

By: Representative Horan

To: Corrections;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 1025

1 AN ACT TO AMEND SECTION 47-5-8, MISSISSIPPI CODE OF 1972, TO
2 ELIMINATE THE POSITION OF EXECUTIVE DEPUTY COMMISSIONER FROM THE
3 DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 47-5-26, MISSISSIPPI
4 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 47-5-8, Mississippi Code of 1972, is
8 amended as follows:

9 47-5-8. (1) There is created the Mississippi Department of
10 Corrections, which shall be under the policy direction of the
11 Governor. The chief administrative officer of the department
12 shall be the Commissioner of Corrections.

13 (2) (a) * * * There shall be a Division of Administration
14 and Finance within the department, which shall have as its chief
15 administrative officer a Deputy Commissioner for Administration
16 and Finance who shall be appointed by the commissioner, and shall
17 be directly responsible to the commissioner.

18 (* * *b) There shall be a Division of Community
19 Corrections within the department, which shall have as its chief



20 administrative officer a Deputy Commissioner for Community
21 Corrections, who shall be appointed by the commissioner, and shall
22 be directly responsible to the commissioner. The Probation and
23 Parole Board shall continue to exercise the authority as provided
24 by law, but after July 1, 1976, the Division of Community
25 Corrections shall serve as the administrative agency for the
26 Probation and Parole Board.

27 (* * *c) There shall be a Division of Workforce
28 Development within the department, which shall have as its chief
29 administrative officer a Deputy Commissioner for Workforce
30 Development, who shall be appointed by the commissioner, and shall
31 be directly responsible to the commissioner.

32 (3) The department shall succeed to the exclusive control of
33 all records, books, papers, equipment and supplies, and all lands,
34 buildings and other real and personal property now or hereafter
35 belonging to or assigned to the use and benefit or under the
36 control of the Mississippi State Penitentiary and the Mississippi
37 Probation and Parole Board, except the records of parole process
38 and revocation and legal matters related thereto, and shall have
39 the exercise and control of the use, distribution and disbursement
40 of all funds, appropriations and taxes now or hereafter in
41 possession, levied, collected or received or appropriated for the
42 use, benefit, support and maintenance of these two (2) agencies
43 except as otherwise provided by law, and the department shall have
44 general supervision of all the affairs of the two (2) agencies



45 herein named except as otherwise provided by law, and the care and
46 conduct of all buildings and grounds, business methods and
47 arrangements of accounts and records, the organization of the
48 administrative plans of each institution, and all other matters
49 incident to the proper functioning of the two (2) agencies.

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

55 **SECTION 2.** Section 47-5-26, Mississippi Code of 1972, is
56 amended as follows:

57 47-5-26. (1) The commissioner shall employ the following
58 personnel:

59 (a) A Deputy Commissioner for Administration and
60 Finance, who shall supervise and implement all fiscal policies and
61 programs within the department, supervise and implement all hiring
62 and personnel matters within the department, supervise the
63 department's personnel director, supervise and implement all
64 purchasing within the department and supervise and implement all
65 data processing activities within the department, and who shall
66 serve as the Chief Executive Officer of the Division of
67 Administration and Finance. He shall possess either:

68 (i) A master's degree from an accredited four-year
69 college or university in public or business administration,



70 accounting, economics or a directly related field, and four (4)
71 years of experience in work related to the above-described duties,
72 one (1) year of which must have included line or functional
73 supervision; or

74 (ii) A bachelor's degree from an accredited
75 four-year college or university in public or business
76 administration, accounting, economics or a directly related field,
77 and six (6) years of experience in work related to the
78 above-described duties, one (1) year of which must have included
79 line or functional supervision. Certification by the State of
80 Mississippi as a certified public accountant may be substituted
81 for one (1) year of the required experience.

82 (b) A Deputy Commissioner for Community Corrections,
83 who shall initiate and administer programs, including, but not
84 limited to, supervision of probationers, parolees and
85 suspensioners, counseling, community-based treatment, interstate
86 compact administration and enforcement, prevention programs,
87 halfway houses and group homes, technical violation centers,
88 restitution centers, presentence investigations, and work and
89 educational releases, and shall serve as the Chief Executive
90 Officer of the Division of Community Services. The Deputy
91 Commissioner for Community Corrections is charged with full and
92 complete cooperation with the State Parole Board and shall make
93 monthly reports to the Chairman of the Parole Board in the form
94 and type required by the chairman, in his discretion, for the



95 proper performance of the probation and parole functions. After a
96 plea or verdict of guilty to a felony is entered against a person
97 and before he is sentenced, the Deputy Commissioner for Community
98 Corrections shall procure from any available source and shall file
99 in the presentence records any information regarding any criminal
100 history of the person such as fingerprints, dates of arrests,
101 complaints, civil and criminal charges, investigative reports of
102 arresting and prosecuting agencies, reports of the National Crime
103 Information Center, the nature and character of each offense,
104 noting all particular circumstances thereof and any similar data
105 about the person. The Deputy Commissioner for Community
106 Corrections shall keep an accurate and complete duplicate record
107 of this file and shall furnish the duplicate to the department.
108 This file shall be placed in and shall constitute a part of the
109 inmate's master file. The Deputy Commissioner for Community
110 Corrections shall furnish this file to the State Parole Board when
111 the file is needed in the course of its official duties. He shall
112 possess either: (i) a master's degree in counseling, corrections
113 psychology, guidance, social work, criminal justice or some
114 related field and at least four (4) years' full-time experience in
115 such field, including at least one (1) year of supervisory
116 experience; or (ii) a bachelor's degree in a field described in
117 subparagraph (i) of this paragraph and at least six (6) years'
118 full-time work in corrections, one (1) year of which shall have
119 been at the supervisory level.



120 (c) A Deputy Commissioner for Institutions, who shall
121 administer institutions, reception and diagnostic centers,
122 prerelease centers and other facilities and programs provided
123 therein, and shall serve as the Chief Executive Officer of the
124 Division of Institutions. He shall possess either: (i) a
125 master's degree in counseling, criminal justice, psychology,
126 guidance, social work, business or some related field, and at
127 least four (4) years' full-time experience in corrections,
128 including at least one (1) year of correctional management
129 experience; or (ii) a bachelor's degree in a field described in
130 subparagraph (i) of this paragraph and at least six (6) years'
131 full-time work in corrections, four (4) years of which shall have
132 been at the correctional management level.

133 (d) A Deputy Commissioner for Programs, Education and
134 Reentry, who shall initiate and administer programs, including but
135 not limited to, education services, religious services, moral
136 rehabilitation, alcohol and drug rehabilitation, and court
137 reentry. The Deputy Commissioner for Programs, Education and
138 Reentry may coordinate with any educational institution to develop
139 a program for moral rehabilitation with an emphasis on promoting
140 effective programs for release. The Deputy Commissioner for
141 Programs, Education and Reentry shall focus on reentry programs
142 aimed at reducing recidivism. The programs shall incorporate a
143 moral component focused on providing offenders with an opportunity
144 to make positive changes while incarcerated that will enable them



145 to be productive members of society upon their release. Such
146 deputy commissioner shall possess either:

147 (i) A master's degree in counseling, corrections,
148 psychology, guidance, social work, criminal justice or some
149 related field and at least four (4) years' full-time experience in
150 such field, including at least one (1) year of supervisory
151 experience; or

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

156 (e) A Deputy Commissioner for Workforce Development who
157 shall serve as the Chief Executive Officer of Prison Industries
158 and Director of Prison Agricultural Enterprises. The Deputy
159 Commissioner for Workforce Development shall work in collaboration
160 with the Executive Director of the Office of Workforce Development
161 to implement workforce development programs within the corrections
162 system which align with the strategic plan for an integrated
163 workforce development system for the state, as described in
164 Section 37-153-7. Such deputy commissioner shall be a person with
165 extensive experience in development of economic, human and
166 physical resources, with an emphasis in the corrections or reentry
167 environments preferred. The Deputy Commissioner for Workforce
168 Development shall have at least a bachelor's degree from a
169 state-accredited institution and no less than eight (8) years of



170 professional experience related to workforce development. The
171 Deputy Commissioner for Workforce Development, with the assistance
172 from the Office of Workforce Development, shall:

173 (i) Inventory and measure the effectiveness of
174 current workforce development programs in the state corrections
175 system, with the goal of eliminating any programs which do not
176 result in desired outcomes, including, but not limited to, an
177 increase in employment in reentering offenders, a better
178 environment within correctional facilities in the state, or a
179 reduction in recidivism;

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

183 (iii) Provide information, as appropriate, to
184 offenders on workforce development programs available within the
185 corrections system;

186 (iv) Work with industry to identify barriers which
187 inhibit offender reentry and employment and evaluate the
188 responsiveness of the corrections system and other support
189 entities to the needs of industry;

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

193 (vi) Perform a comprehensive review of workforce
194 development in the corrections system, including the amount



195 expended on programs supported by state or federal money and their
196 outcomes.

197 * * * (2) The commissioner shall employ an administrative
198 assistant for parole matters who shall be selected by the State
199 Parole Board who shall be an employee of the department assigned
200 to the State Parole Board and who shall be located at the office
201 of the State Parole Board, and who shall work under the guidance,
202 supervision and direction of the board.

203 (3) The administrative assistant for parole matters shall
204 receive an annual salary to be established by the Legislature.
205 The salaries of department employees not established by the
206 Legislature shall receive an annual salary established by the
207 State Personnel Board.

208 (4) The commissioner shall employ a superintendent for the
209 Parchman facility, Central Mississippi Correctional Facility and
210 South Mississippi Correctional Institution of the Department of
211 Corrections. The Superintendent of the Mississippi State
212 Penitentiary shall reside on the grounds of the Parchman facility.
213 Each superintendent shall appoint an officer in charge when he is
214 absent.

215 Each superintendent shall develop and implement a plan for
216 the prevention and control of an inmate riot and shall file a
217 report with the Chairman of the Senate Corrections Committee and
218 the Chairman of the House Penitentiary Committee on the first day



219 of each regular session of the Legislature regarding the status of
220 the plan.

221 In order that the grievances and complaints of inmates,
222 employees and visitors at each facility may be heard in a timely
223 and orderly manner, each superintendent shall appoint or designate
224 an employee at the facility to hear grievances and complaints and
225 to report grievances and complaints to the superintendent. Each
226 superintendent shall institute procedures as are necessary to
227 provide confidentiality to those who file grievances and
228 complaints.

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

233 **SECTION 3.** This act shall take effect and be in force from
234 and after July 1, 2024.

