

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

To: Appropriations

SENATE BILL NO. 3013
(As Sent to Governor)

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\$ 362,878,248.00.

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.....\$ 28,751,205.00.



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.....	\$	28,188,748.00
26 Special Funds.....		<u>8,093,889.00</u>
27 Total.....	\$	36,282,637.00

28 **AUTHORIZED HEADCOUNT:**

29 Permanent:	188
30 Time-Limited:	8

31 **FARMING OPERATIONS**

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

34 **FUNDING:**

35 General Funds.....	\$	0.00
36 Special Funds.....		<u>2,415,027.00</u>
37 Total.....	\$	2,415,027.00

38 **AUTHORIZED HEADCOUNT:**

39 Permanent:	8
40 Time-Limited:	0

41 **PAROLE BOARD**



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

44 FUNDING:

45	General Funds.....	\$	770,161.00
46	Special Funds.....		<u>0.00</u>
47	Total.....	\$	770,161.00

48 AUTHORIZED HEADCOUNT:

49	Permanent:	8
50	Time-Limited:	0

51 **PRIVATE PRISONS**

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

54 FUNDING:

55	General Funds.....	\$	58,309,374.00
56	Special Funds.....		<u>0.00</u>
57	Total.....	\$	58,309,374.00

58 AUTHORIZED HEADCOUNT:

59	Permanent:	0
60	Time-Limited:	0

61 **MEDICAL SERVICES**

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

64 FUNDING:

65	General Funds.....	\$	78,288,021.00
66	Special Funds.....		<u>375,447.00</u>



67 Total.....\$ 78,663,468.00

68 AUTHORIZED HEADCOUNT:

69 Permanent: 1

70 Time-Limited: 2

71 REGIONAL FACILITIES

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

74 FUNDING:

75 General Funds.....\$ 43,850,472.00

76 Special Funds..... 0.00

77 Total.....\$ 43,850,472.00

78 AUTHORIZED HEADCOUNT:

79 Permanent: 0

80 Time-Limited: 0

81 LOCAL CONFINEMENT

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

84 FUNDING:

85 General Funds.....\$ 10,064,537.00

86 Special Funds..... 0.00

87 Total.....\$ 10,064,537.00

88 AUTHORIZED HEADCOUNT:

89 Permanent: 0

90 Time-Limited: 0

91 COMMUNITY CORRECTIONS



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

94 FUNDING:

95	General Funds.....	\$	28,210,513.00
96	Special Funds.....		<u>12,875,366.00</u>
97	Total.....	\$	41,085,879.00

98 AUTHORIZED HEADCOUNT:

99	Permanent:	578
100	Time-Limited:	83

101 **CENTRAL MISSISSIPPI CORRECTIONAL**

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

104 FUNDING:

105	General Funds.....	\$	32,139,354.00
106	Special Funds.....		<u>1,446,839.00</u>
107	Total.....	\$	33,586,193.00

108 AUTHORIZED HEADCOUNT:

109	Permanent:	635
110	Time-Limited:	5

111 **PARCHMAN**

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

114 FUNDING:

115	General Funds.....	\$	34,963,207.00
116	Special Funds.....		<u>2,090,578.00</u>



117 Total.....\$ 37,053,785.00

118 AUTHORIZED HEADCOUNT:

119 Permanent: 701

120 Time-Limited: 9

121 **SOUTH MISSISSIPPI CORRECTIONAL**

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

124 FUNDING:

125 General Funds.....\$ 25,458,959.00

126 Special Funds..... 1,454,059.00

127 Total.....\$ 26,913,018.00

128 AUTHORIZED HEADCOUNT:

129 Permanent: 497

130 Time-Limited: 4

131 **Marshall County Correctional**

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

134 FUNDING:

135 General Funds.....\$ 11,429,406.00

136 Special Funds..... 0.00

137 Total.....\$ 11,429,406.00

138 AUTHORIZED HEADCOUNT:

139 Permanent: 153

140 Time-Limited: 0

141 **Walnut Grove 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.....	\$	11,205,496.00
146	Special Funds.....		<u>0.00</u>
147	Total.....	\$	11,205,496.00

148 AUTHORIZED HEADCOUNT:

149 Permanent: 170
150 Time-Limited: 0

151 With the funds herein appropriated, it shall be the agency's
152 responsibility to make certain that funds required for Personal
153 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
154 appropriated for that purpose unless programs or positions are
155 added to the agency's Fiscal Year 2023 budget by the Mississippi
156 Legislature. The Legislature shall determine the agency's
157 personal services appropriation, which shall be published by the
158 State Personnel Board. Additionally, the State Personnel Board
159 shall determine and publish the projected annualized payroll costs
160 based on current employees. It shall be the responsibility of the
161 agency head to ensure that actual personnel expenditures for
162 Fiscal Year 2023 do not exceed the data provided by the
163 Legislative Budget Office. If the agency's Fiscal Year 2023
164 projected cost exceeds the annualized costs, no salary actions
165 shall be processed by the State Personnel Board with the exception
166 of new hires that are determined to be essential for the agency.



167 Any transfers or escalations shall be made in accordance with
168 the terms, conditions and procedures established by law or
169 allowable under the terms set forth within this act. The State
170 Personnel Board shall not escalate positions without written
171 approval from the Department of Finance and Administration. The
172 Department of Finance and Administration shall not provide written
173 approval to escalate any funds for salaries and/or positions
174 without proof of availability of new or additional funds above the
175 appropriated level.

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

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

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

190 **SECTION 4.** The Commissioner of the Mississippi Department of
191 Corrections is hereby authorized to transfer spending authority



192 between and within budgets, both positions and funds, in an amount
 193 not to exceed twenty-five percent (25%) of the authorized budgets
 194 in the aggregate. It is further the intention of the Legislature
 195 that the Department of Corrections shall submit written
 196 justification for the transfer to the Legislative Budget Office
 197 and the Department of Finance and Administration on or before the
 198 fifteenth of the month prior to the effective date of the
 199 transfer.

200 **SECTION 5.** In compliance with the "Mississippi Performance
 201 Budget and Strategic Planning Act of 1994," it is the intent of
 202 the Legislature that the funds provided herein shall be utilized
 203 in the most efficient and effective manner possible to achieve the
 204 intended mission of this agency. Based on the funding authorized,
 205 this agency shall make every effort to attain the targeted
 206 performance measures provided below:

207		FY2023
208	<u>Performance Measures</u>	<u>Target</u>
209	General Administration	
210	Support as a Percent of Total Budget	10.30
211	Number of State Prisoners per 100,000	
212	Population (Includes Only Inmates	
213	Sentenced to More Than a Year)	585
214	Average Annual Incarceration Cost per Inmate	50.63
215	Percent of Offenders Returning to	
216	Incarceration within 3 Years of Release	36.00



217	Farming Operations	
218	Annual Income from Farm Sales	1,251,034.00
219	Parole Board	
220	Number of Inmates Paroled	5,275
221	Private Prisons	
222	Number of ABE Program Slots Available	510
223	Number of VOC-ED Program Slots Available	174
224	Number of A&D Program Slots Available	125
225	Medical Services	
226	Number of Inmate Days in a Hospital	5,130
227	Regional Facilities	
228	Number of ABE Program Slots Available	585
229	Number of VOC-ED Program Slots Available	700
230	Number of A&D Program Slots Available	445
231	Probation/parole	
232	Recidivism Rate within 12 Months of	
233	Release to Field Supervision (%)	10.00
234	Recidivism Rate within 36 Months of	
235	Release to Field Supervision (%)	14.00
236	Community Work Centers	
237	Recidivism Rate within 12 Months of	
238	Release (%)	10.30
239	Recidivism Rate within 36 Months of	
240	Release (%)	20.00
241	Restitution Centers	



242	Recidivism Rate within 12 Months (%)	16.80
243	Recidivism Rate within 36 Months (%)	35.50
244	Local Confinement	
245	Number of Inmates Housed in County Jails	
246	(Inmate Days)	503,327
247	Institutional Security	
248	Number of Assaults on Inmates per 100	
249	Inmates	20
250	Number of Assaults on Officers per 100	
251	Officers	31
252	Youthful Offender School	
253	Recidivism Rate within 12 Months of	
254	Release (%)	24.00
255	Recidivism Rate within 36 Months of	
256	Release (%)	50.00
257	Evidenced Based Intervention	
258	Recidivism Rate for Inmates who Complete	
259	the ABE Program (%)	20.20
260	Recidivism Rate for Inmates who Complete	
261	a Vocational Program (%)	19.00
262	Recidivism Rate for Inmates who Complete	
263	the A&D Program (%)	19.22
264	Percent of Offenders Possessing GED	
265	Certificate or High School Diploma at	
266	Time of Release	40.00



267 Percent of Offenders Obtaining
268 Marketable Job Skills During
269 Incarceration 6.48

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

274 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
275 none shall be expended for personnel housing under the
276 jurisdiction of the Department of Corrections unless the
277 department shall collect a reasonable rent, after a finding of
278 fact as to what is a reasonable rent, and/or the cost of utilities
279 furnished to said housing. The Department of Corrections shall
280 not pay for the installation or monthly service of any telephone
281 installed in a staff residence under its jurisdiction.

282 It is further the intention of the Legislature that none of
283 the funds provided herein shall be used to pay certain utilities
284 for state-furnished housing for any employees. Such utilities
285 shall include electricity, natural gas, butane, propane and cable
286 services. Where actual cost cannot be determined, the agency
287 shall be required to provide meters to be in compliance with
288 legislative intent. Such state-furnished housing shall include
289 single-family and multifamily residences but shall not include any
290 dormitory residences. Allowances for such utilities shall be
291 prohibited.



292 **SECTION 7.** Of the funds appropriated in Sections 1 and 2,
293 and authorized for expenditure in Section 3, payment may be
294 authorized for court-ordered attorney fees and any accrued
295 interest subject to the approval of the Office of the Attorney
296 General.

297 **SECTION 8.** None of the money herein appropriated shall be
298 paid to any person who by the provision of Section 47-5-47,
299 Mississippi Code of 1972, as amended, is prohibited from being an
300 employee of the Mississippi Department of Corrections. The State
301 Department of Finance and Administration shall at least annually
302 make a report to the Joint Legislative Committee on Performance
303 Evaluation and Expenditure Review and to the Attorney General
304 stating the name of any person prohibited under the provisions of
305 Section 47-5-47, Mississippi Code of 1972, as amended, from being
306 an employee of the Mississippi Department of Corrections who has
307 during the preceding year received any money herein appropriated.
308 In the event that any such person prohibited as hereinabove
309 provided from receiving funds herein appropriated should receive
310 any of said funds, the Attorney General shall immediately commence
311 action to recover the monies so paid to said person and to enjoin
312 the further employment of said person at the Mississippi
313 Department of Corrections.

314 **SECTION 9.** It is the intent of the Legislature that all
315 prisoners at Parchman shall work a minimum of eight (8) hours per



316 day, excluding prisoners with a physical disability or those
317 incarcerated in maximum security.

318 **SECTION 10.** It is the intention of the Legislature that the
319 per diem rates paid to regional facilities shall not exceed
320 Thirty-one Dollars (\$31.00) per inmate. All regional facilities
321 shall continue to receive the annual three percent (3%) increase
322 in the per diem rate as authorized in Section 47-5-933,
323 Mississippi Code of 1972; however, in no event shall any regional
324 facility's per diem rate exceed Thirty-one Dollars (\$31.00) per
325 inmate.

326 **SECTION 11.** The department or its contracted medical
327 provider will pay to a provider of a medical service for any and
328 all incarcerated persons from a correctional or detention facility
329 an amount based upon negotiated fees as agreed to by the medical
330 care service providers and the department and/or its contracted
331 medical provider. In the absence of a negotiated discounted fee
332 schedule, medical care service providers will be paid by the
333 department or its contracted medical service provider an amount no
334 greater than the reimbursement rate applicable based on the
335 Mississippi Medicaid reimbursement rate. This limitation applies
336 to all medical care services, durable and nondurable goods,
337 prescription drugs and medications provided to any and all
338 incarcerated persons outside of the correctional or detention
339 facility. None of the monies appropriated herein may be used to
340 pay for cosmetic medical procedures for any prisoner. Cosmetic



341 medical procedure means any medical procedure performed in order
342 to change an individual's appearance without significantly serving
343 to prevent or treat illness or disease or to promote proper
344 functioning of the body.

345 **SECTION 12.** It is the intention of the Legislature that the
346 Commissioner of the Mississippi Department of Corrections shall
347 have the authority to transfer cash from one special fund treasury
348 fund to another special fund treasury fund under the control of
349 the Department of Corrections. The purpose of this authority is
350 to more efficiently use available cash reserves. It is further
351 the intention of the Legislature that the Department of
352 Corrections shall submit written justification for the transfer to
353 the Legislative Budget Office and the Department of Finance and
354 Administration on or before the fifteenth of the month prior to
355 the effective date of the transfer.

356 **SECTION 13.** It is the intention of the Legislature that
357 whenever two (2) or more bids are received by this agency for the
358 purchase of commodities or equipment, and whenever all things
359 stated in such received bids are equal with respect to price,
360 quality and service, the Mississippi Industries for the Blind
361 shall be given preference. A similar preference shall be given to
362 the Mississippi Industries for the Blind whenever purchases are
363 made without competitive bids.

364 **SECTION 14.** It is the intention of the Legislature that all
365 funds held by the Inmate Welfare Fund be placed in a treasury fund



366 effective July 1, 2022. Of the amounts appropriated in Section 2,
367 an amount not exceeding Six Million Dollars (\$6,000,000.00) shall
368 be available for expenditure in the Inmate Welfare Fund. Of these
369 funds, Five Hundred Thousand Dollars (\$500,000.00) shall be used
370 to provide for transitional housing and post release reentry
371 programs.

372 **SECTION 15.** It is the intention of the Legislature that all
373 funds held by the Inmate Incentive to Work Program Fund be placed
374 in a treasury fund effective July 1, 2022. Of the amounts
375 appropriated in Section 2, an amount not exceeding One Million
376 Dollars (\$1,000,000.00) shall be available for expenditure in the
377 Inmate Incentive to Work Program Fund. The following funds shall
378 be utilized to pay inmates who are participants in the Inmate
379 Incentive to Work Program as created in House Bill 920, 2022
380 Regular Session.

381 **SECTION 16.** It is the intention of the Legislature that the
382 Mississippi Department of Corrections shall maintain complete
383 accounting and personnel records related to the expenditure of all
384 funds appropriated under this act and that such records shall be
385 in the same format and level of detail as maintained for Fiscal
386 Year 2022. It is further the intention of the Legislature that
387 the agency's budget request for Fiscal Year 2024 shall be
388 submitted to the Joint Legislative Budget Committee in a format
389 and level of detail comparable to the format and level of detail
390 provided during the Fiscal Year 2023 budget request process.



391 **SECTION 17.** It is the intention of the Legislature for the
392 Mississippi Department of Corrections to manage funds budgeted and
393 allocated. In so doing, the commissioner of the department shall
394 have the authority to amend, extend and/or renew the term of any
395 lease agreement or any inmate housing agreement in connection with
396 a correctional facility. Notwithstanding any statutory limits to
397 the contrary, such amendment, extension and/or renewal may be for
398 a length of time up to and including ten (10) years as is
399 necessary for the continued operations of such facilities and
400 implementation of the department's duties and responsibilities in
401 accordance with Title 47 of the Mississippi Code of 1972, as
402 amended.

403 **SECTION 18.** With the funds herein appropriated, it is the
404 intent of the Legislature that upon vouchers submitted by the
405 board of supervisors of any county housing offenders in county
406 jails pending a probation or parole revocation hearing, the
407 department shall pay the reimbursement costs as provided for in
408 Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by
409 House Bill No. 585, 2014 Regular Session.

410 **SECTION 19.** With the funds herein appropriated, it is the
411 intent of the Legislature, that for Fiscal Year 2023, the
412 Department of Corrections shall reimburse municipalities, up to
413 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
414 inmates in any jail facility based on time served for the
415 conviction of larceny, shoplifting, or related convictions where



416 the value of the property taken is Five Hundred Dollars (\$500.00)
417 or more but is equal to or less than One Thousand Dollars
418 (\$1,000.00). A copy of the court abstract of record and the jail
419 docket shall be provided to show the total number of days an
420 individual was incarcerated in said jail facility. The
421 reimbursement shall be payable back to the municipality upon
422 receipt of required documentation and an invoice. Total
423 reimbursements resulting from this section shall not exceed One
424 Hundred Twenty-five Thousand Dollars (\$125,000.00).

425 **SECTION 20.** Of the funds appropriated under the provisions
426 of Section 2, funds may be expended to defray the costs of
427 clothing for sworn nonuniform law enforcement officers in an
428 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
429 officer.

430 **SECTION 21.** Of the funds appropriated in Section 1, it is
431 the intention of the Legislature that Five Hundred Ten Thousand
432 Two Hundred Sixty-one Dollars (\$510,261.00) shall be allocated to
433 Victim's Notification Programs supported by General Fund court
434 assessments.

435 **SECTION 22.** Of the funds appropriated under the provisions
436 of Section 2, One Million Five Hundred Thousand Dollars
437 (\$1,500,000.00), or so much thereof, shall be derived out of any
438 money in the State Treasury to the credit of the Capital Expense
439 Fund, as created in Section 27-103-303, Mississippi Code of 1972,
440 and allocated in a manner as determined by the State Treasurer.



441 These funds are provided to the Mississippi Department of
442 Corrections for technology, equipment, and training in order to
443 integrate, analyze, and visualize data ranging from law
444 enforcement intelligence to administrative filings.

445 **SECTION 23.** With the funds appropriated herein, the
446 Department of Corrections is authorized to make payment for
447 expenses incurred during Fiscal Years 2018 through 2020 as
448 follows:

449 <u>Vendor</u>	<u>Fiscal Year</u>	<u>Amount</u>
450 Sharkey Issaquena Hospital	2018	\$ 3,700.22
451 Sharkey Issaquena Hospital	2019	\$ 3,427.47
452 Sharkey Issaquena Hospital	2020	\$11,909.16

453 **SECTION 24.** With the funds appropriated herein, the
454 Department of Corrections is authorized to make payment for
455 expenses incurred during Fiscal Years 2020 through 2021 for the
456 payment of medical services to CoreCivic for an amount not to
457 exceed Three Hundred Fifty Thousand Four Hundred Forty-one Dollars
458 and Seventy-four Cents (\$350,441.74) or an amount no greater than
459 the reimbursement rate applicable based on the Mississippi
460 Medicaid reimbursement rate for these services.

461 **SECTION 25.** The money herein appropriated shall be paid by
462 the State Treasurer out of any money in the State Treasury to the
463 credit of the proper fund or funds as set forth in this act, upon
464 warrants issued by the State Fiscal Officer; and the State Fiscal



465 Officer shall issue his warrants upon requisitions signed by the
466 proper person, officer or officers, in the manner provided by law.

467 **SECTION 26.** This act shall take effect and be in force from
468 and after July 1, 2022, except for Section 23 of this act which
469 shall be enacted from and after its passage.

