MISSISSIPPI LEGISLATURE                                   REGULAR SESSION 2024

By: Senator(s) Barnett

To: Corrections; Appropriations

SENATE BILL NO. 2353

AN ACT TO PHASEDOWN THE OPERATION OF THE STATE PENITENTIARY AT PARCHMAN IN SUNFLOWER AND QUITMAN COUNTIES OVER A FOUR-YEAR PERIOD AND TRANSFER ITS INMATES, EMPLOYEES AND PROGRAMS TO OTHER STATE AND REGIONAL FACILITIES OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AUTHORIZE AND DIRECT THE COMMISSIONER OF CORRECTIONS TO DEVELOP AND SUBMIT TO THE LEGISLATURE A PLAN TO IMPLEMENT THIS PHASEDOWN UNDER CERTAIN CONDITIONS AND TO PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE PLAN; TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO HOLD THE LAND AT PARCHMAN IN TRUST AND TO LEASE THE GROUNDS AND BUILDINGS FOR AGRICULTURAL, INDUSTRIAL, COMMERCIAL, RESIDENTIAL RECREATIONAL OR OTHER USES FOR A GROUND RENTAL UNDER CERTAIN CONDITIONS; TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO DESIGNATE AN EXISTING BUILDING AT PARCHMAN FOR THE DELIVERY OF MENTAL HEALTH SERVICES TO INMATES WITH MENTAL ILLNESS INCARCERATED IN ANY STATE OR REGIONAL CORRECTIONAL FACILITY TO BE KNOWN AS THE "NORTHWEST MISSISSIPPI FACILITY FOR THE TREATMENT AND CARE OF INMATES WITH MENTAL ILLNESS," AND TO PRESCRIBE STANDARDS FOR THE OPERATION OF SAID MENTAL HEALTH TREATMENT FACILITY; TO PROVIDE THAT ANY BUILDINGS OR OTHER FACILITIES REMAINING AT PARCHMAN SHALL BE RENAMED "NORTHWEST MISSISSIPPI CORRECTIONAL FACILITY"; TO AMEND SECTIONS 47-4-1, 47-5-3, 47-5-5, 47-5-6, 47-5-10, 47-5-20, 47-5-28, 47-5-30, 47-5-64 AND 47-5-66, MISSISSIPPI CODE OF 1972, TO CREATE THE CORRECTIONAL INFRASTRUCTURE AND INMATE HOUSING FUND AND IN CONFORMITY THERETO; TO AMEND SECTION 47-5-35, MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES AND RESPONSIBILITIES OF THE CORRECTIONAL AUDITOR; TO AMEND SECTIONS 47-5-539 AND 47-5-579, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO EXPAND THE PILOT WORK INITIATIVE UNDER THE MISSISSIPPI PRISON INDUSTRIES CORPORATION AT CENTRAL MISSISSIPPI CORRECTIONAL FACILITY TO ANY STATE, REGIONAL AND PRIVATE CORRECTIONAL FACILITY IN THE STATE OF MISSISSIPPI WHICH HOUSE INMATES UNDER THE JURISDICTION OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO PRESCRIBE CERTAIN CONDITIONS FOR THE OPERATION
OF THE MISSISSIPPI PRISON INDUSTRIES PROGRAM; TO DELETE THE
AUTOMATIC REPEALER ON THE PRISON INDUSTRIES PROGRAM; TO DELETE THE
AUTOMATIC REPEALER ON THE MISSISSIPPI EARNED PAROLE ELIGIBILITY
ACT OF 2021; TO BRING FORWARD SECTION 1 OF CHAPTER 479, LAWS OF
2021; TO AMEND SECTIONS 47-7-3 AND 47-7-5, MISSISSIPPI CODE OF
1972, AND BRING FORWARD SECTIONS 47-7-3.1, 47-7-3.2, 47-7-15,
47-7-17 AND 47-7-18, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO
AMEND SECTIONS 47-5-473, 47-5-577, 47-5-911 AND 47-5-1251,
MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALERS ON THE
CORRECTIONAL SYSTEM PILOT WORK RELEASE PROGRAM, THE CORRECTIONAL
SYSTEM MISSISSIPPI PRISON INDUSTRIES ACT OF 1990, THE CORRECTIONAL
SYSTEM PRISON INDUSTRIES PILOT WORK INITIATIVE AT CENTRAL
MISSISSIPPI CORRECTIONAL FACILITY, THE CORRECTIONAL SYSTEM
PROVISIONS FOR STATE OFFENDERS SERVING SENTENCES IN COUNTY JAILS,
THE CORRECTIONAL SYSTEM PRISON INDUSTRY ENHANCEMENT PROGRAM AND
THE CORRECTIONAL SYSTEM PROBATION AND PAROLE LAW; AND FOR RELATED
PURPOSES.

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

SECTION 1. (1) It is the finding of the Legislature that
the Mississippi Department of Corrections should phasedown the
operation of the State Penitentiary at Parchman in Sunflower and
Quitman Counties over a four-year period beginning July 1, 2024,
and transfer its inmates, employees and programs to other state
and regional facilities of the department based on relevant
factors, including the age of the prison, facility maintenance
needs of the prison, proximity to other prisons, the local labor
pool and availability of workforce for staffing the institution,
historical correctional officer vacancy rates at the prison and
the need to better align inmate populations with prison capacity.
Further, savings gained from consolidation of Parchman may be
redirected to correctional officer salaries to specifically
address officer turnover.

(2) The Commissioner of Corrections, on or before January 1,
2025, shall develop and submit to the Legislature a plan to bring
about the decentralization of facilities within the state
correctional system grounds at Parchman, Mississippi, over a
four-year period beginning July 1, 2024, with recommendations for
necessary legislation. In developing the plan for the transfer of
inmates and consolidation of existing programs at the former State
Penitentiary at Parchman, the Commissioner of Corrections is
specifically authorized and directed to contract with the
Tallahatchie County Correctional Facility at Tutwiler for the
incarceration of inmates formerly housed at Parchman, Mississippi.
After entering into an agreement for the receipt of state funds
for the transferred inmates and programs, the Tutwiler facility
shall be renamed and known as the "Northwest Mississippi
Correctional Facility." Any facilities, buildings, hospital
facilities, nursing home facilities or other necessary buildings
remaining at the correctional system grounds at Parchman,
Mississippi, following the phasedown required under this section
shall be renamed "Northwest Mississippi Correctional Facility" and
shall be operated as a branch of the central administrative office
at Tutwiler. The commissioner is authorized and empowered to use
any state funds appropriated for such purposes. It is the intent
of the Legislature that the commissioner shall fully utilize
existing knowledge, architectural plans and expertise currently
available with the Federal Bureau of Prisons and the Law
Enforcement Assistance Administration to the end that the State of
Mississippi shall have an efficient, modern and properly secure state correctional system.

(3) The commissioner is authorized to receive and disburse private and public funds and grants which may be available for correctional facilities, offender rehabilitation purposes and related purposes to develop and submit this consolidation plan. The commissioner is authorized and directed to promulgate rules and regulations to implement this four-year consolidation plan.

(4) It is the intent of the Legislature that the Commissioner of Corrections reduce the inmate population of the State Penitentiary at Parchman by not less than one thousand seven hundred (1,700) inmates on or before July 1, 2026, and the commissioner is hereby empowered and directed to implement this requirement. The commissioner shall make monthly progress reports to the House and Senate Corrections Committees and the Auditor of the Correctional System at PEER. The reports shall:

(a) Show progress prior to January 1, 2025, in developing a plan for legislative review; and

(b) Show progress in implementing the phasedown plan after January 1, 2025.

The plan developed by the Commissioner of Corrections shall provide a time schedule for the orderly, efficient and deliberate transfer of inmates and consolidation of existing programs at the State Penitentiary at Parchman and the necessary renovation of existing facilities at state and regional correction facilities
with the assistance of the Bureau of Buildings, Grounds and Real Property Management of the Department of Finance and Administration. The plan developed by the commissioner shall provide for the maximum internal security of inmates at the State Penitentiary by creating a unit of security facilities to aid in phasing down the Parchman program. The plan shall unitize supportive functions so as to minimize the basic cost for such facilities and create an efficient, effective security system for inmates.

(5) In developing the phasedown plan, the commissioner shall ensure that any administrative functions and activities that support the entire Mississippi Department of Corrections system, including, but not limited to, the textile production program located at Parchman, shall be transferred to other appropriate facilities in the state correctional system.

(6) It is the intent of the Legislature that any savings resulting from the phasedown of operations and facilities at the State Penitentiary at Parchman may be directed to increasing correctional officer salaries in the state correctional system, subject to specific appropriation by the Legislature.

(7) In developing the phasedown plan, the commissioner shall ensure that any hospital, medical or long-term care facility, including the Northwest Mississippi Facility for the Treatment and Care of Inmates with Mental Illness, shall continue to be located on the grounds of the former State Penitentiary at Parchman.
(8) Unit 29 (known as "death row") and its cells for protective custody inmates shall continue to be located on the grounds of the former State Penitentiary at Parchman.

(9) Whenever the term "State Penitentiary at Parchman" or "Parchman prison" appears in the laws or statutes, it shall be construed to mean the "Northwest Mississippi Correctional Facility" created in this section.

SECTION 2. As part of the consolidation plan developed under Section 1 of this act, the Mississippi Department of Corrections shall hold the land, buildings and fixtures at the State Penitentiary at Parchman in Sunflower and Quitman Counties in trust. The commissioner shall provide for the lease of the grounds and/or buildings at Parchman, Mississippi, for agricultural, industrial, commercial, residential, recreational, catfish farming or other for a term not exceeding forty (40) years for a ground rental, payable annually. All leases shall contain rent adjustment clauses or other such provisions requiring that the consideration for every lease of such lands shall be adjusted not less than once every ten (10) years from the date of the lease to reflect the current fair market rental value of the lands, exclusive of any improvements thereon. All lease provisions, public bid requirements, Public Procurement Review Board requirements and next payment provisions contained in Section 47-5-66 shall be fully applicable to leases authorized under this section. The commissioner may, at any time by agreement with any
lessee of such lands, cancel an existing lease and execute a new
lease contract on such land where major capital improvements have
been made or for the purpose of facilitating the addition of major
capital improvements thereon, provided that the rental amount of
such new lease shall not be less than the rental amount in the
prior lease, and the term of such new lease shall not exceed forty
(40) years for a ground rental payable annually. The commissioner
may find that in the interest of good trust management it may be
necessary to grant in the original lease contract an option to
renew any lease not subject to competitive bid procedures, for a
term not to exceed twenty-five (25) years, provided that the
execution of a new lease shall be required to effectuate the
additional lease period and the provisions of all applicable
statutes setting for the procedure and requirements have been
satisfied. Subleasing or assignment of any lease of Parchman land
shall only be allowed when provided in the lease contract or at
the discretion of the commissioner. The Mississippi Department of
Corrections has the right and remedies for the security and
collection of such rents given by law to landlords.

SECTION 3. (1) As part of the consolidation plan for the
buildings and grounds at the state correctional facility grounds
at Parchman, the commissioner may designate an existing building
or buildings for the delivery of mental health services to inmates
with mental illness incarcerated in any state or regional
correctional facilities, to be known as the "Northwest Mississippi
Facility for the Treatment and Care of Inmates with Mental Illness." For purposes of this treatment program, a mental disorder is defined as a syndrome characterized by clinical significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes underlying mental functioning. Mental disorders are usually associated with significant distress or disability in social, occupational, or other activities. Classification of an inmate as seriously mentally ill requires consideration of his/her diagnoses; the severity and duration of his/her symptoms; the degree of functional impairment associated with the illness; and his/her treatment history and current treatment needs. The following diagnoses are generally classified as serious mental illnesses:

- Schizophrenia Spectrum and other Psychotic Disorders; Bipolar and Related Disorders; Major Depressive Disorders; Anxiety Disorders;
- Obsessive-compulsive and related Disorders; Trauma and Stressor-related disorders; intellectual disabilities and autism Spectrum disorders; Major Neurocognitive disorders; and Personality disorders. The primary purpose of this treatment facility shall be to ensure that inmates with mental illness are identified and receive treatment to assist their progress toward recovery, while reducing or eliminating the frequency and severity of symptoms and associated negative outcomes of mental illness, such as exacerbation of acute symptoms, placement in restrictive
housing, need for psychiatric hospitalization, suicide attempts
and death by suicide. The secondary purpose of this treatment
facility is to address dynamic risk factors associated with
recidivism in inmates with mental illness to increase prosocial
and adaptive living skills and the likelihood of successful
reentry to the community. The facility may provide group and
individual therapy sessions in which clinicians instruct
participants about anger management, medication adherence and
other skills.

(2) The Mississippi Department of Corrections shall make
applications to the State Department of Health and/or the State
Department of Mental Health for the proper licensure and
certification necessary for the establishment and operation of the
Northwest Mississippi Facility for the Treatment and Care of
Inmates with Mental Illness.

(3) The commissioner, with the assistance of the State
Department of Health and the State Department of Mental Health,
shall develop and promulgate regulations for the standards for the
selection and admittance of inmates into the Northwest Mississippi
Facility for the Treatment and Care of Inmates with Mental
Illness, and for the operation of the program.

(4) The facilities authorized under this section shall not
be subject to the phasedown and decentralization requirements of
Section 1 of this act.
SECTION 4. Section 47-4-1, Mississippi Code of 1972, is amended as follows:

47-4-1. (1) It is lawful for there to be located within Wilkinson County and Leflore County a correctional facility operated entirely by a private entity pursuant to a contractual agreement between such private entity and the federal government, any state, or a political subdivision of any state to provide correctional services to any such public entity for the confinement of inmates subject to the jurisdiction of such public entity. Any person confined in such a facility pursuant to the laws of the jurisdiction from which he is sent shall be considered lawfully confined within this state. The private entity shall assume complete responsibility for the inmates and shall be liable to the State of Mississippi for any illegal or tortious actions of such inmates.

(2) The Department of Corrections shall contract with the Board of Supervisors of Leflore County for the private incarceration of not more than one thousand (1,000) state inmates at a facility in Leflore County. Any contract must comply with the requirements of Section 47-5-1211 through Section 47-5-1227.

(3) It is lawful for any county to contract with a private entity for the purpose of providing correctional services for the confinement of federal inmates subject to the jurisdiction of the United States. Any person confined in such a facility pursuant to the laws of the United States shall be considered lawfully
confined within this state. The private entity shall assume complete responsibility for the inmates and shall be liable to the county or the State of Mississippi, as the case may be, for any illegal or tortious actions of the inmates.

(4) It is lawful for there to be located within any county a correctional facility operated entirely by a private entity and the federal government to provide correctional services to the United States for the confinement of federal inmates subject to the jurisdiction of the United States. Any person confined in a facility pursuant to the laws of the United States shall be considered lawfully confined within this state. The private entity shall assume complete responsibility for the inmates and shall be liable to the State of Mississippi for any illegal or tortious actions of the inmates.

A person convicted of simple assault on an employee of a private correctional facility while such employee is acting within the scope of his or her duty or employment shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than five (5) years, or both.

A person convicted of aggravated assault on an employee of a private correctional facility while such employee is acting within the scope of his or her duty or employment shall be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than thirty (30) years, or both.
(5) The Department of Corrections may contract with the Tallahatchie County Correctional Facility authorized in Chapter 904, Local and Private Laws of 1999, for the private incarceration of not more than one thousand (1,000) state inmates at a facility in Tallahatchie County. Any contract must comply with the requirements of Section 47-5-1211 through Section 47-5-1227. No state inmate shall be assigned to the Tallahatchie County Correctional Facility unless the inmate cost per day is at least ten percent (10%) less than the inmate cost per day for housing a state inmate at a state correctional facility. The Department of Corrections may contract with the Tallahatchie County Correctional Facility at Tutwiler for the incarceration of inmates as provided in the decentralization plan for the facilities within the state correctional system grounds at Parchman, Mississippi, as provided in Section 1 of this act. Following implementation of this transfer plan, the facility shall be renamed and known as "Northwest Mississippi Correctional Facility," which shall include the administrative offices of this facility. The Tallahatchie Prison Authority shall rename this facility as "Northwest Mississippi Correctional Facility" as a condition for receiving and holding state inmates.

(6) If a private entity houses state inmates, the private entity shall not displace state inmate beds with federal inmate beds unless the private entity has obtained prior written approval from the Commissioner of Corrections.
(7) It is lawful for there to be located within Leflore County a correctional facility operated entirely by a private entity pursuant to a contractual agreement between such private entity and the federal government, the State of Mississippi, or Leflore County for the incarceration of federal inmates. Such correctional facility may include a separate Leflore County jail which may be located on or adjacent to the correctional facility site. To further the provisions of this subsection:

(a) Any private entity, the State of Mississippi, or Leflore County may enter into any agreement regarding real property or property, including, but not limited to, a lease, a ground lease and leaseback arrangement, a sublease or any other lease agreement or arrangement, as lessor or lessee. Such agreements shall not exceed forty (40) years. The Department of Corrections may enter such agreements or arrangements on behalf of the State of Mississippi;

(b) The powers conferred under this subsection shall be additional and supplemental to the powers conferred by any other law. Where the provisions of this subsection conflict with other law, this subsection shall control; and

(c) The private entity shall assume complete responsibility for the inmates and shall be liable to the State of Mississippi for any illegal or tortious actions of the inmates.

(8) Any regional correction facility may contract with the Mississippi Department of Corrections for the incarceration of
inmates authorized under the plan for the decentralization of the
state correctional system grounds at Parchman, Mississippi, as
provided in Section 1 of this act.

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

47-5-3. (1) The plantation known as Parchman owned by the
state in Sunflower and Quitman Counties, and in such other places
as are now or may be hereafter owned or operated by the state for
correctional purposes shall constitute the facilities of the
correctional system for the custody, punishment, confinement at
hard labor and reformation of all persons convicted of felony in
the courts of the state and sentenced to the custody of the
department, and whenever the term "Penitentiary" or "State
Penitentiary" appears in the laws of the State of Mississippi, it
shall mean any facility under the jurisdiction of the Department
of Corrections which is used for the purposes described herein.

(2) The facilities at the State Penitentiary at Parchman in
Sunflower and Quitman counties shall be phased down over a
four-year period beginning July 1, 2024, pursuant to the plan
developed by the Commissioner of Corrections under Section 1 of
this act. Any buildings, facilities, offices, hospitals or
nursing homes remaining at the State Penitentiary at Parchman
shall be renamed and known as "Northwest Mississippi Correctional
Facility."
SECTION 6. Section 47-5-5, Mississippi Code of 1972, is amended as follows:

47-5-5. The commissioner, as soon as possible after passage of this section, shall prepare a plan to bring about the decentralization of facilities within the state correctional system grounds at Parchman, Mississippi, pursuant to Section 1 of this act.

It is the intent of the Mississippi Legislature that the commissioner shall fully utilize existing knowledge, architectural plans and expertise currently available with the Federal Bureau of Prisons and the Law Enforcement Assistance Administration to the end that the State of Mississippi shall have an efficient, modern, and properly secure state correctional system.

The commissioner is authorized to receive and disburse private and public grants, gifts and bequests which may be available to this state for correctional facilities, offender rehabilitation purposes and related purposes, which said sum so received shall be subject to all of the laws applicable to the Department of Finance and Administration.

SECTION 7. Section 47-5-6, Mississippi Code of 1972, is amended as follows:

47-5-6. (1) There is hereby established a committee to be known as the Corrections and Criminal Justice Oversight Task Force, hereinafter called the Oversight Task Force, which must
exercise the powers and fulfill the duties described in this chapter.

(2) The Oversight Task Force shall be composed of the following members:

(a) The Lieutenant Governor shall appoint two (2) members;

(b) The Speaker of the House of Representatives shall appoint two (2) members;

(c) The Commissioner of the Department of Corrections, or his designee;

(d) The Chief Justice of the Mississippi Supreme Court shall appoint one (1) member of the circuit court;

(e) The Governor shall appoint one (1) member from the Parole Board;

* * *

(f) The Attorney General shall appoint one (1) member representing the victims' community;

(g) The Mississippi Association of Supervisors shall appoint one (1) member to represent the association;

(h) The Mississippi Chief of Police Association shall appoint one (1) member to represent the association;

(i) The President of the Mississippi Prosecutors' Association;

(j) The President of the Mississippi Sheriffs' Association, or his designee;
The Office of the State Public Defender shall appoint one (1) member to represent the public defender's office; and

The Governor shall appoint one (1) advocate for offenders and families who have been directly affected by the prison justice system. The appointment made pursuant to this paragraph shall occur on July 1, 2024.

The task force shall meet on or before July 15, 2024, at the call of the Commissioner of the Department of Corrections and organize itself by electing one (1) of its members as chair and such other officers as the task force may consider necessary. Thereafter, the task force shall meet at least biannually and at the call of the chair or by a majority of the members. A quorum consists of seven (7) members.

The task force shall have the following powers and duties:

(a) Track and assess outcomes from the plan developed for the phasedown of the correctional system operations at Parchman, Mississippi, as prescribed in Section 1 of this act;

(b) Prepare and submit an annual report no later than the first day of the second full week of each regular session of the Legislature on the outcome and performance measures to the Legislature, Governor and Chief Justice. The report shall include recommendations for improvements, recommendations on transfers of funding based on the success or failure of implementation of the
recommendations, and a summary of savings. The report may also present additional recommendations to the Legislature on future legislation and policy options to enhance public safety and control corrections costs;

(c) Monitor compliance with sentencing standards, assess their impact on the correctional resources of the state and determine if the standards advance the adopted sentencing policy goals of the state;

(d) Review the classifications of crimes and sentences and make recommendations for change when supported by information that change is advisable to further the adopted sentencing policy goals of the state;

(e) Develop a research and analysis system to determine the feasibility, impact on resources, and budget consequences of any proposed or existing legislation affecting sentence length;

(f) Request, review, and receive data and reports on performance outcome measures as related to Chapter 457, Laws of 2014;

(g) To undertake such additional studies or evaluations as the Oversight Task Force considers necessary to provide sentencing reform information and analysis;

(h) Prepare and conduct annual continuing legal education seminars regarding the sentencing guidelines to be presented to judges, prosecuting attorneys and their deputies, and public defenders and their deputies, as so required;
The Oversight Task Force shall use clerical and professional employees of the Department of Corrections for its staff;

The Executive Director of the PEER Committee shall assign such staff to support the Oversight Task Force as he determines to be necessary to enable the Oversight Task Force to carry out its functions;

The Oversight Task Force may employ or retain other professional staff, upon the determination of the necessity for other staff;

The Oversight Task Force may employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the plan developed under Section 1 of this act;

The Oversight Task Force is encouraged to apply for and may expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

SECTION 8. Section 47-5-10, Mississippi Code of 1972, is amended as follows:

47-5-10. (1) The department shall have the following powers and duties:

(a) To accept adult offenders committed to it by the courts of this state for incarceration, care, custody, treatment and rehabilitation;
(b) To provide for the care, custody, study, training, supervision and treatment of adult offenders committed to the department;

c) To maintain, administer and exercise executive and administrative supervision over all state correctional institutions and facilities used for the custody, training, care, treatment and after-care supervision of adult offenders committed to the department; provided, however, that such supervision shall not extend to any institution or facility for which executive and administrative supervision has been provided by law through another agency;

d) To plan, develop and coordinate a statewide, comprehensive correctional program designed to train and rehabilitate offenders in order to prevent, control and retard recidivism;

e) To maintain records of persons committed to it, and to establish programs of research, statistics and planning:

(i) An offender's records shall include a single cover sheet that contains the following information about the offender: name, including any aliases; department inmate number; social security number; photograph; court of conviction; cause number; date of conviction; date of sentence; total number of days in the department's custody or number of days creditable toward time served on each charge; date of actual custody; and date of any revocation of a suspended sentence;
(ii) The department shall maintain an offender's cover sheet in the course of its regularly conducted business activities and shall include an offender's cover sheet in each request from a court, prosecutor or law enforcement agency for a summary of an offender's records with the department, also known as a "pen-pack." The cover sheet shall conform to Rules 803(6) and 803(8) of the Mississippi Rules of Evidence for admission as an exception to the hearsay rule and may be admissible when properly authenticated according to evidentiary rules and when offered for the purpose of enhanced sentencing under Section 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

(iii) This subsection is not intended to conflict with an offender's right of confrontation in criminal proceedings under the state or federal constitution;

(f) To investigate the grievances of any person committed to the department, and to inquire into any alleged misconduct by employees; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it;

(g) To administer programs of training and development of personnel of the department;

(h) To develop and implement diversified programs and facilities to promote, enhance, provide and assure the opportunities for the successful custody, training and treatment
of adult offenders properly committed to the department or confined in any facility under its control. Such programs and facilities may include, but not be limited to, institutions, group homes, halfway houses, diagnostic centers, work and educational release centers, technical violation centers, restitution centers, counseling and supervision of probation, parole, suspension and compact cases, presentence investigating and other state and local community-based programs and facilities;

  (i) To receive, hold and use, as a corporate body, any real, personal and mixed property donated to the department, and any other corporate authority as shall be necessary for the operation of any facility at present or hereafter;

  (j) To provide those personnel, facilities, programs and services the department shall find necessary in the operation of a modern correctional system for the custody, care, study and treatment of adult offenders placed under its jurisdiction by the courts and other agencies in accordance with law;

  (k) To develop the capacity and administrative network necessary to deliver advisory consultation and technical assistance to units of local government for the purpose of assisting them in developing model local correctional programs for adult offenders;

  (l) To cooperate with other departments and agencies and with local communities for the development of standards and programs for better correctional services in this state;
(m) To administer all monies and properties of the department;

(n) To report annually to the Legislature and the Governor on the committed persons, institutions and programs of the department;

(o) To cooperate with the courts and with public and private agencies and officials to assist in attaining the purposes of this chapter and Chapter 7 of this title. The department may enter into agreements and contracts with other departments of federal, state or local government and with private agencies concerning the discharge of its responsibilities or theirs. The department shall have the authority to accept and expend or use gifts, grants and subsidies from public and private sources;

(p) To make all rules and regulations and exercise all powers and duties vested by law in the department;

(q) The department may require a search of all persons entering the grounds and facilities at the correctional system;

(r) To submit, in a timely manner, to the Oversight Task Force established in Section 47-5-6 any reports required by law or regulation or requested by the task force; *

(s) To discharge any other power or duty imposed or established by law *, and *

(t) To implement the plan developed by the commissioner for the phasedown of the state correctional system at Parchman, Mississippi, pursuant to Section 1 of this act.
The department is hereby established as a Local Educational Agency and an Educational Service Agency both as defined in 34 CFR Section 300, to receive Title I, Part B funding and other available funding and to provide educational services to eligible incarcerated students. The department is authorized, if necessary, to adopt policies and procedures to carry out its responsibilities as a Local Educational Agency and an Educational Service Agency.

SECTION 9. Section 47-5-20, Mississippi Code of 1972, is amended as follows:

47-5-20. The commissioner shall have the following powers and duties:

(a) To establish the general policy of the department;

(b) To approve proposals for the location of new facilities, for major renovation activities, and for the creation of new programs and divisions within the department as well as for the abolition of the same; provided, however, that the commissioner shall approve the location of no new facility unless the board of supervisors of the county or the governing authorities of the municipality in which the new facility is to be located shall have had the opportunity with at least sixty (60) days' prior notice to disapprove the location of the proposed facility. If either the board of supervisors or the governing authorities shall disapprove the facility, it shall not be located in that county or municipality. Said notice shall be made by
certified mail, return receipt requested, to the members of the board or governing authorities and to the clerk thereof;

   (c) Except as otherwise provided or required by law, to open bids and approve the sale of any products or manufactured goods by the department according to applicable provisions of law regarding bidding and sale of state property, and according to rules and regulations established by the State Fiscal Management Board;

   (d) To adopt administrative rules and regulations including, but not limited to, offender transfer procedures, award of administrative earned time, personnel procedures, employment practices ***

   (e) To develop the plan for the phasedown of state correctional system facilities and programs at Parchman, Mississippi, and to promulgate regulations to implement said plan, as prescribed in Section 1 of this act.

SECTION 10. Section 47-5-28, Mississippi Code of 1972, is amended as follows:

   47-5-28. The commissioner shall have the following powers and duties:

   (a) To implement and administer laws and policy relating to corrections and coordinate the efforts of the department with those of the federal government and other state departments and agencies, county governments, municipal
governments, and private agencies concerned with providing
offender services;

(b) To establish standards, in cooperation with other
state agencies having responsibility as provided by law, provide
technical assistance, and exercise the requisite supervision as it
relates to correctional programs over all state-supported adult
correctional facilities and community-based programs;

(c) To promulgate and publish such rules, regulations
and policies of the department as are needed for the efficient
government and maintenance of all facilities and programs in
accord insofar as possible with currently accepted standards of
adult offender care and treatment;

(d) To provide the Parole Board with suitable and
sufficient office space and support resources and staff necessary
to conduct Parole Board business under the guidance of the
Chairman of the Parole Board;

(e) To contract for transitional reentry center beds
that will be used as noncorrections housing for offenders released
from the department on parole, probation or post-release
supervision but do not have appropriate housing available upon
release. At least one hundred (100) but no more than eight
hundred (800) transitional reentry center beds contracted by the
department and chosen by the Parole Board shall be available for
the Parole Board to place parolees without appropriate housing;
(f) To designate deputy commissioners while performing their officially assigned duties relating to the custody, control, transportation, recapture or arrest of any offender within the jurisdiction of the department or any offender of any jail, penitentiary, public workhouse or overnight lockup of the state or any political subdivision thereof not within the jurisdiction of the department, to the status of peace officers anywhere in the state in any matter relating to the custody, control, transportation or recapture of such offender, and shall have the status of law enforcement officers and peace officers as contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

For the purpose of administration and enforcement of this chapter, deputy commissioners of the Mississippi Department of Corrections, who are certified by the Mississippi Board on Law Enforcement Officer Standards and Training, have the powers of a law enforcement officer of this state. Such powers shall include to make arrests and to serve and execute search warrants and other valid legal process anywhere within the State of Mississippi while performing their officially assigned duties relating to the custody, control, transportation, recapture or arrest of any offender within the jurisdiction of the department or any offender of any jail, penitentiary, public workhouse or overnight lockup of the state or any political subdivision thereof not within the jurisdiction of the department in any matter relating to the custody, control, transportation or recapture of such offender;
(g) To make an annual report to the Governor and the Legislature reflecting the activities of the department and make recommendations for improvement of the services to be performed by the department;

(h) To cooperate fully with periodic independent internal investigations of the department and to file the report with the Governor and the Legislature;

(i) To contract with licensed special care facilities for paroled inmates to provide authorized medical services and support services for medically frail inmates who have been paroled and who have voluntary submitted to the Department of Corrections an address to one of the licensed care facilities to receive such services; * * *

(j) To perform such other duties necessary to effectively and efficiently carry out the purposes of the department as may be directed by the Governor * * *; and

(k) To develop the plan for the phasedown of correctional system facilities and programs at Parchman, Mississippi, and to promulgate necessary regulations for the implementation of the plan, as prescribed in Section 1 of this act.

SECTION 11. Section 47-5-30, Mississippi Code of 1972, is amended as follows:

47-5-30. (1) The Commissioner of Corrections shall develop a strategic plan for its operation of the state correctional
system. The strategic plan shall cover a five-year period. The plan shall include, at a minimum, the following:

(a) A clearly defined comprehensive statement of the mission, goals and objectives of the agency;

(b) Performance effectiveness objectives for each facility under the jurisdiction of the department;

(c) A description of the department's internal management system used to evaluate its performance in relation to projected levels;

(d) Detailed plans and strategies for meeting current and future needs and achieving goals and objectives established for the state correctional system;

(e) A detailed analysis of the use of current agency resources in meeting current needs and expected future needs, and additional resources that may be necessary to meet future needs;

(f) An analysis of factors affecting projected prison populations, including impact of juveniles on prison populations and how populations are expected to change within the period of the plan;

(g) A plan to remove inmates from county jails.

(2) The department shall revise the plan annually.

(3) Upon completion of the initial plan and each revision, the department shall provide copies to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the Chairman of the Senate Corrections Committee, the Chairman of
the House Penitentiary Committee, the Legislative Budget Office, the Performance Evaluation and Expenditure Review Committee, the Executive Director of the Department of Finance and Administration and the Legislative Reference Bureau.

(4) The commissioner shall develop the strategic plan for the phasedown of correctional system operations at Parchman, Mississippi, and promulgate necessary regulations for the implementation of the plan as prescribed in Section 1 of this act, on or before January 1, 2025.

SECTION 12. Section 47-5-64, Mississippi Code of 1972, is amended as follows:

47-5-64. (1) The commissioner is hereby directed to determine the number of acres and location of land under the department's jurisdiction that are needed for security purposes, for Prison Agricultural Enterprises and for nonagricultural purposes. The commissioner shall designate and reserve such additional land for agricultural or nonagricultural enterprise projects of the department, as he deems necessary. The commissioner shall then recommend to the Department of Finance and Administration the number of acres of department land that should be leased to private entities and the term of the leases.

* * *

(* * *) The Department of Finance and Administration, with the approval of the Governor, the Secretary of State and the Commissioner of the Department of Corrections, is authorized to
lease Penitentiary land for power generation projects or other commercial or industrial projects at the same time that it leases the land **\*. The Department of Finance and Administration is authorized to negotiate all aspects of leases or related agreements executed under this subsection consistent with the following:

(a) The period of the lease term combined with the term of renewal shall not exceed forty (40) years.

(b) Any lease or renewal lease shall:

(i) Provide for periodic rent adjustments throughout the term of the lease; and

(ii) Require the lessee to provide a decommissioning and restoration bond or other security securing the lessee's obligation to remove all aboveground and underground facilities to a depth of at least three (3) feet underground and to restore the surface to a condition similar to its condition before the commencement of the lease.

(c) Any lease or renewal lease may provide for any combination of the following: base rent, bonuses, percentage of income payments, royalty payments or other terms and conditions that the Department of Finance and Administration deems necessary to maintain a fair and equitable return to the state and to protect the leased land throughout the term of the lease or renewal lease.
(d) Oil, gas and mineral rights in the leased land shall be reserved to the State of Mississippi.

(e) This subsection does not authorize the sale or transfer of title to any state lands.

(f) The Department of Finance and Administration may charge fees and expenses, not to exceed costs, incurred in administering this subsection.

(g) Any monies derived from leasing lands under this subsection shall be deposited to the Prison Agricultural Enterprise Fund as provided in Section 47-5-66.

SECTION 13. Section 47-5-66, Mississippi Code of 1972, is amended as follows:

47-5-66. (1) Except as provided in Section 47-5-64(3) and Section 2 of this act, it shall be the duty of the Department of Finance and Administration, with the approval of the Public Procurement Review Board, to lease lands at public contract upon the submission of two (2) or more sealed bids to the Department of Finance and Administration after having advertised the land for rent in newspapers of general circulation published in Jackson, Mississippi; Memphis, Tennessee; the county in which the land is located; and contiguous counties for a period of not less than two (2) successive weeks. The first publication shall be made not less than ten (10) days before the date of the public contract, and the last publication shall be made not more than seven (7) days before that date. The Department of Finance and
Administration may reject any and all bids. If all bids on a tract or parcel of land are rejected, the Department of Finance and Administration may then advertise for new bids on that tract or parcel of land. Successful bidders shall take possession of their leaseholds at the time authorized by the Department of Finance and Administration. However, rent shall be due no later than the day upon which the lessee shall assume possession of the leasehold, and shall be due on the anniversary date for each following year of the lease. The Department of Finance and Administration may provide in any lease that rent shall be paid in full in advance or paid in installments, as may be necessary or appropriate. In addition, the Department of Finance and Administration may accept, and the lease may provide for, assignments of federal, state or other agricultural support payments, growing crops or the proceeds from the sale thereof, promissory notes, or any other good and valuable consideration offered by any lessee to meet the rent requirements of the lease. If a promissory note is offered by a lessee, it shall be secured by a first lien on the crop of the lessee, or the proceeds from the sale thereof. The lien shall be filed pursuant to Article 9 of the Uniform Commercial Code and Section 1324 of the Food Security Act of 1985, as enacted or amended. If the note is not paid at maturity, it shall bear interest at the rate provided for judgments and decrees in Section 75-17-7 from its maturity date until the note is paid. The note shall provide for the payment of
all costs of collection and reasonable attorney's fees if default is made in the payment of the note. The payment of rent by promissory note or any means other than cash in advance shall be subject to the approval of the Public Procurement Review Board, which shall place the approval of record in the minutes of the board.

(2) There is created a special fund to be designated as the "**Correctional Infrastructure and Inmate Housing**" and to be used for the purpose of conducting, operating and managing the agricultural **nonagricultural** and economic development enterprises of the department as authorized in Section 2 of this act. Any monies derived from the leasing of Penitentiary lands, from the sales of timber as provided in Section 47-5-56, from the prison's agricultural and nonagricultural enterprises or earmarked for the Prison Industries Fund shall be deposited to the special fund. However, fifteen percent (15%) of the monies derived from the leasing of Penitentiary lands under Section 47-5-64(3) shall be deposited to a special fund to be distributed annually on a student pro rata basis to the public schools located in Sunflower County by the Department of Finance and Administration.

(3) All profits derived from prison industries shall be placed in a special fund in the State Treasury to be known as the "Prison Industries Fund," to be appropriated each year by the Legislature to the nonprofit corporation, which is required to be
organized under the provisions of Section 47-5-535, for the purpose of operating and managing the prison industries.

(4) The state shall have the rights and remedies for the security and collection of the rents given by law to landlords.

(5) Lands leased for agricultural purposes under Section 47-5-64(2) shall be subject to a fee-in-lieu of ad valorem taxes, including taxes levied for school purposes. The fee-in-lieu shall be Nine Dollars ($9.00) per acre. Upon the execution of the agricultural leases to private entities as authorized by Section 47-5-64(2), the Department of Finance and Administration shall collect the in lieu fee and shall forward the fees to the tax collector in which the land is located. The tax collector shall disburse the fees to the appropriate county or municipal governing authority on a pro rata basis. The sum apportioned to a school district shall not be less than the school district's pro rata share based upon the proportion that the millage imposed for the school district by the appropriate levying authority bears to the millage imposed by the levying authority for all other county or municipal purposes. Any funds obtained by the corporation as a result of sale of goods and services manufactured and provided by it shall be accounted for separate and apart from any funds received by the corporation through appropriation from the State Legislature. All nonappropriated funds generated by the corporation shall not be subject to appropriation by the State Legislature.
(6) Any land leased, as provided under Section 47-5-64(2), shall not be leased for an amount less than would be received if such land were to be leased under any federal loan program. In addition, all leases shall be subject to the final approval of the Public Procurement Review Board before such leases are to become effective.

SECTION 14. Section 47-5-35, Mississippi Code of 1972, is amended as follows:

47-5-35. The Executive Director of the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall * * * make available an * * * analyst to * * * review and monitor the correctional system, * * * whose duty shall be to * * * monitor the financial condition of the Mississippi Department of Corrections (MDOC) and evaluate the efficiency and effectiveness of its programs and operations. * * * Duties of the analyst for the correctional system shall include: review and monitor the financial condition of MDOC, including, but not limited to, the overall budget, agency expenditures and available revenues; review and monitor the procurement processes of MDOC, including contracts, reporting, recordkeeping and bid requirements to ensure compliance with state law and procurement best practices; evaluate the programs and operations of the department for efficiency and effectiveness in the use of available resources; and analyze data produced by the MDOC data management systems. The analyst may inspect facilities where MDOC units are
located unannounced without prior MDOC permission. In addition, the analyst shall review and evaluate any issues within or pertaining to the correctional system as requested by either the Chairmen of the Corrections Committees of the Senate or House, or by the PEER Committee.

Such analyst shall make, at least, a quarterly report to the Legislative Budget Office and the Chairman of the Corrections Committee of the Senate and the Chairman of the Corrections Committee of the House of Representatives regarding the financial condition and procurement processes of MDOC. Such analyst shall also make periodic reports to the Chairman of the Corrections Committee of the Senate, the Chairman of the Corrections Committee of the House of Representatives, and the PEER Committee regarding the programs and operations of the correctional system, as well as other related issues, as requested.

* * *

SECTION 15. Section 47-5-539, Mississippi Code of 1972, is amended as follows:

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

(a) "Chief executive officer" means the chief executive officer of the corporation established under this chapter.
(b) "Corporation" means the private nonprofit corporation which is required to be organized and formed to carry out the provisions of Sections 47-5-531 through 47-5-575 regarding prison industries.

(c) "Department" means the State Department of Corrections.

(d) "Inmate" means any person under the jurisdiction of the Mississippi Department of Corrections who is incarcerated within any of the following state, regional or private correctional **facilities:**

(i) Central Mississippi Correctional Facility;

(ii) Marshall County Correctional Facility;

(iii) Northwest Mississippi Correctional Facility;

(iv) Delta Correctional Facility;

(v) Mississippi Correctional Institute for Women;

(vi) South Mississippi Correctional Institution;

(vii) Walnut Grove Correctional Facility;

(viii) Alcorn County Regional Correctional Facility;

(ix) Carroll/Montgomery County Regional Correctional Facility;

(x) George/Greene County Correctional Facility;

(xi) Bolivar County Correctional Facility;

(xii) Chickasaw County Regional Correctional Facility;
(xiii) Holmes/Humphreys County Correctional Facility;
(xiv) Issaquena County Correctional Facility;
(xv) Kemper/Neshoba County Regional Correctional Facility;
(xvi) Jefferson/Franklin County Correctional Facility;
(xvii) Leake County Correctional Facility;
(xviii) Marion/Walthall County Correctional Facility;
(xix) Washington County Regional Correctional Facility;
(xx) Yazoo Regional Correctional Facility;
(xxi) Stone County Correctional Facility;
(xxii) Winston/Choctaw County Correctional Facility;
(xxiii) East Mississippi Correctional Facility;
(xxiv) Wilkinson County Correctional Facility;
(xxv) Tallahatchie County Correctional Facility;

and

(xxvi) Any approved county jail.

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

(f) "Prison agricultural enterprises" means all agricultural endeavors as defined in Section 47-5-353.
(g) "Work initiative" or "initiative" means the program authorized in Section 47-5-579.

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

47-5-579. (1) (a) The corporation is authorized to create a Pilot Work Initiative at * * * each of the state, regional and private facilities listed in Section 47-5-539(d). * * * Each initiative shall be limited to no more than twenty-five (25) inmates in the * * * state, regional or private facility at any given time.

(b) The department shall:

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

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

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

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

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

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

(iii) Not been sentenced for a sex offense as defined in Section 45-33-23(h).
(b) Any inmate that meets the eligibility requirements of paragraph (a) may request assignment to the work initiative established under this section.

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

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

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

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

(5) Any inmate assigned to the initiative who, without proper authority or just cause, leaves the area to which he has been assigned to work or attend educational or other rehabilitative programs, or leaves the vehicle or route of travel
involved in his or her going to or returning from such place, will
be guilty of escape as provided in Section 97-9-49. An offender
who is convicted under Section 97-9-49 shall be ineligible for
further participation in the work initiative during his or her
current term of confinement.
(6) (a) The inmate shall maintain an account through a
local financial institution and shall provide a copy of a check
stub to the chief executive officer.
(b) The inmate shall be required:
(i) To pay twenty-five percent (25%) of the
inmate's wages after mandatory deductions for the following
purposes:
1. To pay support of dependents or to the
Mississippi Department of Human Services on behalf of dependents
as may be ordered by a judge of competent jurisdiction; and
2. To pay any fines, restitution, or costs as
ordered by the court to include any fines and fees associated with
obtaining a valid driver's license upon release.
(ii) To pay ten percent (10%) of the inmate's
wages to the corporation for administrative expenses to include
transportation costs, to be remitted to the facility where the
work was performed by the inmate.
(iii) To save fifty percent (50%) of the inmate's
wages in the account required under paragraph (a) of this
subsection. Monies under this sub-item shall be made available to
the inmate upon parole or release.

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

(7) The chief executive officer of the corporation shall
collect and maintain data which shall be shared semiannually with
the Joint Legislative Committee on Performance Evaluation and
Expenditure Review (PEER) and the Corrections and Criminal Justice
Oversight Task Force in sortable electronic format. The first
report shall be made on January 15, __2025__, and in six-month
intervals thereafter unless PEER establishes a different schedule.
The data shall include:

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

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

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

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

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

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

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

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

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

(k) Total list of participating employers;

(l) Total list of jobs acquired by participants;

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

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

(o) Total costs associated with program operations;

(p) Total list of participating financial institutions;

(q) The number of accounts opened by participants at financial institutions;
The average hourly wage earned in the program; and
Any other data or information as requested by the task force.

The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall conduct a review of the expanded initiative established under this section and produce a report to the Legislature on * * * its effectiveness by January 1, * * * 2026. The PEER Committee shall seek the assistance of the Corrections and Criminal Justice Task Force and may seek assistance from any other criminal justice experts it deems necessary during its review.

**SECTION 17.** Section 1 of Chapter 479, Laws of 2021, is brought forward as follows:

Section 1. This act shall be known and may be cited as the "Mississippi Earned Parole Eligibility Act."

**SECTION 18.** Section 47-7-3, Mississippi Code of 1972, is amended as follows:

47-7-3. (1) Every prisoner who has been convicted of any offense against the State of Mississippi, and is confined in the execution of a judgment of such conviction in the Mississippi Department of Corrections for a definite term or terms of one (1) year or over, or for the term of his or her natural life, whose record of conduct shows that such prisoner has observed the rules of the department, and who has served the minimum required time
for parole eligibility, may be released on parole as set forth herein:

(a) **Habitual offenders.** Except as provided by Sections 99-19-81 through 99-19-87, no person sentenced as a confirmed and habitual criminal shall be eligible for parole;

(b) **Sex offenders.** Any person who has been sentenced for a sex offense as defined in Section 45-33-23(h) shall not be released on parole except for a person under the age of nineteen (19) who has been convicted under Section 97-3-67;

(c) **Capital offenders.** No person sentenced for the following offenses shall be eligible for parole:

(i) Capital murder committed on or after July 1, 1994, as defined in Section 97-3-19(2);

(ii) Any offense to which an offender is sentenced to life imprisonment under the provisions of Section 99-19-101; or

(iii) Any offense to which an offender is sentenced to life imprisonment without eligibility for parole under the provisions of Section 99-19-101, whose crime was committed on or after July 1, 1994;

(d) **Murder.** No person sentenced for murder in the first degree, whose crime was committed on or after June 30, 1995, or murder in the second degree, as defined in Section 97-3-19, shall be eligible for parole;
(e) **Human trafficking.** No person sentenced for human trafficking, as defined in Section 97-3-54.1, whose crime was committed on or after July 1, 2014, shall be eligible for parole;

(f) **Drug trafficking.** No person sentenced for trafficking and aggravated trafficking, as defined in Section 41-29-139(f) through (g), shall be eligible for parole;

(g) **Offenses specifically prohibiting parole release.** No person shall be eligible for parole who is convicted of any offense that specifically prohibits parole release;

(h) **(i) Offenders eligible for parole consideration for offenses committed after June 30, 1995.** Except as provided in paragraphs (a) through (g) of this subsection, offenders may be considered eligible for parole release as follows:

1. **Nonviolent crimes.** All persons sentenced for a nonviolent offense shall be eligible for parole only after they have served twenty-five percent (25%) or ten (10) years, whichever is less, of the sentence or sentences imposed by the trial court. For purposes of this paragraph, "nonviolent crime" means a felony not designated as a crime of violence in Section 97-3-2.

2. **Violent crimes.** A person who is sentenced for a violent offense as defined in Section 97-3-2, except robbery with a deadly weapon as defined in Section 97-3-79, drive-by shooting as defined in Section 97-3-109, and carjacking as defined in Section 97-3-117, shall be eligible for parole only after...
having served fifty percent (50%) or twenty (20) years, whichever is less, of the sentence or sentences imposed by the trial court.

Those persons sentenced for robbery with a deadly weapon as defined in Section 97-3-79, drive-by shooting as defined in Section 97-3-109, and carjacking as defined in Section 97-3-117, shall be eligible for parole only after having served sixty percent (60%) or twenty-five (25) years, whichever is less, of the sentence or sentences imposed by the trial court.

3. **Nonviolent and nonhabitual drug offenses.**

A person who has been sentenced to a drug offense pursuant to Section 41-29-139(a) through (d), whose crime was committed after June 30, 1995, shall be eligible for parole only after he has served twenty-five percent (25%) or ten (10) years, whichever is less, of the sentence or sentences imposed.

(ii) **Parole hearing required.** All persons eligible for parole under subparagraph (i) of this paragraph (h) who are serving a sentence or sentences for a crime of violence, as defined in Section 97-3-2, shall be required to have a parole hearing before the Parole Board pursuant to Section 47-7-17, prior to parole release.

(iii) **Geriatric parole.** Notwithstanding the provisions in subparagraph (i) of this paragraph (h), a person serving a sentence who has reached the age of sixty (60) or older and who has served no less than ten (10) years of the sentence or sentences imposed by the trial court shall be eligible for parole.
Any person eligible for parole under this subparagraph (iii) shall be required to have a parole hearing before the board prior to parole release. No inmate shall be eligible for parole under this subparagraph (iii) of this paragraph (h) if:

1. The inmate is sentenced as a habitual offender under Sections 99-19-81 through 99-19-87;

2. The inmate is sentenced for a crime of violence under Section 97-3-2;

3. The inmate is sentenced for an offense that specifically prohibits parole release;

4. The inmate is sentenced for trafficking in controlled substances under Section 41-29-139(f);

5. The inmate is sentenced for a sex crime;

or

6. The inmate has not served one-fourth (1/4) of the sentence imposed by the court.

(iv) **Parole consideration as authorized by the trial court.** Notwithstanding the provisions of paragraph (a) of this subsection, any offender who has not committed a crime of violence under Section 97-3-2 and has served twenty-five percent (25%) or more of his sentence may be paroled by the State Parole Board if, after the sentencing judge or if the sentencing judge is retired, disabled or incapacitated, the senior circuit judge authorizes the offender to be eligible for parole consideration; or if the senior circuit judge must be recused, another circuit
judge of the same district or a senior status judge may hear and
decide the matter. A petition for parole eligibility
consideration pursuant to this subparagraph (iv) shall be filed in
the original criminal cause or causes, and the offender shall
serve an executed copy of the petition on the District Attorney.
The court may, in its discretion, require the District Attorney to
respond to the petition.

(2) The State Parole Board shall, by rules and regulations,
establish a method of determining a tentative parole hearing date
for each eligible offender taken into the custody of the
Department of Corrections. The tentative parole hearing date
shall be determined within ninety (90) days after the department
has assumed custody of the offender. Except as provided in
Section 47-7-18, the parole hearing date shall occur when the
offender is within thirty (30) days of the month of his parole
eligibility date. Any parole eligibility date shall not be
earlier than as required in this section.

(3) Notwithstanding any other provision of law, an inmate
shall not be eligible to receive earned time, good time or any
other administrative reduction of time which shall reduce the time
necessary to be served for parole eligibility as provided in
subsection (1) of this section.

(4) Any inmate within forty-eight (48) months of his parole
eligibility date and who meets the criteria established by the
classification board shall receive priority for placement in any
educational development and job-training programs that are part of
his or her parole case plan. Any inmate refusing to participate
in an educational development or job-training program, including,
but not limited to, programs required as part of the case plan,
shall be in jeopardy of noncompliance with the case plan and may
be denied parole.
(5) In addition to other requirements, if an offender is
convicted of a drug or driving under the influence felony, the
offender must complete a drug and alcohol rehabilitation program
prior to parole, or the offender shall be required to complete a
postrelease drug and alcohol program as a condition of parole.
(6) Except as provided in subsection (1)(a) through (h) of
this section, all other persons shall be eligible for parole after
serving twenty-five percent (25%) of the sentence or sentences
imposed by the trial court, or, if sentenced to thirty (30) years
or more, after serving ten (10) years of the sentence or sentences
imposed by the trial court.
(7) The Corrections and Criminal Justice Oversight Task
Force established in Section 47-5-6 shall develop and submit
recommendations to the Governor and to the Legislature annually on
or before December 1st concerning issues relating to juvenile and
habitual offender parole reform and to review and monitor the
implementation of Chapter 479, Laws of 2021.
(8) The amendments contained in Chapter 479, Laws of 2021,
shall apply retroactively from and after July 1, 1995.
(9) Notwithstanding provisions to the contrary in this section, a person who was sentenced before July 1, 2021, may be considered for parole if the person's sentence would have been parole eligible before July 1, 2021.

* * *

SECTION 19. Section 47-7-5, Mississippi Code of 1972, is amended as follows:

47-7-5. (1) The State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted and shall be composed of five (5) members. The Governor shall appoint the members with the advice and consent of the Senate. All terms shall be at the will and pleasure of the Governor. Any vacancy shall be filled by the Governor, with the advice and consent of the Senate. The Governor shall appoint a chairman of the board.

(2) Any person who is appointed to serve on the board shall possess at least a bachelor's degree or a high school diploma and four (4) years' work experience. Each member shall devote his full time to the duties of his office and shall not engage in any other business or profession or hold any other public office. A member shall receive compensation or per diem in addition to his or her salary. Each member shall keep such hours and workdays as required of full-time state employees under Section 25-1-98. Individuals shall be appointed to serve on the board without reference to their political affiliations. Each board member, including the chairman, may be reimbursed for actual and necessary
expenses as authorized by Section 25-3-41. Each member of the board shall complete annual training developed based on guidance from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association. Each first-time appointee of the board shall, within sixty (60) days of appointment, or as soon as practical, complete training for first-time Parole Board members developed in consideration of information from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

(3) The board shall have exclusive responsibility for the granting of parole as provided by Sections 47-7-3 and 47-7-17 and shall have exclusive authority for revocation of the same. The board shall have exclusive responsibility for investigating clemency recommendations upon request of the Governor.

(4) The board, its members and staff, shall be immune from civil liability for any official acts taken in good faith and in exercise of the board's legitimate governmental authority.

(5) The budget of the board shall be funded through a separate line item within the general appropriation bill for the support and maintenance of the department. Employees of the department which are employed by or assigned to the board shall work under the guidance and supervision of the board. There shall be an executive secretary to the board who shall be responsible for all administrative and general accounting duties related to
the board. The executive secretary shall keep and preserve all
records and papers pertaining to the board.

(6) The board shall have no authority or responsibility for
supervision of offenders granted a release for any reason,
including, but not limited to, probation, parole or executive
clemency or other offenders requiring the same through interstate
compact agreements. The supervision shall be provided exclusively
by the staff of the Division of Community Corrections of the
department.

(7) (a) The Parole Board is authorized to select and place
offenders in an electronic monitoring program under the conditions
and criteria imposed by the Parole Board. The conditions,
restrictions and requirements of Section 47-7-17 and Sections
47-5-1001 through 47-5-1015 shall apply to the Parole Board and
any offender placed in an electronic monitoring program by the
Parole Board.

(b) Any offender placed in an electronic monitoring
program under this subsection shall pay the program fee provided
in Section 47-5-1013. The program fees shall be deposited in the
special fund created in Section 47-5-1007.

(c) The department shall have absolute immunity from
liability for any injury resulting from a determination by the
Parole Board that an offender be placed in an electronic
monitoring program.
(8) (a) The Parole Board shall maintain a central registry of paroled inmates. The Parole Board shall place the following information on the registry: name, address, photograph, crime for which paroled, the date of the end of parole or flat-time date and other information deemed necessary. The Parole Board shall immediately remove information on a parolee at the end of his parole or flat-time date.

(b) When a person is placed on parole, the Parole Board shall inform the parolee of the duty to report to the parole officer any change in address ten (10) days before changing address.

(c) The Parole Board shall utilize an Internet website or other electronic means to release or publish the information.

(d) Records maintained on the registry shall be open to law enforcement agencies and the public and shall be available no later than July 1, 2003.

(9) An affirmative vote of at least four (4) members of the Parole Board shall be required to grant parole to an inmate convicted of capital murder or a sex crime.

* * *

SECTION 20. Section 47-7-3.1, Mississippi Code of 1972, is brought forward as follows:

47-7-3.1. (1) In consultation with the Parole Board, the department shall develop a case plan for all parole-eligible inmates to guide an inmate's rehabilitation while in the
department's custody and to reduce the likelihood of recidivism after release.

(2) The case plan shall include, but not be limited to:

(a) Programming and treatment requirements based on the results of a risk and needs assessment;

(b) Any programming or treatment requirements contained in the sentencing order; and

(c) General behavior requirements in accordance with the rules and policies of the department.

(3) With respect to parole-eligible inmates admitted to the department's custody on or after July 1, 2021, the department shall complete the case plan within ninety (90) days of admission. With respect to parole-eligible inmates admitted to the department's custody before July 1, 2021, the department shall complete the case plan by January 1, 2022.

(4) The department shall provide the inmate with a written copy of the case plan and the inmate's caseworker shall explain the conditions set forth in the case plan.

(a) Within ninety (90) days of admission, the caseworker shall notify the inmate of their parole eligibility date as calculated in accordance with Section 47-7-3(3);

(b) At the time a parole-eligible inmate receives the case plan, the department shall send the case plan to the Parole Board for approval.
With respect to parole-eligible inmates admitted to the department's custody after July 1, 2021, the department shall ensure that the case plan is achievable prior to the inmate's parole eligibility date. With respect to parole-eligible inmates admitted to the department's custody before July 1, 2021, the department shall, to the extent possible, ensure that the case plan is achievable prior to the inmate's parole eligibility date or next parole hearing date, or date of release, whichever is sooner.

The caseworker shall meet with the inmate every eight weeks from the date the offender received the case plan to review the inmate's case plan progress.

(7) Every four (4) months the department shall electronically submit a progress report on each parole-eligible inmate's case plan to the Parole Board. The board may meet to review an inmate's case plan and may provide written input to the caseworker on the inmate's progress toward completion of the case plan.

(8) The Parole Board shall provide semiannually to the Oversight Task Force the number of parole hearings held, the number of prisoners released to parole without a hearing and the number of parolees released after a hearing.

(9) If the Department of Corrections fails to adequately provide opportunity and access for the completion of such case plans, the Department of Corrections shall, to the extent
possible, contract with regional jail facilities that offer
educational development and job-training programs to facilitate
the fulfillment of the case plans of parole-eligible inmates.

SECTION 21. Section 47-7-3.2, Mississippi Code of 1972, is
brought forward as follows:

47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
47-5-138.1 or 47-5-142, no person convicted of a criminal offense
on or after July 1, 2014, shall be released by the department
until he or she has served no less than the percentage of the
sentence or sentences imposed by the court as set forth below:

(a) Twenty-five percent (25%) or ten (10) years,
whichever is less, for a nonviolent crime;

(b) Fifty percent (50%) or twenty (20) years, whichever
is less, for a crime of violence pursuant to Section 97-3-2,
except for robbery with a deadly weapon as defined in Section
97-3-79, drive-by shooting as defined in Section 97-3-109, or
carjacking as defined in Section 97-3-117;

(c) Sixty percent (60%) or twenty-five (25) years,
whichever is less, for robbery with a deadly weapon as defined in
Section 97-3-79, drive-by shooting as defined in Section 97-3-109,
or carjacking as defined in Section 97-3-117.

(2) This section shall not apply to:

(a) Offenders sentenced to life imprisonment;

(b) Offenders convicted as habitual offenders pursuant
to Sections 99-19-81 through 99-19-87;
(c) Offenders serving a sentence for a sex offense; or
(d) Offenders serving a sentence for trafficking
pursuant to Section 41-29-139(f).

SECTION 22. Section 47-7-15, Mississippi Code of 1972, is
brought forward as follows:
47-7-15. The board shall adopt an official seal of which the
courts shall take judicial notice. Decisions of the board shall
be made by majority vote, except as provided in Section 47-7-5(9).
The board shall keep a record of its acts and shall notify
each institution of its decisions relating to the persons who are
or have been confined therein. At the close of each fiscal year
the board shall submit to the Governor and to the Legislature a
report with statistical and other data of its work.

SECTION 23. Section 47-7-17, Mississippi Code of 1972, is
brought forward as follows:
47-7-17. (1) Within one (1) year after his admission and at
such intervals thereafter as it may determine, the board shall
secure and consider all pertinent information regarding each
offender, except any under sentence of death or otherwise
ineligible for parole, including the circumstances of his offense,
his previous social history, his previous criminal record,
including any records of law enforcement agencies or of a youth
court regarding that offender's juvenile criminal history, his
conduct, employment and attitude while in the custody of the
department, the case plan created to prepare the offender for
parole, and the reports of such physical and mental examinations as have been made. The board shall furnish at least three (3) months' written notice to each such offender of the date on which he is eligible for parole.

(2) Except as provided in Section 47-7-18, the board shall require a parole-eligible offender to have a hearing as required in this chapter before the board and to be interviewed. The hearing shall be held no later than thirty (30) days prior to the month of eligibility. No application for parole of a person convicted of a capital offense shall be considered by the board unless and until notice of the filing of such application shall have been published at least once a week for two (2) weeks in a newspaper published in or having general circulation in the county in which the crime was committed. The board shall, within thirty (30) days prior to the scheduled hearing, also give notice of the filing of the application for parole to the victim of the offense for which the prisoner is incarcerated and being considered for parole or, in case the offense be homicide, a designee of the immediate family of the victim, provided the victim or designated family member has furnished in writing a current address to the board for such purpose. The victim or designated family member shall be provided an opportunity to be heard by the board before the board makes a decision regarding release on parole. The board shall consider whether any restitution ordered has been paid in full. Parole release shall, at the hearing, be ordered only for
the best interest of society, not as an award of clemency; it
shall not be considered to be a reduction of sentence or pardon.
An offender shall be placed on parole only when arrangements have
been made for his proper employment or for his maintenance and
care, and when the board believes that he is able and willing to
fulfill the obligations of a law-abiding citizen. When the board
determines that the offender will need transitional housing upon
release in order to improve the likelihood of the offender
becoming a law-abiding citizen, the board may parole the offender
with the condition that the inmate spends no more than six (6)
months in a transitional reentry center. At least fifteen (15)
days prior to the release of an offender on parole, the director
of records of the department shall give the written notice which
is required pursuant to Section 47-5-177. Every offender while on
parole shall remain in the legal custody of the department from
which he was released and shall be amenable to the orders of the
board. Upon determination by the board that an offender is
eligible for release by parole, notice shall also be given within
at least fifteen (15) days before release, by the board to the
victim of the offense or the victim's family member, as indicated
above, regarding the date when the offender's release shall occur,
provided a current address of the victim or the victim's family
member has been furnished in writing to the board for such
purpose.
(3) Failure to provide notice to the victim or the victim's family member of the filing of the application for parole or of any decision made by the board regarding parole shall not constitute grounds for vacating an otherwise lawful parole determination nor shall it create any right or liability, civilly or criminally, against the board or any member thereof.

(4) A letter of protest against granting an offender parole shall not be treated as the conclusive and only reason for not granting parole.

(5) The board may adopt such other rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of offenders for parole, the conduct of parole hearings, or conditions to be imposed upon parolees, including a condition that the parolee submit, as provided in Section 47-5-601, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or a substance prohibited or controlled by any law of the State of Mississippi or the United States. The board shall have the authority to adopt rules related to the placement of certain offenders on unsupervised parole and for the operation of transitional reentry centers. However, in no case shall an offender be placed on unsupervised parole before he has served a minimum of fifty percent (50%) of the period of supervised parole.

SECTION 24. Section 47-7-18, Mississippi Code of 1972, is brought forward as follows:

S. B. No. 2353
47-7-18  (1) No inmate convicted of a sex offense as defined by Section 45-33-23(h), a crime of violence as defined by Section 97-3-2, or both, nor an inmate who is eligible for geriatric parole shall be released on parole without a hearing before the Parole Board as required by Section 47-7-17. All other inmates eligible for parole pursuant to Section 47-7-3 shall be released from incarceration to parole supervision on the inmate's parole eligibility date, without a hearing before the board, if:

(a) The inmate has met the requirements of the parole case plan established pursuant to Section 47-7-3.1;

(b) A victim of the offense has not requested the board conduct a hearing;

(c) The inmate has not received a serious or major violation report within the past six (6) months;

(d) The inmate has agreed to the conditions of supervision; and

(e) The inmate has a discharge plan approved by the board.

(2) At least thirty (30) days prior to an inmate's parole eligibility date, the department shall notify the board in writing of the inmate's compliance or noncompliance with the case plan. If an inmate fails to meet a requirement of the case plan, prior to the parole eligibility date, he or she shall have a hearing before the board to determine if completion of the case plan can occur while in the community.
(3) Any inmate for whom there is insufficient information for the department to determine compliance with the case plan shall have a hearing with the board.

(4) A hearing shall be held with the board if requested by the victim following notification of the inmate's parole release date pursuant to Section 47-7-17.

(5) A hearing shall be held by the board if a law enforcement official from the community to which the inmate will return contacts the board or the department and requests a hearing to consider information relevant to public safety risks posed by the inmate if paroled at the initial parole eligibility date. The law enforcement official shall submit an explanation documenting these concerns for the board to consider.

(6) If a parole hearing is held, the board may determine the inmate has sufficiently complied with the case plan or that the incomplete case plan is not the fault of the inmate and that granting parole is not incompatible with public safety, the board may then parole the inmate with appropriate conditions. If the board determines that the inmate has sufficiently complied with the case plan but the discharge plan indicates that the inmate does not have appropriate housing immediately upon release, the board may parole the inmate to a transitional reentry center with the condition that the inmate spends no more than six (6) months in the center. If the board determines that the inmate has not substantively complied with the requirement(s) of the case plan it
may deny parole. If the board denies parole, the board may schedule a subsequent parole hearing and, if a new date is scheduled, the board shall identify the corrective action the inmate will need to take in order to be granted parole. Any inmate not released at the time of the inmate's initial parole date shall have a parole hearing at least every year.

SECTION 25. Section 47-5-473, Mississippi Code of 1972, is amended as follows:

47-5-473. (1) The Sheriffs of Rankin County, Harrison County and Lee County are authorized to establish a Pilot Work Release Program. No person sentenced for a crime listed in Section 97-3-2 shall be eligible for participation in the program established under this section. During the pilot phase of the program, there shall be a limit of twenty-five (25) people in the program at a time.

(2) The sheriff shall collect and maintain data which shall be shared semiannually with the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) and the Corrections and Criminal Justice Oversight Task Force in sortable electronic format. The first report shall be made before January 15, 2022, and in six-month intervals thereafter. The data shall include:

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

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

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

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

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

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

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

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

(j) Results of any initial risk and needs assessments conducted on each participant by race, gender, and offenses charged; and
(k) Any other data or information as requested by the task force.

(3) Any person who has been sentenced to confinement in jail or who has been sentenced for a felony conviction but is confined in a jail may request assignment to the work release program established under this section. Admission to the program shall be in the discretion of the sheriff. The sheriff may further authorize the offender to participate in educational or other rehabilitative programs designed to supplement his work release employment or to prepare the person for successful reentry. No offender shall be eligible for this program if he or she has more than one (1) year remaining on his or her sentence.

(4) The sheriff shall adopt and publish rules and regulations prior to accepting inmates. These rules and regulations shall at a minimum include all requirements for work release programs established pursuant to Sections 47-5-451 through 47-5-471. Participating employers shall pay no less than the prevailing wage for the position and shall under no circumstance pay less than the federal minimum wage.

(5) Any offender assigned to such a program by the sheriff who, without proper authority or just cause, leaves the area to which he has been assigned to work or attend educational or other rehabilitative programs, or leaves the vehicle or route of travel involved in his or her going to or returning from such place, will be guilty of escape as provided in Section 97-9-49. An offender
who is found guilty under this section shall be ineligible for
further participation in a work release program during his or her
current term of confinement.

(6) The offender shall maintain an account through a local
financial institution and shall provide a copy of a check stub to
the sheriff. The offender may be required to pay up to
twenty-five percent (25%) of his or her wages after mandatory
deductions for the following purposes:

(a) To pay support of dependents or to the Mississippi
Department of Human Services on behalf of dependents as may be
ordered by a judge of competent jurisdiction; and

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

(7) The inmate shall have access to his or her account to
purchase incidental expenses.

(8) The Joint Legislative Committee on Performance
Evaluation and Expenditure Review (PEER) shall conduct a review of
the work release program established under this section and
produce a report to the Legislature on their effectiveness by
December 1, 2022. The PEER Committee shall seek the assistance of
the Corrections and Criminal Justice Task Force and may seek
assistance from any other criminal justice experts it deems
necessary during its review.

(9) This section shall stand repealed on July 1, **2028.**
SECTION 26. Section 47-5-577, Mississippi Code of 1972, is amended as follows:

47-5-577. Sections 47-5-531 through 47-5-575, which create the Mississippi Prison Industries Act of 1990, shall stand repealed from and after July 1, **2028**.

SECTION 27. Section 47-5-911, Mississippi Code of 1972, is amended as follows:

47-5-911. Sections 47-5-901 through 47-5-911 shall stand repealed on July 1, **2028**.

SECTION 28. Section 47-5-1251, Mississippi Code of 1972, is amended as follows:

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

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

(a) To pay federal, state and local taxes;
(b) To pay reasonable charges for room and board as determined by regulations issued by the Commissioner of Corrections;
(c) To support the offender's family pursuant to state statute, court order or agreement by the offender; and
(d) To pay contributions equaling not less than five percent (5%) but not more than twenty percent (20%) of the offender's gross wages into the Crime Victims' Compensation Fund as created in Section 99-41-29.

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

(4) Offenders who participate in the employment must do so voluntarily and must agree in advance to the specific deductions made from gross wages pursuant to this section and to all other financial arrangements or benefits resulting from participation in the employment.
(5) The Department of Corrections shall develop rules and regulations to meet the criteria established by the Bureau of Justice Assistance under the Prison Industry Enhancement Certification Program.

(6) This section shall stand repealed on July 1, **2028**.

SECTION 29. This act shall take effect and be in force from and after July 1, 2024.