

By: Senator(s) Sparks

To: Economic and Workforce  
Development

SENATE BILL NO. 2717

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO  
 2 REMOVE PROVISIONS REQUIRING THAT THERE BE A DEPUTY COMMISSIONER  
 3 FOR WORKFORCE DEVELOPMENT WHO SHALL SERVE AS THE CHIEF EXECUTIVE  
 4 OFFICER OF PRISON INDUSTRIES AND DIRECTOR OF PRISON AGRICULTURAL  
 5 ENTERPRISES; TO AMEND SECTION 47-5-541, MISSISSIPPI CODE OF 1972,  
 6 TO REPLACE THE EXECUTIVE DIRECTOR OF ACCELERATEMS WITH THE  
 7 EXECUTIVE DIRECTOR OF THE OFFICE OF WORKFORCE DEVELOPMENT, TO  
 8 REQUIRE THAT THERE BE A DEPUTY COMMISSIONER FOR WORKFORCE  
 9 DEVELOPMENT WHO SHALL WORK IN COLLABORATION WITH THE EXECUTIVE  
 10 DIRECTOR OF THE OFFICE OF WORKFORCE DEVELOPMENT TO IMPLEMENT  
 11 WORKFORCE DEVELOPMENT PROGRAMS WITHIN THE CORRECTIONS SYSTEM, AND  
 12 TO DESCRIBE THE DUTIES OF THE DEPUTY COMMISSIONER FOR WORKFORCE  
 13 DEVELOPMENT; TO AMEND SECTION 47-5-577, MISSISSIPPI CODE OF 1972,  
 14 TO EXTEND THE DATE OF REPEAL FROM 2024 TO 2027; AND FOR RELATED  
 15 PURPOSES.

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

17 **SECTION 1.** Section 47-5-26, Mississippi Code of 1972, is  
 18 amended as follows:

19 47-5-26. (1) The commissioner shall employ the following  
 20 personnel:

21 (a) A Deputy Commissioner for Administration and  
 22 Finance, who shall supervise and implement all fiscal policies and  
 23 programs within the department, supervise and implement all hiring  
 24 and personnel matters within the department, supervise the



25 department's personnel director, supervise and implement all  
26 purchasing within the department and supervise and implement all  
27 data processing activities within the department, and who shall  
28 serve as the Chief Executive Officer of the Division of  
29 Administration and Finance. He shall possess either:

30 (i) A master's degree from an accredited four-year  
31 college or university in public or business administration,  
32 accounting, economics or a directly related field, and four (4)  
33 years of experience in work related to the above-described duties,  
34 one (1) year of which must have included line or functional  
35 supervision; or

36 (ii) A bachelor's degree from an accredited  
37 four-year college or university in public or business  
38 administration, accounting, economics or a directly related field,  
39 and six (6) years of experience in work related to the  
40 above-described duties, one (1) year of which must have included  
41 line or functional supervision. Certification by the State of  
42 Mississippi as a certified public accountant may be substituted  
43 for one (1) year of the required experience.

44 (b) A Deputy Commissioner for Community Corrections,  
45 who shall initiate and administer programs, including, but not  
46 limited to, supervision of probationers, parolees and  
47 suspensioners, counseling, community-based treatment, interstate  
48 compact administration and enforcement, prevention programs,  
49 halfway houses and group homes, technical violation centers,



50 restitution centers, presentence investigations, and work and  
51 educational releases, and shall serve as the Chief Executive  
52 Officer of the Division of Community Services. The Deputy  
53 Commissioner for Community Corrections is charged with full and  
54 complete cooperation with the State Parole Board and shall make  
55 monthly reports to the Chairman of the Parole Board in the form  
56 and type required by the chairman, in his discretion, for the  
57 proper performance of the probation and parole functions. After a  
58 plea or verdict of guilty to a felony is entered against a person  
59 and before he is sentenced, the Deputy Commissioner for Community  
60 Corrections shall procure from any available source and shall file  
61 in the presentence records any information regarding any criminal  
62 history of the person such as fingerprints, dates of arrests,  
63 complaints, civil and criminal charges, investigative reports of  
64 arresting and prosecuting agencies, reports of the National Crime  
65 Information Center, the nature and character of each offense,  
66 noting all particular circumstances thereof and any similar data  
67 about the person. The Deputy Commissioner for Community  
68 Corrections shall keep an accurate and complete duplicate record  
69 of this file and shall furnish the duplicate to the department.  
70 This file shall be placed in and shall constitute a part of the  
71 inmate's master file. The Deputy Commissioner for Community  
72 Corrections shall furnish this file to the State Parole Board when  
73 the file is needed in the course of its official duties. He shall  
74 possess either: (i) a master's degree in counseling, corrections



75 psychology, guidance, social work, criminal justice or some  
76 related field and at least four (4) years' full-time experience in  
77 such field, including at least one (1) year of supervisory  
78 experience; or (ii) a bachelor's degree in a field described in  
79 subparagraph (i) of this paragraph and at least six (6) years'  
80 full-time work in corrections, one (1) year of which shall have  
81 been at the supervisory level.

82 (c) A Deputy Commissioner for Institutions, who shall  
83 administer institutions, reception and diagnostic centers,  
84 prerelease centers and other facilities and programs provided  
85 therein, and shall serve as the Chief Executive Officer of the  
86 Division of Institutions. He shall possess either: (i) a  
87 master's degree in counseling, criminal justice, psychology,  
88 guidance, social work, business or some related field, and at  
89 least four (4) years' full-time experience in corrections,  
90 including at least one (1) year of correctional management  
91 experience; or (ii) a bachelor's degree in a field described in  
92 subparagraph (i) of this paragraph and at least six (6) years'  
93 full-time work in corrections, four (4) years of which shall have  
94 been at the correctional management level.

95 (d) A Deputy Commissioner for Programs, Education and  
96 Reentry, who shall initiate and administer programs, including but  
97 not limited to, education services, religious services, moral  
98 rehabilitation, alcohol and drug rehabilitation, and court  
99 reentry. The Deputy Commissioner for Programs, Education and



100 Reentry may coordinate with any educational institution to develop  
101 a program for moral rehabilitation with an emphasis on promoting  
102 effective programs for release. The Deputy Commissioner for  
103 Programs, Education and Reentry shall focus on reentry programs  
104 aimed at reducing recidivism. The programs shall incorporate a  
105 moral component focused on providing offenders with an opportunity  
106 to make positive changes while incarcerated that will enable them  
107 to be productive members of society upon their release. Such  
108 deputy commissioner shall possess either:

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

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

118 \* \* \*

119 Out of the deputy commissioners employed under this  
120 subsection (1), as set out in paragraphs (a) through (e), the  
121 commissioner shall designate one (1) of the commissioners as an  
122 executive deputy commissioner who shall have the duties prescribed  
123 under Section 47-5-8.



124           (2) The commissioner shall employ an administrative  
125 assistant for parole matters who shall be selected by the State  
126 Parole Board who shall be an employee of the department assigned  
127 to the State Parole Board and who shall be located at the office  
128 of the State Parole Board, and who shall work under the guidance,  
129 supervision and direction of the board.

130           (3) The administrative assistant for parole matters shall  
131 receive an annual salary to be established by the Legislature.  
132 The salaries of department employees not established by the  
133 Legislature shall receive an annual salary established by the  
134 State Personnel Board.

135           (4) The commissioner shall employ a superintendent for the  
136 Parchman facility, Central Mississippi Correctional Facility and  
137 South Mississippi Correctional Institution of the Department of  
138 Corrections. The Superintendent of the Mississippi State  
139 Penitentiary shall reside on the grounds of the Parchman facility.  
140 Each superintendent shall appoint an officer in charge when he is  
141 absent.

142           Each superintendent shall develop and implement a plan for  
143 the prevention and control of an inmate riot and shall file a  
144 report with the Chairman of the Senate Corrections Committee and  
145 the Chairman of the House Penitentiary Committee on the first day  
146 of each regular session of the Legislature regarding the status of  
147 the plan.



148 In order that the grievances and complaints of inmates,  
149 employees and visitors at each facility may be heard in a timely  
150 and orderly manner, each superintendent shall appoint or designate  
151 an employee at the facility to hear grievances and complaints and  
152 to report grievances and complaints to the superintendent. Each  
153 superintendent shall institute procedures as are necessary to  
154 provide confidentiality to those who file grievances and  
155 complaints.

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

160 **SECTION 2.** Section 47-5-541, Mississippi Code of 1972, is  
161 amended as follows:

162 47-5-541. (1) The corporation shall be governed by a board  
163 of directors. The terms of the board of directors in place before  
164 July 1, 2022, shall expire June 30, 2022. From and after July 1,  
165 2022, the board of directors of the nonprofit corporation shall be  
166 composed of the following five (5) members:

167 (a) The Commissioner of the Department of Corrections  
168 or his or her designee;

169 (b) One (1) representative of the faith-based  
170 community, appointed by the Commissioner of the Department of  
171 Corrections with the advice and consent of the Senate;



172 (c) One (1) representative of the business community,  
173 appointed by the Commissioner of the Department of Corrections  
174 with the advice and consent of the Senate;

175 (d) The Executive Director of \* \* \* the Office of  
176 Workforce Development or his or her designee; and

177 (e) The Executive Director of the Mississippi Community  
178 College Board or his or her designee.

179 For the initial appointments, the representative of the  
180 faith-based community shall serve for a term of one (1) year; the  
181 representative of the business community shall serve for a term of  
182 two (2) years; the Executive Director of the \* \* \* Office of  
183 Workforce Development or his or her designee shall serve for a  
184 term of three (3) years and the Executive Director of the  
185 Mississippi Community College Board shall serve for a term of four  
186 (4) years. All succeeding terms shall be for four (4) years from  
187 the expiration date of the previous term. The term of the  
188 Commissioner of Corrections shall run concurrent with his or her  
189 term or terms as commissioner. Initial appointments shall be made  
190 within thirty (30) days after July 1, 2022. Any vacancy on the  
191 board prior to the expiration of a term for any reason, including  
192 resignation, removal, disqualification, death or disability shall  
193 be filled in the manner prescribed in paragraphs (a) through (e)  
194 of this subsection for the balance of the unexpired term. The  
195 officers of the corporation shall consist of a chairman, vice  
196 chairman and a secretary-treasurer. The officers shall be





197 selected by the members of the board. However, the Commissioner  
198 of Corrections shall not be eligible to serve as an officer of the  
199 corporation.

200 (2) (a) The board of directors shall select and employ a  
201 chief executive officer of the corporation as the Deputy  
202 Commissioner for Workforce Development who shall serve at the  
203 pleasure of the board. The board shall set the compensation of  
204 the \* \* \* Deputy Commissioner for Workforce Development.  
205 The \* \* \* Deputy Commissioner for Workforce Development shall be  
206 responsible for the general business and entire operations of the  
207 corporation, and shall be responsible for operating the  
208 corporation in compliance with the bylaws of the corporation and  
209 in compliance with any provision of law. The board shall be  
210 authorized and empowered to do only those acts provided by law and  
211 by the bylaws of the corporation. Except as otherwise  
212 specifically provided by law, such board shall have the authority  
213 to establish prison industries, to cease the operation of any  
214 industry which it deems unsuitable or unprofitable, to enter into  
215 any lease or contract for the corporation and it shall have the  
216 full authority to establish prices for any industry good.

217 (b) The Deputy Commissioner for Workforce Development  
218 shall work in collaboration with the Executive Director of the  
219 Office of Workforce Development to implement workforce development  
220 programs within the corrections system which align with the



221 strategic plan for an integrated workforce development system for  
222 the state, as described in Section 37-153-7.

223 (c) The Deputy Commissioner for Workforce Development  
224 shall be a person with extensive experience in development of  
225 economic, human and physical resources, with an emphasis in the  
226 corrections or reentry environments preferred. The Deputy  
227 Commissioner for Workforce Development shall have at least a  
228 bachelor's degree from a state-accredited institution and no less  
229 than eight (8) years of professional experience related to  
230 workforce development.

231 (d) With the assistance of the Office of Workforce  
232 Development, the Deputy Commissioner for Workforce Development  
233 shall:

234 (i) Inventory and measure the effectiveness of  
235 current workforce development programs in the state corrections  
236 system, with the goal of eliminating any programs which do not  
237 result in desired outcomes, including, but not limited to, an  
238 increase in employment in reentering offenders, a better  
239 environment within correctional facilities in the state, or a  
240 reduction in recidivism;

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



244                   (iii) Provide information, as appropriate, to  
245 offenders on workforce development programs available within the  
246 corrections system;

247                   (iv) Work with industry to identify barriers which  
248 inhibit offender reentry and employment and evaluate the  
249 responsiveness of the corrections system and other support  
250 entities to the needs of industry;

251                   (v) Develop short-term and long-term goals for the  
252 state related to workforce development and reentry offender  
253 employment within the corrections system; and

254                   (vi) Perform a comprehensive review of workforce  
255 development in the corrections system, including the amount  
256 expended on programs supported by state or federal money and their  
257 outcomes.

258           (3) No member of the board of directors shall vote on any  
259 matter that comes before the board that could result in pecuniary  
260 benefit for himself or for any entity in which such member has an  
261 interest.

262           (4) In addition to the board of directors, an advisory board  
263 may be set up for the benefit of each industry which is  
264 established pursuant to the provisions of Sections 47-5-531  
265 through 47-5-575. Such boards shall be advisory only, and may be  
266 set up in the discretion of the board of directors of the  
267 corporation.



268           (5) Each member of the board of directors of the corporation  
269 shall receive per diem as provided in Section 25-3-69 for each day  
270 or fraction thereof spent in actual discharge of his official  
271 duties and shall be reimbursed for mileage and actual expenses  
272 incurred in the performance of his official duties in accordance  
273 with the requirements of Section 25-3-41, Mississippi Code of  
274 1972.

275           (6) The board of directors shall make and publish policies,  
276 rules and regulations governing all business functions, including  
277 but not limited to accounting, marketing, purchasing and  
278 personnel, not inconsistent with the terms of Sections 47-5-531  
279 through 47-5-575, as may be necessary for the efficient  
280 administration and operation of the corporation.

281           (7) The chief executive officer of the corporation shall:

282                   (a) Employ all necessary employees of the corporation  
283 and dismiss them as is necessary;

284                   (b) Administer the daily operations of the corporation,  
285 including establishing education, training and workforce  
286 development programs in collaboration with the Office of Workforce  
287 Development and other relevant state and federal agencies;

288                   (c) Upon approval of the board of directors, execute  
289 any contracts on behalf of the corporation; and

290                   (d) Take any further actions which are necessary and  
291 proper toward the achievement of the corporation purposes.



292 (8) A member of the board of directors of the corporation  
293 shall not be liable for any civil damages for any personal injury  
294 or property damage caused to a person as a result of any acts or  
295 omissions committed in good faith in the exercise of their duties  
296 as members of the board of directors of the corporation, except  
297 where a member of the board engages in acts or omissions which are  
298 intentional, willful, wanton, reckless or grossly negligent.

299 **SECTION 3.** Section 47-5-577, Mississippi Code of 1972, is  
300 amended as follows:

301 47-5-577. Sections 47-5-531 through 47-5-575, which create  
302 the Mississippi Prison Industries Act of 1990, shall stand  
303 repealed from and after July 1, \* \* \* 2027.

304 **SECTION 4.** This act shall take effect and be in force from  
305 and after July 1, 2024.

