

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2915

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, 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**

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

24 FUNDING:

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

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time	159
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>2,410,649.00</u>
39	Total	\$	2,410,649.00



40 AUTHORIZED POSITIONS:

41	Permanent:	Full Time	4
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	\$	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

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		<u>260,482.00</u>
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

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 \$ 20,024,218.00
 110 Special Funds 10,700,827.00
 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 373,077.00
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		<u>350,402.00</u>
147	Total	\$	17,636,285.00

148 AUTHORIZED POSITIONS:

149	Permanent:	Full Time	279
150		Part Time	0
151	Time-Limited:	Full Time	2
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 2023 do not
156 exceed Fiscal Year 2022 funds appropriated for that purpose unless
157 programs or positions are added to the agency's Fiscal Year 2022
158 budget by the Mississippi Legislature. Based on data provided by
159 the Legislative Budget Office, the State Personnel Board shall
160 determine and publish the projected annual cost to fully fund all
161 appropriated positions in compliance with the provisions of this
162 act. Absent a special situation or circumstance approved by the
163 State Personnel Board, or unless otherwise authorized by this act,
164 no state agency shall take any action to promote or otherwise



165 award salary increases through reallocation or realignment. If
166 the State Personnel Board determines a special situation or
167 circumstance exists and approves an action, then the agency and
168 the State Personnel Board shall provide a monthly report of each
169 action approved by the State Personnel Board to the chairmen of
170 the Accountability, Efficiency and Transparency Committees of the
171 Senate and House of Representatives and the chairmen of the
172 Appropriations Committees of the Senate and House of
173 Representatives. It shall be the responsibility of the agency
174 head to ensure that no single personnel action increases this
175 projected annual cost and/or the Fiscal Year 2022 appropriations
176 for "Personal Services" when annualized, with the exception of
177 escalated funds and the award of benchmarks. If, at the time the
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.

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

	FY2022
<u>Performance Measures</u>	<u>Target</u>
212 General Administration	
213 Support as a percent of total budget (%).	9.20
214 State prisoners per 100,000 population	



215	(includes only inmates sentenced to more	
216	than a year) (Number of).	619
217	Average annual incarceration cost per	
218	inmate (\$).	39.91
219	Offenders returning to incarceration	
220	with 3 years of release (%).	33.00
221	Farming Operations	
222	Annual income from farm sales (\$).	1,000,000.00
223	Parole Board	
224	Inmates paroled (Number of).	5,100
225	Private Prisons	
226	ABE program slots available (Number of).	572
227	VOC-ED program slots available (Number of).	221
228	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
281 fact as to what is a reasonable rent, and/or the cost of utilities
282 furnished to said housing. The Department of Corrections shall
283 not pay for the installation or monthly service of any telephone
284 installed in a staff residence under its jurisdiction.

285 It is further the intention of the Legislature that none of
286 the funds provided herein shall be used to pay certain utilities
287 for state-furnished housing for any employees. Such utilities
288 shall include electricity, natural gas, butane, propane and cable
289 services. Where actual cost cannot be determined, the agency



290 shall be required to provide meters to be in compliance with
291 legislative intent. Such state-furnished housing shall include
292 single-family and multifamily residences but shall not include any
293 dormitory residences. Allowances for such utilities shall be
294 prohibited.

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

300 **SECTION 7.** It is the intent of the Legislature, that
301 staffing levels developed through a Mississippi Department of
302 Corrections study that used nationally recognized staffing ratios,
303 that funding and positions for these recommended levels will be
304 phased in over the next two years. The Legislature recognizes
305 that a safe environment is crucial to the mission of the
306 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,
333 Mississippi Code of 1972, however, in no event shall any regional
334 facility's per diem rate exceed Thirty-one Dollars (\$31.00) per
335 inmate.

336 **SECTION 11.** The department or its contracted medical
337 provider will pay to a provider of a medical service for any and
338 all incarcerated persons from a correctional or detention facility
339 an amount based upon negotiated fees as agreed to by the medical



340 care service providers and the department and/or its contracted
341 medical provider. In the absence of a negotiated discounted fee
342 schedule, medical care service providers will be paid by the
343 department or its contracted medical service provider an amount no
344 greater than the reimbursement rate applicable based on the
345 Mississippi Medicaid reimbursement rate. This limitation applies
346 to all medical care services, durable and nondurable goods,
347 prescription drugs and medications provided to any and all
348 incarcerated persons outside of the correctional or detention
349 facility. None of the monies appropriated herein may be used to
350 pay for cosmetic medical procedures for any prisoner. Cosmetic
351 medical procedure means any medical procedure performed in order
352 to change an individual's appearance without significantly serving
353 to prevent or treat illness or disease or to promote proper
354 functioning of the body.

355 **SECTION 12.** It is the intention of the Legislature that the
356 Commissioner of the Mississippi Department of Corrections shall
357 have the authority to transfer cash from one special fund treasury
358 fund to another special fund treasury fund under the control of
359 the Department of Corrections. The purpose of this authority is
360 to more efficiently use available cash reserves. It is further
361 the intention of the Legislature that the Department of
362 Corrections shall submit written justification for the transfer to
363 the Legislative Budget Office and the Department of Finance and



364 Administration on or before the fifteenth of the month prior to
365 the effective date of the transfer.

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

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

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



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

399 **SECTION 17.** It is the intention of the Legislature for the
400 Mississippi Department of Corrections to manage funds budgeted and
401 allocated. In so doing, the commissioner of the department shall
402 have the authority to amend, extend and/or renew the term of any
403 lease agreement or any inmate housing agreement in connection with
404 a correctional facility. Notwithstanding any statutory limits to
405 the contrary, such amendment, extension and/or renewal may be for
406 a length of time up to and including ten (10) years as is
407 necessary for the continued operations of such facilities and
408 implementation of the department's duties and responsibilities in
409 accordance with Title 47 of the Mississippi Code of 1972, as
410 amended.

411 **SECTION 18.** With the funds herein appropriated, it is the
412 intent of the Legislature that upon vouchers submitted by the
413 board of supervisors of any county housing offenders in county



414 jails pending a probation or parole revocation hearing, the
415 department shall pay the reimbursement costs as provided for in
416 Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by
417 House Bill No. 585, 2014 Regular Session.

418 **SECTION 19.** With the funds herein appropriated, it is the
419 intent of the Legislature, that for Fiscal Year 2022, the
420 Department of Corrections shall reimburse municipalities, up to
421 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
422 inmates in any jail facility based on time served for the
423 conviction of larceny, shoplifting, or related convictions where
424 the value of the property taken is Five Hundred Dollars (\$500.00)
425 or more but is equal to or less than One Thousand Dollars
426 (\$1,000.00). A copy of the court abstract of record and the jail
427 docket shall be provided to show the total number of days an
428 individual was incarcerated in said jail facility. The
429 reimbursement shall be payable back to the municipality upon
430 receipt of required documentation and an invoice. Total
431 reimbursements resulting from this section shall not exceed One
432 Hundred Twenty-five Thousand Dollars (\$125,000.00).

433 **SECTION 20.** Of the funds appropriated under the provisions
434 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.

