

## **Senate Amendments to House Bill No. 1052**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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

18           47-5-26. (1) The commissioner shall employ the following  
19 personnel:

20                   (a) A Deputy Commissioner for Administration and  
21 Finance, who shall supervise and implement all fiscal policies and  
22 programs within the department, supervise and implement all hiring  
23 and personnel matters within the department, supervise the  
24 department's personnel director, supervise and implement all  
25 purchasing within the department and supervise and implement all  
26 data processing activities within the department, and who shall  
27 serve as the Chief Executive Officer of the Division of  
28 Administration and Finance. He shall possess either:

29                           (i) A master's degree from an accredited four-year  
30 college or university in public or business administration,  
31 accounting, economics or a directly related field, and four (4)  
32 years of experience in work related to the above-described duties,

33 one (1) year of which must have included line or functional  
34 supervision; or

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

43 (b) A Deputy Commissioner for Community Corrections,  
44 who shall initiate and administer programs, including, but not  
45 limited to, supervision of probationers, parolees and  
46 suspensioners, counseling, community-based treatment, interstate  
47 compact administration and enforcement, prevention programs,  
48 halfway houses and group homes, technical violation centers,  
49 restitution centers, presentence investigations, and work and  
50 educational releases, and shall serve as the Chief Executive  
51 Officer of the Division of Community Services. The Deputy  
52 Commissioner for Community Corrections is charged with full and  
53 complete cooperation with the State Parole Board and shall make  
54 monthly reports to the Chairman of the Parole Board in the form  
55 and type required by the chairman, in his discretion, for the  
56 proper performance of the probation and parole functions. After a  
57 plea or verdict of guilty to a felony is entered against a person  
58 and before he is sentenced, the Deputy Commissioner for Community

59 Corrections shall procure from any available source and shall file  
60 in the presentence records any information regarding any criminal  
61 history of the person such as fingerprints, dates of arrests,  
62 complaints, civil and criminal charges, investigative reports of  
63 arresting and prosecuting agencies, reports of the National Crime  
64 Information Center, the nature and character of each offense,  
65 noting all particular circumstances thereof and any similar data  
66 about the person. The Deputy Commissioner for Community  
67 Corrections shall keep an accurate and complete duplicate record  
68 of this file and shall furnish the duplicate to the department.  
69 This file shall be placed in and shall constitute a part of the  
70 inmate's master file. The Deputy Commissioner for Community  
71 Corrections shall furnish this file to the State Parole Board when  
72 the file is needed in the course of its official duties. He shall  
73 possess either: (i) a master's degree in counseling, corrections  
74 psychology, guidance, social work, criminal justice or some  
75 related field and at least four (4) years' full-time experience in  
76 such field, including at least one (1) year of supervisory  
77 experience; or (ii) a bachelor's degree in a field described in  
78 subparagraph (i) of this paragraph and at least six (6) years'  
79 full-time work in corrections, one (1) year of which shall have  
80 been at the supervisory level.

81 (c) A Deputy Commissioner for Institutions, who shall  
82 administer institutions, reception and diagnostic centers,  
83 prerelease centers and other facilities and programs provided  
84 therein, and shall serve as the Chief Executive Officer of the

85 Division of Institutions. He shall possess either: (i) a  
86 master's degree in counseling, criminal justice, psychology,  
87 guidance, social work, business or some related field, and at  
88 least four (4) years' full-time experience in corrections,  
89 including at least one (1) year of correctional management  
90 experience; or (ii) a bachelor's degree in a field described in  
91 subparagraph (i) of this paragraph and at least six (6) years'  
92 full-time work in corrections, four (4) years of which shall have  
93 been at the correctional management level.

94 (d) A Deputy Commissioner for Programs, Education \* \* \*  
95 and Reentry, \* \* \* who shall initiate and administer programs,  
96 including but not limited to, education services, religious  
97 services, moral rehabilitation, alcohol and drug rehabilitation,  
98 and court reentry. The Deputy Commissioner for Programs,  
99 Education \* \* \* and Reentry \* \* \* may coordinate with any  
100 educational institution to develop a program for moral  
101 rehabilitation with an emphasis on promoting effective programs  
102 for release. The Deputy Commissioner for Programs,  
103 Education \* \* \* and Reentry \* \* \* shall focus on reentry programs  
104 aimed at reducing recidivism \* \* \*. The programs shall  
105 incorporate a moral component focused on providing offenders with  
106 an opportunity to make positive changes while incarcerated that  
107 will enable them to be productive members of society upon their  
108 release. Such deputy commissioner shall possess either:

109 (i) A master's degree in counseling, corrections,  
110 psychology, guidance, social work, criminal justice or some

111 related field and at least four (4) years' full-time experience in  
112 such field, including at least one (1) year of supervisory  
113 experience; or

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

118 (e) A Deputy Commissioner for Workforce Development who  
119 shall serve as the Chief Executive Officer of Prison Industries  
120 and Director of Prison Agricultural Enterprises. The Deputy  
121 Commissioner for Workforce Development shall work in collaboration  
122 with the Executive Director of the Office of Workforce Development  
123 to implement workforce development programs within the corrections  
124 system which align with the strategic plan for an integrated  
125 workforce development system for the state, as described in  
126 Section 37-153-7. Such deputy commissioner shall be a person with  
127 extensive experience in development of economic, human and  
128 physical resources, with an emphasis in the corrections or reentry  
129 environments preferred. The Deputy Commissioner for Workforce  
130 Development shall have at least a bachelor's degree from a  
131 state-accredited institution and no less than eight (8) years of  
132 professional experience related to workforce development. The  
133 Deputy Commissioner for Workforce Development, with the assistance  
134 from the Office of Workforce Development, shall:

135 (i) Inventory and measure the effectiveness of  
136 current workforce development programs in the state corrections

137 system, with the goal of eliminating any programs which do not  
138 result in desired outcomes, including, but not limited to, an  
139 increase in employment in reentering offenders, a better  
140 environment within correctional facilities in the state, or a  
141 reduction in recidivism;

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

145 (iii) Provide information, as appropriate, to  
146 offenders on workforce development programs available within the  
147 corrections system;

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

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

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

159 Out of the deputy commissioners employed under this  
160 subsection (1), as set out in paragraphs (a) through ( \* \* \*e),  
161 the commissioner shall designate one (1) of the commissioners as

162 an executive deputy commissioner who shall have the duties  
163 prescribed under Section 47-5-8.

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

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

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

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

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

196 (5) For a one-year period beginning July 1, 2016, any person  
197 authorized for employment under this section shall not be subject  
198 to the rules, regulations and procedures of the State Personnel  
199 Board, except as otherwise provided under Section 25-9-127(5).

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

202 47-5-8. (1) There is created the Mississippi Department of  
203 Corrections, which shall be under the policy direction of the  
204 Governor. The chief administrative officer of the department  
205 shall be the Commissioner of Corrections.

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



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

219 (c) There shall be a Division of Community Corrections  
220 within the department, which shall have as its chief  
221 administrative officer a Deputy Commissioner for Community  
222 Corrections, who shall be appointed by the commissioner, and shall  
223 be directly responsible to the commissioner. The Probation and  
224 Parole Board shall continue to exercise the authority as provided  
225 by law, but after July 1, 1976, the Division of Community  
226 Corrections shall serve as the administrative agency for the  
227 Probation and Parole Board.

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

233 (3) The department shall succeed to the exclusive control of  
234 all records, books, papers, equipment and supplies, and all lands,  
235 buildings and other real and personal property now or hereafter  
236 belonging to or assigned to the use and benefit or under the  
237 control of the Mississippi State Penitentiary and the Mississippi  
238 Probation and Parole Board, except the records of parole process  
239 and revocation and legal matters related thereto, and shall have

240 the exercise and control of the use, distribution and disbursement  
241 of all funds, appropriations and taxes now or hereafter in  
242 possession, levied, collected or received or appropriated for the  
243 use, benefit, support and maintenance of these two (2) agencies  
244 except as otherwise provided by law, and the department shall have  
245 general supervision of all the affairs of the two (2) agencies  
246 herein named except as otherwise provided by law, and the care and  
247 conduct of all buildings and grounds, business methods and  
248 arrangements of accounts and records, the organization of the  
249 administrative plans of each institution, and all other matters  
250 incident to the proper functioning of the two (2) agencies.

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

256 **SECTION 3.** This act shall take effect and be in force from  
257 and after July 1, 2022, and shall be repealed from and after June  
258 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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 QUALIFICATION 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; AND  
14 FOR RELATED PURPOSES.

SS26\HB1052A.J

Eugene S. Clarke  
Secretary of the Senate