

Senate Amendments to House Bill No. 1025

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:

7 **SECTION 1.** Section 47-5-8, Mississippi Code of 1972, is
8 amended as follows:

9 47-5-8. (1) There is created the Mississippi Department of
10 Corrections, which shall be under the policy direction of the
11 Governor. The chief administrative officer of the department
12 shall be the Commissioner of Corrections.

13 (2) * * * (* * *a) There shall be a Division of
14 Administration and Finance within the department, which shall have
15 as its chief administrative officer a Deputy Commissioner for
16 Administration and Finance who shall be appointed by the
17 commissioner, and shall be directly responsible to the
18 commissioner.

19 (* * *b) There shall be a Division of Community
20 Corrections within the department, which shall have as its chief
21 administrative officer a Deputy Commissioner for Community
22 Corrections, who shall be appointed by the commissioner, and shall
23 be directly responsible to the commissioner. The Probation and

24 Parole Board shall continue to exercise the authority as provided
25 by law, but after July 1, 1976, the Division of Community
26 Corrections shall serve as the administrative agency for the
27 Probation and Parole Board.

28 (* * *c) There shall be a Division of Workforce
29 Development within the department, which shall have as its chief
30 administrative officer a Deputy Commissioner for Workforce
31 Development, who shall be appointed by the commissioner, and shall
32 be directly responsible to the commissioner.

33 (3) The department shall succeed to the exclusive control of
34 all records, books, papers, equipment and supplies, and all lands,
35 buildings and other real and personal property now or hereafter
36 belonging to or assigned to the use and benefit or under the
37 control of the Mississippi State Penitentiary and the Mississippi
38 Probation and Parole Board, except the records of parole process
39 and revocation and legal matters related thereto, and shall have
40 the exercise and control of the use, distribution and disbursement
41 of all funds, appropriations and taxes now or hereafter in
42 possession, levied, collected or received or appropriated for the
43 use, benefit, support and maintenance of these two (2) agencies
44 except as otherwise provided by law, and the department shall have
45 general supervision of all the affairs of the two (2) agencies
46 herein named except as otherwise provided by law, and the care and
47 conduct of all buildings and grounds, business methods and
48 arrangements of accounts and records, the organization of the

49 administrative plans of each institution, and all other matters
50 incident to the proper functioning of the two (2) agencies.

51 (4) The commissioner may lease the lands for oil, gas,
52 mineral exploration and other purposes, and contract with other
53 state agencies for the proper management of lands under such
54 leases or for the provision of other services, and the proceeds
55 thereof shall be paid into the General Fund of the state.

56 **SECTION 2.** Section 47-5-26, Mississippi Code of 1972, is
57 amended as follows:

58 47-5-26. (1) The commissioner shall employ the following
59 personnel:

60 (a) A Deputy Commissioner for Administration and
61 Finance, who shall supervise and implement all fiscal policies and
62 programs within the department, supervise and implement all hiring
63 and personnel matters within the department, supervise the
64 department's personnel director, supervise and implement all
65 purchasing within the department and supervise and implement all
66 data processing activities within the department, and who shall
67 serve as the Chief Executive Officer of the Division of
68 Administration and Finance. He shall possess either:

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

75 (ii) A bachelor's degree from an accredited
76 four-year college or university in public or business
77 administration, accounting, economics or a directly related field,
78 and six (6) years of experience in work related to the
79 above-described duties, one (1) year of which must have included
80 line or functional supervision. Certification by the State of
81 Mississippi as a certified public accountant may be substituted
82 for one (1) year of the required experience.

83 (b) A Deputy Commissioner for Community Corrections,
84 who shall initiate and administer programs, including, but not
85 limited to, supervision of probationers, parolees and
86 suspensioners, counseling, community-based treatment, interstate
87 compact administration and enforcement, prevention programs,
88 halfway houses and group homes, technical violation centers,
89 restitution centers, presentence investigations, and work and
90 educational releases, and shall serve as the Chief Executive
91 Officer of the Division of Community Services. The Deputy
92 Commissioner for Community Corrections is charged with full and
93 complete cooperation with the State Parole Board and shall make
94 monthly reports to the Chairman of the Parole Board in the form
95 and type required by the chairman, in his discretion, for the
96 proper performance of the probation and parole functions. After a
97 plea or verdict of guilty to a felony is entered against a person
98 and before he is sentenced, the Deputy Commissioner for Community
99 Corrections shall procure from any available source and shall file
100 in the presentence records any information regarding any criminal

101 history of the person such as fingerprints, dates of arrests,
102 complaints, civil and criminal charges, investigative reports of
103 arresting and prosecuting agencies, reports of the National Crime
104 Information Center, the nature and character of each offense,
105 noting all particular circumstances thereof and any similar data
106 about the person. The Deputy Commissioner for Community
107 Corrections shall keep an accurate and complete duplicate record
108 of this file and shall furnish the duplicate to the department.
109 This file shall be placed in and shall constitute a part of the
110 inmate's master file. The Deputy Commissioner for Community
111 Corrections shall furnish this file to the State Parole Board when
112 the file is needed in the course of its official duties. He shall
113 possess either: (i) a master's degree in counseling, corrections
114 psychology, guidance, social work, criminal justice or some
115 related field and at least four (4) years' full-time experience in
116 such field, including at least one (1) year of supervisory
117 experience; or (ii) a bachelor's degree in a field described in
118 subparagraph (i) of this paragraph and at least six (6) years'
119 full-time work in corrections, one (1) year of which shall have
120 been at the supervisory level.

121 (c) A Deputy Commissioner for Institutions, who shall
122 administer institutions, reception and diagnostic centers,
123 prerelease centers and other facilities and programs provided
124 therein, and shall serve as the Chief Executive Officer of the
125 Division of Institutions. He shall possess either: (i) a
126 master's degree in counseling, criminal justice, psychology,

127 guidance, social work, business or some related field, and at
128 least four (4) years' full-time experience in corrections,
129 including at least one (1) year of correctional management
130 experience; or (ii) a bachelor's degree in a field described in
131 subparagraph (i) of this paragraph and at least six (6) years'
132 full-time work in corrections, four (4) years of which shall have
133 been at the correctional management level.

134 (d) A Deputy Commissioner for Programs, Education and
135 Reentry, who shall initiate and administer programs, including but
136 not limited to, education services, religious services, moral
137 rehabilitation, alcohol and drug rehabilitation, and court
138 reentry. The Deputy Commissioner for Programs, Education and
139 Reentry may coordinate with any educational institution to develop
140 a program for moral rehabilitation with an emphasis on promoting
141 effective programs for release. The Deputy Commissioner for
142 Programs, Education and Reentry shall focus on reentry programs
143 aimed at reducing recidivism. The programs shall incorporate a
144 moral component focused on providing offenders with an opportunity
145 to make positive changes while incarcerated that will enable them
146 to be productive members of society upon their release. Such
147 deputy commissioner shall possess either:

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

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

157 (e) A Deputy Commissioner for Workforce Development who
158 shall serve as the Chief Executive Officer of Prison Industries
159 and Director of Prison Agricultural Enterprises. The Deputy
160 Commissioner for Workforce Development shall work in collaboration
161 with the Executive Director of the Office of Workforce Development
162 to implement workforce development programs within the corrections
163 system which align with the strategic plan for an integrated
164 workforce development system for the state, as described in
165 Section 37-153-7. Such deputy commissioner shall be a person with
166 extensive experience in development of economic, human and
167 physical resources, with an emphasis in the corrections or reentry
168 environments preferred. The Deputy Commissioner for Workforce
169 Development shall have at least a bachelor's degree from a
170 state-accredited institution and no less than eight (8) years of
171 professional experience related to workforce development. The
172 Deputy Commissioner for Workforce Development, with the assistance
173 from the Office of Workforce Development, shall:

174 (i) Inventory and measure the effectiveness of
175 current workforce development programs in the state corrections
176 system, with the goal of eliminating any programs which do not
177 result in desired outcomes, including, but not limited to, an
178 increase in employment in reentering offenders, a better

179 environment within correctional facilities in the state, or a
180 reduction in recidivism;

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

184 (iii) Provide information, as appropriate, to
185 offenders on workforce development programs available within the
186 corrections system;

187 (iv) Work with industry to identify barriers which
188 inhibit offender reentry and employment and evaluate the
189 responsiveness of the corrections system and other support
190 entities to the needs of industry;

191 (v) Develop short- and long-term goals for the
192 state related to workforce development and reentry offender
193 employment within the corrections system, and

194 (vi) Perform a comprehensive review of workforce
195 development in the corrections system, including the amount
196 expended on programs supported by state or federal money and their
197 outcomes.

198 * * *

199 (2) The commissioner shall employ an administrative
200 assistant for parole matters who shall be selected by the State
201 Parole Board who shall be an employee of the department assigned
202 to the State Parole Board and who shall be located at the office
203 of the State Parole Board, and who shall work under the guidance,
204 supervision and direction of the board.

205 (3) The administrative assistant for parole matters shall
206 receive an annual salary to be established by the Legislature.
207 The salaries of department employees not established by the
208 Legislature shall receive an annual salary established by the
209 State Personnel Board.

210 (4) The commissioner shall employ a superintendent for the
211 Parchman facility, Central Mississippi Correctional Facility and
212 South Mississippi Correctional Institution of the Department of
213 Corrections. The Superintendent of the Mississippi State
214 Penitentiary shall reside on the grounds of the Parchman facility.
215 Each superintendent shall appoint an officer in charge when he is
216 absent.

217 Each superintendent shall develop and implement a plan for
218 the prevention and control of an inmate riot and shall file a
219 report with the Chairman of the Senate Corrections Committee and
220 the Chairman of the House Penitentiary Committee on the first day
221 of each regular session of the Legislature regarding the status of
222 the plan.

223 In order that the grievances and complaints of inmates,
224 employees and visitors at each facility may be heard in a timely
225 and orderly manner, each superintendent shall appoint or designate
226 an employee at the facility to hear grievances and complaints and
227 to report grievances and complaints to the superintendent. Each
228 superintendent shall institute procedures as are necessary to
229 provide confidentiality to those who file grievances and
230 complaints.

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

235 **SECTION 3.** This act shall take effect and be in force from
236 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 SECTION 47-5-8, MISSISSIPPI CODE OF 1972, TO
2 ELIMINATE THE POSITION OF EXECUTIVE DEPUTY COMMISSIONER FROM THE
3 DEPARTMENT OF CORRECTIONS; TO AMEND SECTION 47-5-26, MISSISSIPPI
4 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED
5 PURPOSES.

SS26\HB1025A.J

Amanda White
Secretary of the Senate