

House Amendments to Senate Bill No. 2915

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:

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, 2021, and ending June 30, 2022.....
10\$ 301,771,007.00.

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, 2021, and ending
17 June 30, 2022.....\$ 18,807,934.00.

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**

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

FUNDING:

| | | |
|--------------------|----|---------------------|
| General Funds..... | \$ | 23,392,715.00 |
| Special Funds..... | | <u>3,845,660.00</u> |
| Total..... | \$ | 27,238,375.00 |

AUTHORIZED POSITIONS:

| | | |
|---------------|----------------|-----|
| Permanent: | Full Time..... | 159 |
| | Part Time..... | 1 |
| Time-Limited: | Full Time..... | 8 |
| | Part Time..... | 0 |

FARMING OPERATIONS

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

FUNDING:

| | | |
|--------------------|----|---------------------|
| General Funds..... | \$ | 0.00 |
| Special Funds..... | | <u>2,410,649.00</u> |
| Total..... | \$ | 2,410,649.00 |

AUTHORIZED POSITIONS:

| | | |
|---------------|----------------|---|
| Permanent: | Full Time..... | 4 |
| | Part Time..... | 0 |
| Time-Limited: | Full Time..... | 0 |
| | Part Time..... | 0 |

PAROLE BOARD

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

48 FUNDING:

| | | | |
|----|--------------------|----|-------------|
| 49 | General Funds..... | \$ | 644,616.00 |
| 50 | Special Funds..... | | <u>0.00</u> |
| 51 | Total..... | \$ | 644,616.00 |

52 AUTHORIZED POSITIONS:

| | | | |
|----|---------------|----------------|---|
| 53 | Permanent: | Full Time..... | 7 |
| 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 |

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..... | \$ | 75,343,375.00 |
|----|--------------------|----|---------------|

74 Special Funds..... 260,482.00

75 Total.....\$ 75,603,857.00

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..... 0.00

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 **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 |

105 **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..... | \$ | 20,024,218.00 |
| 110 | Special Funds..... | | <u>10,700,827.00</u> |
| 111 | Total..... | \$ | 30,725,045.00 |

112 AUTHORIZED POSITIONS:

| | | | |
|-----|---------------|----------------|-----|
| 113 | Permanent: | Full Time..... | 458 |
| 114 | | Part Time..... | 0 |
| 115 | Time-Limited: | Full Time..... | 75 |
| 116 | | Part Time..... | 0 |

117 **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..... | \$ | 25,563,816.00 |
| 122 | Special Funds..... | | <u>373,077.00</u> |
| 123 | Total..... | \$ | 25,936,893.00 |

124 AUTHORIZED POSITIONS:

| | | | |
|-----|------------|----------------|-----|
| 125 | Permanent: | Full Time..... | 438 |
|-----|------------|----------------|-----|

126 Part Time..... 1
127 Time-Limited: Full Time..... 4
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.....\$ 26,965,311.00
134 Special Funds..... 866,837.00
135 Total.....\$ 27,832,148.00

136 AUTHORIZED POSITIONS:

137 Permanent: Full Time..... 382
138 Part Time..... 5
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.....\$ 17,285,883.00
146 Special Funds..... 350,402.00
147 Total.....\$ 17,636,285.00

148 AUTHORIZED POSITIONS:

149 Permanent: Full Time..... 279
150 Part Time..... 0
151 Time-Limited: Full Time..... 2

178 agency takes any action to change "Personal Services," the State
179 Personnel Board determines that the agency has taken an action
180 which would cause the agency to exceed this projected annual cost
181 or the Fiscal Year 2022 "Personal Services" appropriated level,
182 when annualized, then only those actions which reduce the
183 projected annual cost and/or the appropriation requirement will be
184 processed by the State Personnel Board until such time as the
185 requirements of this provision are met.

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

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

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

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

| | FY2022 |
|---|---------------|
| <u>Performance Measures</u> | <u>Target</u> |
| General Administration | |
| Support as a percent of total budget (%). | 9.20 |
| State prisoners per 100,000 population (includes only inmates sentenced to more than a year) (Number of). | 619 |
| Average annual incarceration cost per inmate (\$). | 39.91 |
| Offenders returning to incarceration with 3 years of release (%). | 33.00 |
| Farming Operations | |
| Annual income from farm sales (\$). | 1,000,000.00 |
| Parole Board | |
| Inmates paroled (Number of). | 5,100 |
| Private Prisons | |
| ABE program slots available (Number of). | 572 |
| VOC-ED program slots available (Number of). | 221 |
| A&D program slots available (Number of). | 186 |

| | | |
|-----|--|---------|
| 229 | Medical Services | |
| 230 | Total inmate days in a hospital (Number of). | 4,172 |
| 231 | Regional Facilities | |
| 232 | ABE Program slots available (Number of). | 585 |
| 233 | VOC-ED program slots available (Number of). | 700 |
| 234 | A&D Program slots available (Number of). | 424 |
| 235 | Probation/parole | |
| 236 | Recidivism rate within 12 months of | |
| 237 | release to field supervision (%). | 10.70 |
| 238 | Recidivism rate within 36 months of | |
| 239 | release to field supervision (%). | 14.00 |
| 240 | Community Work Centers | |
| 241 | Recidivism rate within 12 months of | |
| 242 | release (%). | 6.50 |
| 243 | Recidivism rate within 36 months of | |
| 244 | release (%). | 25.90 |
| 245 | Restitution Centers | |
| 246 | Recidivism rate within 12 months (%). | 16.80 |
| 247 | Recidivism rate within 36 months (%). | 35.50 |
| 248 | Local Confinement | |
| 249 | Number of Inmates Housed in County Jails | |
| 250 | (Inmate Days). | 260,626 |
| 251 | Institutional Security | |
| 252 | Assault on inmates per 100 inmates | |
| 253 | (Number of). | 7 |
| 254 | Assaults on officers per 100 officers | |

| | | |
|-----|--|-------|
| 255 | (Number of) . | 19 |
| 256 | Youthful Offender School | |
| 257 | Recidivism rate within 12 months of | |
| 258 | release (%) . | 26.00 |
| 259 | Recidivism rate within 36 months of | |
| 260 | release (%) . | 50.00 |
| 261 | Evidenced Based Intervention | |
| 262 | Recidivism rate for inmates who complete | |
| 263 | the ABE program (%) . | 24.00 |
| 264 | Recidivism rate for inmates who complete | |
| 265 | a vocational program (%) . | 16.00 |
| 266 | Recidivism rate for inmates who complete | |
| 267 | the A&D program (%) . | 23.00 |
| 268 | Offenders possessing GED Certificate or | |
| 269 | High School Diploma at time of release | |
| 270 | (%) . | 38.30 |
| 271 | Offenders obtaining marketable job | |
| 272 | skills during incarceration (%) . | 3.00 |

273 A reporting of the degree to which the performance targets
 274 set above have been or are being achieved shall be provided in the
 275 agency's budget request submitted to the Joint Legislative Budget
 276 Committee for Fiscal Year 2023.

277 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
 278 none shall be expended for personnel housing under the
 279 jurisdiction of the Department of Corrections unless the
 280 department shall collect a reasonable rent, after a finding of

fact as to what is a reasonable rent, and/or the cost of utilities furnished to said housing. The Department of Corrections shall not pay for the installation or monthly service of any telephone installed in a staff residence under its jurisdiction.

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

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

SECTION 7. It is the intent of the Legislature, that staffing levels developed through a Mississippi Department of Corrections study that used nationally recognized staffing ratios, that funding and positions for these recommended levels will be phased in over the next two years. The Legislature recognizes that a safe environment is crucial to the mission of the department.

307 **SECTION 8.** None of the money herein appropriated shall be
308 paid to any person who by the provision of Section 47-5-47,
309 Mississippi Code of 1972, as amended, is prohibited from being an
310 employee of the Mississippi Department of Corrections. The State
311 Department of Finance and Administration shall at least annually
312 make a report to the Joint Legislative Committee on Performance
313 Evaluation and Expenditure Review and to the Attorney General
314 stating the name of any person prohibited under the provisions of
315 Section 47-5-47, Mississippi Code of 1972, as amended, from being
316 an employee of the Mississippi Department of Corrections who has
317 during the preceding year received any money herein appropriated.
318 In the event that any such person prohibited as hereinabove
319 provided from receiving funds herein appropriated should receive
320 any of said funds, the Attorney General shall immediately commence
321 action to recover the monies so paid to said person and to enjoin
322 the further employment of said person at the Mississippi
323 Department of Corrections.

324 **SECTION 9.** It is the intent of the Legislature that all
325 prisoners at Parchman shall work a minimum of eight (8) hours per
326 day, excluding prisoners with a physical disability or those
327 incarcerated in maximum security.

328 **SECTION 10.** It is the intention of the Legislature that the
329 per diem rates paid to regional facilities shall not exceed
330 Thirty-one Dollars (\$31.00) per inmate. All regional facilities
331 shall continue to receive the annual three percent (3%) increase
332 in the per diem rate as authorized in Section 47-5-933,

Mississippi Code of 1972, however, in no event shall any regional facility's per diem rate exceed Thirty-one Dollars (\$31.00) per inmate.

SECTION 11. The department or its contracted medical provider will pay to a provider of a medical service for any and all incarcerated persons from a correctional or detention facility an amount based upon negotiated fees as agreed to by the medical care service providers and the department and/or its contracted medical provider. In the absence of a negotiated discounted fee schedule, medical care service providers will be paid by the department or its contracted medical service provider an amount no greater than the reimbursement rate applicable based on the Mississippi Medicaid reimbursement rate. This limitation applies to all medical care services, durable and nondurable goods, prescription drugs and medications provided to any and all incarcerated persons outside of the correctional or detention facility. None of the monies appropriated herein may be used to pay for cosmetic medical procedures for any prisoner. Cosmetic medical procedure means any medical procedure performed in order to change an individual's appearance without significantly serving to prevent or treat illness or disease or to promote proper functioning of the body.

SECTION 12. It is the intention of the Legislature that the Commissioner of the Mississippi Department of Corrections shall have the authority to transfer cash from one special fund treasury fund to another special fund treasury fund under the control of

the Department of Corrections. The purpose of this authority is to more efficiently use available cash reserves. It is further the intention of the Legislature that the Department of Corrections shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 13. The Commissioner of the Mississippi Department of Corrections is hereby authorized to transfer spending authority between and within budgets, both positions and funds, in an amount not to exceed twenty-five percent (25%) of the authorized budgets in the aggregate. It is further the intention of the Legislature that the Department of Corrections shall submit written justification for the transfer to the Legislative Budget Office and the Department of Finance and Administration on or before the fifteenth of the month prior to the effective date of the transfer.

SECTION 14. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 15. It is the intention of the Legislature that all funds held by the Inmate Welfare Fund be placed in a treasury fund effective July 1, 2021. Of the amounts appropriated in Section 2, an amount not exceeding Three Million Dollars (\$3,000,000.00) shall be available for expenditure in the Inmate Welfare Fund.

SECTION 16. It is the intention of the Legislature that the Mississippi Department of Corrections shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2021. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2023 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2022 budget request process.

SECTION 17. It is the intention of the Legislature for the Mississippi Department of Corrections to manage funds budgeted and allocated. In so doing, the commissioner of the department shall have the authority to amend, extend and/or renew the term of any lease agreement or any inmate housing agreement in connection with a correctional facility. Notwithstanding any statutory limits to the contrary, such amendment, extension and/or renewal may be for a length of time up to and including ten (10) years as is necessary for the continued operations of such facilities and implementation of the department's duties and responsibilities in

accordance with Title 47 of the Mississippi Code of 1972, as amended.

SECTION 18. With the funds herein appropriated, it is the intent of the Legislature that upon vouchers submitted by the board of supervisors of any county housing offenders in county jails pending a probation or parole revocation hearing, the department shall pay the reimbursement costs as provided for in Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by House Bill No. 585, 2014 Regular Session.

SECTION 19. With the funds herein appropriated, it is the intent of the Legislature, that for Fiscal Year 2022, the Department of Corrections shall reimburse municipalities, up to Twenty Dollars (\$20.00) a day, for the cost incurred of housing inmates in any jail facility based on time served for the conviction of larceny, shoplifting, or related convictions where the value of the property taken is Five Hundred Dollars (\$500.00) or more but is equal to or less than One Thousand Dollars (\$1,000.00). A copy of the court abstract of record and the jail docket shall be provided to show the total number of days an individual was incarcerated in said jail facility. The reimbursement shall be payable back to the municipality upon receipt of required documentation and an invoice. Total reimbursements resulting from this section shall not exceed One Hundred Twenty-five Thousand Dollars (\$125,000.00).

SECTION 20. Of the funds appropriated under the provisions of Section 2, funds may be expended to defray the costs of

435 clothing for sworn nonuniform law enforcement officers in an
436 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
437 officer.

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

443 **SECTION 22.** The money herein appropriated shall be paid by
444 the State Treasurer out of any money in the State Treasury to the
445 credit of the proper fund or funds as set forth in this act, upon
446 warrants issued by the State Fiscal Officer; and the State Fiscal
447 Officer shall issue his warrants upon requisitions signed by the
448 proper person, officer or officers, in the manner provided by law.

449 **SECTION 23.** This act shall take effect and be in force from
450 and after July 1, 2021, and shall stand repealed from and after
451 June 29, 2021.

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

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR
3 FISCAL YEAR 2022.

HR13\SB2915A.J

Andrew Ketchings
Clerk of the House of Representatives