

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2696

BY: Committee

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

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

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

87 (5) The Deputy Commissioner for Administration and Finance
88 shall establish and implement internal accounting controls for the
89 Inmate Welfare Fund that comply with generally accepted accounting
90 principles and regulations of the Department of Finance and
91 Administration. The Deputy Commissioner for Administration and
92 Finance shall prepare and issue quarterly consolidated and
93 individual facility financial statements to the prison auditor of



94 the Joint Legislative Committee on Performance Evaluation and
95 Expenditure Review. The deputy commissioner shall prepare an
96 annual report which shall include a summary of expenditures from
97 the fund by major categories and by individual facility. This
98 annual report shall be sent to the prison auditor, the Legislative
99 Budget Office, the Chairman of the Corrections Committee of the
100 Senate, and the Chairman of the Corrections Committee of the House
101 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
128 Fund and shall maintain an official minute book upon which shall
129 be spread its authorization and approval for all such
130 expenditures. The committee shall promulgate regulations
131 governing the use and expenditures of the fund.

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

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



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

147 (8) The Department of Audit shall conduct an annual
148 comprehensive special audit of the committee's use of the Inmate
149 Welfare Fund. The department shall incorporate in its special
150 audit report any recommendations it has concerning the financial
151 and management control practices of the committee. The department
152 shall report its findings and recommendations to the Chairmen of
153 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
180 jail. The Department of Corrections may contract with the board
181 of supervisors of the following counties to house state inmates in
182 regional facilities: (a) Yazoo County, (b) Chickasaw County, (c)
183 George and Greene Counties, (d) Washington County, (e) Hinds
184 County, and (f) Alcorn County. The Department of Corrections
185 shall decide the order of priority of the counties listed in this
186 subsection with which it will contract for the housing of state
187 inmates. For the purposes of this subsection, the term
188 "unapproved jail" means any jail that the local grand jury
189 determines should be condemned or has found to be of substandard
190 condition or in need of substantial repair or reconstruction.

191 (3) In addition to the offenders authorized to be housed
192 under subsection (1) of this section, the Department of
193 Corrections may contract with the Kemper and Neshoba regional



194 facility to provide for housing, care and control of not more than
195 seventy-five (75) additional offenders who are in the custody of
196 the State of Mississippi.

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

199 47-7-3. (1) Every prisoner who has been convicted of any
200 offense against the State of Mississippi, and is confined in the
201 execution of a judgment of such conviction in the Mississippi
202 Department of Corrections for a definite term or terms of one (1)
203 year or over, or for the term of his or her natural life, whose
204 record of conduct shows that such prisoner has observed the rules
205 of the department, and who has served not less than one-fourth
206 (1/4) of the total of such term or terms for which such prisoner
207 was sentenced, or, if sentenced to serve a term or terms of thirty
208 (30) years or more, or, if sentenced for the term of the natural
209 life of such prisoner, has served not less than ten (10) years of
210 such life sentence, may be released on parole as hereinafter
211 provided, except that:

212 (a) No prisoner convicted as a confirmed and habitual
213 criminal under the provisions of Sections 99-19-81 through
214 99-19-87 shall be eligible for parole;

215 (b) Any person who shall have been convicted of a sex
216 crime shall not be released on parole except for a person under
217 the age of nineteen (19) who has been convicted under Section
218 97-3-67;



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

231 (ii) No person shall be eligible for parole who
232 shall, on or after October 1, 1994, be convicted of robbery,
233 attempted robbery or carjacking as provided in Section 97-3-115 et
234 seq., through the display of a firearm or drive-by shooting as
235 provided in Section 97-3-109. The provisions of this paragraph
236 (c)(ii) shall also apply to any person who shall commit robbery,
237 attempted robbery, carjacking or a drive-by shooting on or after
238 October 1, 1994, through the display of a deadly weapon. This
239 paragraph (c)(ii) shall not apply to persons convicted after July
240 1, 2014;

241 (d) No person shall be eligible for parole who, on or
242 after July 1, 1994, is charged, tried, convicted and sentenced to



243 life imprisonment without eligibility for parole under the
244 provisions of Section 99-19-101;

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

248 (f) No person shall be eligible for parole who is
249 convicted or whose suspended sentence is revoked after June 30,
250 1995, except that an offender convicted of only nonviolent crimes
251 after June 30, 1995, may be eligible for parole if the offender
252 meets the requirements in subsection (1) and this paragraph. In
253 addition to other requirements, if an offender is convicted of a
254 drug or driving under the influence felony, the offender must
255 complete a drug and alcohol rehabilitation program prior to parole
256 or the offender may be required to complete a post-release drug
257 and alcohol program as a condition of parole. For purposes of
258 this paragraph, "nonviolent crime" means a felony other than
259 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
260 occupied dwelling, aggravated assault, kidnapping, felonious abuse
261 of vulnerable adults, felonies with enhanced penalties, except
262 enhanced penalties for the crime of possession of a controlled
263 substance under Section 41-29-147, the sale or manufacture of a
264 controlled substance under the Uniform Controlled Substances Law,
265 felony child abuse, or exploitation or any crime under Section
266 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a
267 violation of Section 63-11-30(5). In addition, an offender



268 incarcerated for committing the crime of possession of a
269 controlled substance under the Uniform Controlled Substances Law
270 after July 1, 1995, including an offender who receives an enhanced
271 penalty under the provisions of Section 41-29-147 for such
272 possession, shall be eligible for parole. An offender
273 incarcerated for committing the crime of sale or manufacture of a
274 controlled substance shall be eligible for parole after serving
275 one-fourth (1/4) of the sentence imposed by the trial court. This
276 paragraph (f) shall not apply to persons convicted on or after
277 July 1, 2014;

278 (g) (i) No person who, on or after July 1, 2014, is
279 convicted of a crime of violence pursuant to Section 97-3-2, a sex
280 crime or an offense that specifically prohibits parole release,
281 shall be eligible for parole. All persons convicted of any other
282 offense on or after July 1, 2014, are eligible for parole after
283 they have served one-fourth (1/4) of the sentence or sentences
284 imposed by the trial court.

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



292 release. No inmate shall be eligible for parole under this
293 paragraph of this subsection if:

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

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

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

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

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

303 or

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

306 (iii) Notwithstanding the provisions of paragraph
307 (a) of this subsection, any offender who has not committed a crime
308 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
335 shall not be earlier than one-fourth (1/4) of the prison sentence
336 or sentences imposed by the court.

337 (4) Any inmate within twenty-four (24) months of his parole
338 eligibility date and who meets the criteria established by the
339 classification board shall receive priority for placement in any
340 educational development and job training programs that are part of
341 his or her parole case plan. Any inmate refusing to participate



342 in an educational development or job training program that is part
343 of the case plan may be in jeopardy of noncompliance with the case
344 plan and may be denied parole.

345 **SECTION 5.** This act shall take effect and be in force from
346 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:**

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

