

By: Representative Horan

To: Corrections

HOUSE BILL NO. 799

1 AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972,
2 TO INCREASE FROM ONE MILLION DOLLARS TO TWO MILLION DOLLARS THE
3 PORTION OF THE INMATE WELFARE FUND THAT IS DEPOSITED INTO THE
4 INMATE INCENTIVE TO WORK PROGRAM FUND; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-5-158, Mississippi Code of 1972, is
7 amended as follows:

8 47-5-158. (1) The department is authorized to maintain a
9 bank account which shall be designated as the Inmate Welfare Fund.
10 All monies now held in a similar fund or in a bank account or
11 accounts for the benefit and welfare of inmates shall be deposited
12 into the Inmate Welfare Fund. This fund shall be used for the
13 benefit and welfare of inmates in the custody of the department
14 and shall be expended in accordance with any provisions or
15 restrictions in the regulations promulgated under subsection (7)
16 of this section.

17 (2) There shall be deposited into the Inmate Welfare Fund
18 interest previously earned on inmate deposits, all net profits
19 from the operation of inmate canteens, performances of the



20 Penitentiary band, interest earned on the Inmate Welfare Fund and
21 other revenues designated by the commissioner. All monies shall
22 be deposited into the Inmate Welfare Fund as provided in Section
23 7-9-21.

24 (3) All inmate telephone call commissions shall be paid to
25 the department. Monies in the fund may be expended by the
26 department, upon requisition by the commissioner or his designee,
27 only for the purposes established in this subsection.

28 (a) Twenty-five percent (25%) of the inmate telephone
29 call commissions shall be used to purchase and maintain
30 telecommunication equipment to be used by the department.

31 (b) Until July 1, 2008, twenty-five percent (25%) of
32 the inmate telephone call commissions shall be deposited into the
33 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,
34 thirty-five percent (35%) of the inmate telephone call commissions
35 shall be deposited into the Prison Agricultural Enterprise Fund.
36 The department may use these funds to supplement the Prison
37 Agricultural Enterprise Fund created in Section 47-5-66.

38 (c) Forty percent (40%) of the inmate telephone call
39 commissions shall be deposited into the Inmate Welfare Fund.

40 (4) The commissioner may invest in the manner authorized by
41 law any money in the Inmate Welfare Fund that is not necessary for
42 immediate use, and the interest earned shall be deposited in the
43 Inmate Welfare Fund.



44 (5) The Deputy Commissioner for Administration and Finance
45 shall establish and implement internal accounting controls for the
46 Inmate Welfare Fund that comply with generally accepted accounting
47 principles and regulations of the Department of Finance and
48 Administration. The Deputy Commissioner for Administration and
49 Finance shall prepare and issue quarterly consolidated and
50 individual facility financial statements to the prison auditor of
51 the Joint Legislative Committee on Performance Evaluation and
52 Expenditure Review. The deputy commissioner shall prepare an
53 annual report which shall include a summary of expenditures from
54 the fund by major categories and by individual facility. This
55 annual report shall be sent to the prison auditor, the Legislative
56 Budget Office, the Chairman of the Corrections Committee of the
57 Senate, and the Chairman of the Corrections Committee of the House
58 of Representatives.

59 (6) (a) A portion of the Inmate Welfare Fund shall be
60 deposited in the Discharged Offenders Revolving Fund, as created
61 under Section 47-5-155, in amounts necessary to provide a balance
62 not to exceed One Hundred Thousand Dollars (\$100,000.00) in the
63 Discharged Offenders Revolving Fund, and shall be used to
64 supplement those amounts paid to discharged, paroled or pardoned
65 offenders from the department. The superintendent of the Parchman
66 facility shall establish equitable criteria for the making of
67 supplemental payments which shall not exceed Two Hundred Dollars
68 (\$200.00) for any offender. The supplemental payments shall be



69 subject to the approval of the commissioner. The State Treasurer
70 shall not be required to replenish the Discharged Offenders
71 Revolving Fund for the supplemental payments made to discharged,
72 paroled or pardoned offenders.

73 (b) A portion of the Inmate Welfare Fund shall be
74 deposited into the Inmate Incentive to Work Program Fund, as
75 created under Section 47-5-371, in amounts necessary to provide a
76 balance not to exceed * * * Two Million Dollars (\$2,000,000.00) in
77 the fund. Such fund shall be utilized to pay inmates who are
78 participants in the Inmate Incentive to Work Program as created
79 under Section 47-5-371.

80 (7) (a) The Inmate Welfare Fund Committee is hereby created
81 and shall be composed of nine (9) members: The Deputy
82 Commissioner for Community Corrections, the Deputy Commissioner of
83 Institutions, the Superintendent of the Parchman facility, the
84 Superintendent of the Rankin County facility, the Superintendent
85 of the Greene County facility, the State Treasurer, the State
86 Auditor, and two (2) members to be appointed by the Commissioner
87 of Corrections, one (1) of whom must have a relative incarcerated
88 by the department at the time of appointment and shall be a
89 representative of inmate families. The commissioner shall appoint
90 the chairman of the committee. The committee shall administer and
91 supervise the operations and expenditures from the Inmate Welfare
92 Fund and shall maintain an official minute book upon which shall
93 be spread its authorization and approval for all such



94 expenditures. The committee shall promulgate regulations
95 governing the use and expenditures of the fund.

96 (b) Regulations adopted shall set out what types of
97 items shall be allowable purchases, and in all cases, the minutes
98 of the committee shall explain which regulation permits any
99 purchase it approves. Additionally, regulations of the committee
100 shall prescribe the number of members necessary to constitute a
101 quorum, minimum attendance requirements for a member to retain a
102 seat on the committee, and a mission statement for the committee.

103 (c) The committee shall conduct an annual needs
104 assessment to determine what types of items should be purchased
105 for the benefit of inmates. The needs assessments shall be
106 conducted with the assistance of the department personnel, inmates
107 and the families of inmates.

108 (d) The committee shall evaluate the proposals of
109 interested third parties for the administration of inmate canteen
110 services as provided in Section 47-5-109.1.

111 (8) The Department of Audit shall conduct an annual
112 comprehensive special audit of the committee's use of the Inmate
113 Welfare Fund. The department shall incorporate in its special
114 audit report any recommendations it has concerning the financial
115 and management control practices of the committee. The department
116 shall report its findings and recommendations to the Chairmen of
117 the Senate and House Corrections Committees.



118 **SECTION 2.** This act shall take effect and be in force from
119 and after July 1, 2023.

