

By: Representatives Horan, Stamps

To: Corrections;
Appropriations

HOUSE BILL NO. 920

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CREATE
2 THE INMATE INCENTIVE TO WORK PROGRAM; TO PROVIDE THAT THE PROGRAM
3 SHALL PROVIDE PAYMENT TO ELIGIBLE INMATES HOUSED IN STATE
4 CORRECTIONAL FACILITIES; TO CREATE A SPECIAL FUND ENTITLED "THE
5 INMATE INCENTIVE TO WORK PROGRAM FUND", WHICH SHALL BE FUNDED BY A
6 PORTION OF THE INMATE WELFARE FUND; TO AMEND SECTION 47-5-158,
7 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
8 FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** (1) (a) The Department of Corrections is
11 authorized to create the Inmate Incentive to Work Program. The
12 program shall be made available for eligible inmates housed in
13 state correctional facilities and shall provide certain pay upon
14 work performed in the program. The work offered by inmates shall
15 consist of a wide range of jobs that require varying skill levels.

16 (b) The department shall adopt rules and regulations as
17 necessary regarding the eligibility of the program as well as the
18 amount of payment to be received by inmates for their work.
19 Inmates who are unable to work or who are in cell confinement
20 shall not be eligible to participate in the program.



21 (2) There is hereby created a special fund to be known as
22 the "Inmate Incentive to Work Program Fund" to be maintained in a
23 bank to be selected by the Commissioner of the Department of
24 Corrections. It shall be the duty of the bank, so long as it
25 retains such deposits, to make monthly reports to the State
26 Treasurer of the State of Mississippi as to the condition of the
27 funds on deposit in the depository. Such funds shall be used for
28 the payment of inmates who are participants in the Inmate
29 Incentive to Work Program, and the fund shall be funded as
30 provided under Section 47-5-158(b).

31 **SECTION 2.** Section 47-5-158, Mississippi Code of 1972, is
32 amended as follows:

33 47-5-158. (1) The department is authorized to maintain a
34 bank account which shall be designated as the Inmate Welfare Fund.
35 All monies now held in a similar fund or in a bank account or
36 accounts for the benefit and welfare of inmates shall be deposited
37 into the Inmate Welfare Fund. This fund shall be used for the
38 benefit and welfare of inmates in the custody of the department
39 and shall be expended in accordance with any provisions or
40 restrictions in the regulations promulgated under subsection (7)
41 of this section.

42 (2) There shall be deposited into the Inmate Welfare Fund
43 interest previously earned on inmate deposits, all net profits
44 from the operation of inmate canteens, performances of the
45 Penitentiary band, interest earned on the Inmate Welfare Fund and



46 other revenues designated by the commissioner. All * * * monies
47 shall be deposited into the Inmate Welfare Fund as provided in
48 Section 7-9-21.

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

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

56 (b) Until July 1, 2008, twenty-five percent (25%) of
57 the inmate telephone call commissions shall be deposited into the
58 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,
59 thirty-five percent (35%) of the inmate telephone call commissions
60 shall be deposited into the Prison Agricultural Enterprise Fund.
61 The department may use these funds to supplement the Prison
62 Agricultural Enterprise Fund created in Section 47-5-66.

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

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

69 (5) The Deputy Commissioner for Administration and Finance
70 shall establish and implement internal accounting controls for the



71 Inmate Welfare Fund that comply with generally accepted accounting
72 principles and regulations of the Department of Finance and
73 Administration. The Deputy Commissioner for Administration and
74 Finance shall prepare and issue quarterly consolidated and
75 individual facility financial statements to the prison auditor of
76 the Joint Legislative Committee on Performance Evaluation and
77 Expenditure Review. The deputy commissioner shall prepare an
78 annual report which shall include a summary of expenditures from
79 the fund by major categories and by individual facility. This
80 annual report shall be sent to the prison auditor, the Legislative
81 Budget Office, the Chairman of the Corrections Committee of the
82 Senate, and the Chairman of the Corrections Committee of the House
83 of Representatives.

84 (6) (a) A portion of the Inmate Welfare Fund shall be
85 deposited in the Discharged Offenders Revolving Fund, as created
86 under Section 47-5-155, in amounts necessary to provide a balance
87 not to exceed One Hundred Thousand Dollars (\$100,000.00) in the
88 Discharged Offenders Revolving Fund, and shall be used to
89 supplement those amounts paid to discharged, paroled or pardoned
90 offenders from the department. The superintendent of the Parchman
91 facility shall establish equitable criteria for the making of
92 supplemental payments which shall not exceed Two Hundred Dollars
93 (\$200.00) for any offender. The supplemental payments shall be
94 subject to the approval of the commissioner. The State Treasurer
95 shall not be required to replenish the Discharged Offenders



96 Revolving Fund for the supplemental payments made to discharged,
97 paroled or pardoned offenders.

98 (b) A portion of the Inmate Welfare Fund shall be
99 deposited into the Inmate Incentive to Work Program Fund, as
100 created under Section 1 of this act, in amounts necessary to
101 provide a balance not to exceed One Million Dollars
102 (\$1,000,000.00) in the fund. Such fund shall be utilized to pay
103 inmates who are participants in the Inmate Incentive to Work
104 Program as created under Section 1 of this act.

105 (7) (a) The Inmate Welfare Fund Committee is hereby created
106 and shall be composed of nine (9) members: The Deputy
107 Commissioner for Community Corrections, the Deputy Commissioner of
108 Institutions, the Superintendent of the Parchman facility, the
109 Superintendent of the Rankin County facility, the Superintendent
110 of the Greene County facility, the State Treasurer, the State
111 Auditor, and two (2) members to be appointed by the Commissioner
112 of Corrections, one (1) of whom must have a relative incarcerated
113 by the department at the time of appointment and shall be a
114 representative of inmate families. The commissioner shall appoint
115 the chairman of the committee. The committee shall administer and
116 supervise the operations and expenditures from the Inmate Welfare
117 Fund and shall maintain an official minute book upon which shall
118 be spread its authorization and approval for all such
119 expenditures. The committee shall promulgate regulations
120 governing the use and expenditures of the fund.



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

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

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

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

143 **SECTION 3.** This act shall take effect and be in force from
144 and after July 1, 2022.

