

By: Representative Horan

To: Corrections

HOUSE BILL NO. 799
(As Passed the House)

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; TO AMEND SECTION 47-5-933,
5 MISSISSIPPI CODE OF 1972, TO INCREASE FROM \$31.00 TO \$34.00 THE
6 AMOUNT THE DEPARTMENT OF CORRECTIONS PAYS PER DAY FOR EACH STATE
7 OFFENDER WHO IS HOUSED IN A REGIONAL CORRECTIONAL FACILITY; AND
8 FOR RELATED PURPOSES.

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

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

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



21 (2) There shall be deposited into the Inmate Welfare Fund
22 interest previously earned on inmate deposits, all net profits
23 from the operation of inmate canteens, performances of the
24 Penitentiary band, interest earned on the Inmate Welfare Fund and
25 other revenues designated by the commissioner. All monies shall
26 be deposited into the Inmate Welfare Fund as provided in Section
27 7-9-21.

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

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

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

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

44 (4) The commissioner may invest in the manner authorized by
45 law any money in the Inmate Welfare Fund that is not necessary for



46 immediate use, and the interest earned shall be deposited in the
47 Inmate Welfare Fund.

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

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



71 supplemental payments which shall not exceed Two Hundred Dollars
72 (\$200.00) for any offender. The supplemental payments shall be
73 subject to the approval of the commissioner. The State Treasurer
74 shall not be required to replenish the Discharged Offenders
75 Revolving Fund for the supplemental payments made to discharged,
76 paroled or pardoned offenders.

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

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



96 Fund and shall maintain an official minute book upon which shall
97 be spread its authorization and approval for all such
98 expenditures. The committee shall promulgate regulations
99 governing the use and expenditures of the fund.

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

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

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

115 (8) The Department of Audit shall conduct an annual
116 comprehensive special audit of the committee's use of the Inmate
117 Welfare Fund. The department shall incorporate in its special
118 audit report any recommendations it has concerning the financial
119 and management control practices of the committee. The department



120 shall report its findings and recommendations to the Chairmen of
121 the Senate and House Corrections Committees.

122 **SECTION 2.** Section 47-5-933, Mississippi Code of 1972, is
123 amended as follows:

124 47-5-933. The Department of Corrections may contract for the
125 purposes set out in Section 47-5-931 for a period of not more than
126 twenty (20) years. The contract may provide that the Department
127 of Corrections pay a fee of no more than * * * Thirty-four Dollars
128 (\$34.00) per day for each offender that is housed in the facility.
129 The Department of Corrections may include in the contract, as an
130 inflation factor, a three percent (3%) annual increase in the
131 contract price. The state shall retain responsibility for medical
132 care for state offenders to the extent that is required by law;
133 provided, however, the department may reimburse each facility for
134 contract medical services as provided by law in an amount not to
135 exceed Six Dollars and Twenty-five Cents (\$6.25) per day per
136 offender.

137 **SECTION 3.** This act shall take effect and be in force from
138 and after July 1, 2023.

