

By: Representative Owen

To: Judiciary B

HOUSE BILL NO. 1455

1 AN ACT TO AMEND SECTION 47-5-579, MISSISSIPPI CODE OF 1972,
 2 TO REMOVE THE "PILOT" DESIGNATION FROM THE WORK INITIATIVE
 3 PROGRAM; TO REMOVE THE CAP ON THE NUMBER OF INMATES WHO MAY
 4 PARTICIAPTE IN THE WORK INITIATIVE; TO PROVIDE THE WORK INITIATIVE
 5 MAY BE CONDUCTED AT ANY FACILITY UNDER THE JURISDICTION OF THE
 6 DEPARTMENT OF CORRECTIONS RATHER THAN JUST AT THE CENTRAL
 7 MISSISSIPPI CORRECTIONAL FACILITY; TO REVISE THE AMOUNT OF THE
 8 INMATES' WAGES THAT ARE PAID TO THE CORPORATION FOR ADMINISTRATIVE
 9 EXPENSES AND THE AMOUNT THE INMATES SAVE FROM THEIR WAGES; TO
 10 REVISE THE DATA INFORMATION THAT IS REPORTED TO THE JOINT
 11 LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE
 12 REVIEW (PEER) AND TO THE CORRECTIONS AND CRIMINAL JUSTICE
 13 OVERSIGHT TASK FORCE; TO EXTEND THE DATE OF REPEAL ON THIS SECTION
 14 TO JULY 1, 2027; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 47-5-579, Mississippi Code of 1972, is
 17 amended as follows:

18 47-5-579. (1) (a) The corporation is authorized to create
 19 a * * * Work Initiative at * * * any facility under the
 20 jurisdiction of the department.

21 (b) The department shall:

22 (i) Have the ultimate authority for oversight of
 23 the administration of the initiative;



24 (ii) Delegate the administration of the initiative
25 to the corporation; and

26 (iii) Oversee the selection of inmates for
27 admission to the initiative.

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

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

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

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

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

39 (3) (a) The commissioner shall select inmates for admission
40 to the program.

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

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



48 (b) Before accepting any participants to the program,
49 the corporation, in consultation with the department, shall adopt
50 and publish rules and regulations to effectuate this section no
51 later than six (6) months after the effective date of this
52 section. These rules and regulations shall include all protection
53 requirements for work release programs established pursuant to
54 Sections 47-5-451 through 47-5-471. Participating employers shall
55 pay no less than the prevailing wage for the position and shall
56 under no circumstance pay less than the federal minimum wage.

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

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

69 (b) The inmate shall be required:

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



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

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

79 (ii) To pay * * * twenty percent (20%) of the
80 inmate's wages to the corporation for administrative expenses to
81 include transportation costs.

82 (iii) To save * * * forty percent (40%) of the
83 inmate's wages in the account required under paragraph (a) of this
84 subsection. Monies under this sub-item shall be made available to
85 the inmate upon parole or release.

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

89 (7) The chief executive officer of the corporation shall
90 collect and maintain data which shall be shared semiannually with
91 the Joint Legislative Committee on Performance Evaluation and
92 Expenditure Review (PEER) and the Corrections and Criminal Justice
93 Oversight Task Force in sortable electronic format. The first
94 report shall be made on January 15, 2023, and in six-month
95 intervals thereafter unless PEER establishes a different schedule.
96 The data shall include:



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

99 * * *

100 (* * *b) Total number of participants who successfully
101 completed the program in each month by race, gender, and offenses
102 charged;

103 (* * *c) Total number of participants who left the
104 program in each month and reason for leaving by race, gender, and
105 offenses charged;

106 (* * *d) Total number of participants who were
107 arrested for a new criminal offense while in the program in each
108 month by race, gender and offenses charged;

109 (* * *e) Total number of participants who were
110 convicted of a new crime while in the program in each month by
111 race, gender and offenses charged;

112 (* * *f) Total number of participants who completed
113 the program and were convicted of a new crime within three (3)
114 years of completing the program by race, gender and offenses
115 charged and by number of months between release from custody and
116 conviction of a new crime;

117 (* * *g) Total amount earned by participants and how
118 the earnings were distributed in each month;

119 (* * *h) Results of any initial risk and needs
120 assessments conducted on each participant by race, gender, and
121 offenses charged;



122 (* * *i) * * * List of participating employers;
123 (* * *j) * * * List of jobs acquired by participants;
124 (* * *k) * * * Hourly wage paid to each participant;
125 (* * *l) * * * Accounting of the manner and use of
126 the * * * twenty percent (20%) of the wages paid to the
127 corporation by the inmate for administrative expenses;
128 (* * *m) Total costs associated with program
129 operations;
130 (* * *n) * * * List of participating financial
131 institutions;
132 (* * *o) The number of accounts opened by participants
133 at financial institutions;
134 (* * *p) The average hourly wage earned in the
135 program; and
136 (* * *q) Any other data or information as requested by
137 the task force.

138 (8) The Joint Legislative Committee on Performance
139 Evaluation and Expenditure Review (PEER) shall conduct a review of
140 the initiative established under this section and produce a report
141 to the Legislature on their effectiveness by January 1, 2024, and
142 by January 1 of each year thereafter. The PEER Committee shall
143 seek the assistance of the Corrections and Criminal Justice Task
144 Force and may seek assistance from any other criminal justice
145 experts it deems necessary during its review.

146 (9) This section shall stand repealed on July 1, * * * 2027.



147 **SECTION 2.** This act shall take effect and be in force from
148 and after July 1, 2024.

