H. B. No. 920

HOUSE BILL NO. 920

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

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

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

(b) The department shall adopt rules and regulations as necessary regarding the eligibility of the program as well as the amount of payment to be received by inmates for their work. Inmates who are unable to work or who are in cell confinement shall not be eligible to participate in the program.
There is hereby created a special fund to be known as the "Inmate Incentive to Work Program Fund" to be maintained in a bank to be selected by the Commissioner of the Department of Corrections. It shall be the duty of the bank, so long as it retains such deposits, to make monthly reports to the State Treasurer of the State of Mississippi as to the condition of the funds on deposit in the depository. Such funds shall be used for the payment of inmates who are participants in the Inmate Incentive to Work Program, and the fund shall be funded as provided under Section 47-5-158(b).

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

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

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

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

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

   (b) Until July 1, 2008, twenty-five percent (25%) of the inmate telephone call commissions shall be deposited into the 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.

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

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

(7) (a) The Inmate Welfare Fund Committee is hereby created and shall be composed of nine (9) members: The Deputy Commissioner for Community Corrections, the Deputy Commissioner of Institutions, the Superintendent of the Parchman facility, the Superintendent of the Rankin County facility, the Superintendent of the Greene County facility, the State Treasurer, the State Auditor, and two (2) members to be appointed by the Commissioner of Corrections, one (1) of whom must have a relative incarcerated by the department at the time of appointment and shall be a representative of inmate families. The commissioner shall appoint the chairman of the committee. The committee shall administer and 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.

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