

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 3016

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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\$ 315,024,607.00.

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.....\$ 22,470,423.00.

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.....	\$ 25,553,817.00
26	Special Funds.....	<u>4,874,246.00</u>
27	Total.....	\$ 30,428,063.00

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>2,490,630.00</u>
39	Total.....	\$ 2,490,630.00



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.....	\$	684,542.00
50	Special Funds.....		<u>0.00</u>
51	Total.....	\$	684,542.00

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.....		<u>0.00</u>
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

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.....	\$	75,600,011.00
74	Special Funds.....		<u>0.00</u>
75	Total.....	\$	75,600,011.00

76 AUTHORIZED POSITIONS:

77	Permanent:	Full Time.....	0
78		Part Time.....	0
79	Time-Limited:	Full Time.....	2
80		Part Time.....	0

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

LOCAL CONFINEMENT

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

96 FUNDING:

97 General Funds.....\$ 7,438,367.00
 98 Special Funds..... 0.00
 99 Total.....\$ 7,438,367.00

100 AUTHORIZED POSITIONS:

101 Permanent: Full Time..... 0
 102 Part Time..... 0
 103 Time-Limited: Full Time..... 0
 104 Part Time..... 0

COMMUNITY CORRECTIONS

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

108 FUNDING:

109 General Funds.....\$ 19,647,598.00
 110 Special Funds..... 12,692,034.00
 111 Total.....\$ 32,339,632.00

112 AUTHORIZED POSITIONS:

113 Permanent: Full Time..... 619
 114 Part Time..... 0



115 Time-Limited: Full Time..... 86
 116 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.....\$ 27,189,162.00
 122 Special Funds..... 618,028.00
 123 Total.....\$ 27,807,190.00

124 AUTHORIZED POSITIONS:

125 Permanent: Full Time..... 702
 126 Part Time..... 2
 127 Time-Limited: Full Time..... 8
 128 Part Time..... 0

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.....\$ 34,304,177.00
 134 Special Funds..... 1,352,349.00
 135 Total.....\$ 35,656,526.00

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.....	\$	19,494,227.00
146	Special Funds.....		<u>443,136.00</u>
147	Total.....	\$	19,937,363.00

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

	FY2020
<u>Performance Measures</u>	<u>Target</u>
201 General Administration	
202 Support as a percent of total budget (%)	9.87
203 State prisoners per 100,000 population	
204 (includes only inmates sentenced to more	
205 than a year) (Number of)	619.00
206 Average annual incarceration cost per	
207 inmate (\$)	42.48
208 Offenders returning to incarceration	
209 with 3 years of release (%)	33.00
210 Farming Operations	
211 Annual income from farm sales (\$)	824,723.00
212 Parole Board	
213 Inmates paroled (Number of)	4,984
214 Private Prisons	



215	ABE program slots available (Number of)	270
216	VOC-ED program slots available (Number of)	139
217	A&D program slots available (Number of)	195
218	Medical Services	
219	Total inmate days in a hospital (Number of)	5,157.00
220	Regional Facilities	
221	ABE Program slots available (Number of)	599.00
222	VOC-ED program slots available (Number of)	579.00
223	A&D Program slots available (Number of)	424.00
224	Probation/parole	
225	Recidivism rate within 12 months of	
226	release to field supervision (%)	8.60
227	Recidivism rate within 36 months of	
228	release to field supervision (%)	11.60
229	Community Work Centers	
230	Recidivism rate within 12 months of	
231	release (%)	10.10
232	Recidivism rate within 36 months of	
233	release (%)	25.90
234	Restitution Centers	
235	Recidivism rate within 12 months (%)	23.40
236	Recidivism rate within 36 months (%)	38.10
237	Local Confinement	
238	Days offenders held in county jails	
239	(Number of)	365,000.00



240	Institutional Security	
241	Assault on inmates per 100 inmates	
242	(Number of)	3.00
243	Assaults on Officers per 100 Officers	
244	(Number of)	5.00
245	Number of Inmates to Officers (Ratio)	15.30
246	Evidenced Based Intervention	
247	Recidivism rate for inmates who complete	
248	the ABE program (%)	28.60
249	Recidivism rate for inmates who complete	
250	a vocational program (%)	0.00
251	Recidivism rate for inmates who complete	
252	the A&D program (%)	33.20
253	Offenders possessing GED Certificate or	
254	High School Diploma at time of release	
255	(%)	48.60
256	Offenders obtaining marketable job	
257	skills during incarceration (%)	4.00
258	Youthful Offender School	
259	Recidivism rate within 12 months of	
260	release (%)	22.10
261	Recidivism rate within 36 months of	
262	release (%)	47.70
263	A reporting of the degree to which the performance targets	
264	set above have been or are being achieved shall be provided in the	



265 agency's budget request submitted to the Joint Legislative Budget
266 Committee for Fiscal Year 2021.

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

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

285 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
286 and authorized for expenditure in Section 3, payment may be
287 authorized for court-ordered attorney fees and any accrued
288 interest subject to the approval of the Office of the Attorney
289 General.



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

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

311 **SECTION 9.** It is the intention of the Legislature that the
312 per diem rates paid to regional facilities shall not exceed
313 Twenty-nine Dollars and Seventy-four Cents (\$29.74) per inmate.
314 All regional facilities shall continue to receive the annual three



315 percent (3%) increase in the per diem rate as authorized in
316 Section 47-5-933, Mississippi Code of 1972, however, in no event
317 shall any regional facility's per diem rate exceed Twenty-nine
318 Dollars and Seventy-four Cents (\$29.74) per inmate.

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

338 **SECTION 11.** It is the intention of the Legislature that the
339 Commissioner of the Mississippi Department of Corrections shall



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

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

359 **SECTION 13.** It is the intention of the Legislature that
360 whenever two (2) or more bids are received by this agency for the
361 purchase of commodities or equipment, and whenever all things
362 stated in such received bids are equal with respect to price,
363 quality and service, the Mississippi Industries for the Blind
364 shall be given preference. A similar preference shall be given to



365 the Mississippi Industries for the Blind whenever purchases are
366 made without competitive bids.

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

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

382 **SECTION 16.** It is the intention of the Legislature for the
383 Mississippi Department of Corrections to manage funds budgeted and
384 allocated. In so doing, the commissioner of the department shall
385 have the authority to amend, extend and/or renew the term of any
386 lease agreement or any inmate housing agreement in connection with
387 a correctional facility. Notwithstanding any statutory limits to
388 the contrary, such amendment, extension and/or renewal may be for
389 a length of time up to and including ten (10) years as is



390 necessary for the continued operations of such facilities and
391 implementation of the department's duties and responsibilities in
392 accordance with Title 47 of the Mississippi Code of 1972, as
393 amended.

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

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



414 reimbursements resulting from this section shall not exceed One
415 Hundred Twenty-five Thousand Dollars (\$125,000.00).

416 **SECTION 19.** Of the funds appropriated under the provisions
417 of Section 2, funds may be expended to defray the costs of
418 clothing for sworn nonuniform law enforcement officers in an
419 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
420 officer.

421 **SECTION 20.** Of the funds appropriated in Section 1, it is
422 the intention of the Legislature that Five Hundred Ten Thousand
423 Two Hundred Sixty-one Dollars (\$510,261.00) shall be allocated to
424 Victim's Notification Programs supported by General Fund court
425 assessments.

426 **SECTION 21.** The money herein appropriated shall be paid by
427 the State Treasurer out of any money in the State Treasury to the
428 credit of the proper fund or funds as set forth in this act, upon
429 warrants issued by the State Fiscal Officer; and the State Fiscal
430 Officer shall issue his warrants upon requisitions signed by the
431 proper person, officer or officers, in the manner provided by law.

432 **SECTION 22.** This act shall take effect and be in force from
433 and after July 1, 2019, and shall stand repealed June 30, 2019.

