

Senate Amendments to House Bill No. 758

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

14 **SECTION 1.** Section 47-5-539, Mississippi Code of 1972, is
15 amended as follows:

16 47-5-539. For the purposes of Sections 47-5-531 through
17 47-5-575, the following terms shall have the following meaning
18 unless the context shall provide otherwise:

19 (a) "Chief executive officer" means the chief executive
20 officer of the corporation established under this chapter.

21 (b) "Corporation" means the private nonprofit
22 corporation which is required to be organized and formed to carry
23 out the provisions of Sections 47-5-531 through 47-5-575 regarding
24 prison industries.

25 (c) "Department" means the State Department of
26 Corrections.

27 (d) "Inmate" means any person under the jurisdiction of
28 the Mississippi Department of Corrections who is incarcerated
29 within any of the following state, regional or private
30 correctional * * * facilities:

- 31 (i) Central Mississippi Correctional Facility;
32 (ii) Marshall County Correctional Facility;
33 (iii) Mississippi State Penitentiary;
34 (iv) Delta Correctional Facility;
35 (v) Mississippi Correctional Institute for Women;
36 (vi) South Mississippi Correctional Institution;
37 (vii) Walnut Grove Correctional Facility;
38 (viii) Alcorn County Regional Correctional
39 Facility;
40 (ix) Carroll/Montgomery County Regional
41 Correctional Facility;
42 (x) George/Greene County Correctional Facility;
43 (xi) Bolivar County Correctional Facility;
44 (xii) Chickasaw County Regional Correctional
45 Facility;
46 (xiii) Holmes/Humphreys County Correctional
47 Facility;
48 (xiv) Issaquena County Correctional Facility;
49 (xv) Kemper/Neshoba County Regional Correctional
50 Facility;
51 (xvi) Jefferson/Franklin County Correctional
52 Facility;
53 (xvii) Leake County Correctional Facility;
54 (xviii) Marion/Walthall County Correctional
55 Facility;

56 (xix) Washington County Regional Correctional
57 Facility;

58 (xx) Yazoo Regional Correctional Facility;

59 (xxi) Stone County Correctional Facility;

60 (xxii) Winston/Choctaw County Correctional

61 Facility;

62 (xxiii) East Mississippi Correctional Facility;

63 and

64 (xxiv) Wilkinson County Correctional Facility.

65 (e) "Prison industry program" means any program which
66 is considered to be a part of any prison industry in this state.

67 (f) "Prison agricultural enterprises" means all
68 agricultural endeavors as defined in Section 47-5-353.

69 (g) "Work initiative" or "initiative" means the program
70 authorized in Section 47-5-579.

71 **SECTION 2.** Section 47-5-579, Mississippi Code of 1972, is
72 amended as follows:

73 47-5-579. (1) (a) The corporation is authorized to create
74 a Pilot Work Initiative at * * * each of the state, regional and
75 private facilities listed in Section 47-5-539(d). * * * Each
76 initiative shall be limited to no more than twenty-five (25)
77 inmates in the * * * state, regional or private facility at any
78 given time.

79 (b) The department shall:

80 (i) Have the ultimate authority for oversight of
81 the administration of the initiative;

82 (ii) Delegate the administration of the initiative
83 to the corporation; and

84 (iii) Oversee the selection of inmates for
85 admission to the initiative.

86 (2) (a) An inmate is eligible for participation in the
87 initiative if the inmate has:

88 (i) No more than two (2) years remaining on the
89 inmate's sentence;

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

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

94 (b) Any inmate that meets the eligibility requirements
95 of paragraph (a) may request assignment to the work initiative
96 established under this section.

97 (3) (a) The commissioner shall select inmates for admission
98 to the program.

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

102 (4) (a) The chief executive officer may authorize the
103 inmate to participate in educational or other rehabilitative
104 programs designed to supplement his work initiative employment or
105 to prepare the person for successful reentry.

106 (b) Before accepting any participants to the program,
107 the corporation, in consultation with the department, shall adopt

108 and publish rules and regulations to effectuate this section no
109 later than six (6) months after the effective date of this
110 section. These rules and regulations shall include all protection
111 requirements for work release programs established pursuant to
112 Sections 47-5-451 through 47-5-471. Participating employers shall
113 pay no less than the prevailing wage for the position and shall
114 under no circumstance pay less than the federal minimum wage.

115 (5) Any inmate assigned to the initiative who, without
116 proper authority or just cause, leaves the area to which he has
117 been assigned to work or attend educational or other
118 rehabilitative programs, or leaves the vehicle or route of travel
119 involved in his or her going to or returning from such place, will
120 be guilty of escape as provided in Section 97-9-49. An offender
121 who is convicted under Section 97-9-49 shall be ineligible for
122 further participation in the work initiative during his or her
123 current term of confinement.

124 (6) (a) The inmate shall maintain an account through a
125 local financial institution and shall provide a copy of a check
126 stub to the chief executive officer.

127 (b) The inmate shall be required:

128 (i) To pay twenty-five percent (25%) of the
129 inmate's wages after mandatory deductions for the following
130 purposes:

131 1. To pay support of dependents or to the
132 Mississippi Department of Human Services on behalf of dependents
133 as may be ordered by a judge of competent jurisdiction; and

134 2. To pay any fines, restitution, or costs as
135 ordered by the court to include any fines and fees associated with
136 obtaining a valid driver's license upon release.

137 (ii) To pay * * * fifteen percent (15%) of the
138 inmate's wages to the corporation for administrative expenses to
139 include transportation costs, to be remitted to the state,
140 regional or private facility where the inmate provided the work.

141 (iii) To save fifty percent (50%) of the inmate's
142 wages in the account required under paragraph (a) of this
143 subsection. Monies under this sub-item shall be made available to
144 the inmate upon parole or release.

145 (c) The inmate shall have access to the remaining * * *
146 ten percent (10%) of the monies in the inmate's account to
147 purchase incidental expenses.

148 (7) The chief executive officer of the corporation shall
149 collect and maintain data which shall be shared semiannually with
150 the Joint Legislative Committee on Performance Evaluation and
151 Expenditure Review (PEER) and the Corrections and Criminal Justice
152 Oversight Task Force in sortable electronic format. The first
153 report shall be made on January 15, * * * 2025, and in six-month
154 intervals thereafter unless PEER establishes a different schedule.
155 The data shall include:

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

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

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

162 (d) Total number of participants who successfully
163 completed the program in each month by race, gender, and offenses
164 charged;

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

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

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

174 (h) Total number of participants who completed the
175 program and were convicted of a new crime within three (3) years
176 of completing the program;

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

179 (j) Results of any initial risk and needs assessments
180 conducted on each participant by race, gender, and offenses
181 charged;

182 (k) Total list of participating employers;

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

184 (m) Total list the hourly wage paid to each
185 participant;

186 (n) Total accounting of the manner and use of the ten
187 percent (10%) of the wages paid to the corporation by the inmate
188 for administrative expenses;
189 (o) Total costs associated with program operations;
190 (p) Total list of participating financial institutions;
191 (q) The number of accounts opened by participants at
192 financial institutions;
193 (r) The average hourly wage earned in the program; and
194 (s) Any other data or information as requested by the
195 task force.

196 (8) The Joint Legislative Committee on Performance
197 Evaluation and Expenditure Review (PEER) shall conduct a review of
198 the expanded initiative established under this section and produce
199 a report to the Legislature on * * * its effectiveness by January
200 1, * * * 2026. The PEER Committee shall seek the assistance of
201 the Corrections and Criminal Justice Task Force and may seek
202 assistance from any other criminal justice experts it deems
203 necessary during its review.

204 * * *

205 **SECTION 3.** This act shall take effect and be in force from
206 and after July 1, 2024, and shall stand repealed on June 30, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 47-5-539 AND 47-5-579, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE AND DIRECT THE MISSISSIPPI DEPARTMENT
3 OF CORRECTIONS TO EXPAND THE PILOT WORK INITIATIVE UNDER THE
4 MISSISSIPPI PRISON INDUSTRIES CORPORATION AT CENTRAL MISSISSIPPI

5 CORRECTIONAL FACILITY TO ANY STATE, REGIONAL AND PRIVATE
6 CORRECTIONAL FACILITY IN THE STATE OF MISSISSIPPI WHICH HOUSE
7 INMATES UNDER THE JURISDICTION OF THE MISSISSIPPI DEPARTMENT OF
8 CORRECTIONS; TO PRESCRIBE CERTAIN CONDITIONS FOR THE OPERATION OF
9 THE MISSISSIPPI PRISON INDUSTRIES PROGRAM; TO EARMARK PAYMENTS
10 FROM THE INMATE'S WORK RELEASE ACCOUNT FOR AUTHORIZED PURPOSES; TO
11 DELETE THE AUTOMATIC REPEALER ON THE PRISON INDUSTRIES PROGRAM;
12 AND FOR RELATED PURPOSES.

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Amanda White
Secretary of the Senate