

By: Senator(s) Sparks

To: Economic and Workforce
Development

SENATE BILL NO. 2288

1 AN ACT TO BRING FORWARD SECTIONS 47-5-531, 47-5-533,
2 47-5-535, 47-5-537, 47-5-539, 47-5-541, 47-5-543, 47-5-545,
3 47-5-547, 47-5-549, 47-5-551, 47-5-553, 47-5-555, 47-5-557,
4 47-5-559, 47-5-561, 47-5-563, 47-5-565, 47-5-567, 47-5-569,
5 47-5-571, 47-5-573, 47-5-575, 47-5-577 AND 47-5-579, MISSISSIPPI
6 CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 47-5-531, Mississippi Code of 1972, is
10 brought forward as follows:

11 47-5-531. Sections 47-5-531 through 47-5-575 shall be known
12 as the "Mississippi Prison Industries Act of 1990."

13 **SECTION 2.** Section 47-5-533, Mississippi Code of 1972, is
14 brought forward as follows:

15 47-5-533. (1) It is the finding of the Legislature that
16 prison industry programs of the State Department of Corrections
17 are uniquely different from other programs operated or conducted
18 by other departments in that it is essential to the state that the
19 prison industry programs provide inmates with useful activities



20 that can lead to meaningful employment after release in order to
21 assist in reducing the return of inmates to the system.

22 (2) It is further the finding of the Legislature that the
23 mission of a prison industry program is:

24 (a) To reduce the cost of state government by operating
25 prison industries primarily with inmate labor, which industries do
26 not seek to unreasonably compete with private enterprise;

27 (b) To serve the rehabilitative goals of the state by
28 duplicating as nearly as possible, the operating activities of a
29 free-enterprise type of profit-making enterprise; and

30 (c) To serve the security goals of the state by
31 reducing the idleness of inmates and by providing an incentive for
32 good behavior while in prison.

33 **SECTION 3.** Section 47-5-535, Mississippi Code of 1972, is
34 brought forward as follows:

35 47-5-535. (1) Except as otherwise specifically provided by
36 law, it is the intent of the Legislature that a nonprofit
37 corporation be organized and formed, within sixty (60) days from
38 April 4, 1990, to lease and manage the prison industry programs of
39 the Mississippi Correctional Industries. The corporation created
40 and established shall be a body politic and corporate, may acquire
41 and hold real and personal property, may receive, hold and
42 dispense monies appropriated to it by the Legislature of the State
43 of Mississippi received from the federal government, received from



44 the sale of products, goods, and services which it produces, and
45 received from any other sources whatsoever.

46 (2) Except as otherwise specifically provided by law, it is
47 the further intent of the Legislature that the nonprofit
48 corporation shall create any additional prison industry program as
49 it deems fit, and any such program shall be created in compliance
50 with the provisions of Sections 47-5-531 through 47-5-575.

51 (3) Except as otherwise specifically provided by law, it is
52 the further intent of the Legislature that such nonprofit
53 corporation shall have exclusive rights to operate any prison
54 industry program and when such corporation is lawfully formed, no
55 other public or private entity shall be allowed to carry out the
56 provisions of Sections 47-5-531 through 47-5-575.

57 (4) It is the further intent of the Legislature, that the
58 nonprofit corporation which is required to be organized and formed
59 under Sections 47-5-531 through 47-5-575 shall locate and operate
60 prison industries at any state correctional facility with the
61 approval of the Commissioner of Corrections. It is the intent of
62 the Legislature that the nonprofit corporation locate and operate
63 such industries in an orderly and expeditious manner. Such
64 corporation may locate and operate prison industries at other
65 prison satellites, at community work centers in the state, at any
66 private correctional facility which houses state inmates and at
67 any regional correctional facility as authorized under Section



47-5-931. No industrial prison program shall be located at a site other than state prison facilities approved by the commissioner.

SECTION 4. Section 47-5-537, Mississippi Code of 1972, is brought forward as follows:

47-5-537. The Secretary of State, or his designee, shall assist the Department of Corrections and the Department of Finance and Administration in the formation of the nonprofit corporation, and within sixty (60) days after the formation of the corporation, the corporation shall apply for exemption from federal tax under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. Any program of the Division of Vocational Rehabilitation of the State Department of Human Services shall not be classified as prison industries under the provisions Sections 47-5-531 through 47-5-575.

SECTION 5. Section 47-5-539, Mississippi Code of 1972, is brought forward as follows:

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

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

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



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

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

- (i) Central Mississippi Correctional Facility;
- (ii) Marshall County Correctional Facility;
- (iii) Mississippi State Penitentiary;
- (iv) Delta Correctional Facility;
- (v) Mississippi Correctional Institute for Women;
- (vi) South Mississippi Correctional Institution;
- (vii) Walnut Grove Correctional Facility;
- (viii) Alcorn County Regional Correctional
Facility;
- (ix) Carroll/Montgomery County Regional
Correctional Facility;
- (x) George/Greene County Correctional Facility;
- (xi) Bolivar County Correctional Facility;
- (xii) Chickasaw County Regional Correctional
Facility;
- (xiii) Holmes/Humphreys County Correctional
Facility;
- (xiv) Issaquena County Correctional Facility;



117 (xv) Kemper/Neshoba County Regional Correctional
118 Facility;

119 (xvi) Jefferson/Franklin County Correctional
120 Facility;

121 (xvii) Leake County Correctional Facility;
122 (xviii) Marion/Walthall County Correctional
123 Facility;

124 (xix) Washington County Regional Correctional
125 Facility;

126 (xx) Yazoo Regional Correctional Facility;

127 (xxi) Stone County Correctional Facility;

128 (xxii) Winston/Choctaw County Correctional
129 Facility;

130 (xxiii) East Mississippi Correctional Facility;

131 and

132 (xxiv) Wilkinson County Correctional Facility.

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

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

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

139 **SECTION 6.** Section 47-5-541, Mississippi Code of 1972, is
140 brought forward as follows:



141 47-5-541. (1) The corporation shall be governed by a board
142 of directors. The terms of the board of directors in place before
143 July 1, 2022, shall expire June 30, 2022. From and after July 1,
144 2022, the board of directors of the nonprofit corporation shall be
145 composed of the following five (5) members:

146 (a) The Commissioner of the Department of Corrections
147 or his or her designee;

148 (b) One (1) representative of the faith-based community
149 who is a resident of the State of Mississippi, appointed by the
150 Governor with the advice and consent of the Senate;

151 (c) One (1) representative of the business community
152 who is a resident of the State of Mississippi, appointed by the
153 Lieutenant Governor with the advice and consent of the Senate;

154 (d) The Executive Director of the Office of Workforce
155 Development or his or her designee; and

156 (e) The Executive Director of the Mississippi Community
157 College Board or his or her designee.

158 For the initial appointments, the representative of the
159 faith-based community shall serve for a term of one (1) year; the
160 representative of the business community shall serve for a term of
161 two (2) years; the Executive Director of the Office of Workforce
162 Development or his or her designee shall serve for a term of three
163 (3) years and the Executive Director of the Mississippi Community
164 College Board shall serve for a term of four (4) years. All
165 succeeding terms shall be for four (4) years from the expiration



166 date of the previous term. The term of the Commissioner of
167 Corrections shall run concurrent with his or her term or terms as
168 commissioner. Initial appointments shall be made within thirty
169 (30) days after July 1, 2022. Any vacancy on the board prior to
170 the expiration of a term for any reason, including resignation,
171 removal, disqualification, death or disability shall be filled in
172 the manner prescribed in paragraphs (a) through (e) of this
173 subsection for the balance of the unexpired term. The officers of
174 the corporation shall consist of a chairman, vice chairman and a
175 secretary-treasurer. The officers shall be selected by the
176 members of the board. However, the Commissioner of Corrections
177 shall not be eligible to serve as an officer of the corporation.

178 (2) (a) The board of directors shall select and employ a
179 chief executive officer of the corporation who shall serve at the
180 pleasure of the board. The board shall set the compensation of
181 the chief executive officer. The chief executive officer shall be
182 responsible for the general business and entire operations of the
183 corporation, and shall be responsible for operating the
184 corporation in compliance with the bylaws of the corporation and
185 in compliance with any provision of law. The board shall be
186 authorized and empowered to do only those acts provided by law and
187 by the bylaws of the corporation. Except as otherwise
188 specifically provided by law, such board shall have the authority
189 to establish prison industries, to cease the operation of any
190 industry which it deems unsuitable or unprofitable, to enter into



any lease or contract for the corporation and it shall have the full authority to establish prices for any industry good.

(b) The chief executive officer of the corporation shall work in collaboration with the Executive Director of the Office of Workforce Development to implement workforce development programs within the corrections system which align with the strategic plan for an integrated workforce development system for the state, as described in Section 37-153-7.

(c) The chief executive officer of the corporation shall be a person with extensive experience in development of economic, human and physical resources, with an emphasis in the corrections or reentry environments preferred. The chief executive officer of the corporation shall have at least a bachelor's degree from a state-accredited institution and no less than eight (8) years of professional experience related to workforce development.

(d) With the assistance of the Office of Workforce Development, the chief executive officer of the corporation shall:

(i) Inventory and measure the effectiveness of current workforce development programs in the state corrections system, with the goal of eliminating any programs which do not result in desired outcomes, including, but not limited to, an increase in employment in reentering offenders, a better environment within correctional facilities in the state, or a reduction in recidivism;



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

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

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

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

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

(3) No member of the board of directors shall vote on any matter that comes before the board that could result in pecuniary benefit for himself or for any entity in which such member has an interest.

(4) In addition to the board of directors, an advisory board may be set up for the benefit of each industry which is established pursuant to the provisions of Sections 47-5-531 through 47-5-575. Such boards shall be advisory only, and may be



set up in the discretion of the board of directors of the corporation.

(5) Each member of the board of directors of the corporation shall receive per diem as provided in Section 25-3-69 for each day or fraction thereof spent in actual discharge of his official duties and shall be reimbursed for mileage and actual expenses incurred in the performance of his official duties in accordance with the requirements of Section 25-3-41, Mississippi Code of 1972.

(6) The board of directors shall make and publish policies, rules and regulations governing all business functions, including but not limited to accounting, marketing, purchasing and personnel, not inconsistent with the terms of Sections 47-5-531 through 47-5-575, as may be necessary for the efficient administration and operation of the corporation.

(7) The chief executive officer of the corporation shall:

(a) Employ all necessary employees of the corporation and dismiss them as is necessary;

(b) Administer the daily operations of the corporation, including establishing education, training and workforce development programs in collaboration with the Office of Workforce Development and other relevant state and federal agencies;

(c) Upon approval of the board of directors, execute any contracts on behalf of the corporation; and



(d) Take any further actions which are necessary and proper toward the achievement of the corporation purposes.

(8) A member of the board of directors of the corporation shall not be liable for any civil damages for any personal injury or property damage caused to a person as a result of any acts or omissions committed in good faith in the exercise of their duties as members of the board of directors of the corporation, except where a member of the board engages in acts or omissions which are intentional, willful, wanton, reckless or grossly negligent.

SECTION 7. Section 47-5-543, Mississippi Code of 1972, is brought forward as follows:

47-5-543. (1) Within sixty (60) days after the formation of the corporation pursuant to the provisions of Section 47-5-535, the State Department of Corrections shall lease to the corporation all existing prison industries including the buildings, land, furnishings, equipment and other chattel used in the operation of such industries. Such lease shall be agreed upon by the State Department of Corrections, State Department of Finance and Administration and the corporation. The initial term of such lease shall not exceed six (6) years, provided that such lease may be renewed for additional successive terms of years not to exceed six (6) years in any one (1) renewal. No sublease to the corporation shall be in excess of that amount for which the department is obligated to pay under any lease agreement with any other state agency. Any receivable and remaining funds shall be



290 transferred to the corporation after the payment of any existing
291 liabilities. No operating loss of any type shall be transferred
292 to the corporation. The State Department of Corrections shall
293 continue to manage and operate the prison industries until such
294 industries are leased to the corporation. When leasing any prison
295 industry program to the corporation, the corporation shall
296 exercise a reasonable effort to employ any personnel of the State
297 Department of Corrections who are currently involved in any prison
298 industry program being leased to the corporation. Before the
299 leasing of the prison industries, buildings, lands and other items
300 mentioned herein to the corporation, the State Auditor of Public
301 Accounts shall perform a comprehensive audit of all the items and
302 things mentioned herein which are to be leased by the department
303 to the corporation. The corporation may expand, eliminate,
304 suspend or alter any of its industries as it sees fit.

305 (2) Any lands, buildings, equipment, furnishings, livestock,
306 supplies and vehicles used in the department's farming operations
307 which were leased or transferred to the nonprofit corporation
308 under subsection (1) shall be transferred to the department. Any
309 personnel in the department's farming operations employed by the
310 nonprofit corporation who desire to be reassigned to the
311 department and who are under state service may be reassigned to
312 the department.



(3) The department is not required to lease land, buildings, equipment, furnishings or other chattel used in its prison agricultural enterprises.

SECTION 8. Section 47-5-545, Mississippi Code of 1972, is brought forward as follows:

47-5-545. Except as otherwise specifically provided by law, after the commissioning and implementation of a marketing feasibility study for any proposed new prison industry, the corporation may establish such prison industry. Before any new industry is established, the corporation shall hold a hearing to determine the impact such industry may have on the private sector market. The corporation shall provide adequate and advance notice regarding the nature, time, date and place of such hearing. After the hearing which is required under this section, the corporation may commence negotiations with the State Department of Corrections, with the Secretary of State, or his designee, serving as a mediator, regarding the leasing of land and other chattels for the purpose of establishing any new industry.

SECTION 9. Section 47-5-547, Mississippi Code of 1972, is brought forward as follows:

47-5-547. Except as otherwise specifically provided by law, any training program or auxiliary program associated with any existing prison industry shall be transferred to the corporation. The corporation is empowered and authorized to establish in participation with any community or junior college or state



institution of higher learning, any training or auxiliary program for existing prison industries or for any industries which the corporation might create. Such community or junior college or state institution of higher learning shall provide assistance in business planning, marketing and analysis of existing or projected industries. These industrial services shall be contracted with any appropriate community or junior college or state institution of higher learning when these industries are developed at other correction sites.

SECTION 10. Section 47-5-549, Mississippi Code of 1972, is brought forward as follows:

47-5-549. Any service or item manufactured, processed, grown or produced by the corporation from its prison industries may be furnished or sold to any legislative, executive or judicial branch of the state, any political subdivision or any governing authority of the state, any other state, any school, college or university of the state, any foreign government, any agency of the federal government or to any private entity. The corporation shall make reasonable efforts to purchase raw materials from in-state vendors. The prices for industry-made products shall be established by the board of directors of the corporation or its designee.

SECTION 11. Section 47-5-551, Mississippi Code of 1972, is brought forward as follows:



47-5-551. In the event the corporation is dissolved or its lease of any prison industry program expires or is otherwise terminated, all property relating to such prison industry program which ceases to function because of such termination or dissolution, including all funds, buildings, land, furnishings, equipment and other chattels subsequently purchased or otherwise acquired by the corporation in connection with its continued operation of that program, automatically reverts to full ownership by the department.

SECTION 12. Section 47-5-553, Mississippi Code of 1972, is brought forward as follows:

47-5-553. Before any prison industry may commence operations, the chief executive officer of the corporation must communicate with the Commissioner of Corrections regarding the proper security for the facility. If at anytime the Commissioner of Corrections recognizes a need for improvement in the security at any facility, then he or she shall communicate to the corporation regarding what improvements are needed for the facility to be properly secured. The corporation shall furnish its own security within the parameters of any prison industry work area.

SECTION 13. Section 47-5-555, Mississippi Code of 1972, is brought forward as follows:

47-5-555. The department shall, subject to the necessary security requirements and the needs of the corporation, provide to



the corporation sufficient inmate labor for the various prison industry programs. The department may adopt rules and regulations as may be necessary to govern the use of inmates by the corporation. The corporation shall establish policies and procedures, subject to the approval of the department, relating to the use of inmates in the prison industry programs.

SECTION 14. Section 47-5-557, Mississippi Code of 1972, is brought forward as follows:

47-5-557. Any inmate who performs work for the corporation, except those inmates employed by the corporation in the Prison Industry Enhancement Program under Section 47-5-1251, shall not be deemed an agent, employee or involuntary servant of the corporation while performing such work or while going to and from work or other specified areas.

SECTION 15. Section 47-5-559, Mississippi Code of 1972, is brought forward as follows:

47-5-559. The corporation shall submit to the Governor and the Legislature, on or before January 1 of each year, a report on the status of the correctional work programs, including, but not limited to, the programs and funds which have been transferred to the corporation, the programs and funds to be taken over within the next year and the proposed use of the profits from such programs, a breakdown of the amount of noninmate labor used, work subcontracted to other vendors, use of consultants, finished goods purchased for resale, and the number of inmates working in the



412 correctional work programs at the time of the report. In
413 addition, the corporation shall submit to the department, the
414 Governor and the Legislature an annual independently audited
415 financial statement and such other information as may be requested
416 by the Legislature together with recommendations from the
417 corporation relating to provisions for reasonable tax incentives
418 to private enterprises that employ inmates, parolees or former
419 inmates who have participated in correctional work programs. The
420 department shall include, as a portion of its annual report, a
421 report on post-release job placement and the rate of subsequent
422 contact with the correctional system for those inmates who have
423 participated in the correctional work programs operated by the
424 corporation and by the department. Beginning January 1, 1991, the
425 State Auditor shall conduct an annual financial audit of the
426 corporation in conjunction with an independent audit conducted by
427 the corporation's auditors. The State Auditor and the legislative
428 PEER committee shall also conduct a biennial performance audit of
429 the corporation for the period beginning January 1, 1991, through
430 January 1, 1993, and thereafter upon the joint request of the
431 Senate Corrections Committee, House Corrections Committee, Senate
432 Finance Committee, and House Ways and Means Committee.

433 **SECTION 16.** Section 47-5-561, Mississippi Code of 1972, is
434 brought forward as follows:

435 47-5-561. (1) In addition to its other powers, the
436 corporation shall have the power to request, through the



department, an appropriation of general revenue funds for the purposes of operation of, addition to or renovation of facilities or correctional work programs at the various correctional institutions; however, upon receipt of such appropriation, the rental paid by the corporation for the operation of or such new remodeled or renovated facilities or the operation of a correctional work program shall be sufficient to amortize its cost over a period of five (5) years.

(2) The corporation shall maintain those prison industries funds in excess of that amount necessary for sustaining quarterly or monthly operations of the corporation in an interest-bearing account best serving the proper management of corporation funds and earning the maximum amount of interest allowed by law. The corporation shall cause monies from the interest-bearing account to be deposited quarterly or monthly into the corporation's checking account in order to pay the legal debts of the corporation, approved for payment by the corporation.

SECTION 17. Section 47-5-563, Mississippi Code of 1972, is brought forward as follows:

47-5-563. (1) The department may adopt such rules as may be necessary to govern the use of inmates by the corporation; however, such rules shall be related only to the need for security, inmate projections, and efficient operation of each institution.



(2) The corporation, with the input of the department, shall establish policies and procedures subject to the approval of the department's legal counsel relating to the use of inmates in the correctional work programs.

(3) All such policies and procedures adopted by the department and the corporation shall be placed on file in the Office of the Secretary of State.

SECTION 18. Section 47-5-565, Mississippi Code of 1972, is brought forward as follows:

47-5-565. To carry out the provisions of Sections 47-5-531 through 47-5-575, the provisions of Sections 47-5-301 et seq., and 47-5-501 et seq., Mississippi Code of 1972, the corporation shall authorize the transfer and expending of monies from the Prison Industries Fund.

SECTION 19. Section 47-5-567, Mississippi Code of 1972, is brought forward as follows:

47-5-567. Except as otherwise specifically provided by law, no inmate shall be eligible for unemployment compensation or workmen's compensation whether employed by the corporation or by any other private enterprise operating on the grounds of a correctional institution or elsewhere where such employment shall be a part of a correctional work program or work release program of either the corporation or the department.

SECTION 20. Section 47-5-569, Mississippi Code of 1972, is brought forward as follows:



486 47-5-569. (1) Except as otherwise specifically provided by
487 law, if the department leases a single correctional work program
488 at any correctional institution to the corporation, the
489 corporation shall lease all such correctional work programs at
490 that institution. Any rent paid by the corporation to the
491 department shall be deposited in a correctional programs trust
492 fund for enhancement of education and training, post-release job
493 placement, and other correctional purposes related to the purposes
494 of Sections 47-5-531 through 47-5-575.

495 (2) All leases of department-owned land for the funding or
496 operations of the corporation shall be subject to the approval of
497 the corporation, the Mississippi Department of Corrections and the
498 Public Procurement Review Board.

499 (3) This section shall not apply to any program within the
500 prison agricultural enterprises operated by the department.

501 **SECTION 21.** Section 47-5-571, Mississippi Code of 1972, is
502 brought forward as follows:

503 47-5-571. Except as otherwise specifically provided by law,
504 no goods, wares, services or merchandise manufactured, mined or
505 offered in whole or in part by prisoners shall be sold or offered
506 by any person or other authority except by the corporation, as
507 authorized by Sections 47-5-531 through 47-5-575.

508 **SECTION 22.** Section 47-5-573, Mississippi Code of 1972, is
509 brought forward as follows:



510 47-5-573. (1) In adopting or modifying master plans for
511 correctional work programs, and in the administration of the
512 Department of Corrections, it shall be the objective of the
513 department to develop a logical sequence of vocational training,
514 employment by correctional work programs, and post-release job
515 placement for inmates participating in correctional work programs.

516 (2) The Department of Corrections shall establish guidelines
517 for the development of correctional work programs.

518 (3) The needs of the corporation shall be considered by the
519 department when assigning and transferring prisoners to
520 correctional institutions. The following criteria shall be used
521 when assigning and transferring inmates:

522 (a) Skills of the inmate relevant to the corporation's
523 industries;

524 (b) Security classification of the inmate relevant to
525 the type of corporation's industry;

526 (c) Duration of availability of the inmate for
527 employment by the corporation;

528 (d) Establishment of a concept of potentially
529 rehabilitative inmate.

530 **SECTION 23.** Section 47-5-575, Mississippi Code of 1972, is
531 brought forward as follows:

532 47-5-575. Any records or reports which relate to the
533 financial aspect or operations of the corporation, with the
534 exception of any trade secrets, shall be considered as public



records and shall be subject to the provisions of the Mississippi Public Records Act of 1983.

SECTION 24. Section 47-5-577, Mississippi Code of 1972, is brought forward as follows:

47-5-577. Sections 47-5-531 through 47-5-575, which create the Mississippi Prison Industries Act of 1990, shall stand repealed from and after July 1, 2027.

SECTION 25. Section 47-5-579, Mississippi Code of 1972, is brought forward as follows:

47-5-579. (1) (a) The corporation shall operate a work initiative at the Central Mississippi Correctional Facility, South Mississippi Correctional Institution, Mississippi State Penitentiary and the Mississippi Correctional Institute for Women, and is authorized, in its discretion, to create a work initiative at any other correctional facility listed in Section 47-5-539(d). In lieu of a work initiative created by the corporation, the warden or superintendent or sheriff at any regional and private facility listed in Section 47-5-539 is authorized to create a work initiative at their respective facility consistent with the provisions and requirements of this section. Each initiative shall be limited to no more than twenty-five (25) inmates in the state, regional or private facility at any given time.

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



559 (i) Have the ultimate authority for oversight of
560 the administration of the initiative;
561 (ii) Delegate the administration of the initiative
562 to the corporation; and
563 (iii) Oversee the selection of inmates for
564 admission to the initiative.
565 (c) The sheriff, with regard to a work initiative at a
566 regional facility, shall:
567 (i) Have the ultimate authority for oversight of
568 the administration of the initiative;
569 (ii) Oversee the selection of inmates for
570 admission to the initiative; and
571 (iii) Work with the department and the corporation
572 to establish guidelines for the initiative and develop a report
573 thereon.
574 (2) (a) An inmate is eligible for participation in the
575 initiative if the inmate has:
576 (i) No more than two (2) years remaining on the
577 inmate's sentence;
578 (ii) Not been convicted under Section 97-9-49
579 within the last five (5) years; and
580 (iii) Not been sentenced for a sex offense as
581 defined in Section 45-33-23(h) .



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

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

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

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

599 (b) Before accepting any participants to the program,
600 the corporation, in consultation with the department, shall adopt
601 and publish rules and regulations to effectuate this section no
602 later than six (6) months after the effective date of this
603 section. These rules and regulations shall include all protection
604 requirements for work release programs established pursuant to
605 Sections 47-5-451 through 47-5-471.



606 (5) Participating employers shall pay no less than the
607 prevailing wage for the position and shall under no circumstance
608 pay less than the federal minimum wage.

609 (6) Any inmate assigned to the initiative who, without
610 proper authority or just cause, leaves the area to which he has
611 been assigned to work or attend educational or other
612 rehabilitative programs, or leaves the vehicle or route of travel
613 involved in his or her going to or returning from such place, will
614 be guilty of escape as provided in Section 97-9-49. An offender
615 who is convicted under Section 97-9-49 shall be ineligible for
616 further participation in the work initiative during his or her
617 current term of confinement.

618 (7) (a) The inmate shall maintain an account through a
619 local financial institution and shall provide a copy of a check
620 stub to the chief executive officer, the warden, the
621 superintendent or the sheriff at a regional facility, as the case
622 may be.

623 (b) The inmate shall be required:

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

627 1. To pay support of dependents or to the
628 Mississippi Department of Human Services on behalf of dependents
629 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 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 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.

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

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



655 (8) The chief executive officer of the corporation shall
656 collect and maintain data which shall be shared semiannually with
657 the Joint Legislative Committee on Performance Evaluation and
658 Expenditure Review (PEER) and the Corrections and Criminal Justice
659 Oversight Task Force in sortable electronic format. The first
660 report shall be made on January 15, 2023, and in six-month
661 intervals thereafter unless PEER establishes a different schedule.
662 The data shall include:

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

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

667 (c) Total number of participants who successfully
668 completed the program in each month by race, gender, and offenses
669 charged;

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

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

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



679 (g) Total number of participants who completed the
680 program and were convicted of a new crime within three (3) years
681 of completing the program;

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

684 (i) Results of any initial risk and needs assessments
685 conducted on each participant by race, gender, and offenses
686 charged;

687 (j) List of participating employers;

688 (k) List of jobs acquired by participants;

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

690 (m) Accounting of the manner and use of the ten percent
691 (10%) of the wages paid to the corporation by the inmate for
692 administrative expenses;

693 (n) Total costs associated with program operations;

694 (o) List of participating financial institutions;

695 (p) The number of accounts opened by participants at
696 financial institutions;

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

698 (r) Any other data or information as requested by the
699 task force.

700 (9) The Joint Legislative Committee on Performance
701 Evaluation and Expenditure Review (PEER) shall conduct a review of
702 the initiative, including any expansion of the initiative
703 authorized under this section, and produce an annual report to the



704 Legislature on their effectiveness by January 1 of each year. The
705 PEER Committee shall seek the assistance of the Corrections and
706 Criminal Justice Task Force and may seek assistance from any other
707 criminal justice experts it deems necessary during its review.

708 **SECTION 26.** This act shall take effect and be in force from
709 and after July 1, 2025.

