

House Amendments to Senate Bill No. 2696

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

10 **SECTION 1.** Section 47-5-24, Mississippi Code of 1972, is
11 amended as follows:

12 47-5-24. (1) The Governor shall appoint a Commissioner of
13 Corrections, with the advice and consent of the Senate. Such
14 commissioner may be removed by the Governor. The commissioner
15 shall be the chief executive, administrative and fiscal officer of
16 the department.

17 (2) The commissioner shall receive an annual salary fixed by
18 the Governor, not to exceed the maximum authorized by law, in
19 addition to all actual, necessary expenses incurred in the
20 discharge of official duties, including mileage as authorized by
21 law.

22 (3) The commissioner shall possess the following minimum
23 qualifications:

24 (a) A master's degree in corrections, criminal justice,
25 guidance, social work, or some related field, and at least six (6)

26 years full-time experience in corrections, including at least
27 three (3) years of correctional management experience; or

28 (b) A bachelor's degree in a field described in
29 subparagraph (a) of this subsection and at least ten (10) years
30 full-time work in corrections, five (5) years of which shall have
31 been in correctional management; or

32 (c) Shall possess * * * relevant experience * * * in
33 the private or public sector.

34 (4) The commissioner shall be required, upon assuming the
35 duties of his office, to execute a good and sufficient bond
36 payable to the State of Mississippi in the sum of Two Hundred
37 Fifty Thousand Dollars (\$250,000.00), conditioned upon an accurate
38 accounting for all monies and property coming into his hands. The
39 commissioner, upon approval by the Governor, may require of other
40 officers, employees and agents of the department a good and
41 sufficient bond in such sum as he may determine, subject to the
42 minimum requirements set forth herein, payable to the State of
43 Mississippi upon like condition. The bonds shall be approved by
44 the Governor and filed with the Secretary of State, and shall be
45 executed by a surety company authorized to do business under the
46 laws of this state. The premium on any such bond shall be paid by
47 the state out of the support and maintenance fund of the
48 department.

49 **SECTION 2.** Section 47-5-158, Mississippi Code of 1972, is
50 brought forward as follows:

51 47-5-158. (1) The department is authorized to maintain a
52 bank account which shall be designated as the Inmate Welfare Fund.
53 All monies now held in a similar fund or in a bank account or
54 accounts for the benefit and welfare of inmates shall be deposited
55 into the Inmate Welfare Fund. This fund shall be used for the
56 benefit and welfare of inmates in the custody of the department
57 and shall be expended in accordance with any provisions or
58 restrictions in the regulations promulgated under subsection (7)
59 of this section.

60 (2) There shall be deposited into the Inmate Welfare Fund
61 interest previously earned on inmate deposits, all net profits
62 from the operation of inmate canteens, performances of the
63 Penitentiary band, interest earned on the Inmate Welfare Fund and
64 other revenues designated by the commissioner. All money shall be
65 deposited into the Inmate Welfare Fund as provided in Section
66 7-9-21.

67 (3) All inmate telephone call commissions shall be paid to
68 the department. Monies in the fund may be expended by the
69 department, upon requisition by the commissioner or his designee,
70 only for the purposes established in this subsection.

71 (a) Twenty-five percent (25%) of the inmate telephone
72 call commissions shall be used to purchase and maintain
73 telecommunication equipment to be used by the department.

74 (b) Until July 1, 2008, twenty-five percent (25%) of
75 the inmate telephone call commissions shall be deposited into the
76 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,

thirty-five percent (35%) of the inmate telephone call commissions shall be deposited into the Prison Agricultural Enterprise Fund. The department may use these funds to supplement the Prison Agricultural Enterprise Fund created in Section 47-5-66.

(c) Forty percent (40%) of the inmate telephone call commissions shall be deposited into the Inmate Welfare Fund.

(4) The commissioner may invest in the manner authorized by law any money in the Inmate Welfare Fund that is not necessary for immediate use, and the interest earned shall be deposited in the Inmate Welfare Fund.

(5) The Deputy Commissioner for Administration and Finance shall establish and implement internal accounting controls for the Inmate Welfare Fund that comply with generally accepted accounting principles and regulations of the Department of Finance and Administration. The Deputy Commissioner for Administration and Finance shall prepare and issue quarterly consolidated and individual facility financial statements to the prison auditor of the Joint Legislative Committee on Performance Evaluation and Expenditure Review. The deputy commissioner shall prepare an annual report which shall include a summary of expenditures from the fund by major categories and by individual facility. This annual report shall be sent to the prison auditor, the Legislative Budget Office, the Chairman of the Corrections Committee of the Senate, and the Chairman of the Corrections Committee of the House of Representatives.

102 (6) A portion of the Inmate Welfare Fund shall be deposited
103 in the Discharged Offenders Revolving Fund, as created under
104 Section 47-5-155, in amounts necessary to provide a balance not to
105 exceed One Hundred Thousand Dollars (\$100,000.00) in the
106 Discharged Offenders Revolving Fund, and shall be used to
107 supplement those amounts paid to discharged, paroled or pardoned
108 offenders from the department. The superintendent of the Parchman
109 facility shall establish equitable criteria for the making of
110 supplemental payments which shall not exceed Two Hundred Dollars
111 (\$200.00) for any offender. The supplemental payments shall be
112 subject to the approval of the commissioner. The State Treasurer
113 shall not be required to replenish the Discharged Offenders
114 Revolving Fund for the supplemental payments made to discharged,
115 paroled or pardoned offenders.

116 (7) (a) The Inmate Welfare Fund Committee is hereby created
117 and shall be composed of nine (9) members: The Deputy
118 Commissioner for Community Corrections, the Deputy Commissioner of
119 Institutions, the Superintendent of the Parchman facility, the
120 Superintendent of the Rankin County facility, the Superintendent
121 of the Greene County facility, the State Treasurer, the State
122 Auditor, and two (2) members to be appointed by the Commissioner
123 of Corrections, one (1) of whom must have a relative incarcerated
124 by the department at the time of appointment and shall be a
125 representative of inmate families. The commissioner shall appoint
126 the chairman of the committee. The committee shall administer and
127 supervise the operations and expenditures from the Inmate Welfare

Fund and shall maintain an official minute book upon which shall be spread its authorization and approval for all such expenditures. The committee shall promulgate regulations governing the use and expenditures of the fund.

(b) Regulations adopted shall set out what types of items shall be allowable purchases, and in all cases, the minutes of the committee shall explain which regulation permits any purchase it approves. Additionally, regulations of the committee shall prescribe the number of members necessary to constitute a quorum, minimum attendance requirements for a member to retain a seat on the committee, and a mission statement for the committee.

(c) The committee shall conduct an annual needs assessment to determine what types of items should be purchased for the benefit of inmates. The needs assessments shall be conducted with the assistance of the department personnel, inmates and the families of inmates.

(d) The committee shall evaluate the proposals of interested third parties for the administration of inmate canteen services as provided in Section 47-5-109.1.

(8) The Department of Audit shall conduct an annual comprehensive special audit of the committee's use of the Inmate Welfare Fund. The department shall incorporate in its special audit report any recommendations it has concerning the financial and management control practices of the committee. The department shall report its findings and recommendations to the Chairmen of the Senate and House Corrections Committees.

154 **SECTION 3.** Section 47-5-931, Mississippi Code of 1972, is
155 brought forward as follows:

156 47-5-931. (1) The Department of Corrections, in its
157 discretion, may contract with the board of supervisors of one or
158 more counties and/or with a regional facility operated by one or
159 more counties, to provide for housing, care and control of
160 offenders who are in the custody of the State of Mississippi. Any
161 facility owned or leased by a county or counties for this purpose
162 shall be designed, constructed, operated and maintained in
163 accordance with American Correctional Association standards, and
164 shall comply with all constitutional standards of the United
165 States and the State of Mississippi, and with all court orders
166 that may now or hereinafter be applicable to the facility. If the
167 Department of Corrections contracts with more than one (1) county
168 to house state offenders in county correctional facilities,
169 excluding a regional facility, then the first of such facilities
170 shall be constructed in Sharkey County and the second of such
171 facilities shall be constructed in Jefferson County.

172 (2) The Department of Corrections shall contract with the
173 board of supervisors of the following counties to house state
174 inmates in regional facilities: (a) Marion and Walthall Counties;
175 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River
176 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba
177 Counties; (f) Holmes County and any contiguous county in which
178 there is located an unapproved jail; and (g) Bolivar County and
179 any contiguous county in which there is located an unapproved

jail. The Department of Corrections may contract with the board of supervisors of the following counties to house state inmates in regional facilities: (a) Yazoo County, (b) Chickasaw County, (c) George and Greene Counties, (d) Washington County, (e) Hinds County, and (f) Alcorn County. The Department of Corrections shall decide the order of priority of the counties listed in this subsection with which it will contract for the housing of state inmates. For the purposes of this subsection, the term "unapproved jail" means any jail that the local grand jury determines should be condemned or has found to be of substandard condition or in need of substantial repair or reconstruction.

(3) In addition to the offenders authorized to be housed under subsection (1) of this section, the Department of Corrections may contract with the Kemper and Neshoba regional facility to provide for housing, care and control of not more than seventy-five (75) additional offenders who are in the custody of the State of Mississippi.

SECTION 4. Section 47-7-3, Mississippi Code of 1972, is brought forward as follows:

47-7-3. (1) Every prisoner who has been convicted of any offense against the State of Mississippi, and is confined in the execution of a judgment of such conviction in the Mississippi Department of Corrections for a definite term or terms of one (1) year or over, or for the term of his or her natural life, whose record of conduct shows that such prisoner has observed the rules of the department, and who has served not less than one-fourth

(1/4) of the total of such term or terms for which such prisoner was sentenced, or, if sentenced to serve a term or terms of thirty (30) years or more, or, if sentenced for the term of the natural life of such prisoner, has served not less than ten (10) years of such life sentence, may be released on parole as hereinafter provided, except that:

(a) No prisoner convicted as a confirmed and habitual criminal under the provisions of Sections 99-19-81 through 99-19-87 shall be eligible for parole;

(b) Any person who shall have been convicted of a sex crime shall not be released on parole except for a person under the age of nineteen (19) who has been convicted under Section 97-3-67;

(c) (i) No person shall be eligible for parole who shall, on or after January 1, 1977, be convicted of robbery or attempted robbery through the display of a firearm until he shall have served ten (10) years if sentenced to a term or terms of more than ten (10) years or if sentenced for the term of the natural life of such person. If such person is sentenced to a term or terms of ten (10) years or less, then such person shall not be eligible for parole. The provisions of this paragraph (c)(i) shall also apply to any person who shall commit robbery or attempted robbery on or after July 1, 1982, through the display of a deadly weapon. This paragraph (c)(i) shall not apply to persons convicted after September 30, 1994;

(ii) No person shall be eligible for parole who shall, on or after October 1, 1994, be convicted of robbery, attempted robbery or carjacking as provided in Section 97-3-115 et seq., through the display of a firearm or drive-by shooting as provided in Section 97-3-109. The provisions of this paragraph (c)(ii) shall also apply to any person who shall commit robbery, attempted robbery, carjacking or a drive-by shooting on or after October 1, 1994, through the display of a deadly weapon. This paragraph (c)(ii) shall not apply to persons convicted after July 1, 2014;

(d) No person shall be eligible for parole who, on or after July 1, 1994, is charged, tried, convicted and sentenced to life imprisonment without eligibility for parole under the provisions of Section 99-19-101;

(e) No person shall be eligible for parole who is charged, tried, convicted and sentenced to life imprisonment under the provisions of Section 99-19-101;

(f) No person shall be eligible for parole who is convicted or whose suspended sentence is revoked after June 30, 1995, except that an offender convicted of only nonviolent crimes after June 30, 1995, may be eligible for parole if the offender meets the requirements in subsection (1) and this paragraph. In addition to other requirements, if an offender is convicted of a drug or driving under the influence felony, the offender must complete a drug and alcohol rehabilitation program prior to parole or the offender may be required to complete a post-release drug

and alcohol program as a condition of parole. For purposes of this paragraph, "nonviolent crime" means a felony other than homicide, robbery, manslaughter, sex crimes, arson, burglary of an occupied dwelling, aggravated assault, kidnapping, felonious abuse of vulnerable adults, felonies with enhanced penalties, except enhanced penalties for the crime of possession of a controlled substance under Section 41-29-147, the sale or manufacture of a controlled substance under the Uniform Controlled Substances Law, felony child abuse, or exploitation or any crime under Section 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a violation of Section 63-11-30(5). In addition, an offender incarcerated for committing the crime of possession of a controlled substance under the Uniform Controlled Substances Law after July 1, 1995, including an offender who receives an enhanced penalty under the provisions of Section 41-29-147 for such possession, shall be eligible for parole. An offender incarcerated for committing the crime of sale or manufacture of a controlled substance shall be eligible for parole after serving one-fourth (1/4) of the sentence imposed by the trial court. This paragraph (f) shall not apply to persons convicted on or after July 1, 2014;

(g) (i) No person who, on or after July 1, 2014, is convicted of a crime of violence pursuant to Section 97-3-2, a sex crime or an offense that specifically prohibits parole release, shall be eligible for parole. All persons convicted of any other offense on or after July 1, 2014, are eligible for parole after

they have served one-fourth (1/4) of the sentence or sentences imposed by the trial court.

(ii) Notwithstanding the provisions in subparagraph (i) of this paragraph (g), a person serving a sentence who has reached the age of sixty (60) or older and who has served no less than ten (10) years of the sentence or sentences imposed by the trial court shall be eligible for parole. Any person eligible for parole under this subsection shall be required to have a parole hearing before the board prior to parole release. No inmate shall be eligible for parole under this paragraph of this subsection if:

1. The inmate is sentenced as a habitual offender under Sections 99-19-81 through 99-19-87;

2. The inmate is sentenced for a crime of violence under Section 97-3-2;

3. The inmate is sentenced for an offense that specifically prohibits parole release;

4. The inmate is sentenced for trafficking in controlled substances under Section 41-29-139(f);

5. The inmate is sentenced for a sex crime;
or

6. The inmate has not served one-fourth (1/4) of the sentence imposed by the court.

(iii) Notwithstanding the provisions of paragraph (a) of this subsection, any offender who has not committed a crime of violence under Section 97-3-2 and has served twenty-five

309 percent (25%) or more of his sentence may be paroled by the parole
310 board if, after the sentencing judge or if the sentencing judge is
311 retired, disabled or incapacitated, the senior circuit judge
312 authorizes the offender to be eligible for parole consideration;

313 (h) Notwithstanding any other provision of law, an
314 inmate who has not been convicted as a habitual offender under
315 Sections 99-19-81 through 99-19-87, has not been convicted of
316 committing a crime of violence, as defined under Section 97-3-2,
317 has not been convicted of a sex crime or any other crime that
318 specifically prohibits parole release, and has not been convicted
319 of drug trafficking under Section 41-29-139 is eligible for parole
320 if the inmate has served twenty-five percent (25%) or more of his
321 or her sentence, but is otherwise ineligible for parole.

322 (2) Notwithstanding any other provision of law, an inmate
323 shall not be eligible to receive earned time, good time or any
324 other administrative reduction of time which shall reduce the time
325 necessary to be served for parole eligibility as provided in
326 subsection (1) of this section.

327 (3) The State Parole Board shall, by rules and regulations,
328 establish a method of determining a tentative parole hearing date
329 for each eligible offender taken into the custody of the
330 Department of Corrections. The tentative parole hearing date
331 shall be determined within ninety (90) days after the department
332 has assumed custody of the offender. The parole hearing date
333 shall occur when the offender is within thirty (30) days of the
334 month of his parole eligibility date. The parole eligibility date

shall not be earlier than one-fourth (1/4) of the prison sentence or sentences imposed by the court.

(4) Any inmate within twenty-four (24) months of his parole eligibility date and who meets the criteria established by the classification board shall receive priority for placement in any educational development and job training programs that are part of his or her parole case plan. Any inmate refusing to participate in an educational development or job training program that is part of the case plan may be in jeopardy of noncompliance with the case plan and may be denied parole.

SECTION 5. This act shall take effect and be in force from and after July 1, 2020, and shall stand repealed on June 29, 2020.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTION 47-5-24, MISSISSIPPI CODE OF 1972, TO REVISE THE MINIMUM QUALIFICATIONS FOR THE COMMISSIONER OF CORRECTIONS; TO BRING FORWARD SECTION 47-5-158, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR INMATE WELFARE FUND; TO BRING FORWARD SECTION 47-5-931, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR REGIONAL CORRECTIONAL FACILITIES; TO BRING FORWARD SECTION 47-7-3, MISSISSIPPI CODE OF 1972, FOR POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

HR26\SB2696A.J

Andrew Ketchings
Clerk of the House of Representatives