

By: Senator(s) Clarke, Hopson, Michel,
Jackson (32nd), McDaniel, Simmons (13th),
Jackson (11th), Jordan

To: Appropriations

SENATE BILL NO. 3016
(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 2020.

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, 2019, and ending June 30, 2020.....
10\$ 316,474,500.00.

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, 2019, and ending
17 June 30, 2020.....\$ 24,416,926.00.



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.....	\$	25,738,525.00
26 Special Funds.....		<u>4,906,025.00</u>
27 Total.....	\$	30,644,550.00

28 AUTHORIZED POSITIONS:

29 Permanent:	Full Time.....	210
30	Part Time.....	1
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>2,506,869.00</u>
39 Total.....	\$	2,506,869.00

40 AUTHORIZED POSITIONS:

41 Permanent:	Full Time.....	6
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.....\$ 694,039.00
50 Special Funds..... 0.00
51 Total.....\$ 694,039.00

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.....\$ 66,729,681.00
62 Special Funds..... 0.00
63 Total.....\$ 66,729,681.00

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.....	\$	75,603,560.00
74	Special Funds.....		<u>1,800,000.00</u>
75	Total.....	\$	77,403,560.00

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.....	\$	38,383,025.00
86	Special Funds.....		<u>0.00</u>
87	Total.....	\$	38,383,025.00

88 AUTHORIZED POSITIONS:

89	Permanent:	Full Time.....	0
90		Part Time.....	0
91	Time-Limited:	Full Time.....	0
92		Part Time.....	0



93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117

LOCAL CONFINEMENT

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

FUNDING:

General Funds.....	\$	7,438,367.00
Special Funds.....		<u>0.00</u>
Total.....	\$	7,438,367.00

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.....	\$	20,024,218.00
Special Funds.....		<u>12,774,784.00</u>
Total.....	\$	32,799,002.00

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.....	\$	27,506,162.00
122	Special Funds.....		<u>622,057.00</u>
123	Total.....	\$	28,128,219.00

124 AUTHORIZED POSITIONS:

125	Permanent: Full Time.....	702
126	Part Time.....	2
127	Time-Limited: Full Time.....	8
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.....	\$	34,665,948.00
134	Special Funds.....		<u>1,361,166.00</u>
135	Total.....	\$	36,027,114.00

136 AUTHORIZED POSITIONS:

137	Permanent: Full Time.....	736
138	Part Time.....	9
139	Time-Limited: Full Time.....	9
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.....	\$	19,690,975.00
146	Special Funds.....		<u>446,025.00</u>
147	Total.....	\$	20,137,000.00

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 2021 do not
156 exceed Fiscal Year 2020 funds appropriated for that purpose,
157 unless programs or positions are added to the agency's Fiscal Year
158 2020 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 2020
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 2020 "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 Funds are provided herein for all full-time employees to
176 receive up to a Three Percent (3%) pay increase to the realignment
177 component of the Variable Compensation Plan, excluding head of
178 agencies, board members and commission members.

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

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



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

196 **SECTION 4.** In compliance with the "Mississippi Performance
197 Budget and Strategic Planning Act of 1994," it is the intent of
198 the Legislature that the funds provided herein shall be utilized
199 in the most efficient and effective manner possible to achieve the
200 intended mission of this agency. Based on the funding authorized,
201 this agency shall make every effort to attain the targeted
202 performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
205 General Administration	
206 Support as a percent of total budget (%).	9.87
207 State prisoners per 100,000 population	
208 (includes only inmates sentenced to more	
209 than a year) (Number of).	619.00
210 Average annual incarceration cost per	
211 inmate (\$).	42.48
212 Offenders returning to incarceration	
213 with 3 years of release (%).	33.00
214 Farming Operations	
215 Annual income from farm sales (\$).	824,723.00
216 Parole Board	



217	Inmates paroled (Number of).	4,984
218	Private Prisons	
219	ABE program slots available (Number of).	270
220	VOC-ED program slots available (Number of).	139
221	A&D program slots available (Number of).	195
222	Medical Services	
223	Total inmate days in a hospital (Number of).	5,157.00
224	Regional Facilities	
225	ABE Program slots available (Number of).	599.00
226	VOC-ED program slots available (Number of).	579.00
227	A&D Program slots available (Number of).	424.00
228	Probation/parole	
229	Recidivism rate within 12 months of	
230	release to field supervision (%).	8.60
231	Recidivism rate within 36 months of	
232	release to field supervision (%).	11.60
233	Community Work Centers	
234	Recidivism rate within 12 months of	
235	release (%).	10.10
236	Recidivism rate within 36 months of	
237	release (%).	25.90
238	Restitution Centers	
239	Recidivism rate within 12 months (%).	23.40
240	Recidivism rate within 36 months (%).	38.10
241	Local Confinement	



242	Days offenders held in county jails	
243	(Number of).	365,000.00
244	Institutional Security	
245	Assault on inmates per 100 inmates	
246	(Number of).	3.00
247	Assaults on Officers per 100 Officers	
248	(Number of)	5.00
249	Number of Inmates to Officers (Ratio)	15.30
250	Evidenced Based Intervention	
251	Recidivism rate for inmates who complete	
252	the ABE program (%).	28.60
253	Recidivism rate for inmates who complete	
254	a vocational program (%).	27.00
255	Recidivism rate for inmates who complete	
256	the A&D program (%).	33.20
257	Offenders possessing GED Certificate or	
258	High School Diploma at time of release	
259	(%).	48.60
260	Offenders obtaining marketable job	
261	skills during incarceration (%).	4.00
262	Youthful Offender School	
263	Recidivism rate within 12 months of	
264	release (%).	22.10
265	Recidivism rate within 36 months of	
266	release (%).	47.70



267 A reporting of the degree to which the performance targets
268 set above have been or are being achieved shall be provided in the
269 agency's budget request submitted to the Joint Legislative Budget
270 Committee for Fiscal Year 2021.

271 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
272 none shall be expended for personnel housing under the
273 jurisdiction of the Department of Corrections unless the
274 department shall collect a reasonable rent, after a finding of
275 fact as to what is a reasonable rent, and/or the cost of utilities
276 furnished to said housing. The Department of Corrections shall
277 not pay for the installation or monthly service of any telephone
278 installed in a staff residence under its jurisdiction.

279 It is further the intention of the Legislature that none of
280 the funds provided herein shall be used to pay certain utilities
281 for state-furnished housing for any employees. Such utilities
282 shall include electricity, natural gas, butane, propane and cable
283 services. Where actual cost cannot be determined, the agency
284 shall be required to provide meters to be in compliance with
285 legislative intent. Such state-furnished housing shall include
286 single-family and multifamily residences but shall not include any
287 dormitory residences. Allowances for such utilities shall be
288 prohibited.

289 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
290 and authorized for expenditure in Section 3, payment may be
291 authorized for court-ordered attorney fees and any accrued



292 interest subject to the approval of the Office of the Attorney
293 General.

294 **SECTION 7.** None of the money herein appropriated shall be
295 paid to any person who by the provision of Section 47-5-47,
296 Mississippi Code of 1972, as amended, is prohibited from being an
297 employee of the Mississippi Department of Corrections. The State
298 Department of Finance and Administration shall at least annually
299 make a report to the Joint Legislative Committee on Performance
300 Evaluation and Expenditure Review and to the Attorney General
301 stating the name of any person prohibited under the provisions of
302 Section 47-5-47, Mississippi Code of 1972, as amended, from being
303 an employee of the Mississippi Department of Corrections who has
304 during the preceding year received any money herein appropriated.
305 In the event that any such person prohibited as hereinabove
306 provided from receiving funds herein appropriated should receive
307 any of said funds, the Attorney General shall immediately commence
308 action to recover the monies so paid to said person and to enjoin
309 the further employment of said person at the Mississippi
310 Department of Corrections.

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

315 **SECTION 9.** It is the intention of the Legislature that the
316 per diem rates paid to regional facilities shall not exceed



317 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
318 All regional facilities shall continue to receive the annual three
319 percent (3%) increase in the per diem rate as authorized in
320 Section 47-5-933, Mississippi Code of 1972, however, in no event
321 shall any regional facility's per diem rate exceed Twenty-nine
322 Dollars and Seventy-four Cents (\$29.74) per inmate.

323 **SECTION 10.** The department or its contracted medical
324 provider will pay to a provider of a medical service for any and
325 all incarcerated persons from a correctional or detention facility
326 an amount based upon negotiated fees as agreed to by the medical
327 care service providers and the department and/or its contracted
328 medical provider. In the absence of a negotiated discounted fee
329 schedule, medical care service providers will be paid by the
330 department or its contracted medical service provider an amount no
331 greater than the reimbursement rate applicable based on the
332 Mississippi Medicaid reimbursement rate. This limitation applies
333 to all medical care services, durable and nondurable goods,
334 prescription drugs and medications provided to any and all
335 incarcerated persons outside of the correctional or detention
336 facility. None of the monies appropriated herein may be used to
337 pay for cosmetic medical procedures for any prisoner. Cosmetic
338 medical procedure means any medical procedure performed in order
339 to change an individual's appearance without significantly serving
340 to prevent or treat illness or disease or to promote proper
341 functioning of the body.



342 **SECTION 11.** It is the intention of the Legislature that the
343 Commissioner of the Mississippi Department of Corrections shall
344 have the authority to transfer cash from one special fund treasury
345 fund to another special fund treasury fund under the control of
346 the Department of Corrections. The purpose of this authority is
347 to more efficiently use available cash reserves. It is further
348 the intention of the Legislature that the Department of
349 Corrections shall submit written justification for the transfer to
350 the Legislative Budget Office and the Department of Finance and
351 Administration on or before the fifteenth of the month prior to
352 the effective date of the transfer.

353 **SECTION 12.** The Commissioner of the Mississippi Department
354 of Corrections is hereby authorized to transfer spending authority
355 between and within budgets, both positions and funds, in an amount
356 not to exceed twenty-five percent (25%) of the authorized budgets
357 in the aggregate. It is further the intention of the Legislature
358 that the Department of Corrections shall submit written
359 justification for the transfer to the Legislative Budget Office
360 and the Department of Finance and Administration on or before the
361 fifteenth of the month prior to the effective date of the
362 transfer.

363 **SECTION 13.** It is the intention of the Legislature that
364 whenever two (2) or more bids are received by this agency for the
365 purchase of commodities or equipment, and whenever all things
366 stated in such received bids are equal with respect to price,



367 quality and service, the Mississippi Industries for the Blind
368 shall be given preference. A similar preference shall be given to
369 the Mississippi Industries for the Blind whenever purchases are
370 made without competitive bids.

371 **SECTION 14.** It is the intention of the Legislature that all
372 funds held by the Inmate Welfare Fund be placed in a treasury fund
373 effective July 1, 2019. Of the amounts appropriated in Section 2,
374 an amount not exceeding Three Million Dollars (\$3,000,000.00)
375 shall be available for expenditure in the Inmate Welfare Fund.

376 **SECTION 15.** It is the intention of the Legislature that the
377 Mississippi Department of Corrections shall maintain complete
378 accounting and personnel records related to the expenditure of all
379 funds appropriated under this act and that such records shall be
380 in the same format and level of detail as maintained for Fiscal
381 Year 2019. It is further the intention of the Legislature that
382 the agency's budget request for Fiscal Year 2021 shall be
383 submitted to the Joint Legislative Budget Committee in a format
384 and level of detail comparable to the format and level of detail
385 provided during the Fiscal Year 2020 budget request process.

386 **SECTION 16.** It is the intention of the Legislature for the
387 Mississippi Department of Corrections to manage funds budgeted and
388 allocated. In so doing, the commissioner of the department shall
389 have the authority to amend, extend and/or renew the term of any
390 lease agreement or any inmate housing agreement in connection with
391 a correctional facility. Notwithstanding any statutory limits to



392 the contrary, such amendment, extension and/or renewal may be for
393 a length of time up to and including ten (10) years as is
394 necessary for the continued operations of such facilities and
395 implementation of the department's duties and responsibilities in
396 accordance with Title 47 of the Mississippi Code of 1972, as
397 amended.

398 **SECTION 17.** With the funds herein appropriated, it is the
399 intent of the Legislature that upon vouchers submitted by the
400 board of supervisors of any county housing offenders in county
401 jails pending a probation or parole revocation hearing, the
402 department shall pay the reimbursement costs as provided for in
403 Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by
404 House Bill No. 585, 2014 Regular Session.

405 **SECTION 18.** With the funds herein appropriated, it is the
406 intent of the Legislature, that for Fiscal Year 2020, the
407 Department of Corrections shall reimburse municipalities, up to
408 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
409 inmates in any jail facility based on time served for the
410 conviction of larceny, shoplifting, or related convictions where
411 the value of the property taken is Five Hundred Dollars (\$500.00)
412 or more but is equal to or less than One Thousand Dollars
413 (\$1,000.00). A copy of the court abstract of record and the jail
414 docket shall be provided to show the total number of days an
415 individual was incarcerated in said jail facility. The
416 reimbursement shall be payable back to the municipality upon



417 receipt of required documentation and an invoice. Total
418 reimbursements resulting from this section shall not exceed One
419 Hundred Twenty-five Thousand Dollars (\$125,000.00).

420 **SECTION 19.** Of the funds appropriated in Section 2, One
421 Million Eight Hundred Thousand Dollars (\$1,800,000.00), or so much
422 thereof, shall be derived out of any money in the State Treasury
423 to the credit of the Capital Expense Fund, as created in Section
424 27-103-303, Mississippi Code of 1972, and allocated in a manner as
425 determined by the Treasurer's Office, for Department operations.

426 **SECTION 20.** Of the funds appropriated under the provisions
427 of Section 2, funds may be expended to defray the costs of
428 clothing for sworn nonuniform law enforcement officers in an
429 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
430 officer.

431 **SECTION 21.** Of the funds appropriated in Section 1, it is
432 the intention of the Legislature that Five Hundred Ten Thousand
433 Two Hundred Sixty-one Dollars (\$510,261.00) shall be allocated to
434 Victim's Notification Programs supported by General Fund court
435 assessments.

436 **SECTION 22.** Of the funds appropriated herein, not more than
437 Four Million Dollars (\$4,000,000.00) may be used to pay invoices
438 from fiscal year 2019 for medical services provided to inmates.

439 **SECTION 23.** The money herein appropriated shall be paid by
440 the State Treasurer out of any money in the State Treasury to the
441 credit of the proper fund or funds as set forth in this act, upon



442 warrants issued by the State Fiscal Officer; and the State Fiscal
443 Officer shall issue his warrants upon requisitions signed by the
444 proper person, officer or officers, in the manner provided by law.

445 **SECTION 24.** This act shall take effect and be in force from
446 and after July 1, 2019.

