

By: Senator(s) Barnett

To: Corrections; Judiciary,
Division B

SENATE BILL NO. 2437
(As Sent to Governor)

1 AN ACT TO AUTHORIZE THE CREATION OF A PILOT WORK INITIATIVE
2 WITHIN THE MISSISSIPPI PRISON INDUSTRIES CORPORATION; AMEND
3 SECTION 47-5-539, MISSISSIPPI CODE OF 1972, TO DEFINE TERMS; TO
4 CREATE NEW SECTION 47-5-579, MISSISSIPPI CODE OF 1972, TO
5 AUTHORIZE THE CREATION OF A PILOT WORK INITIATIVE FOR NO MORE THAN
6 25 INMATES; TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF
7 CORRECTIONS SHALL HAVE THE ULTIMATE AUTHORITY FOR OVERSIGHT OF THE
8 ADMINISTRATION OF THE PILOT INITIATIVE; TO PROSCRIBE CERTAIN
9 ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE PILOT
10 INITIATIVE; TO PROHIBIT ANY INMATE SENTENCED FOR A SEX OFFENSE
11 FROM PARTICIPATION IN THE PROGRAM; TO PROHIBIT ANY INMATE
12 CONVICTED OF ESCAPE WITHIN THE PAST 5 YEARS FROM PARTICIPATION IN
13 THE PROGRAM; TO REQUIRE THE COMMISSIONER OF THE MISSISSIPPI
14 DEPARTMENT OF CORRECTIONS TO SELECT INMATES FOR ADMISSION TO THE
15 PROGRAM; TO REQUIRE THE CORPORATION, IN CONSULTATION WITH THE
16 DEPARTMENT, TO ADOPT AND PROMULGATE RULES TO EFFECTUATE THIS
17 SECTION; TO REQUIRE THE INMATE TO MAINTAIN A BANK ACCOUNT; TO
18 ESTABLISH CERTAIN RULES CONCERNING THE INMATE'S DISBURSEMENT OF
19 FUNDS; TO REQUIRE THE CHIEF EXECUTIVE OFFICER OF THE CORPORATION
20 TO COLLECT AND MAINTAIN DATA TO SHARE WITH PEER AND THE COLLECTION
21 AND CRIMINAL JUSTICE OVERSIGHT TASK FORCE; TO REQUIRE PEER TO
22 CONDUCT A REVIEW OF THE PILOT WORK INITIATIVE; TO AMEND SECTIONS
23 47-5-1251 AND 97-9-49, MISSISSIPPI CODE OF 1972, TO CONFORM; AND
24 FOR RELATED PURPOSES.

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

26 **SECTION 1.** Section 47-5-539, Mississippi Code of 1972, is
27 amended as follows:



28 47-5-539. For the purposes of Sections 47-5-531 through
29 47-5-575, the following terms shall have the following * * *
30 meaning unless the context shall provide otherwise:

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

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

37 (* * * c) "Department" means the State Department of
38 Corrections.

39 (* * * d) "Inmate" means any person incarcerated within
40 any state correctional facility.

41 (* * * e) "Prison industry program" means any program
42 which is considered to be a part of any prison industry in this
43 state.

44 (* * * f) "Prison agricultural enterprises" means all
45 agricultural endeavors as defined in Section 47-5-353.

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

48 **SECTION 2.** The following shall be codified as Section
49 47-5-579, Mississippi Code of 1972:

50 47-5-579. (1) (a) The corporation is authorized to create
51 a Pilot Work Initiative at the Central Mississippi Correctional



52 Facility. The initiative shall be limited to no more than
53 twenty-five (25) inmates in the program at any given time.

54 (b) The department shall:

55 (i) Have the ultimate authority for oversight of
56 the administration of the initiative;

57 (ii) Delegate the administration of the initiative
58 to the corporation; and

59 (iii) Oversee the selection of inmates for
60 admission to the initiative.

61 (2) (a) An inmate is eligible for participation in the
62 initiative if the inmate has:

63 (i) No more than two (2) years remaining on the
64 inmate's sentence;

65 (ii) Not been convicted under Section 97-9-49
66 within the last five (5) years; and

67 (iii) Not been sentenced for a sex offense as
68 defined in Section 45-33-23(h).

69 (b) Any inmate that meets the eligibility requirements
70 of paragraph (a) may request assignment to the work initiative
71 established under this section.

72 (3) (a) The commissioner shall select inmates for admission
73 to the program.

74 (b) An inmate currently participating in vocational
75 training or a soft skills training program with the department
76 shall have priority in admission to the program.



77 (4) (a) The chief executive officer may authorize the
78 inmate to participate in educational or other rehabilitative
79 programs designed to supplement his work initiative employment or
80 to prepare the person for successful reentry.

81 (b) Before accepting any participants to the program,
82 the corporation, in consultation with the department, shall adopt
83 and publish rules and regulations to effectuate this section no
84 later than six (6) months after the effective date of this
85 section. These rules and regulations shall include all protection
86 requirements for work release programs established pursuant to
87 Sections 47-5-451 through 47-5-471. Participating employers shall
88 pay no less than the prevailing wage for the position and shall
89 under no circumstance pay less than the federal minimum wage.

90 (5) Any inmate assigned to the initiative who, without
91 proper authority or just cause, leaves the area to which he has
92 been assigned to work or attend educational or other
93 rehabilitative programs, or leaves the vehicle or route of travel
94 involved in his or her going to or returning from such place, will
95 be guilty of escape as provided in Section 97-9-49. An offender
96 who is convicted under Section 97-9-49 shall be ineligible for
97 further participation in the work initiative during his or her
98 current term of confinement.

99 (6) (a) The inmate shall maintain an account through a
100 local financial institution and shall provide a copy of a check
101 stub to the chief executive officer.



102 (b) The inmate shall be required:

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

106 1. To pay support of dependents or to the
107 Mississippi Department of Human Services on behalf of dependents
108 as may be ordered by a judge of competent jurisdiction; and

109 2. To pay any fines, restitution, or costs as
110 ordered by the court to include any fines and fees associated with
111 obtaining a valid driver's license upon release.

112 (ii) To pay ten percent (10%) of the inmate's
113 wages to the corporation for administrative expenses to include
114 transportation costs.

115 (iii) To save fifty percent (50%) of the inmate's
116 wages in the account required under paragraph (a) of this
117 subsection. Monies under this sub-item shall be made available to
118 the inmate upon parole or release.

119 (c) The inmate shall have access to the remaining
120 fifteen percent (15%) of the monies in the inmate's account to
121 purchase incidental expenses.

122 (7) The chief executive officer of the corporation shall
123 collect and maintain data which shall be shared semiannually with
124 the Joint Legislative Committee on Performance Evaluation and
125 Expenditure Review (PEER) and the Corrections and Criminal Justice
126 Oversight Task Force in sortable electronic format. The first



127 report shall be made on January 15, 2023, and in six-month
128 intervals thereafter unless PEER establishes a different schedule.

129 The data shall include:

130 (a) Total number of participants at the beginning of
131 each month by race, gender, and offenses charged;

132 (b) Total number of participants at the end of each
133 month by race, gender, and offenses charged;

134 (c) Total number of participants who began the program
135 in each month by race, gender, and offenses charged;

136 (d) Total number of participants who successfully
137 completed the program in each month by race, gender, and offenses
138 charged;

139 (e) Total number of participants who left the program
140 in each month and reason for leaving by race, gender, and offenses
141 charged;

142 (f) Total number of participants who were arrested for
143 a new criminal offense while in the program in each month by race,
144 gender and offenses charged;

145 (g) Total number of participants who were convicted of
146 a new crime while in the program in each month by race, gender and
147 offenses charged;

148 (h) Total number of participants who completed the
149 program and were convicted of a new crime within three (3) years
150 of completing the program;



151 (i) Total amount earned by participants and how the
152 earnings were distributed in each month;

153 (j) Results of any initial risk and needs assessments
154 conducted on each participant by race, gender, and offenses
155 charged;

156 (k) Total list of participating employers;

157 (l) Total list of jobs acquired by participants;

158 (m) Total list the hourly wage paid to each
159 participant;

160 (n) Total accounting of the manner and use of the ten
161 percent (10%) of the wages paid to the corporation by the inmate
162 for administrative expenses;

163 (o) Total costs associated with program operations;

164 (p) Total list of participating financial institutions;

165 (q) The number of accounts opened by participants at
166 financial institutions;

167 (r) The average hourly wage earned in the program; and

168 (s) Any other data or information as requested by the
169 task force.

170 (8) The Joint Legislative Committee on Performance
171 Evaluation and Expenditure Review (PEER) shall conduct a review of
172 the initiative established under this section and produce a report
173 to the Legislature on their effectiveness by January 1, 2024. The
174 PEER Committee shall seek the assistance of the Corrections and



175 Criminal Justice Task Force and may seek assistance from any other
176 criminal justice experts it deems necessary during its review.

177 (9) This section shall stand repealed on July 1, 2024.

178 **SECTION 3.** Section 47-5-1251, Mississippi Code of 1972, is
179 amended as follows:

180 47-5-1251. (1) There is created the "Prison Industry
181 Enhancement Program," through which the Department of Corrections
182 may contract with the nonprofit corporation organized and formed
183 under the "Mississippi Prison Industries Act of 1990" to employ
184 offenders within the custody of the department or prison
185 industries.

186 (2) Except as provided in Section 47-5-579, which is the
187 provision authorizing a Work Initiative, the offenders must be
188 under the supervision of the department at all times while
189 working. The offenders shall be paid, by the entity or entities,
190 wages at a rate which is not less than that paid for similar work
191 in the locality in which the work is performed. The wages may be
192 subject to deductions which shall not, in the aggregate, exceed
193 eighty percent (80%) of gross wages. The deductions shall be
194 limited to the following:

195 (a) To pay federal, state and local taxes;

196 (b) To pay reasonable charges for room and board as
197 determined by regulations issued by the Commissioner of
198 Corrections;



199 (c) To support the offender's family pursuant to state
200 statute, court order or agreement by the offender; and

201 (d) To pay contributions equaling not less than five
202 percent (5%) but not more than twenty percent (20%) of the
203 offender's gross wages into the Crime Victims' Compensation Fund
204 as created in Section 99-41-29.

205 (* * *3) Notwithstanding any other provision of the law to
206 the contrary, the offenders shall not be qualified to receive any
207 payments for unemployment compensation while incarcerated.
208 However, the offenders shall not solely by their status as
209 offenders be deprived of the right to participate in benefits made
210 available by the federal or state government to other individuals
211 on the basis of their employment, such as workers' compensation.

212 (* * *4) Offenders who participate in the employment must
213 do so voluntarily and must agree in advance to the specific
214 deductions made from gross wages pursuant to this section and to
215 all other financial arrangements or benefits resulting from
216 participation in the employment.

217 (* * *5) The Department of Corrections shall develop rules
218 and regulations to meet the criteria established by the Bureau of
219 Justice Assistance under the Prison Industry Enhancement
220 Certification Program.

221 **SECTION 4.** Section 97-9-49, Mississippi Code of 1972,
222 is amended as follows:



223 97-9-49. (1) (a) Whoever escapes or attempts by force or
224 violence to escape from any jail in which he is confined, or from
225 any custody under or by virtue of any process issued under the
226 laws of the State of Mississippi by any court or judge, or from
227 the custody of a sheriff or other peace officer pursuant to lawful
228 arrest or from the assigned area of a work release program or work
229 initiative, shall, upon conviction, if the confinement or custody
230 is by virtue of an arrest on a charge of felony, or conviction of
231 a felony, be punished by imprisonment in the penitentiary not
232 exceeding five (5) years to commence at the expiration of his
233 former sentence, or, if the confinement or custody is by virtue of
234 an arrest of or charge for or conviction of a misdemeanor, be
235 punished by imprisonment in the county jail not exceeding one (1)
236 year to commence at the expiration of the sentence which the court
237 has imposed or which may be imposed for the crime for which he is
238 charged.

239 (b) Whoever escapes or attempts by force or violence to
240 escape from any confinement for contempt of court, shall, upon
241 conviction, be found guilty of a misdemeanor and sentenced to
242 imprisonment not to exceed six (6) months in the county jail.

243 (2) Anyone confined in any jail who is entrusted by any
244 authorized person to leave the jail for any purpose and who
245 willfully fails to return to the jail within the stipulated time,
246 or after the accomplishment of the purpose for which he was



247 entrusted to leave, shall be an escapee and shall be subject to
248 the penalties provided in subsection (1).

249 **SECTION 5.** This act shall take effect and be in force from
250 and after July 1, 2022.

