

By: Representative Malone

To: Corrections

HOUSE BILL NO. 430

1 AN ACT TO AMEND SECTION 47-5-158, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE TIME PERIOD UNTIL JULY 1, 2008, WHEREBY THE
3 DEPARTMENT OF CORRECTIONS IS REQUIRED TO DEPOSIT 25% OF THE INMATE
4 TELEPHONE CALL COMMISSIONS INTO THE PRISON AGRICULTURAL ENTERPRISE
5 FUND; TO EXTEND THE TIME PERIOD TO JULY 1, 2008, WHEREBY THE
6 DEPARTMENT IS AUTHORIZED TO BEGIN DEPOSITING 50% OF THE INMATE
7 TELEPHONE CALL COMMISSIONS INTO THE FUND; TO EXTEND THE TIME
8 PERIOD FROM JULY 1, 2007, TO JULY 1, 2008, WHEREBY THE DEPARTMENT
9 IS REQUIRED TO DEPOSIT 25% OF SUCH COMMISSIONS INTO THE INMATE
10 TECHNOLOGY FUND AND TO EXTEND THE DATE OF REPEAL ON THE PROVISION
11 OF LAW THAT ALLOWS SUCH DEPOSITS TO THE INMATE TECHNOLOGY FUND;
12 AND FOR RELATED PURPOSES.

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

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

16 47-5-158. (1) The department is authorized to maintain a
17 bank account which shall be designated as the Inmate Welfare Fund.
18 All monies now held in a similar fund for the benefit and welfare
19 of inmates shall be deposited into the Inmate Welfare Fund. This
20 fund shall be used for the benefit and welfare of inmates in the
21 custody of the department.

22 (2) There shall be deposited into the Inmate Welfare Fund
23 interest previously earned on inmate deposits, all net profits
24 from the operation of inmate canteens, the annual prison rodeo,
25 performances of the Penitentiary band, interest earned on the
26 Inmate Welfare Fund and other revenues designated by the
27 commissioner. All money shall be deposited into the Inmate
28 Welfare Fund as provided in Section 7-9-21, Mississippi Code of
29 1972.

30 (3) All inmate telephone call commissions shall be paid to
31 the department. Monies in the fund may be expended by the
32 Department of Corrections, upon requisition by the commissioner or

33 his designee, only for the purposes established in this
34 subsection.

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

38 (b) Until July 1, 2008, twenty-five percent (25%) of
39 the inmate telephone call commissions shall be deposited into the
40 Prison Agricultural Enterprise Fund. Beginning on July 1, 2008,
41 fifty percent (50%) of the inmate telephone call commissions shall
42 be deposited into the Prison Agricultural Enterprise Fund. The
43 Mississippi Department of Corrections may use these funds to
44 supplement the Prison Agricultural Enterprise Fund created in
45 Section 47-5-66.

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

48 (d) Until July 1, 2008, twenty-five percent (25%) shall
49 be deposited in a fund called the Inmate Technology Fund to
50 purchase an Inmate Information Technology System. This paragraph
51 (d) shall repeal on July 1, 2008.

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

56 (5) The Deputy Commissioner for Administration and Finance
57 shall be the custodian of the Inmate Welfare Fund. He shall
58 establish and implement internal accounting controls that comply
59 with generally accepted accounting principles. The Deputy
60 Commissioner for Administration and Finance shall prepare and
61 issue quarterly consolidated and individual facility financial
62 statements to the prison auditor of the Joint Legislative
63 Committee on Performance Evaluation and Expenditure Review. The
64 deputy commissioner shall prepare an annual report which shall
65 include a summary of expenditures from the fund by major

66 categories and by individual facility. This annual report shall
67 be sent to the prison auditor, the Legislative Budget Office, the
68 Chairman of the Corrections Committee of the Senate, and the
69 Chairman of the Penitentiary Committee of the House of
70 Representatives.

71 (6) A portion of the Inmate Welfare Fund shall be deposited
72 in the Discharged Offenders Revolving Fund, as created under
73 Section 47-5-155, in amounts necessary to provide a balance not to
74 exceed One Hundred Thousand Dollars (\$100,000.00) in the
75 Discharged Offenders Revolving Fund, and shall be used to
76 supplement those amounts paid to discharged, paroled or pardoned
77 offenders from the department. The superintendent of the Parchman
78 facility shall establish equitable criteria for the making of
79 supplemental payments which shall not exceed Two Hundred Dollars
80 (\$200.00) for any offender. The supplemental payments shall be
81 subject to the approval of the commissioner. The State Treasurer
82 shall not be required to replenish the Discharged Offenders
83 Revolving Fund for the supplemental payments made to discharged,
84 paroled or pardoned offenders.

85 (7) The Inmate Welfare Fund Committee is hereby created and
86 shall be composed of seven (7) members: The Deputy Commissioner
87 for Community Corrections, the Deputy Commissioner of
88 Institutions, the Superintendent of the Parchman facility, the
89 Superintendent of the Rankin County facility, the Superintendent
90 of the Greene County facility, and two (2) members to be appointed
91 by the Commissioner of Corrections. The commissioner shall
92 appoint the chairman of the committee. The committee shall
93 administer and supervise the operations and expenditures from the
94 Inmate Welfare Fund and shall maintain an official minute book
95 upon which shall be spread its authorization and approval for all
96 such expenditures. The committee may promulgate regulations
97 governing the use and expenditures of the fund.

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

100 **SECTION 2.** This act shall take effect and be in force from
101 and after July 1, 2007.