

By: Senator(s) Sparks

To: Economic and Workforce
Development

COMMITTEE SUBSTITUTE
FOR
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, and shall stand repealed on June 30, 2024.

