MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Representative Malone To: Penitentiary

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1381

AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972, TO REVISE THE ALLOCATION AND DISTRIBUTION OF INMATE TELEPHONE CALL COMMISSIONS TO PROVIDE FOR THE PURCHASE OF AN INMATE INFORMATION TECHNOLOGY SYSTEM, AND TO INCREASE THE MEMBERSHIP OF THE INMATE WELFARE FUND COMMITTEE; AND FOR RELATED PURPOSES.

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

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

47-5-158. (1) The department is authorized to maintain a bank account which shall be designated as the Inmate Welfare Fund. *** * *** This fund shall be used for the benefit and welfare of inmates in the custody of the department.

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

(3) All inmate telephone call commissions shall be paid to the department. Monies in the fund may be expended by the Department of Corrections, upon requisition by the commissioner or his designee, only for the purposes established in this subsection.

(a) *** * *** Twenty-five percent (25%) of the inmate telephone call commissions shall be used to purchase and maintain telecommunication equipment to be used by the department.

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(b) Twenty-five percent (25%) of the inmate telephone call commissions shall be deposited into the Prison Agricultural Enterprises Fund. The Mississippi Department of Corrections may use these funds to supplement the Prison Agricultural Enterprises Fund created in Section 47-5-66.

(c) Twenty-five percent (25%) of the inmate telephone call commissions shall be deposited into the Inmate Welfare Fund.

(d) Twenty-five percent (25%) of the inmate telephone call commissions shall be deposited into a fund called the "Inmate Technology Fund" to purchase an Inmate Information Technology System. This paragraph shall be repealed on July 1, 2007.

(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, paroled or pardoned offenders.

(7) The Inmate Welfare Fund Committee is * * * created and shall be composed of seven (7) members: the Deputy Commissioner for Community Services, the Deputy Commissioner of Institutions, the Superintendent of the Parchman facility, the Superintendent of the Rankin County facility, the Superintendent of the Greene County facility, and two (2) members to be appointed by the Commissioner of Corrections. The * * * commissioner shall appoint a chairman of the committee. The committee shall administer and supervise the operations and expenditures from the Inmate Welfare Fund and shall maintain an official minute book upon which shall be spread its authorization and approval for all such expenditures. The committee may promulgate regulations governing the use and expenditures of the fund.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.