

By: Senator(s) Younger

To: Corrections

SENATE BILL NO. 2234

1 AN ACT TO AMEND SECTION 47-5-579, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT ALL MISSISSIPPI DEPARTMENT OF CORRECTIONS MAGCOR
3 WORK INITIATIVE PROGRAM WITHHOLDINGS WILL BE CALCULATED BASED ON
4 PARTICIPANT WAGES AFTER MANDATORY DEDUCTIONS; TO REQUIRE
5 ACCOUNTING OF ANY DEPENDENT SUPPORT PAYMENTS, FINES, RESTITUTIONS,
6 FEES, OR COSTS AS ORDERED BY THE COURT BE REPORTED FOR EACH WORK
7 INITIATIVE PARTICIPANT AND TO REQUIRE THAT THE REMAINING SENTENCE
8 LENGTH OF WORK INITIATIVE PARTICIPANTS BE COLLECTED, MAINTAINED
9 AND REPORTED TO REFLECT THE CURRENT ADMINISTRATIVE FEE DEDUCTION
10 OF 15%; TO REQUIRE THAT A FINANCIAL ACCOUNT CREATION DATE BE
11 COLLECTED, MAINTAINED AND REPORTED FOR EACH PARTICIPANT IN THE
12 PROGRAM; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 47-5-579, Mississippi Code of 1972, is
15 amended as follows:

16 47-5-579. (1) (a) The corporation shall operate a work
17 initiative at the Central Mississippi Correctional Facility, South
18 Mississippi Correctional Institution, Mississippi State
19 Penitentiary and the Mississippi Correctional Institute for Women,
20 and is authorized, in its discretion, to create a work initiative
21 at any other correctional facility listed in Section 47-5-539(d).
22 In lieu of a work initiative created by the corporation, the
23 warden or superintendent or sheriff at any regional and private



24 facility listed in Section 47-5-539 is authorized to create a work
25 initiative at their respective facility consistent with the
26 provisions and requirements of this section. Each initiative
27 shall be limited to no more than twenty-five (25) inmates in the
28 state, regional or private facility at any given time.

29 (b) The department, with regard to a work initiative in
30 an MDOC facility, shall:

31 (i) Have the ultimate authority for oversight of
32 the administration of the initiative;

33 (ii) Delegate the administration of the initiative
34 to the corporation; and

35 (iii) Oversee the selection of inmates for
36 admission to the initiative.

37 (c) The sheriff, with regard to a work initiative at a
38 regional facility, shall:

39 (i) Have the ultimate authority for oversight of
40 the administration of the initiative;

41 (ii) Oversee the selection of inmates for
42 admission to the initiative; and

43 (iii) Work with the department and the corporation
44 to establish guidelines for the initiative and develop a report
45 thereon.

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



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

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

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

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

(3) (a) The commissioner, in the case of MDOC facilities, or the warden, superintendent, sheriff or similar leader in the case of regional and private facilities, shall select inmates for admission to the program.

(b) An inmate currently participating in vocational training or a soft skills training program at a facility authorized to operate a work initiative shall have priority in admission to the program.

(4) (a) The chief executive officer, in the case of MDOC facilities, or the warden, superintendent, sheriff or similar leader in the case of regional and private facilities, may authorize the inmate to participate in educational or other rehabilitative programs designed to supplement his work initiative employment or to prepare the person for successful reentry.

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



73 and publish rules and regulations to effectuate this section no
74 later than six (6) months after the effective date of this
75 section. These rules and regulations shall include all protection
76 requirements for work release programs established pursuant to
77 Sections 47-5-451 through 47-5-471.

78 (5) Participating employers shall pay no less than the
79 prevailing wage for the position and shall under no circumstance
80 pay less than the federal minimum wage.

81 (6) Any inmate assigned to the initiative who, without
82 proper authority or just cause, leaves the area to which he has
83 been assigned to work or attend educational or other
84 rehabilitative programs, or leaves the vehicle or route of travel
85 involved in his or her going to or returning from such place, will
86 be guilty of escape as provided in Section 97-9-49. An offender
87 who is convicted under Section 97-9-49 shall be ineligible for
88 further participation in the work initiative during his or her
89 current term of confinement.

90 (7) (a) The inmate shall maintain an account through a
91 local financial institution and shall provide a copy of a check
92 stub to the chief executive officer, the warden, the
93 superintendent or the sheriff at a regional facility, as the case
94 may be.

95 (b) The inmate shall be required:



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

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

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

(ii) To pay fifteen percent (15%) of the inmate's wages after mandatory deductions to the corporation for administrative expenses to include transportation costs to be remitted to the state, regional or private facility where the inmate is housed. In the case of state facilities, the administrative expense reimbursement shall be paid to the corporation; in the case of regional facilities, the administrative expense reimbursement shall be paid to the sheriff's department; in the case of private facilities the administrative expense reimbursement shall be paid to the contractor overseeing the facility.

(iii) To save fifty percent (50%) of the inmate's wages after mandatory deductions in the account required under paragraph (a) of this subsection. Monies under this subparagraph shall be made available to the inmate upon parole or release.



120 (c) The inmate shall have access to the remaining ten
121 percent (10%) of the monies in the inmate's account to purchase
122 incidental expenses.

123 (d) Any monies remaining under paragraph (a) of this
124 subsection after all mandatory deductions are paid, shall be
125 deposited in the inmate's account established under this
126 subsection. Any monies remaining upon release in paragraph (c) of
127 this subsection shall be released to the inmate.

128 (8) The chief executive officer of the corporation shall
129 collect and maintain data which shall be shared semiannually with
130 the Joint Legislative Committee on Performance Evaluation and
131 Expenditure Review (PEER) and the Corrections and Criminal Justice
132 Oversight Task Force in sortable electronic format. The first
133 report shall be made on January 15, 2023, and in six-month
134 intervals thereafter unless PEER establishes a different schedule.
135 The data shall include:

136 (a) Total number of participants at the end of each
137 month by race, gender, and offenses charged;

138 (b) Total number of participants who began the program
139 in each month by race, gender, and offenses charged;

140 (c) Total number of participants who successfully
141 completed the program in each month by race, gender, and offenses
142 charged;



143 (d) Total number of participants who left the program
144 in each month and reason for leaving by race, gender, and offenses
145 charged;

146 (e) Total number of participants who were arrested for
147 a new criminal offense while in the program in each month by race,
148 gender and offenses charged;

149 (f) Total number of participants who were convicted of
150 a new crime while in the program in each month by race, gender and
151 offenses charged;

152 (g) Total number of participants who completed the
153 program and were convicted of a new crime within three (3) years
154 of completing the program;

155 (h) Total amount earned by participants and how the
156 earnings were distributed in each month;

157 (i) Results of any initial risk and needs assessments
158 conducted on each participant by race, gender, and offenses
159 charged;

160 (j) List of participating employers;

161 (k) List of jobs acquired by participants;

162 (l) List of the hourly wage paid to each participant;

163 (m) Accounting of the manner and use of the * * *
164 fifteen percent (15%) of the wages paid to the corporation by the
165 inmate for administrative expenses;

166 (n) Total costs associated with program operations;

167 (o) List of participating financial institutions;



(p) * * * Participating financial institutions must collect, maintain and report the creation date for financial accounts opened by work initiative participants;

(q) The average hourly wage earned in the program; * * *

(r) Accounting of any dependent support payments, fines, restitutions, fees or costs as ordered by the court for each work initiative participant;

(s) Collect, maintain and report the remaining sentence length of work initiative participants; and

(* * *t) Any other data or information as requested by the task force.

(9) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall conduct a review of the initiative, including any expansion of the initiative authorized under this section, and produce an annual report to the Legislature on their effectiveness by January 1 of each year. The PEER Committee shall seek the assistance of the Corrections and Criminal Justice Task Force and may seek assistance from any other criminal justice experts it deems necessary during its review.

SECTION 2. This act shall take effect and be in force from and after July 1, 2025.

