or vesting in
19 the Mississippi Prison Industries Corporation before or after July
20 1, 2019, are vested in the Mississippi Department of Corrections.



21 All employees of the corporation holding positions on July 1,
22 2019, shall be employees of the Mississippi Department of
23 Corrections. The Commissioner of the Department of Corrections
24 shall be authorized to combine or abolish employee positions as
25 necessary to carry out the provisions of this act, and the
26 commissioner is authorized to reorganize the offices, services,
27 programs or other activities so as to achieve economy and
28 efficiency.

29 (4) Wherever the term "Mississippi Prison Industries
30 Corporation" or any variation thereof appears in any law or
31 regulation, the same shall mean "Mississippi Department of
32 Corrections."

33 **SECTION 2.** Section 47-5-938, Mississippi Code of 1972, is
34 amended as follows:

35 47-5-938. (1) Offenders are encouraged to participate in
36 work programs. The chief corrections officer as created in
37 Section 47-5-935, with ratification of the board of supervisors of
38 the county in which a correctional facility established pursuant
39 to Sections 47-5-931 through 47-5-941, is located, may enter into
40 agreements to provide work for any state offender housed in the
41 facility, with the approval of the Commissioner of Corrections, to
42 perform any work:

43 * * *

44 (* * *a) Authorized in the Prison Agricultural
45 Enterprises Act as provided in Sections 47-5-351 through 47-5-357;



46 (* * *b) Authorized in the Penitentiary-Made Goods Law
47 of 1978 as provided in Sections 47-5-301 through 47-5-331;

48 (* * *c) Authorized in the Public Service Work
49 Programs Act as provided in Sections 47-5-401 through 47-5-421;

50 (* * *d) Authorized in Section 47-5-431, which
51 authorizes the sheriff to use county or state offenders to pick up
52 trash along public roads and state highways.

53 (2) The chief corrections officer shall promulgate rules and
54 regulations as may be necessary to govern the work performance of
55 the offenders for the parties to the agreements. Political
56 subdivisions of the State of Mississippi including, but not
57 limited to, counties, municipalities, school districts, drainage
58 districts, water management districts and joint county-municipal
59 endeavors are to have free use of the offender's labor but are
60 responsible for reimbursing the facility for costs of
61 transportation, guards, meals and other necessary costs when the
62 inmates are providing work for that political body. Offenders may
63 be compensated for work performed if the agreement so provides.

64 (3) There is created a special fund in the county treasury
65 to be known as the "Offender's Compensation Fund." All
66 compensation paid to offenders shall be placed in the special fund
67 for use by the offenders to purchase certain goods and other items
68 of value as authorized in Section 47-5-109, for offenders housed
69 in state correctional facilities. As provided in Section
70 47-5-194, no cash is to be paid to offenders. The agreement shall



71 provide that a certain portion of the compensation shall be used
72 for the welfare of the offenders. All money collected from the
73 regional jail canteen operations shall be placed in a county
74 special fund. Expenditures from that fund can be made by the
75 chief corrections officer for any lawful purpose that is in the
76 best interest and welfare of the offenders. The chief corrections
77 officer, his employees and the county or counties owning the
78 facility are given the authority necessary to carry out the
79 provisions of this section.

80 (4) The provisions of this section shall be supplemental to
81 any other provisions of law regarding offender labor and work
82 programs.

83 **SECTION 3.** Section 47-5-1251, Mississippi Code of 1972, is
84 amended as follows:

85 47-5-1251. (1) There is created the "Prison Industry
86 Enhancement Program," through which the Department of Corrections
87 may * * * employ offenders within the custody of the
88 department * * *. The offenders must be under the supervision of
89 the department at all times while working. The offenders shall be
90 paid, by the entity or entities, wages at a rate which is not less
91 than that paid for similar work in the locality in which the work
92 is performed. The wages may be subject to deductions which shall
93 not, in the aggregate, exceed eighty percent (80%) of gross wages.
94 The deductions shall be limited to the following:

95 (a) To pay federal, state and local taxes;



96 (b) To pay reasonable charges for room and board as
97 determined by regulations issued by the Commissioner of
98 Corrections;

99 (c) To support the offender's family pursuant to state
100 statute, court order or agreement by the offender; and

101 (d) To pay contributions equaling not less than five
102 percent (5%) but not more than twenty percent (20%) of the
103 offender's gross wages into the Crime Victims' Compensation Fund
104 as created in Section 99-41-29.

105 (2) Notwithstanding any other provision of the law to the
106 contrary, the offenders shall not be qualified to receive any
107 payments for unemployment compensation while incarcerated.
108 However, the offenders shall not solely by their status as
109 offenders be deprived of the right to participate in benefits made
110 available by the federal or state government to other individuals
111 on the basis of their employment, such as workers' compensation.

112 (3) Offenders who participate in the employment must do so
113 voluntarily and must agree in advance to the specific deductions
114 made from gross wages pursuant to this section and to all other
115 financial arrangements or benefits resulting from participation in
116 the employment.

117 (4) The Department of Corrections shall develop rules and
118 regulations to meet the criteria established by the Bureau of
119 Justice Assistance under the Prison Industry Enhancement
120 Certification Program.



121 **SECTION 4.** Sections 47-5-531 through 47-5-575, which provide
122 for the Mississippi Prison Industries Act of 1990, are repealed.

123 **SECTION 5.** This act shall take effect and be in force from
124 and after July 1, 2019.

