

By: Representatives Gibbs (72nd), Holloway
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To: Corrections

HOUSE BILL NO. 658

1 AN ACT TO PROVIDE THAT IF THE DEPARTMENT OF CORRECTIONS HAS
2 ANY STATE INMATE IN A WORK ASSIGNMENT AND IN SUCH ASSIGNMENT THE
3 INMATE UTILIZES RAW CLEANING CHEMICALS, THEN THE DEPARTMENT SHALL
4 PROVIDE CERTAIN PROTECTIVE EQUIPMENT TO THE INMATE; TO AMEND
5 SECTIONS 47-5-371, 47-5-401, 47-5-431, 47-5-441, 47-5-451,
6 47-5-453 AND 47-5-555, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
7 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) For purposes of this act, the following
10 terms are defined as follows, unless the context clearly indicates
11 otherwise:

12 (a) "Raw cleaning chemicals" means chemical compounds
13 that break down and remove contaminants from surfaces, and
14 includes, but is not limited to:

- 15 (i) Acids;
16 (ii) Alkalies;
17 (iii) Surfactants; and
18 (iv) Enzymes.



(b) "State inmate" means a person convicted of a crime and sentenced to the custody of the Department of Corrections for a term of confinement of more than one (1) year's duration.

(2) Any state inmate who is assigned to a work assignment that requires the inmate to utilize raw cleaning chemicals, then the Department of Corrections shall provide the inmate with suitable protective equipment, including, but not limited to, a face mask, gloves, a protective helmet or eye protection.

SECTION 2. Section 47-5-371, Mississippi Code of 1972, is amended as follows:

47-5-371. (1) (a) The Department of Corrections is authorized to create the Inmate Incentive to Work Program. The program shall be made available for eligible inmates housed in state correctional facilities and shall provide certain pay upon work performed in the program. The work offered by inmates shall consist of a wide range of jobs that require varying skill levels.

(b) The department shall adopt rules and regulations as necessary regarding the eligibility of the program as well as the amount of payment to be received by inmates for their work. Inmates who are unable to work or who are in cell confinement shall not be eligible to participate in the program.

(c) If an eligible inmate utilizes raw cleaning chemicals, the department shall provide protective equipment to the inmate as set out under Section 1 of this act.



(2) There is hereby created a special fund to be known as the "Inmate Incentive to Work Program Fund" to be maintained in a bank to be selected by the Commissioner of the Department of Corrections. It shall be the duty of the bank, so long as it retains such deposits, to make monthly reports to the State Treasurer of the State of Mississippi as to the condition of the funds on deposit in the depository. Such funds shall be used for the payment of inmates who are participants in the Inmate Incentive to Work Program, and the fund shall be funded as provided under Section 47-5-158(b).

SECTION 3. Section 47-5-401, Mississippi Code of 1972, is amended as follows:

47-5-401. (1) There is hereby authorized, in each county of the state, a public service work program for state inmates in custody of the county. Such a program may be established at the option of the county in accordance with the provisions of Sections 47-5-401 through 47-5-421. The department shall also recommend rules and regulations concerning the participation of state inmates in the program, and the department shall provide protective equipment, when applicable, as provided under Section 1 of this act.

(2) An inmate shall not be eligible to participate in a work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421 if he has been convicted of any crime of



violence, including but not limited to murder, aggravated assault, rape, robbery or armed robbery.

(3) The inmates participating in the work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421 are restricted to the performance of public service work for counties, municipalities, the state or nonprofit charitable organizations, as defined by Section 501(c)(3) of the Internal Revenue Code of 1986, except that the Department of Corrections must approve all requests by nonprofit charitable organizations to use offenders to perform any public service work. Upon request of the Board of Trustees of State Institutions of Higher Learning, or the board of trustees of a county school district, municipal school district or junior college district, the inmates may be permitted to perform work for such boards.

SECTION 4. Section 47-5-431, Mississippi Code of 1972, is amended as follows:

47-5-431. (1) The sheriff may, in his discretion, use any person who has been convicted of a nonviolent felony and who is serving all or any part of his sentence in the county jail to pick up trash along public roads and state highways within the county.

(2) County inmates performing work under this section shall be eligible for earned time credit in the same manner as state inmates. State inmates shall be eligible for earned time credit in the same manner as other inmates confined or detained in state prisons or other state correctional facilities.



(3) Any inmate escaping while participating in the work described herein shall receive an additional five-year sentence.

(4) Any state inmate participating in the work described under this section shall be provided with protective equipment if utilizing raw cleaning chemicals as set out under Section 1 of this act.

SECTION 5. Section 47-5-441, Mississippi Code of 1972, is amended as follows:

47-5-441. (1) Any sheriff, or his designee, may use any person who has been convicted of a nonviolent offense and who is serving all or any part of his sentence in the county jail to clear, clean, stabilize, preserve, maintain and restore historic cemeteries in the county, and such person who is a state inmate as provided under Section 1 of this act shall be provided protective equipment if he or she utilizes raw cleaning chemicals as set out under Section 1 of this act. For the purposes of this section the term "historic cemeteries" means cemeteries that are at least one hundred (100) years old.

(2) Before undertaking work on an historic cemetery, the sheriff, or his designee, shall contact the Department of Archives and History to obtain information on the appropriate procedures for the preservation and restoration of an historical cemetery.

(3) Any sheriff, or his designee, may use any person who has been convicted of a crime and is serving all or part of his sentence in the county jail, who volunteers his time, to prepare



or serve food in county or public facilities in conjunction with a nonprofit organization under Section 501 (c) (3) of the Internal Revenue Code.

SECTION 6. Section 47-5-451, Mississippi Code of 1972, is amended as follows:

47-5-451. (1) There is hereby authorized, in each county of the state, a public service work program for state inmates in custody of the county. Such a program may be established at the option of the county in accordance with the provisions of Sections 47-5-401 through 47-5-421. The department shall also recommend rules and regulations concerning the participation of state inmates in the program, and the department shall provide protective equipment, when applicable, as provided under Section 1 of this act.

(2) An inmate shall not be eligible to participate in a work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421, if he has been convicted of any crime of violence, including, but not limited to, murder, aggravated assault, rape, robbery or armed robbery.

(3) The inmates participating in the work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421, are restricted to the performance of public service work for counties, municipalities, the state, nonprofit charitable organizations or churches, as defined by Section 501(c) (3) of the Internal Revenue Code of 1986, except that the



Department of Corrections must approve all requests by nonprofit charitable organizations or churches to use offenders to perform any public service work. Upon request of the Board of Trustees of State Institutions of Higher Learning, or the board of trustees of a county school district, municipal school district or junior college district, the inmates may be permitted to perform work for such boards.

SECTION 7. Section 47-5-453, Mississippi Code of 1972, is amended as follows:

47-5-453. Each county board of supervisors electing to establish a work program under Sections 47-5-451 through 47-5-469 shall adopt regulations and policies as authorized by the Department of Corrections for joint state-county work programs, including providing protective equipment, when applicable, as provided under Section 1 of this act as well as including extending the limits of the place of confinement of an eligible inmate as to whom there is reasonable cause to believe he will know his trust. Extending the limits of the place of confinement may include confinement at the residence of the subject inmate wherein the primary maintenance and care of the inmate shall take place, subject to approval by the department and county.

Violations by inmates participating in such programs of any such rules, regulations or policies shall result in the ineligibility of the inmates to participate in such programs, and shall result in the inmate's immediate incarceration.



167 **SECTION 8.** Section 47-5-555, Mississippi Code of 1972, is
168 amended as follows:

169 47-5-555. The department shall, subject to the necessary
170 security requirements and the needs of the corporation, provide to
171 the corporation sufficient inmate labor for the various prison
172 industry programs. The department may adopt rules and regulations
173 as may be necessary to govern the use of inmates by the
174 corporation, and the department shall provide protective
175 equipment, when applicable, as provided under Section 1 of this
176 act. The corporation shall establish policies and procedures,
177 subject to the approval of the department, relating to the use of
178 inmates in the prison industry programs.

179 **SECTION 9.** This act shall take effect and be in force from
180 and after its passage.

