

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1052

BY: Committee

**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.

