

By: Representative Horan

To: Corrections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1027

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO ALLOW
2 THE SALE OF HOBBYCRAFT ACTIVITIES TO THE PUBLIC, IF SUCH
3 ACTIVITIES ARE MADE BY INMATES; TO PROVIDE THAT PROFITS FROM SUCH
4 SALE SHALL BE DEPOSITED INTO THE INMATE WELFARE FUND AND SHARED
5 WITH THE INMATES WHO SELL SUCH HOBBYCRAFTS; TO DEFINE THE TERM
6 "HOBBYCRAFT ACTIVITIES"; TO AMEND SECTION 47-5-158, MISSISSIPPI
7 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** The Department of Corrections is authorized to
11 allow the sale of hobbycraft activities to the public if such
12 hobbycraft activities are made by inmates. Profits from the sale
13 of hobbycraft activities shall be deposited into the Inmate
14 Welfare Fund and shall be shared with the inmates who sell such
15 hobbycrafts as set out under Section 47-5-158.

16 As used in this section "hobby craft activities" include, but
17 are not limited to, the following that are made by inmates:

- 18 (a) Ceramics;
- 19 (b) Leatherwork;
- 20 (c) Models;
- 21 (d) Clay;



- 22 (e) Mosaics;
- 23 (f) Crochet;
- 24 (g) Knitting;
- 25 (h) Sculptures;
- 26 (i) Woodworking;
- 27 (j) Lapidary; and
- 28 (k) Other forms consistent with Department of
- 29 Corrections guidelines.

30 **SECTION 2.** Section 47-5-158, Mississippi Code of 1972, is
31 amended as follows:

32 47-5-158. (1) The department is authorized to maintain a
33 bank account which shall be designated as the Inmate Welfare Fund.
34 All monies now held in a similar fund or in a bank account or
35 accounts for the benefit and welfare of inmates shall be deposited
36 into the Inmate Welfare Fund. This fund shall be used for the
37 benefit and welfare of inmates in the custody of the department
38 and shall be expended in accordance with any provisions or
39 restrictions in the regulations promulgated under subsection (7)
40 of this section.

41 (2) (a) There shall be deposited into the Inmate Welfare
42 Fund interest previously earned on inmate deposits, all net
43 profits from the operation of inmate canteens, performances of the
44 Penitentiary band, and from the sale of hobbycraft activities, as
45 defined under Section 1 of this act, that are made by inmates and
46 are sold to the public, interest earned on the Inmate Welfare Fund



47 and other revenues designated by the commissioner. All monies
48 shall be deposited into the Inmate Welfare Fund as provided in
49 Section 7-9-21.

50 (b) All raw material, equipment and tools needed for
51 the manufacturing of hobbycrafts, as authorized under Section 1
52 of this act, shall be purchased from the department. Before the
53 net profits are deposited into the fund from the sale of
54 hobbycraft activities, pursuant to this subsection, all applicable
55 state and federal taxes shall be assessed as required by law.
56 Additionally, before such net profits are deposited into the fund,
57 the inmate shall have access to fifty percent (50%) of the
58 remaining monies after such taxes are deducted. The fifty percent
59 (50%) of the remaining monies shall be placed in the inmate's
60 account to purchase incidental expenses.

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

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

68 (b) Until July 1, 2008, twenty-five percent (25%) of
69 the inmate telephone call commissions shall be deposited into the
70 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,
71 thirty-five percent (35%) of the inmate telephone call commissions



72 shall be deposited into the Prison Agricultural Enterprise Fund.
73 The department may use these funds to supplement the Prison
74 Agricultural Enterprise Fund created in Section 47-5-66.

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

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

81 (5) The Deputy Commissioner for Administration and Finance
82 shall establish and implement internal accounting controls for the
83 Inmate Welfare Fund that comply with generally accepted accounting
84 principles and regulations of the Department of Finance and
85 Administration. The Deputy Commissioner for Administration and
86 Finance shall prepare and issue quarterly consolidated and
87 individual facility financial statements to the prison auditor of
88 the Joint Legislative Committee on Performance Evaluation and
89 Expenditure Review. The deputy commissioner shall prepare an
90 annual report which shall include a summary of expenditures from
91 the fund by major categories and by individual facility. This
92 annual report shall be sent to the prison auditor, the Legislative
93 Budget Office, the Chairman of the Corrections Committee of the
94 Senate, and the Chairman of the Corrections Committee of the House
95 of Representatives.



96 (6) (a) A portion of the Inmate Welfare Fund shall be
97 deposited in the Discharged Offenders Revolving Fund, as created
98 under Section 47-5-155, in amounts necessary to provide a balance
99 not to exceed One Hundred Thousand Dollars (\$100,000.00) in the
100 Discharged Offenders Revolving Fund, and shall be used to
101 supplement those amounts paid to discharged, paroled or pardoned
102 offenders from the department. The superintendent of the Parchman
103 facility shall establish equitable criteria for the making of
104 supplemental payments which shall not exceed Two Hundred Dollars
105 (\$200.00) for any offender. The supplemental payments shall be
106 subject to the approval of the commissioner. The State Treasurer
107 shall not be required to replenish the Discharged Offenders
108 Revolving Fund for the supplemental payments made to discharged,
109 paroled or pardoned offenders.

110 (b) A portion of the Inmate Welfare Fund shall be
111 deposited into the Inmate Incentive to Work Program Fund, as
112 created under Section 47-5-371, in amounts necessary to provide a
113 balance not to exceed One Million Dollars (\$1,000,000.00) in the
114 fund. Such fund shall be utilized to pay inmates who are
115 participants in the Inmate Incentive to Work Program as created
116 under Section 47-5-371.

117 (7) (a) The Inmate Welfare Fund Committee is hereby created
118 and shall be composed of nine (9) members: The Deputy
119 Commissioner for Community Corrections, the Deputy Commissioner of
120 Institutions, the Superintendent of the Parchman facility, the



121 Superintendent of the Rankin County facility, the Superintendent
122 of the Greene County facility, the State Treasurer, the State
123 Auditor, and two (2) members to be appointed by the Commissioner
124 of Corrections, one (1) of whom must have a relative incarcerated
125 by the department at the time of appointment and shall be a
126 representative of inmate families. The commissioner shall appoint
127 the chairman of the committee. The committee shall administer and
128 supervise the operations and expenditures from the Inmate Welfare
129 Fund and shall maintain an official minute book upon which shall
130 be spread its authorization and approval for all such
131 expenditures. The committee shall promulgate regulations
132 governing the use and expenditures of the fund.

133 (b) Regulations adopted shall set out what types of
134 items shall be allowable purchases, and in all cases, the minutes
135 of the committee shall explain which regulation permits any
136 purchase it approves. Additionally, regulations of the committee
137 shall prescribe the number of members necessary to constitute a
138 quorum, minimum attendance requirements for a member to retain a
139 seat on the committee, and a mission statement for the committee.

140 (c) The committee shall conduct an annual needs
141 assessment to determine what types of items should be purchased
142 for the benefit of inmates. The needs assessments shall be
143 conducted with the assistance of the department personnel, inmates
144 and the families of inmates.



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

148 (e) The committee shall expend necessary funds to
149 assist parole eligible inmates who have been diagnosed with a
150 mental illness while housed within a state correctional facility
151 so that such inmates may receive outpatient services and
152 community-based services to treat the mental illness of such
153 inmates.

154 (8) The Department of Audit shall conduct an annual
155 comprehensive special audit of the committee's use of the Inmate
156 Welfare Fund. The department shall incorporate in its special
157 audit report any recommendations it has concerning the financial
158 and management control practices of the committee. The department
159 shall report its findings and recommendations to the Chairmen of
160 the Senate and House Corrections Committees.

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

