

By: Malone

To: Penitentiary

## HOUSE BILL NO. 946

1 AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT INMATE TELEPHONE CALL COMMISSIONS SHALL BE  
3 RETAINED BY EACH CORRECTIONAL FACILITY THAT COLLECTS THE TELEPHONE  
4 COMMISSIONS AND TO REQUIRE THE CORRECTIONAL FACILITIES TO PROPOSE  
5 AND SUBMIT A PLAN FOR EXPENDITURE OF THE FUNDS TO THE DEPARTMENT  
6 OF CORRECTIONS FOR THE COMMISSION'S APPROVAL; AND FOR RELATED  
7 PURPOSES.

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

9 SECTION 1. Section 47-5-158, Mississippi Code of 1972, is  
10 amended as follows:

11 47-5-158. (1) The department is authorized to maintain a  
12 bank account which shall be designated as the Inmate Welfare Fund.

13 All monies now held in a similar fund for the benefit and welfare  
14 of inmates shall be deposited into the Inmate Welfare Fund. This  
15 fund shall be used for the benefit and welfare of inmates in the  
16 custody of the department.

17 (2) There shall be deposited into the Inmate Welfare Fund  
18 interest previously earned on inmate deposits, all net profits  
19 from the operation of inmate canteens, the annual prison rodeo,  
20 performances of the Penitentiary band, interest earned on the  
21 Inmate Welfare Fund and other revenues designated by the  
22 commissioner. All money shall be deposited into the Inmate  
23 Welfare Fund as provided in Section 7-9-21, Mississippi Code of  
24 1972.

25 (3) All inmate telephone call commissions generated by  
26 inmate telephone calls shall be retained by the correctional  
27 facility that collects the telephone commissions. Each  
28 correctional facility shall propose and submit and plan for

expenditure of the funds to the Department of Corrections for the  
commission's approval before the funds may be expended. No such  
funds may be expended by a correctional facility except as  
authorized by the commission.

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(4) The commissioner may invest in the manner authorized by law any money in the Inmate Welfare Fund that is not necessary for immediate use, and the interest earned shall be deposited in the Inmate Welfare Fund.

(5) The Deputy Commissioner for Administration and Finance shall be the custodian of the Inmate Welfare Fund. He shall establish and implement internal accounting controls that comply with generally accepted accounting principles. The Deputy Commissioner for Administration and Finance shall prepare and issue quarterly consolidated and individual facility financial statements to the prison auditor of the Joint Legislative Committee on Performance Evaluation and Expenditure Review. The deputy commissioner shall prepare an annual report which shall include a summary of expenditures from the fund by major categories and by individual facility. This annual report shall be sent to the prison auditor, the Legislative Budget Office, the Chairman of the Corrections Committee of the Senate, and the Chairman of the Penitentiary Committee of the House of Representatives.

(6) A portion of the Inmate Welfare Fund shall be deposited in the Discharged Offenders Revolving Fund, as created under Section 47-5-155, in amounts necessary to provide a balance not to exceed One Hundred Thousand Dollars (\$100,000.00) in the Discharged Offenders Revolving Fund, and shall be used to supplement those amounts paid to discharged, paroled or pardoned offenders from the department. The superintendent of the Parchman facility shall establish equitable criteria for the making of supplemental payments which shall not exceed Two Hundred Dollars (\$200.00) for any offender. The supplemental payments shall be subject to the approval of the commissioner. The State Treasurer shall not be required to replenish the Discharged Offenders Revolving Fund for the supplemental payments made to discharged,

66 paroled or pardoned offenders.

67       (7) The Inmate Welfare Fund Committee is hereby created and  
68 shall be composed of five (5) members: The Deputy Commissioner  
69 for Community Services, the Superintendent of the Parchman  
70 facility, the Superintendent of the Rankin County facility, the  
71 Superintendent of the Greene County facility, and one (1) member  
72 to be appointed by the Commissioner of Corrections. The member  
73 appointed by the commissioner shall be the chairman of the  
74 committee. The committee shall administer and supervise the  
75 operations and expenditures from the Inmate Welfare Fund and shall  
76 maintain an official minute book upon which shall be spread its  
77 authorization and approval for all such expenditures. The  
78 committee may promulgate regulations governing the use and  
79 expenditures of the fund.

80       (8) The Department of Audit shall conduct an annual  
81 comprehensive audit of the Inmate Welfare Fund.

82       SECTION 2. This act shall take effect and be in force from  
83 and after July 1, 2000.