SENATE BILL NO. 2437
(As Sent to Governor)

AN ACT TO AUTHORIZE THE CREATION OF A PILOT WORK INITIATIVE WITHIN THE MISSISSIPPI PRISON INDUSTRIES CORPORATION; AMEND SECTION 47-5-539, MISSISSIPPI CODE OF 1972, TO DEFINE TERMS; TO CREATE NEW SECTION 47-5-579, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE CREATION OF A PILOT WORK INITIATIVE FOR NO MORE THAN 25 INMATES; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS SHALL HAVE THE ULTIMATE AUTHORITY FOR OVERSIGHT OF THE ADMINISTRATION OF THE PILOT INITIATIVE; TO PROSCRIBE CERTAIN ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE PILOT INITIATIVE; TO PROHIBIT ANY INMATE SENTENCED FOR A SEX OFFENSE FROM PARTICIPATION IN THE PROGRAM; TO PROHIBIT ANY INMATE CONVICTED OF ESCAPE WITHIN THE PAST 5 YEARS FROM PARTICIPATION IN THE PROGRAM; TO REQUIRE THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO SELECT INMATES FOR ADMISSION TO THE PROGRAM; TO REQUIRE THE CORPORATION, IN CONSULTATION WITH THE DEPARTMENT, TO ADOPT AND PROMULGATE RULES TO EFFECTUATE THIS SECTION; TO REQUIRE THE INMATE TO MAINTAIN A BANK ACCOUNT; TO ESTABLISH CERTAIN RULES CONCERNING THE INMATE'S DISBURSEMENT OF FUNDS; TO REQUIRE THE CHIEF EXECUTIVE OFFICER OF THE CORPORATION TO COLLECT AND MAINTAIN DATA TO SHARE WITH PEER AND THE COLLECTION AND CRIMINAL JUSTICE OVERSIGHT TASK FORCE; TO REQUIRE PEER TO CONDUCT A REVIEW OF THE PILOT WORK INITIATIVE; TO AMEND SECTIONS 47-5-1251 AND 97-9-49, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-539, Mississippi Code of 1972, is amended as follows:
47-5-539. For the purposes of Sections 47-5-531 through
47-5-575, the following terms shall have the following * * * meaning unless the context shall provide otherwise:

(a) "Chief executive officer" means the chief executive
officer of the corporation established under this chapter.

(* * *b) "Corporation" means the private nonprofit
corporation which is required to be organized and formed to carry
out the provisions of Sections 47-5-531 through 47-5-575 regarding
prison industries.

(* * *c) "Department" means the State Department of
Corrections.

(* * *d) "Inmate" means any person incarcerated within
any state correctional facility.

(* * *e) "Prison industry program" means any program
which is considered to be a part of any prison industry in this
state.

(* * *f) "Prison agricultural enterprises" means all
agricultural endeavors as defined in Section 47-5-353.

(g) "Work Initiative" or "initiative" means the program
authorized in Section 47-5-579.

SECTION 2. The following shall be codified as Section
47-5-579, Mississippi Code of 1972:

47-5-579. (1) (a) The corporation is authorized to create
a Pilot Work Initiative at the Central Mississippi Correctional
Facility. The initiative shall be limited to no more than
twenty-five (25) inmates in the program at any given time.

(b) The department shall:

(i) Have the ultimate authority for oversight of
the administration of the initiative;

(ii) Delegate the administration of the initiative
to the corporation; and

(iii) Oversee the selection of inmates for
admission to the initiative.

(2) (a) An inmate is eligible for participation in the
initiative if the inmate has:

(i) No more than two (2) years remaining on the
inmate's sentence;

(ii) Not been convicted under Section 97-9-49
within the last five (5) years; and

(iii) Not been sentenced for a sex offense as
defined in Section 45-33-23(h).

(b) Any inmate that meets the eligibility requirements
of paragraph (a) may request assignment to the work initiative
established under this section.

(3) (a) The commissioner shall select inmates for admission
to the program.

(b) An inmate currently participating in vocational
training or a soft skills training program with the department
shall have priority in admission to the program.
(4) (a) The chief executive officer may authorize the
inmate to participate in educational or other rehabilitative
programs designed to supplement his work initiative employment or
to prepare the person for successful reentry.

(b) Before accepting any participants to the program,
the corporation, in consultation with the department, shall adopt
and publish rules and regulations to effectuate this section no
later than six (6) months after the effective date of this
section. These rules and regulations shall include all protection
requirements for work release programs established pursuant to
Sections 47-5-451 through 47-5-471. Participating employers shall
pay no less than the prevailing wage for the position and shall
under no circumstance pay less than the federal minimum wage.

(5) Any inmate assigned to the initiative who, without
proper authority or just cause, leaves the area to which he has
been assigned to work or attend educational or other
rehabilitative programs, or leaves the vehicle or route of travel
involved in his or her going to or returning from such place, will
be guilty of escape as provided in Section 97-9-49. An offender
who is convicted under Section 97-9-49 shall be ineligible for
further participation in the work initiative during his or her
current term of confinement.

(6) (a) The inmate shall maintain an account through a
local financial institution and shall provide a copy of a check
stub to the chief executive officer.
(b) The inmate shall be required:

(i) To pay twenty-five percent (25%) of the inmate's wages after mandatory deductions for the following purposes:

1. To pay support of dependents or to the Mississippi Department of Human Services on behalf of dependents as may be ordered by a judge of competent jurisdiction; and

2. To pay any fines, restitution, or costs as ordered by the court to include any fines and fees associated with obtaining a valid driver's license upon release.

(ii) To pay ten percent (10%) of the inmate's wages to the corporation for administrative expenses to include transportation costs.

(iii) To save fifty percent (50%) of the inmate's wages in the account required under paragraph (a) of this subsection. Monies under this sub-item shall be made available to the inmate upon parole or release.

(c) The inmate shall have access to the remaining fifteen percent (15%) of the monies in the inmate's account to purchase incidental expenses.

(7) The chief executive officer of the corporation shall collect and maintain data which shall be shared semiannually with the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and the Corrections and Criminal Justice Oversight Task Force in sortable electronic format. The first
report shall be made on January 15, 2023, and in six-month intervals thereafter unless PEER establishes a different schedule.

The data shall include:

(a) Total number of participants at the beginning of each month by race, gender, and offenses charged;

(b) Total number of participants at the end of each month by race, gender, and offenses charged;

(c) Total number of participants who began the program in each month by race, gender, and offenses charged;

(d) Total number of participants who successfully completed the program in each month by race, gender, and offenses charged;

(e) Total number of participants who left the program in each month and reason for leaving by race, gender, and offenses charged;

(f) Total number of participants who were arrested for a new criminal offense while in the program in each month by race, gender and offenses charged;

(g) Total number of participants who were convicted of a new crime while in the program in each month by race, gender and offenses charged;

(h) Total number of participants who completed the program and were convicted of a new crime within three (3) years of completing the program;
(i) Total amount earned by participants and how the earnings were distributed in each month;
(j) Results of any initial risk and needs assessments conducted on each participant by race, gender, and offenses charged;
(k) Total list of participating employers;
(l) Total list of jobs acquired by participants;
(m) Total list the hourly wage paid to each participant;
(n) Total accounting of the manner and use of the ten percent (10%) of the wages paid to the corporation by the inmate for administrative expenses;
(o) Total costs associated with program operations;
(p) Total list of participating financial institutions;
(q) The number of accounts opened by participants at financial institutions;
(r) The average hourly wage earned in the program; and
(s) Any other data or information as requested by the task force.

(8) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall conduct a review of the initiative established under this section and produce a report to the Legislature on their effectiveness by January 1, 2024. The PEER Committee shall seek the assistance of the Corrections and
Criminal Justice Task Force and may seek assistance from any other criminal justice experts it deems necessary during its review.

(9) This section shall stand repealed on July 1, 2024.

SECTION 3. Section 47-5-1251, Mississippi Code of 1972, is amended as follows:

47-5-1251. (1) There is created the "Prison Industry Enhancement Program," through which the Department of Corrections may contract with the nonprofit corporation organized and formed under the "Mississippi Prison Industries Act of 1990" to employ offenders within the custody of the department or prison industries.

(2) Except as provided in Section 47-5-579, which is the provision authorizing a Work Initiative, the offenders must be under the supervision of the department at all times while working. The offenders shall be paid, by the entity or entities, wages at a rate which is not less than that paid for similar work in the locality in which the work is performed. The wages may be subject to deductions which shall not, in the aggregate, exceed eighty percent (80%) of gross wages. The deductions shall be limited to the following:

(a) To pay federal, state and local taxes;

(b) To pay reasonable charges for room and board as determined by regulations issued by the Commissioner of Corrections;
(c) To support the offender's family pursuant to state statute, court order or agreement by the offender; and

(d) To pay contributions equaling not less than five percent (5%) but not more than twenty percent (20%) of the offender's gross wages into the Crime Victims' Compensation Fund as created in Section 99-41-29.

(***3) Notwithstanding any other provision of the law to the contrary, the offenders shall not be qualified to receive any payments for unemployment compensation while incarcerated.

However, the offenders shall not solely by their status as offenders be deprived of the right to participate in benefits made available by the federal or state government to other individuals on the basis of their employment, such as workers' compensation.

(***4) Offenders who participate in the employment must do so voluntarily and must agree in advance to the specific deductions made from gross wages pursuant to this section and to all other financial arrangements or benefits resulting from participation in the employment.

(***5) The Department of Corrections shall develop rules and regulations to meet the criteria established by the Bureau of Justice Assistance under the Prison Industry Enhancement Certification Program.

SECTION 4. Section 97-9-49, Mississippi Code of 1972, is amended as follows:
97-9-49. (1) (a) Whoever escapes or attempts by force or violence to escape from any jail in which he is confined, or from any custody under or by virtue of any process issued under the laws of the State of Mississippi by any court or judge, or from the custody of a sheriff or other peace officer pursuant to lawful arrest or from the assigned area of a work release program or work initiative, shall, upon conviction, if the confinement or custody is by virtue of an arrest on a charge of felony, or conviction of a felony, be punished by imprisonment in the penitentiary not exceeding five (5) years to commence at the expiration of his former sentence, or, if the confinement or custody is by virtue of an arrest of or charge for or conviction of a misdemeanor, be punished by imprisonment in the county jail not exceeding one (1) year to commence at the expiration of the sentence which the court has imposed or which may be imposed for the crime for which he is charged.

(b) Whoever escapes or attempts by force or violence to escape from any confinement for contempt of court, shall, upon conviction, be found guilty of a misdemeanor and sentenced to imprisonment not to exceed six (6) months in the county jail.

(2) Anyone confined in any jail who is entrusted by any authorized person to leave the jail for any purpose and who willfully fails to return to the jail within the stipulated time, or after the accomplishment of the purpose for which he was
entrusted to leave, shall be an escapee and shall be subject to the penalties provided in subsection (1).

SECTION 5. This act shall take effect and be in force from and after July 1, 2022.