

By: Representative Fleming

To: Corrections

HOUSE BILL NO. 46

1 AN ACT TO AMEND SECTION 47-5-431, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A SHERIFF MAY TRANSPORT A COUNTY INMATE WHO
3 POSSESSES A PARTICULAR SKILL TO ANY COUNTY WITHIN THE STATE TO
4 MAKE USE OF THE PARTICULAR SKILL PURSUANT TO COURT APPROVAL; TO
5 AMEND SECTION 47-5-938, MISSISSIPPI CODE OF 1972, IN CONFORMITY
6 THERETO; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 47-5-431, Mississippi Code of 1972, is
9 amended as follows:

10 47-5-431. (1) The sheriff may, in his discretion, use any
11 person who has been convicted of a nonviolent felony and who is
12 serving all or any part of his sentence in the county jail to pick
13 up trash along public roads and state highways within the county.

14 (2) In addition, the sheriff may transport a county inmate
15 possessing a particular work-related skill to any other county
16 within the state to perform such skill on public property if
17 approval for the transportation and use of the inmate is first
18 obtained by a judge of the circuit or county court of the county
19 where the inmate is confined and the sheriffs of both counties
20 enter into an agreement regarding the transportation, supervision
21 and safekeeping of the inmate.

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

27 (4) Any inmate escaping while participating in the work
28 described in this section shall receive an additional five-year
29 sentence.

30 **SECTION 2.** Section 47-5-938, Mississippi Code of 1972, is
31 amended as follows:

32 47-5-938. (1) Offenders are encouraged to participate in
33 work programs. The chief corrections officer as created in
34 Section 47-5-935, with ratification of the board of supervisors of
35 the county in which a correctional facility established pursuant
36 to Sections 47-5-931 through 47-5-941, is located, may enter into
37 agreements to provide work for any state offender housed in the
38 facility, with the approval of the Commissioner of Corrections, to
39 perform any work:

40 (a) Authorized in the Mississippi Prison Industries Act
41 of 1990 as provided in Sections 47-5-531 through 47-5-575;

42 (b) Authorized in the Prison Agricultural Enterprises
43 Act as provided in Sections 47-5-351 through 47-5-357;

44 (c) Authorized in the Penitentiary Made Goods Law of
45 1978 as provided in Sections 47-5-301 through 47-5-331;

46 (d) Authorized in the Public Service Work Programs Act
47 as provided in Sections 47-5-401 through 47-5-421;

48 (e) Authorized in Section 47-5-431, regarding the use
49 of county or state offenders to pick up trash along public roads
50 and state highways, and regarding the transportation of county
51 inmates who possess particular work-related skills to any other
52 county within the state.

53 (2) The chief corrections officer shall promulgate rules and
54 regulations as may be necessary to govern the work performance of
55 the offenders for the parties to the agreements. Political
56 subdivisions of the State of Mississippi, including, but not
57 limited to, counties, municipalities, school districts, drainage
58 districts, water management districts and joint county-municipal
59 endeavors are to have free use of the offender's labor but are
60 responsible for reimbursing the facility for costs of
61 transportation, guards, meals and other necessary costs when the

62 inmates are providing work for that political body. Offenders may
63 be compensated for work performed if the agreement so provides.

64 (3) There is created a special fund in the county treasury
65 to be known as the "offender's compensation fund." All
66 compensation paid to offenders shall be placed in the special fund
67 for use by the offenders to purchase certain goods and other items
68 of value as authorized in Section 47-5-109, for offenders housed
69 in state correctional facilities. As provided in Section
70 47-5-194, no cash is to be paid to offenders. The agreement shall
71 provide that a certain portion of the compensation shall be used
72 for the welfare of the offenders. All money collected from the
73 regional jail canteen operations shall be placed in a county
74 special fund. Expenditures from that fund can be made by the
75 chief corrections officer for any lawful purpose that is in the
76 best interest and welfare of the offenders. The chief corrections
77 officer, his employees and the county or counties owning the
78 facility are given the authority necessary to carry out the
79 provisions of this section.

80 (4) The provisions of this section shall be supplemental to
81 any other provisions of law regarding offender labor and work
82 programs.

83 **SECTION 3.** This act shall take effect and be in force from
84 and after July 1, 2005.