

By: Senator(s) Hopson, Polk, Wiggins,
Hickman, Tate

To: Appropriations

SENATE BILL NO. 3013

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR
3 FISCAL YEAR 2023.

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

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, 2022, and ending June 30, 2023
10 \$ 319,144,993.00.

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, 2022, and ending
17 June 30, 2023 \$ 22,777,822.00.



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	\$	22,767,422.00
26	Special Funds		<u>4,448,957.00</u>
27	Total	\$	27,216,379.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time	163
30		Part Time	0
31	Time-Limited:	Full Time	9
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>2,183,073.00</u>
39	Total	\$	2,183,073.00

40 AUTHORIZED POSITIONS:

41	Permanent:	Full Time	5
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 \$ 708,060.00
50 Special Funds 0.00
51 Total \$ 708,060.00

52 AUTHORIZED POSITIONS:

53 Permanent: Full Time 8
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 \$ 55,753,370.00
62 Special Funds 0.00
63 Total \$ 55,753,370.00

64 AUTHORIZED POSITIONS:

65 Permanent: Full Time 0
66 Part Time 0
67 Time-Limited: Full Time 0



68 Part Time 0

69 **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	\$	75,436,021.00
74	Special Funds		<u>266,174.00</u>
75	Total	\$	75,702,195.00

76 AUTHORIZED POSITIONS:

77	Permanent:	Full Time	0
78		Part Time	0
79	Time-Limited:	Full Time	2
80		Part Time	0

81 **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	\$	43,850,472.00
86	Special Funds		<u>0.00</u>
87	Total	\$	43,850,472.00

88 AUTHORIZED POSITIONS:

89	Permanent:	Full Time	0
90		Part Time	0
91	Time-Limited:	Full Time	0
92		Part Time	0



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LOCAL CONFINEMENT

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

FUNDING:

General Funds	\$	7,438,367.00
Special Funds		<u>0.00</u>
Total	\$	7,438,367.00

AUTHORIZED POSITIONS:

Permanent: Full Time	0
Part Time	0
Time-Limited: Full Time	0
Part Time	0

COMMUNITY CORRECTIONS

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

FUNDING:

General Funds	\$	21,389,794.00
Special Funds		<u>10,888,142.00</u>
Total	\$	32,277,936.00

AUTHORIZED POSITIONS:

Permanent: Full Time	476
Part Time	0
Time-Limited: Full Time	72
Part Time	0

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	\$	27,007,235.00
122	Special Funds		<u>1,446,839.00</u>
123	Total	\$	28,454,074.00

124 AUTHORIZED POSITIONS:

125	Permanent:	Full Time	530
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	\$	29,350,146.00
134	Special Funds		<u>2,090,578.00</u>
135	Total	\$	31,440,724.00

136 AUTHORIZED POSITIONS:

137	Permanent:	Full Time	505
138		Part Time	9
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	\$	20,038,937.00
146	Special Funds		<u>1,454,059.00</u>
147	Total	\$	21,492,996.00

148 AUTHORIZED POSITIONS:

149	Permanent:	Full Time	347
150		Part Time	0
151	Time-Limited:	Full Time	3
152		Part Time	0

153 **Marshall County Correctional**

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

156 FUNDING:

157	General Funds	\$	8,674,362.00
158	Special Funds		<u>0.00</u>
159	Total	\$	8,674,362.00

160 AUTHORIZED POSITIONS:

161	Permanent:	Full Time	96
162		Part Time	0
163	Time-Limited:	Full Time	0
164		Part Time	0

165 **Walnut Grove Correctional**



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

168 FUNDING:

169	General Funds	\$ 6,730,807.00
170	Special Funds	<u>0.00</u>
171	Total	\$ 6,730,807.00

172 AUTHORIZED POSITIONS:

173	Permanent: Full Time	81
174	Part Time	0
175	Time-Limited: Full Time	0
176	Part Time	0

177 With the funds herein appropriated, it shall be the agency's
178 responsibility to make certain that funds required for "Personal
179 Services" for Fiscal Year 2024 do not exceed Fiscal Year 2023
180 funds appropriated for that purpose unless programs or positions
181 are added to the agency's Fiscal Year 2023 budget by the
182 Mississippi Legislature. The Legislature shall determine the
183 agency's personal services appropriation, which shall be published
184 by the State Personnel Board. Additionally, the State Personnel
185 Board shall determine and publish the projected annualized payroll
186 costs based on current employees. It shall be the responsibility
187 of the agency head to ensure that actual personnel expenditures
188 for Fiscal Year 2023 do not exceed the data provided by the
189 Legislative Budget Office. If the agency's Fiscal Year 2023
190 projected cost exceeds the annualized costs, no salary actions



191 shall be processed by the State Personnel Board with the exception
192 of new hires that are determined to be essential for the agency.

193 Any transfers or escalations shall be made in accordance with
194 the terms, conditions and procedures established by law or
195 allowable under the terms set forth within this act. The State
196 Personnel Board shall not escalate positions without written
197 approval from the Department of Finance and Administration. The
198 Department of Finance and Administration shall not provide written
199 approval to escalate any funds for salaries and/or positions
200 without proof of availability of new or additional funds above the
201 appropriated level.

202 No general funds authorized to be expended herein shall be
203 used to replace federal funds and/or other special funds which are
204 being used for salaries authorized under the provisions of this
205 act and which are withdrawn and no longer available.

206 None of the funds herein appropriated shall be used in
207 violation of Internal Revenue Service's Publication 15-A relating
208 to the reporting of income paid to contract employees, as
209 interpreted by the Office of the State Auditor.

210 Funds have been appropriated herein for the purpose of
211 funding Project SEC2 minimum salaries for all employees covered
212 under the Colonel Guy Groff/Neville Kenning Variable Compensation
213 Plan. It shall be the agency's responsibility to ensure that the
214 funds are used to increase all employees' salaries up to the
215 minimum level as determined by the State Personnel Board.



216 **SECTION 4.** The Commissioner of the Mississippi Department of
 217 Corrections is hereby authorized to transfer spending authority
 218 between and within budgets, both positions and funds, in an amount
 219 not to exceed twenty-five percent (25%) of the authorized budgets
 220 in the aggregate. It is further the intention of the Legislature
 221 that the Department of Corrections shall submit written
 222 justification for the transfer to the Legislative Budget Office
 223 and the Department of Finance and Administration on or before the
 224 fifteenth of the month prior to the effective date of the
 225 transfer.

226 **SECTION 5.** In compliance with the "Mississippi Performance
 227 Budget and Strategic Planning Act of 1994," it is the intent of
 228 the Legislature that the funds provided herein shall be utilized
 229 in the most efficient and effective manner possible to achieve the
 230 intended mission of this agency. Based on the funding authorized,
 231 this agency shall make every effort to attain the targeted
 232 performance measures provided below:

	FY2023
<u>Performance Measures</u>	<u>Target</u>
General Administration	
Support as a Percent of Total Budget	10.30
Number of State Prisoners per 100,000	
Population (Includes Only Inmates	
Sentenced to More Than a Year)	585
Average Annual Incarceration Cost per Inmate	50.63



241	Percent of Offenders Returning to	
242	Incarceration with 3 Years of Release	36.00
243	Farming Operations	
244	Annual Income from Farm Sales	1,251,034.00
245	Parole Board	
246	Number of Inmates Paroled	5,275
247	Private Prisons	
248	Number of ABE Program Slots Available	510
249	Number of VOC-ED Program Slots Available	174
250	Number of A&D Program Slots Available	125
251	Medical Services	
252	Number of Inmate Days in a Hospital	5,130
253	Regional Facilities	
254	Number of ABE Program Slots Available	585
255	Number of VOC-ED Program Slots Available	700
256	Number of A&D Program Slots Available	445
257	Probation/parole	
258	Recidivism Rate within 12 Months of	
259	Release to Field Supervision (%)	10.00
260	Recidivism Rate within 36 Months of	
261	Release to Field Supervision (%)	14.00
262	Community Work Centers	
263	Recidivism Rate within 12 Months of	
264	Release (%)	10.30
265	Recidivism Rate within 36 Months of	



266	Release (%)	20.00
267	Restitution Centers	
268	Recidivism Rate within 12 Months (%)	16.80
269	Recidivism Rate within 36 Months (%)	35.50
270	Local Confinement	
271	Number of Inmates Housed in County Jails	
272	(Inmate Days)	503,327
273	Institutional Security	
274	Number of Assaults on Inmates per 100	
275	Inmates	20
276	Number of Assaults on Officers per 100	
277	Officers	31
278	Youthful Offender School	
279	Recidivism Rate within 12 Months of	
280	Release (%)	24.00
281	Recidivism Rate within 36 Months of	
282	Release (%)	50.00
283	Evidenced Based Intervention	
284	Recidivism Rate for Inmates who Complete	
285	the ABE Program (%)	20.20
286	Recidivism Rate for Inmates who Complete	
287	a Vocational Program (%)	19.00
288	Recidivism Rate for Inmates who Complete	
289	the A&D Program (%)	19.22
290	Percent of Offenders Possessing GED	



291	Certificate or High School Diploma at	
292	Time of Release	40.00
293	Percent of Offenders Obtaining	
294	Marketable Job Skills During	
295	Incarceration	6.48

296 A reporting of the degree to which the performance targets
297 set above have been or are being achieved shall be provided in the
298 agency's budget request submitted to the Joint Legislative Budget
299 Committee for Fiscal Year 2024.

300 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
301 none shall be expended for personnel housing under the
302 jurisdiction of the Department of Corrections unless the
303 department shall collect a reasonable rent, after a finding of
304 fact as to what is a reasonable rent, and/or the cost of utilities
305 furnished to said housing. The Department of Corrections shall
306 not pay for the installation or monthly service of any telephone
307 installed in a staff residence under its jurisdiction.

308 It is further the intention of the Legislature that none of
309 the funds provided herein shall be used to pay certain utilities
310 for state-furnished housing for any employees. Such utilities
311 shall include electricity, natural gas, butane, propane and cable
312 services. Where actual cost cannot be determined, the agency
313 shall be required to provide meters to be in compliance with
314 legislative intent. Such state-furnished housing shall include
315 single-family and multifamily residences but shall not include any



316 dormitory residences. Allowances for such utilities shall be
317 prohibited.

318 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
319 and authorized for expenditure in Section 3, payment may be
320 authorized for court-ordered attorney fees and any accrued
321 interest subject to the approval of the Office of the Attorney
322 General.

323 **SECTION 8.** None of the money herein appropriated shall be
324 paid to any person who by the provision of Section 47-5-47,
325 Mississippi Code of 1972, as amended, is prohibited from being an
326 employee of the Mississippi Department of Corrections. The State
327 Department of Finance and Administration shall at least annually
328 make a report to the Joint Legislative Committee on Performance
329 Evaluation and Expenditure Review and to the Attorney General
330 stating the name of any person prohibited under the provisions of
331 Section 47-5-47, Mississippi Code of 1972, as amended, from being
332 an employee of the Mississippi Department of Corrections who has
333 during the preceding year received any money herein appropriated.
334 In the event that any such person prohibited as hereinabove
335 provided from receiving funds herein appropriated should receive
336 any of said funds, the Attorney General shall immediately commence
337 action to recover the monies so paid to said person and to enjoin
338 the further employment of said person at the Mississippi
339 Department of Corrections.



340 **SECTION 9.** It is the intent of the Legislature that all
341 prisoners at Parchman shall work a minimum of eight (8) hours per
342 day, excluding prisoners with a physical disability or those
343 incarcerated in maximum security.

344 **SECTION 10.** It is the intention of the Legislature that the
345 per diem rates paid to regional facilities shall not exceed
346 Thirty-one Dollars (\$31.00) per inmate. All regional facilities
347 shall continue to receive the annual three percent (3%) increase
348 in the per diem rate as authorized in Section 47-5-933,
349 Mississippi Code of 1972, however, in no event shall any regional
350 facility's per diem rate exceed Thirty-one Dollars (\$31.00) per
351 inmate.

352 **SECTION 11.** The department or its contracted medical
353 provider will pay to a provider of a medical service for any and
354 all incarcerated persons from a correctional or detention facility
355 an amount based upon negotiated fees as agreed to by the medical
356 care service providers and the department and/or its contracted
357 medical provider. In the absence of a negotiated discounted fee
358 schedule, medical care service providers will be paid by the
359 department or its contracted medical service provider an amount no
360 greater than the reimbursement rate applicable based on the
361 Mississippi Medicaid reimbursement rate. This limitation applies
362 to all medical care services, durable and nondurable goods,
363 prescription drugs and medications provided to any and all
364 incarcerated persons outside of the correctional or detention



365 facility. None of the monies appropriated herein may be used to
366 pay for cosmetic medical procedures for any prisoner. Cosmetic
367 medical procedure means any medical procedure performed in order
368 to change an individual's appearance without significantly serving
369 to prevent or treat illness or disease or to promote proper
370 functioning of the body.

371 **SECTION 12.** It is the intention of the Legislature that the
372 Commissioner of the Mississippi Department of Corrections shall
373 have the authority to transfer cash from one special fund treasury
374 fund to another special fund treasury fund under the control of
375 the Department of Corrections. The purpose of this authority is
376 to more efficiently use available cash reserves. It is further
377 the intention of the Legislature that the Department of
378 Corrections shall submit written justification for the transfer to
379 the Legislative Budget Office and the Department of Finance and
380 Administration on or before the fifteenth of the month prior to
381 the effective date of the transfer.

382 **SECTION 13.** It is the intention of the Legislature that
383 whenever two (2) or more bids are received by this agency for the
384 purchase of commodities or equipment, and whenever all things
385 stated in such received bids are equal with respect to price,
386 quality and service, the Mississippi Industries for the Blind
387 shall be given preference. A similar preference shall be given to
388 the Mississippi Industries for the Blind whenever purchases are
389 made without competitive bids.



390 **SECTION 14.** It is the intention of the Legislature that all
391 funds held by the Inmate Welfare Fund be placed in a treasury fund
392 effective July 1, 2022. Of the amounts appropriated in Section 2,
393 an amount not exceeding Six Million Dollars (\$6,000,000.00) shall
394 be available for expenditure in the Inmate Welfare Fund. Of these
395 funds, Five Hundred Thousand Dollars (\$500,000.00) shall be used
396 to provide for transitional housing and post release reentry
397 programs.

398 **SECTION 15.** It is the intention of the Legislature that the
399 Mississippi Department of Corrections shall maintain complete
400 accounting and personnel records related to the expenditure of all
401 funds appropriated under this act and that such records shall be
402 in the same format and level of detail as maintained for Fiscal
403 Year 2022. It is further the intention of the Legislature that
404 the agency's budget request for Fiscal Year 2024 shall be
405 submitted to the Joint Legislative Budget Committee in a format
406 and level of detail comparable to the format and level of detail
407 provided during the Fiscal Year 2023 budget request process.

408 **SECTION 16.** It is the intention of the Legislature for the
409 Mississippi Department of Corrections to manage funds budgeted and
410 allocated. In so doing, the commissioner of the department shall
411 have the authority to amend, extend and/or renew the term of any
412 lease agreement or any inmate housing agreement in connection with
413 a correctional facility. Notwithstanding any statutory limits to
414 the contrary, such amendment, extension and/or renewal may be for



415 a length of time up to and including ten (10) years as is
416 necessary for the continued operations of such facilities and
417 implementation of the department's duties and responsibilities in
418 accordance with Title 47 of the Mississippi Code of 1972, as
419 amended.

420 **SECTION 17.** With the funds herein appropriated, it is the
421 intent of the Legislature that upon vouchers submitted by the
422 board of supervisors of any county housing offenders in county
423 jails pending a probation or parole revocation hearing, the
424 department shall pay the reimbursement costs as provided for in
425 Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by
426 House Bill No. 585, 2014 Regular Session.

427 **SECTION 18.** With the funds herein appropriated, it is the
428 intent of the Legislature, that for Fiscal Year 2023, the
429 Department of Corrections shall reimburse municipalities, up to
430 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
431 inmates in any jail facility based on time served for the
432 conviction of larceny, shoplifting, or related convictions where
433 the value of the property taken is Five Hundred Dollars (\$500.00)
434 or more but is equal to or less than One Thousand Dollars
435 (\$1,000.00). A copy of the court abstract of record and the jail
436 docket shall be provided to show the total number of days an
437 individual was incarcerated in said jail facility. The
438 reimbursement shall be payable back to the municipality upon
439 receipt of required documentation and an invoice. Total



440 reimbursements resulting from this section shall not exceed One
441 Hundred Twenty-five Thousand Dollars (\$125,000.00).

442 **SECTION 19.** Of the funds appropriated under the provisions
443 of Section 2, funds may be expended to defray the costs of
444 clothing for sworn nonuniform law enforcement officers in an
445 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
446 officer.

447 **SECTION 20.** Of the funds appropriated in Section 1, it is
448 the intention of the Legislature that Five Hundred Ten Thousand
449 Two Hundred Sixty-one Dollars (\$510,261.00) shall be allocated to
450 Victim's Notification Programs supported by General Fund court
451 assessments.

452 **SECTION 21.** The money herein appropriated shall be paid by
453 the State Treasurer out of any money in the State Treasury to the
454 credit of the proper fund or funds as set forth in this act, upon
455 warrants issued by the State Fiscal Officer; and the State Fiscal
456 Officer shall issue his warrants upon requisitions signed by the
457 proper person, officer or officers, in the manner provided by law.

458 **SECTION 22.** This act shall take effect and be in force from
459 and after July 1, 2022, and shall stand repealed from and after
460 June 30, 2022.

