

By: Representative Currie

To: Corrections;
Appropriations A

HOUSE BILL NO. 1291

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CREATE A
2 STATEWIDE WORK RELEASE PROGRAM AT ANY FACILITY THAT IS APPROVED TO
3 HOUSE STATE OFFENDERS, WHICH IS TO INCLUDE COUNTY CORRECTIONAL
4 FACILITIES; TO PROVIDE ELIGIBILITY REQUIREMENTS FOR OFFENDER
5 PARTICIPATION FOR THE PROGRAM; TO PROVIDE THAT ELIGIBLE INMATES
6 MAY REQUEST TO PARTICIPATE IN THE PROGRAM AND A THIRD-PARTY
7 COORDINATOR SHALL SELECT INMATES FOR ADMISSION TO THE PROGRAM,
8 WITH OVERSIGHT FROM THE DEPARTMENT; TO PROVIDE THAT AN OFFENDER
9 MAY BE REMOVED FROM THE PROGRAM IF RULES ARE VIOLATED; TO PROVIDE
10 THAT WAGES EARNED BY THE OFFENDER SHALL BE UTILIZED TO PAY CHILD
11 SUPPORT, FINES, RESTITUTION AND OTHER EXPENSES; TO PROVIDE THAT
12 THE DEPARTMENT SHALL PAY A CERTAIN DAILY AMOUNT TO COUNTIES THAT
13 HOUSE INMATES WHO PARTICIPATE IN THE PROGRAM; TO REQUIRE THE
14 COORDINATOR TO COLLECT CERTAIN DATA PERTAINING TO THE PARTICIPANTS
15 OF THE PROGRAM AND TO PROVIDE THAT SUCH DATA SHALL BE SHARED WITH
16 THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND
17 EXPENDITURE REVIEW (PEER) AND THE CORRECTIONS AND CRIMINAL JUSTICE
18 OVERSIGHT TASK FORCE; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** (1) (a) The Department of Corrections is
21 authorized to create a statewide work release program at any
22 facility that is approved to house state inmates, and in
23 conjunction with any sheriff who chooses to house state inmates in
24 county facilities.

25 (b) The department shall:



(i) Have the ultimate authority for oversight of the administration of the program;

(ii) Delegate the administration of the program to a third-party coordinator; and

(iii) Approve the selection of inmates for admission to the program.

(2) In any county facility under the oversight of a board of supervisors, the sheriff of that county may delegate the administration of the program to a third-party coordinator.

(3) (a) An inmate is eligible for participation in the program if the inmate has:

(i) No more than three (3) years remaining on the inmate's sentence;

(ii) Not been convicted under Section 97-9-49 within the last five (5) years; and

(iii) Not been sentenced for a sex offense as defined in Section 45-33-23(h).

(b) Any inmate that meets the eligibility requirements of paragraph (a) may request assignment to the work release program established under this section.

(4) (a) The coordinator shall select inmates for admission to the program, with oversight from the department.

(b) An inmate currently participating in vocational training or a soft skills training program shall have priority in admission to the program.



51 (5) (a) The coordinator may authorize the inmate to
52 participate in educational or other rehabilitative programs
53 designed to supplement work program employment or to prepare the
54 person for successful reentry.

55 (b) Before accepting any participants to the program,
56 the coordinator, in consultation with the department, shall
57 adopt and publish rules and regulations to effectuate this section
58 no later than three (3) months after July 1, 2024. These rules
59 and regulations shall include all protection requirements for work
60 release programs established pursuant to Sections 47-5-451 through
61 47-5-471. Participating employers shall pay no less than the
62 prevailing wage for the position and shall under no circumstance
63 pay less than the federal minimum wage.

64 (6) Any inmate assigned to the program who, without proper
65 authority or just cause, leaves the area to which he has been
66 assigned to work or attend educational or other rehabilitative
67 programs, or leaves the vehicle or route of travel involved in his
68 or her going to or returning from such place, will be guilty of
69 escape as provided in Section 97-9-49. An offender who is
70 convicted under Section 97-9-49 shall be ineligible for further
71 participation in the work program during his or her current term
72 of confinement.

73 (7) No inmate participating in the work release program
74 shall be employed in a position which would necessitate a need to
75 cross into another state as a part of his employment.



76 (8) (a) The inmate shall maintain an account through a
77 local financial institution and shall provide a copy of a check
78 stub to the coordinator.

79 (b) The inmate shall be required:

80 (i) To pay taxes from the inmate's gross wages as
81 required by the state and federal governments.

82 (ii) To pay no more than actual cost to the
83 coordinator for administrative expenses, to include transportation
84 costs and cost of maintenance of the inmate in his place of
85 confinement and reimbursement for same, of the inmate's net wage.

86 (iii) To pay the remaining inmate's net wages to
87 the inmate according to the following schedule:

88 1. To pay twenty-five percent (25%) of the
89 inmate's net wages for the following purposes:

90 a. To pay support of dependents or to
91 the Mississippi Department of Human Services on behalf of
92 dependents as may be ordered by a judge of competent
93 jurisdiction; and

94 b. To pay any fines, restitution, or
95 costs as ordered by the court to include any fines and fees
96 associated with obtaining a valid driver's license upon release.

97 2. To save fifty percent (50%) of the
98 inmate's net wages in the account required under paragraph (a) of
99 this subsection. Monies under this sub-item shall be made
100 available to the inmate upon parole or release.



101 3. The inmate shall have access to the
102 remaining twenty-five percent (25%) of the monies to purchase
103 incidental expenses.

104 (c) The department shall pay the sum of Ten Dollars
105 (\$10.00) per day, to the county, for any participating state
106 inmate who is housed in a county facility.

107 (9) The coordinator shall collect and maintain data which
108 shall be shared annually with the Joint Legislative Committee on
109 Performance Evaluation and Expenditure Review (PEER) and the
110 Corrections and Criminal Justice Oversight Task Force in sortable
111 electronic format. The first report shall be made on or before
112 January 15, 2025, and annually thereafter unless the legislature
113 establishes a different schedule. The data shall include the
114 following:

115 (a) Total number of participants at the beginning of
116 each month by race, gender, and offenses charged;

117 (b) Total number of participants at the end of each
118 month by race, gender, and offenses charged;

119 (c) Total number of participants who began the program
120 in each month by race, gender, and offenses charged;

121 (d) Total number of participants who successfully
122 completed the program in each month by race, gender, and offenses
123 charged;



124 (e) Total number of participants who left the program
125 in each month and reason for leaving by race, gender, and offenses
126 charged;

127 (f) Total number of participants who were arrested for
128 a new criminal offense while in the program in each month by race,
129 gender and offenses charged;

130 (g) Total number of participants who were convicted of
131 a new crime while in the program in each month by race, gender and
132 offenses charged;

133 (h) Total number of participants who completed the
134 program and were convicted of a new crime within three (3) years
135 of completing the program;

136 (i) Total amount earned by participants and how the
137 earnings were distributed in each month;

138 (j) Results of any initial risk and needs assessments
139 conducted on each participant by race, gender, and offenses
140 charged;

141 (k) Total list of participating employers;

142 (l) Total list of jobs acquired by participants;

143 (m) Total list of the hourly wage paid to each
144 participant;

145 (n) Total costs associated with program operations;

146 (o) Total list of participating financial institutions;

147 (p) The number of accounts opened by participants at
148 financial institutions;



149 (q) The average hourly wage earned in the program; and
150 (r) Any other data or information as requested by the
151 task force.

152 **SECTION 2.** This act shall take effect and be in force from
153 and after July 1, 2024.

