

By: Representative Horan

To: Corrections

HOUSE BILL NO. 1052
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE DUTY OF THE DEPUTY COMMISSIONER FOR PROGRAMS, EDUCATION
3 AND REENTRY TO ADEQUATELY PREPARE ATTENDEES FOR EMPLOYMENT UPON
4 THEIR RELEASE; TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF
5 CORRECTIONS TO DESIGNATE A DEPUTY COMMISSIONER FOR WORKFORCE
6 DEVELOPMENT; TO PROVIDE THAT THE DEPUTY COMMISSIONER FOR WORKFORCE
7 DEVELOPMENT SHALL SERVE AS THE CHIEF EXECUTIVE OFFICER OF PRISON
8 INDUSTRIES AND DIRECTOR OF PRISON AGRICULTURAL ENTERPRISES; TO
9 PROVIDE ELIGIBILITY QUALIFICATIONS FOR THE DEPUTY COMMISSIONER FOR
10 WORKFORCE DEVELOPMENT; TO REQUIRE THE DEPUTY COMMISSIONER FOR
11 WORKFORCE DEVELOPMENT TO PERFORM CERTAIN DUTIES; TO AMEND SECTION
12 47-5-8, MISSISSIPPI CODE OF 1972, TO CREATE A DIVISION OF
13 WORKFORCE DEVELOPMENT WITHIN THE DEPARTMENT OF CORRECTIONS; TO
14 AMEND SECTION 47-5-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
15 THE DEPARTMENT OF CORRECTIONS IS ESTABLISHED AS A LOCAL
16 EDUCATIONAL AGENCY AND AN EDUCATIONAL SERVICE AGENCY FOR CERTAIN
17 PURPOSES; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 47-5-26, Mississippi Code of 1972, is
20 amended as follows:

21 47-5-26. (1) The commissioner shall employ the following
22 personnel:

23 (a) A Deputy Commissioner for Administration and
24 Finance, who shall supervise and implement all fiscal policies and
25 programs within the department, supervise and implement all hiring



26 and personnel matters within the department, supervise the
27 department's personnel director, supervise and implement all
28 purchasing within the department and supervise and implement all
29 data processing activities within the department, and who shall
30 serve as the Chief Executive Officer of the Division of
31 Administration and Finance. He shall possess either:

32 (i) A master's degree from an accredited four-year
33 college or university in public or business administration,
34 accounting, economics or a directly related field, and four (4)
35 years of experience in work related to the above-described duties,
36 one (1) year of which must have included line or functional
37 supervision; or

38 (ii) A bachelor's degree from an accredited
39 four-year college or university in public or business
40 administration, accounting, economics or a directly related field,
41 and six (6) years of experience in work related to the
42 above-described duties, one (1) year of which must have included
43 line or functional supervision. Certification by the State of
44 Mississippi as a certified public accountant may be substituted
45 for one (1) year of the required experience.

46 (b) A Deputy Commissioner for Community Corrections,
47 who shall initiate and administer programs, including, but not
48 limited to, supervision of probationers, parolees and
49 suspensioners, counseling, community-based treatment, interstate
50 compact administration and enforcement, prevention programs,



51 halfway houses and group homes, technical violation centers,
52 restitution centers, presentence investigations, and work and
53 educational releases, and shall serve as the Chief Executive
54 Officer of the Division of Community Services. The Deputy
55 Commissioner for Community Corrections is charged with full and
56 complete cooperation with the State Parole Board and shall make
57 monthly reports to the Chairman of the Parole Board in the form
58 and type required by the chairman, in his discretion, for the
59 proper performance of the probation and parole functions. After a
60 plea or verdict of guilty to a felony is entered against a person
61 and before he is sentenced, the Deputy Commissioner for Community
62 Corrections shall procure from any available source and shall file
63 in the presentence records any information regarding any criminal
64 history of the person such as fingerprints, dates of arrests,
65 complaints, civil and criminal charges, investigative reports of
66 arresting and prosecuting agencies, reports of the National Crime
67 Information Center, the nature and character of each offense,
68 noting all particular circumstances thereof and any similar data
69 about the person. The Deputy Commissioner for Community
70 Corrections shall keep an accurate and complete duplicate record
71 of this file and shall furnish the duplicate to the department.
72 This file shall be placed in and shall constitute a part of the
73 inmate's master file. The Deputy Commissioner for Community
74 Corrections shall furnish this file to the State Parole Board when
75 the file is needed in the course of its official duties. He shall



76 possess either: (i) a master's degree in counseling, corrections
77 psychology, guidance, social work, criminal justice or some
78 related field and at least four (4) years' full-time experience in
79 such field, including at least one (1) year of supervisory
80 experience; or (ii) a bachelor's degree in a field described in
81 subparagraph (i) of this paragraph and at least six (6) years'
82 full-time work in corrections, one (1) year of which shall have
83 been at the supervisory level.

84 (c) A Deputy Commissioner for Institutions, who shall
85 administer institutions, reception and diagnostic centers,
86 prerelease centers and other facilities and programs provided
87 therein, and shall serve as the Chief Executive Officer of the
88 Division of Institutions. He shall possess either: (i) a
89 master's degree in counseling, criminal justice, psychology,
90 guidance, social work, business or some related field, and at
91 least four (4) years' full-time experience in corrections,
92 including at least one (1) year of correctional management
93 experience; or (ii) a bachelor's degree in a field described in
94 subparagraph (i) of this paragraph and at least six (6) years'
95 full-time work in corrections, four (4) years of which shall have
96 been at the correctional management level.

97 (d) A Deputy Commissioner for Programs, Education * * *
98 and Reentry, * * * who shall initiate and administer programs,
99 including but not limited to, education services, religious
100 services, moral rehabilitation, alcohol and drug rehabilitation,



101 and court reentry. The Deputy Commissioner for Programs,
102 Education * * * and Reentry * * * may coordinate with any
103 educational institution to develop a program for moral
104 rehabilitation with an emphasis on promoting effective programs
105 for release. The Deputy Commissioner for Programs,
106 Education * * * and Reentry * * * shall focus on reentry programs
107 aimed at reducing recidivism * * *. The programs shall
108 incorporate a moral component focused on providing offenders with
109 an opportunity to make positive changes while incarcerated that
110 will enable them to be productive members of society upon their
111 release. Such deputy commissioner shall possess either:

112 (i) A master's degree in counseling, corrections,
113 psychology, guidance, social work, criminal justice or some
114 related field and at least four (4) years' full-time experience in
115 such field, including at least one (1) year of supervisory
116 experience; or

117 (ii) A bachelor's degree in a field described in
118 subparagraph (i) of this paragraph and at least six (6) years
119 full-time work in corrections, one (1) year of which shall have
120 been at the supervisory level.

121 (e) A Deputy Commissioner for Workforce Development who
122 shall serve as the Chief Executive Officer of Prison Industries
123 and Director of Prison Agricultural Enterprises. The Deputy
124 Commissioner for Workforce Development shall work in collaboration
125 with the Executive Director of the Office of Workforce Development



126 to implement workforce development programs within the corrections
127 system which align with the strategic plan for an integrated
128 workforce development system for the state, as described in
129 Section 37-153-7. Such deputy commissioner shall be a person with
130 extensive experience in development of economic, human and
131 physical resources, with an emphasis in the corrections or reentry
132 environments preferred. The Deputy Commissioner for Workforce
133 Development shall have at least a bachelor's degree from a
134 state-accredited institution and no less than eight (8) years of
135 professional experience related to workforce development. The
136 Deputy Commissioner for Workforce Development, with the assistance
137 from the Office of Workforce Development, shall:

138 (i) Inventory and measure the effectiveness of
139 current workforce development programs in the state corrections
140 system, with the goal of eliminating any programs which do not
141 result in desired outcomes, including, but not limited to, an
142 increase in employment in reentering offenders, a better
143 environment within correctional facilities in the state, or a
144 reduction in recidivism;

145 (ii) Partner with educational institutions to
146 provide additional opportunities in workforce development programs
147 for offenders leading to high-wage, high-skill jobs upon reentry;

148 (iii) Provide information, as appropriate, to
149 offenders on workforce development programs available within the
150 corrections system;



151 (iv) Work with industry to identify barriers which
152 inhibit offender reentry and employment and evaluate the
153 responsiveness of the corrections system and other support
154 entities to the needs of industry;

155 (v) Develop short- and long-term goals for the
156 state related to workforce development and reentry offender
157 employment within the corrections system, and

158 (vi) Perform a comprehensive review of workforce
159 development in the corrections system, including the amount
160 expended on programs supported by state or federal money and their
161 outcomes.

162 Out of the deputy commissioners employed under this
163 subsection (1), as set out in paragraphs (a) through (* * *e),
164 the commissioner shall designate one (1) of the commissioners as
165 an executive deputy commissioner who shall have the duties
166 prescribed under Section 47-5-8.

167 (2) The commissioner shall employ an administrative
168 assistant for parole matters who shall be selected by the State
169 Parole Board who shall be an employee of the department assigned
170 to the State Parole Board and who shall be located at the office
171 of the State Parole Board, and who shall work under the guidance,
172 supervision and direction of the board.

173 (3) The administrative assistant for parole matters shall
174 receive an annual salary to be established by the Legislature.
175 The salaries of department employees not established by the



176 Legislature shall receive an annual salary established by the
177 State Personnel Board.

178 (4) The commissioner shall employ a superintendent for the
179 Parchman facility, Central Mississippi Correctional Facility and
180 South Mississippi Correctional Institution of the Department of
181 Corrections. The Superintendent of the Mississippi State
182 Penitentiary shall reside on the grounds of the Parchman facility.
183 Each superintendent shall appoint an officer in charge when he is
184 absent.

185 Each superintendent shall develop and implement a plan for
186 the prevention and control of an inmate riot and shall file a
187 report with the Chairman of the Senate Corrections Committee and
188 the Chairman of the House Penitentiary Committee on the first day
189 of each regular session of the Legislature regarding the status of
190 the plan.

191 In order that the grievances and complaints of inmates,
192 employees and visitors at each facility may be heard in a timely
193 and orderly manner, each superintendent shall appoint or designate
194 an employee at the facility to hear grievances and complaints and
195 to report grievances and complaints to the superintendent. Each
196 superintendent shall institute procedures as are necessary to
197 provide confidentiality to those who file grievances and
198 complaints.

199 (5) For a one-year period beginning July 1, 2016, any person
200 authorized for employment under this section shall not be subject



201 to the rules, regulations and procedures of the State Personnel
202 Board, except as otherwise provided under Section 25-9-127(5).

203 **SECTION 2.** Section 47-5-8, Mississippi Code of 1972, is
204 amended as follows:

205 47-5-8. (1) There is created the Mississippi Department of
206 Corrections, which shall be under the policy direction of the
207 Governor. The chief administrative officer of the department
208 shall be the Commissioner of Corrections.

209 (2) (a) There shall be an Executive Deputy Commissioner who
210 shall be directly responsible to the Commissioner of Corrections
211 within the department who shall serve as the Commissioner of
212 Corrections in the absence of the Commissioner and shall assume
213 any and all duties that the Commissioner of Corrections assigns,
214 including, but not limited to, supervising all other deputy
215 commissioners. The salary of the Executive Deputy Commissioner
216 shall not exceed the salary of the Commissioner of Corrections.

217 (b) There shall be a Division of Administration and
218 Finance within the department, which shall have as its chief
219 administrative officer a Deputy Commissioner for Administration
220 and Finance who shall be appointed by the commissioner, and shall
221 be directly responsible to the commissioner.

222 (c) There shall be a Division of Community Corrections
223 within the department, which shall have as its chief
224 administrative officer a Deputy Commissioner for Community
225 Corrections, who shall be appointed by the commissioner, and shall



226 be directly responsible to the commissioner. The Probation and
227 Parole Board shall continue to exercise the authority as provided
228 by law, but after July 1, 1976, the Division of Community
229 Corrections shall serve as the administrative agency for the
230 Probation and Parole Board.

231 (d) There shall be a Division of Workforce Development
232 within the department, which shall have as its chief
233 administrative officer a Deputy Commissioner for Workforce
234 Development, who shall be appointed by the commissioner, and shall
235 be directly responsible to the commissioner.

236 (3) The department shall succeed to the exclusive control of
237 all records, books, papers, equipment and supplies, and all lands,
238 buildings and other real and personal property now or hereafter
239 belonging to or assigned to the use and benefit or under the
240 control of the Mississippi State Penitentiary and the Mississippi
241 Probation and Parole Board, except the records of parole process
242 and revocation and legal matters related thereto, and shall have
243 the exercise and control of the use, distribution and disbursement
244 of all funds, appropriations and taxes now or hereafter in
245 possession, levied, collected or received or appropriated for the
246 use, benefit, support and maintenance of these two (2) agencies
247 except as otherwise provided by law, and the department shall have
248 general supervision of all the affairs of the two (2) agencies
249 herein named except as otherwise provided by law, and the care and
250 conduct of all buildings and grounds, business methods and



251 arrangements of accounts and records, the organization of the
252 administrative plans of each institution, and all other matters
253 incident to the proper functioning of the two (2) agencies.

254 (4) The commissioner may lease the lands for oil, gas,
255 mineral exploration and other purposes, and contract with other
256 state agencies for the proper management of lands under such
257 leases or for the provision of other services, and the proceeds
258 thereof shall be paid into the General Fund of the state.

259 **SECTION 3.** Section 47-5-10, Mississippi Code of 1972, is
260 amended as follows:

261 47-5-10. (1) The department shall have the following powers
262 and duties:

263 (a) To accept adult offenders committed to it by the
264 courts of this state for incarceration, care, custody, treatment
265 and rehabilitation;

266 (b) To provide for the care, custody, study, training,
267 supervision and treatment of adult offenders committed to the
268 department;

269 (c) To maintain, administer and exercise executive and
270 administrative supervision over all state correctional
271 institutions and facilities used for the custody, training, care,
272 treatment and after-care supervision of adult offenders committed
273 to the department; provided, however, that such supervision shall
274 not extend to any institution or facility for which executive and



275 administrative supervision has been provided by law through
276 another agency;

277 (d) To plan, develop and coordinate a statewide,
278 comprehensive correctional program designed to train and
279 rehabilitate offenders in order to prevent, control and retard
280 recidivism;

281 (e) To maintain records of persons committed to it, and
282 to establish programs of research, statistics and planning:

283 (i) An offender's records shall include a single
284 cover sheet that contains the following information about the
285 offender: name, including any aliases; department inmate number;
286 social security number; photograph; court of conviction; cause
287 number; date of conviction; date of sentence; total number of days
288 in the department's custody or number of days creditable toward
289 time served on each charge; date of actual custody; and date of
290 any revocation of a suspended sentence;

291 (ii) The department shall maintain an offender's
292 cover sheet in the course of its regularly conducted business
293 activities and shall include an offender's cover sheet in each
294 request from a court, prosecutor or law enforcement agency for a
295 summary of an offender's records with the department, also known
296 as a "pen-pack." The cover sheet shall conform to Rules 803(6)
297 and 803(8) of the Mississippi Rules of Evidence for admission as
298 an exception to the hearsay rule and may be admissible when
299 properly authenticated according to evidentiary rules and when



300 offered for the purpose of enhanced sentencing under Section
301 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

302 (iii) This subsection is not intended to conflict
303 with an offender's right of confrontation in criminal proceedings
304 under the state or federal constitution;

305 (f) To investigate the grievances of any person
306 committed to the department, and to inquire into any alleged
307 misconduct by employees; and for this purpose it may issue
308 subpoenas and compel the attendance of witnesses and the
309 production of writings and papers, and may examine under oath any
310 witnesses who may appear before it;

311 (g) To administer programs of training and development
312 of personnel of the department;

313 (h) To develop and implement diversified programs and
314 facilities to promote, enhance, provide and assure the
315 opportunities for the successful custody, training and treatment
316 of adult offenders properly committed to the department or
317 confined in any facility under its control. Such programs and
318 facilities may include, but not be limited to, institutions, group
319 homes, halfway houses, diagnostic centers, work and educational
320 release centers, technical violation centers, restitution centers,
321 counseling and supervision of probation, parole, suspension and
322 compact cases, presentence investigating and other state and local
323 community-based programs and facilities;



324 (i) To receive, hold and use, as a corporate body, any
325 real, personal and mixed property donated to the department, and
326 any other corporate authority as shall be necessary for the
327 operation of any facility at present or hereafter;

328 (j) To provide those personnel, facilities, programs
329 and services the department shall find necessary in the operation
330 of a modern correctional system for the custody, care, study and
331 treatment of adult offenders placed under its jurisdiction by the
332 courts and other agencies in accordance with law;

333 (k) To develop the capacity and administrative network
334 necessary to deliver advisory consultation and technical
335 assistance to units of local government for the purpose of
336 assisting them in developing model local correctional programs for
337 adult offenders;

338 (l) To cooperate with other departments and agencies
339 and with local communities for the development of standards and
340 programs for better correctional services in this state;

341 (m) To administer all monies and properties of the
342 department;

343 (n) To report annually to the Legislature and the
344 Governor on the committed persons, institutions and programs of
345 the department;

346 (o) To cooperate with the courts and with public and
347 private agencies and officials to assist in attaining the purposes
348 of this chapter and Chapter 7 of this title. The department may



349 enter into agreements and contracts with other departments of
350 federal, state or local government and with private agencies
351 concerning the discharge of its responsibilities or theirs. The
352 department shall have the authority to accept and expend or use
353 gifts, grants and subsidies from public and private sources;

354 (p) To make all rules and regulations and exercise all
355 powers and duties vested by law in the department;

356 (q) The department may require a search of all persons
357 entering the grounds and facilities at the correctional system;

358 (r) To submit, in a timely manner, to the Oversight
359 Task Force established in Section 47-5-6 any reports required by
360 law or regulation or requested by the task force.

361 (s) To discharge any other power or duty imposed or
362 established by law.

363 (2) The department is hereby established as a Local
364 Educational Agency and an Educational Service Agency both as
365 defined in 34 CFR Section 300, to receive Title I, Part B funding
366 and other available funding and to provide educational services to
367 eligible incarcerated students. The department is authorized, if
368 necessary, to adopt policies and procedures to carry out its
369 responsibilities as a Local Educational Agency and an Educational
370 Service Agency.

371 **SECTION 4.** This act shall take effect and be in force from
372 and after July 1, 2022.

