

By: Senator(s) Barnett

To: Corrections

SENATE BILL NO. 2445
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-5-473, MISSISSIPPI CODE OF 1972,
 2 TO EXTEND THE DATE OF REPEAL ON THE MISSISSIPPI CORRECTIONAL
 3 FACILITY PILOT WORK RELEASE PROGRAM AND INCLUDE HINDS COUNTY; TO
 4 AMEND SECTION 47-5-577, MISSISSIPPI CODE OF 1972, TO EXTEND THE
 5 DATE OF REPEAL ON THE MISSISSIPPI PRISON INDUSTRIES ACT OF 1990
 6 FROM JULY 1, 2024, TO JULY 1, 2027, AND TO TRANSFER THE REPEALER
 7 IN SECTION 47-5-579 TO SECTION 47-5-577; TO AMEND SECTIONS
 8 47-5-579 AND 47-5-539, MISSISSIPPI CODE OF 1972, TO REVISE THE
 9 ADMINISTRATIVE PERCENTAGES AND THE INMATE SAVINGS PERCENTAGES
 10 UNDER THE MDOC WORK RELEASE PROGRAM AND TO EXPAND THE PILOT WORK
 11 INITIATIVE TO ANY STATE, REGIONAL OR PRIVATE CORRECTIONAL
 12 FACILITY, UNDER CERTAIN CONDITIONS; TO BRING FORWARD SECTIONS
 13 47-5-531, 47-5-533, 47-5-535, 47-5-537, 47-5-543, 47-5-545,
 14 47-5-547, 47-5-549, 47-5-551, 47-5-553, 47-5-555, 47-5-557,
 15 47-5-561, 47-5-563, 47-5-565, 47-5-567, 47-5-569, 47-5-571,
 16 47-5-573 AND 47-5-575, MISSISSIPPI CODE OF 1972; TO AMEND SECTIONS
 17 47-5-541, 47-5-559 AND 47-5-1251, MISSISSIPPI CODE OF 1972, TO
 18 CONFORM; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 47-5-473, Mississippi Code of 1972, is
 21 amended as follows:

22 47-5-473. (1) The Sheriffs of Rankin County, Harrison
 23 County * * *, Lee County and Hinds County are authorized to
 24 establish a Pilot Work Release Program. No person sentenced for a
 25 crime listed in Section 97-3-2 shall be eligible for participation
 26 in the program established under this section. During the pilot



27 phase of the program, there shall be a limit of twenty-five (25)
28 people in the program at a time.

29 (2) The sheriff shall collect and maintain data which shall
30 be shared semiannually with the Joint Legislative Committee on
31 Performance Evaluation and Expenditure Review (PEER) and the
32 Corrections and Criminal Justice Oversight Task Force in sortable
33 electronic format. The first report shall be made before January
34 15, 2022, and in six-month intervals thereafter. The data shall
35 include:

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

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

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

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

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

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



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

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

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

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

62 (k) Any other data or information as requested by the
63 task force.

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

74 (4) The sheriff shall adopt and publish rules and
75 regulations prior to accepting inmates. These rules and



76 regulations shall at a minimum include all requirements for work
77 release programs established pursuant to Sections 47-5-451 through
78 47-5-471. Participating employers shall pay no less than the
79 prevailing wage for the position and shall under no circumstance
80 pay less than the federal minimum wage.

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

90 (6) (a) The offender shall maintain an account through a
91 local financial institution and shall provide a copy of a check
92 stub to the sheriff.

93 (b) The offender * * * shall be required:

94 (i) To pay * * * twenty-five percent (25%) of his
95 or her wages after mandatory deductions for the following
96 purposes:

97 (* * * 1.) To pay support of dependents or to
98 the Mississippi Department of Human Services on behalf of
99 dependents as may be ordered by a judge of competent jurisdiction;
100 and



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

104 (ii) To pay fifteen percent (15%) of the
105 offender's wages to the sheriff's department for administrative
106 expenses to include transportation costs.

107 (iii) To save fifty percent (50%) of the
108 offender's wages in the account required under paragraph (a) of
109 this subsection. Monies under this subparagraph shall be made
110 available to the offender upon parole or release.

111 (* * *c) The * * * offender shall have access to the
112 remaining ten percent (10%) of the monies in his or her account to
113 purchase incidental expenses.

114 (d) Any monies remaining under paragraph (a) of this
115 subsection after all mandatory deductions are paid, shall be
116 deposited in the inmate's account established under this
117 subsection. Any monies remaining upon release in paragraph (c) of
118 this subsection shall be released to the inmate.

119 (* * *7) The Joint Legislative Committee on Performance
120 Evaluation and Expenditure Review (PEER) shall conduct a review of
121 the work release program established under this section and
122 beginning in 2024 produce * * * an annual report due December 1
123 each year to the Legislature on * * * the effectiveness * * * of
124 the program. The PEER Committee shall seek the assistance of the
125 Corrections and Criminal Justice Task Force and may seek



126 assistance from any other criminal justice experts it deems
127 necessary during its review.

128 (* * *8) This section shall stand repealed on July 1, * * *
129 2027.

130 **SECTION 2.** Section 47-5-577, Mississippi Code of 1972, is
131 amended as follows:

132 47-5-577. Sections 47-5-531 through 47-5-575, which create
133 the Mississippi Prison Industries Act of 1990, shall stand
134 repealed from and after July 1, * * * 2027.

135 **SECTION 3.** Section 47-5-579, Mississippi Code of 1972, is
136 amended as follows:

137 47-5-579. (1) (a) The corporation * * * shall operate
138 a * * * work initiative at the Central Mississippi Correctional
139 Facility, South Mississippi Correctional Institution, Mississippi
140 State Penitentiary and the Mississippi Correctional Institute for
141 Women, and is authorized, in its discretion, to create a work
142 initiative at any other correctional facility listed in Section
143 47-5-539(d). * * * In lieu of a work initiative created by the
144 corporation, the warden or superintendent or sheriff at any
145 regional and private facility listed in Section 47-5-539 is
146 authorized to create a work initiative at their respective
147 facility consistent with the provisions and requirements of this
148 section. Each initiative shall be limited to no more than
149 twenty-five (25) inmates in the * * * state, regional or private
150 facility at any given time.



151 (b) The department, with regard to a work initiative in
152 an MDOC facility, shall:

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

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

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

159 (c) The sheriff, with regard to a work initiative at a
160 regional facility, shall:

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

163 (ii) Oversee the selection of inmates for
164 admission to the initiative; and

165 (iii) Work with the department and the corporation
166 to establish guidelines for the initiative and develop a report
167 thereon.

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

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

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

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



176 (b) Any inmate * * * who meets the eligibility
177 requirements of paragraph (a) may request assignment to * * * a
178 work initiative established under this section.

179 (3) (a) The commissioner, in the case of MDOC facilities,
180 or the warden, superintendent, sheriff or similar leader in the
181 case of regional and private facilities, shall select inmates for
182 admission to the program.

183 (b) An inmate currently participating in vocational
184 training or a soft skills training program * * * at a facility
185 authorized to operate a work initiative shall have priority in
186 admission to the program.

187 (4) (a) The chief executive officer, in the case of MDOC
188 facilities, or the warden, superintendent, sheriff or similar
189 leader in the case of regional and private facilities, may
190 authorize the inmate to participate in educational or other
191 rehabilitative programs designed to supplement his work initiative
192 employment or to prepare the person for successful reentry.

193 (b) Before accepting any participants to the program,
194 the corporation, in consultation with the department, shall adopt
195 and publish rules and regulations to effectuate this section no
196 later than six (6) months after the effective date of this
197 section. These rules and regulations shall include all protection
198 requirements for work release programs established pursuant to
199 Sections 47-5-451 through 47-5-471.



200 (5) Participating employers shall pay no less than the
201 prevailing wage for the position and shall under no circumstance
202 pay less than the federal minimum wage.

203 (* * *6) Any inmate assigned to the initiative who, without
204 proper authority or just cause, leaves the area to which he has
205 been assigned to work or attend educational or other
206 rehabilitative programs, or leaves the vehicle or route of travel
207 involved in his or her going to or returning from such place, will
208 be guilty of escape as provided in Section 97-9-49. An offender
209 who is convicted under Section 97-9-49 shall be ineligible for
210 further participation in the work initiative during his or her
211 current term of confinement.

212 (* * *7) (a) The inmate shall maintain an account through
213 a local financial institution and shall provide a copy of a check
214 stub to the chief executive officer, the warden, the
215 superintendent or the sheriff at a regional facility, as the case
216 may be.

217 (b) The inmate shall be required:

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

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



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

227 (ii) To pay * * * fifteen percent (15%) of the
228 inmate's wages to the corporation for administrative expenses to
229 include transportation costs to be remitted to the state, regional
230 or private facility where the inmate is housed. In the case of
231 state facilities, the administrative expense reimbursement shall
232 be paid to the corporation; in the case of regional facilities,
233 the administrative expense reimbursement shall be paid to the
234 sheriff's department; in the case of private facilities the
235 administrative expense reimbursement shall be paid to the
236 contractor overseeing the facility.

237 (iii) To save fifty percent (50%) of the inmate's
238 wages in the account required under paragraph (a) of this
239 subsection. Monies under this * * * subparagraph shall be made
240 available to the inmate upon parole or release.

241 (c) The inmate shall have access to the remaining * * *
242 ten percent (10%) of the monies in the inmate's account to
243 purchase incidental expenses.

244 (d) Any monies remaining under paragraph (a) of this
245 subsection after all mandatory deductions are paid, shall be
246 deposited in the inmate's account established under this
247 subsection. Any monies remaining upon release in paragraph (c) of
248 this subsection shall be released to the inmate.



249 (* * *8) The chief executive officer of the corporation
250 shall collect and maintain data which shall be shared semiannually
251 with the Joint Legislative Committee on Performance Evaluation and
252 Expenditure Review (PEER) and the Corrections and Criminal Justice
253 Oversight Task Force in sortable electronic format. The first
254 report shall be made on January 15, 2023, and in six-month
255 intervals thereafter unless PEER establishes a different schedule.
256 The data shall include:

257 * * *

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

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

262 (* * *c) Total number of participants who successfully
263 completed the program in each month by race, gender, and offenses
264 charged;

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

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

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



274 (* * *g) Total number of participants who completed
275 the program and were convicted of a new crime within three (3)
276 years of completing the program;

277 (* * *h) Total amount earned by participants and how
278 the earnings were distributed in each month;

279 (* * *i) Results of any initial risk and needs
280 assessments conducted on each participant by race, gender, and
281 offenses charged;

282 (* * *j) * * * List of participating employers;

283 (* * *k) * * * List of jobs acquired by participants;

284 (* * *l) * * * List of the hourly wage paid to each
285 participant;

286 (* * *m) * * * Accounting of the manner and use of the
287 ten percent (10%) of the wages paid to the corporation by the
288 inmate for administrative expenses;

289 (* * *n) Total costs associated with program
290 operations;

291 (* * *o) * * * List of participating financial
292 institutions;

293 (* * *p) The number of accounts opened by participants
294 at financial institutions;

295 (* * *q) The average hourly wage earned in the
296 program; and

297 (* * *r) Any other data or information as requested by
298 the task force.



299 (* * *9) The Joint Legislative Committee on Performance
300 Evaluation and Expenditure Review (PEER) shall conduct a review of
301 the initiative * * *, including any expansion of the initiative
302 authorized under this section, and produce * * * an annual report
303 to the Legislature on their effectiveness by January 1 * * * of
304 each year. The PEER Committee shall seek the assistance of the
305 Corrections and Criminal Justice Task Force and may seek
306 assistance from any other criminal justice experts it deems
307 necessary during its review.

308 * * *

309 **SECTION 4.** Section 47-5-531, Mississippi Code of 1972, is
310 brought forward as follows:

311 47-5-531. Sections 47-5-531 through 47-5-575 shall be known
312 as the "Mississippi Prison Industries Act of 1990."

313 **SECTION 5.** Section 47-5-533, Mississippi Code of 1972, is
314 brought forward as follows:

315 47-5-533. (1) It is the finding of the Legislature that
316 prison industry programs of the State Department of Corrections
317 are uniquely different from other programs operated or conducted
318 by other departments in that it is essential to the state that the
319 prison industry programs provide inmates with useful activities
320 that can lead to meaningful employment after release in order to
321 assist in reducing the return of inmates to the system.

322 (2) It is further the finding of the Legislature that the
323 mission of a prison industry program is:



324 (a) To reduce the cost of state government by operating
325 prison industries primarily with inmate labor, which industries do
326 not seek to unreasonably compete with private enterprise;

327 (b) To serve the rehabilitative goals of the state by
328 duplicating as nearly as possible, the operating activities of a
329 free-enterprise type of profit-making enterprise; and

330 (c) To serve the security goals of the state by
331 reducing the idleness of inmates and by providing an incentive for
332 good behavior while in prison.

333 **SECTION 6.** Section 47-5-535, Mississippi Code of 1972, is
334 brought forward as follows:

335 47-5-535. (1) Except as otherwise specifically provided by
336 law, it is the intent of the Legislature that a nonprofit
337 corporation be organized and formed, within sixty (60) days from
338 April 4, 1990, to lease and manage the prison industry programs of
339 the Mississippi Correctional Industries. The corporation created
340 and established shall be a body politic and corporate, may acquire
341 and hold real and personal property, may receive, hold and
342 dispense monies appropriated to it by the Legislature of the State
343 of Mississippi received from the federal government, received from
344 the sale of products, goods, and services which it produces, and
345 received from any other sources whatsoever.

346 (2) Except as otherwise specifically provided by law, it is
347 the further intent of the Legislature that the nonprofit
348 corporation shall create any additional prison industry program as



349 it deems fit, and any such program shall be created in compliance
350 with the provisions of Sections 47-5-531 through 47-5-575.

351 (3) Except as otherwise specifically provided by law, it is
352 the further intent of the Legislature that such nonprofit
353 corporation shall have exclusive rights to operate any prison
354 industry program and when such corporation is lawfully formed, no
355 other public or private entity shall be allowed to carry out the
356 provisions of Sections 47-5-531 through 47-5-575.

357 (4) It is the further intent of the Legislature, that the
358 nonprofit corporation which is required to be organized and formed
359 under Sections 47-5-531 through 47-5-575 shall locate and operate
360 prison industries at any state correctional facility with the
361 approval of the Commissioner of Corrections. It is the intent of
362 the Legislature that the nonprofit corporation locate and operate
363 such industries in an orderly and expeditious manner. Such
364 corporation may locate and operate prison industries at other
365 prison satellites, at community work centers in the state, at any
366 private correctional facility which houses state inmates and at
367 any regional correctional facility as authorized under Section
368 47-5-931. No industrial prison program shall be located at a site
369 other than state prison facilities approved by the commissioner.

370 **SECTION 7.** Section 47-5-537, Mississippi Code of 1972, is
371 brought forward as follows:

372 47-5-537. The Secretary of State, or his designee, shall
373 assist the Department of Corrections and the Department of Finance



374 and Administration in the formation of the nonprofit corporation,
375 and within sixty (60) days after the formation of the corporation,
376 the corporation shall apply for exemption from federal tax under
377 the provisions of Section 501(c)(3) of the Internal Revenue Code
378 of 1986, as amended. Any program of the Division of Vocational
379 Rehabilitation of the State Department of Human Services shall not
380 be classified as prison industries under the provisions Sections
381 47-5-531 through 47-5-575.

382 **SECTION 8.** Section 47-5-539, Mississippi Code of 1972, is
383 amended as follows:

384 47-5-539. For the purposes of Sections 47-5-531 through
385 47-5-575, the following terms shall have the following meaning
386 unless the context shall provide otherwise:

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

389 (b) "Corporation" means the private nonprofit
390 corporation which is required to be organized and formed to carry
391 out the provisions of Sections 47-5-531 through 47-5-575 regarding
392 prison industries.

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

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



- 399 (i) Central Mississippi Correctional Facility;
400 (ii) Marshall County Correctional Facility;
401 (iii) Mississippi State Penitentiary;
402 (iv) Delta Correctional Facility;
403 (v) Mississippi Correctional Institute for Women;
404 (vi) South Mississippi Correctional Institution;
405 (vii) Walnut Grove Correctional Facility;
406 (viii) Alcorn County Regional Correctional
407 Facility;
408 (ix) Carroll/Montgomery County Regional
409 Correctional Facility;
410 (x) George/Greene County Correctional Facility;
411 (xi) Bolivar County Correctional Facility;
412 (xii) Chickasaw County Regional Correctional
413 Facility;
414 (xiii) Holmes/Humphreys County Correctional
415 Facility;
416 (xiv) Issaquena County Correctional Facility;
417 (xv) Kemper/Neshoba County Regional Correctional
418 Facility;
419 (xvi) Jefferson/Franklin County Correctional
420 Facility;
421 (xvii) Leake County Correctional Facility;
422 (xviii) Marion/Walthall County Correctional
423 Facility;



424 (xix) Washington County Regional Correctional

425 Facility;

426 (xx) Yazoo Regional Correctional Facility;

427 (xxi) Stone County Correctional Facility;

428 (xxii) Winston/Choctaw County Correctional

429 Facility;

430 (xxiii) East Mississippi Correctional Facility;

431 and

432 (xxiv) Wilkinson County Correctional Facility.

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

435 (f) "Prison agricultural enterprises" means all
436 agricultural endeavors as defined in Section 47-5-353.

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

439 **SECTION 9.** Section 47-5-541, Mississippi Code of 1972, is
440 amended as follows:

441 47-5-541. (1) The corporation shall be governed by a board
442 of directors. The terms of the board of directors in place before
443 July 1, 2022, shall expire June 30, 2022. From and after July 1,
444 2022, the board of directors of the nonprofit corporation shall be
445 composed of the following five (5) members:

446 (a) The Commissioner of the Department of Corrections
447 or his or her designee;



448 (b) One (1) representative of the faith-based
449 community, appointed by the Commissioner of the Department of
450 Corrections with the advice and consent of the Senate;

451 (c) One (1) representative of the business community,
452 appointed by the Commissioner of the Department of Corrections
453 with the advice and consent of the Senate;

454 (d) The Executive Director of * * * State Office of
455 Workforce Development or his or her designee; and

456 (e) The Executive Director of the Mississippi Community
457 College Board or his or her designee.

458 For the initial appointments, the representative of the
459 faith-based community shall serve for a term of one (1) year; the
460 representative of the business community shall serve for a term of
461 two (2) years; the Executive Director of the * * * State Office of
462 Workforce Development or his or her designee shall serve for a
463 term of three (3) years and the Executive Director of the
464 Mississippi Community College Board shall serve for a term of four
465 (4) years. All succeeding terms shall be for four (4) years from
466 the expiration date of the previous term. The term of the
467 Commissioner of Corrections shall run concurrent with his or her
468 term or terms as commissioner. Initial appointments shall be made
469 within thirty (30) days after July 1, 2022. Any vacancy on the
470 board prior to the expiration of a term for any reason, including
471 resignation, removal, disqualification, death or disability shall
472 be filled in the manner prescribed in paragraphs (a) through (e)



473 of this subsection for the balance of the unexpired term. The
474 officers of the corporation shall consist of a chairman, vice
475 chairman and a secretary-treasurer. The officers shall be
476 selected by the members of the board. However, the Commissioner
477 of Corrections shall not be eligible to serve as an officer of the
478 corporation.

479 (2) The board of directors shall select and employ a chief
480 executive officer of the corporation who shall serve at the
481 pleasure of the board. The board shall set the compensation of
482 the chief executive officer. The chief executive officer shall be
483 responsible for the general business and entire operations of the
484 corporation, and shall be responsible for operating the
485 corporation in compliance with the bylaws of the corporation and
486 in compliance with any provision of law. The board shall be
487 authorized and empowered to do only those acts provided by law and
488 by the bylaws of the corporation. Except as otherwise
489 specifically provided by law, such board shall have the authority
490 to establish prison industries, to cease the operation of any
491 industry which it deems unsuitable or unprofitable, to enter into
492 any lease or contract for the corporation and it shall have the
493 full authority to establish prices for any industry good.

494 (3) No member of the board of directors shall vote on any
495 matter that comes before the board that could result in pecuniary
496 benefit for himself or for any entity in which such member has an
497 interest.



498 (4) In addition to the board of directors, an advisory board
499 may be set up for the benefit of each industry which is
500 established pursuant to the provisions of Sections 47-5-531
501 through 47-5-575. Such boards shall be advisory only, and may be
502 set up in the discretion of the board of directors of the
503 corporation.

504 (5) Each member of the board of directors of the corporation
505 shall receive per diem as provided in Section 25-3-69 for each day
506 or fraction thereof spent in actual discharge of his official
507 duties and shall be reimbursed for mileage and actual expenses
508 incurred in the performance of his official duties in accordance
509 with the requirements of Section 25-3-41, Mississippi Code of
510 1972.

511 (6) The board of directors shall make and publish policies,
512 rules and regulations governing all business functions, including
513 but not limited to accounting, marketing, purchasing and
514 personnel, not inconsistent with the terms of Sections 47-5-531
515 through 47-5-575, as may be necessary for the efficient
516 administration and operation of the corporation.

517 (7) The chief executive officer of the corporation shall:

518 (a) Employ all necessary employees of the corporation
519 and dismiss them as is necessary;

520 (b) Administer the daily operations of the corporation,
521 including establishing education, training and workforce
522 development programs in collaboration with the State Office of



523 Workforce Development and other relevant state and federal
524 agencies;

525 (c) Upon approval of the board of directors, execute
526 any contracts on behalf of the corporation; and

527 (d) Take any further actions which are necessary and
528 proper toward the achievement of the corporation purposes.

529 (8) A member of the board of directors of the corporation
530 shall not be liable for any civil damages for any personal injury
531 or property damage caused to a person as a result of any acts or
532 omissions committed in good faith in the exercise of their duties
533 as members of the board of directors of the corporation, except
534 where a member of the board engages in acts or omissions which are
535 intentional, willful, wanton, reckless or grossly negligent.

536 **SECTION 10.** Section 47-5-543, Mississippi Code of 1972, is
537 brought forward as follows:

538 47-5-543. (1) Within sixty (60) days after the formation of
539 the corporation pursuant to the provisions of Section 47-5-535,
540 the State Department of Corrections shall lease to the corporation
541 all existing prison industries including the buildings, land,
542 furnishings, equipment and other chattel used in the operation of
543 such industries. Such lease shall be agreed upon by the State
544 Department of Corrections, State Department of Finance and
545 Administration and the corporation. The initial term of such
546 lease shall not exceed six (6) years, provided that such lease may
547 be renewed for additional successive terms of years not to exceed



548 six (6) years in any one (1) renewal. No sublease to the
549 corporation shall be in excess of that amount for which the
550 department is obligated to pay under any lease agreement with any
551 other state agency. Any receivable and remaining funds shall be
552 transferred to the corporation after the payment of any existing
553 liabilities. No operating loss of any type shall be transferred
554 to the corporation. The State Department of Corrections shall
555 continue to manage and operate the prison industries until such
556 industries are leased to the corporation. When leasing any prison
557 industry program to the corporation, the corporation shall
558 exercise a reasonable effort to employ any personnel of the State
559 Department of Corrections who are currently involved in any prison
560 industry program being leased to the corporation. Before the
561 leasing of the prison industries, buildings, lands and other items
562 mentioned herein to the corporation, the State Auditor of Public
563 Accounts shall perform a comprehensive audit of all the items and
564 things mentioned herein which are to be leased by the department
565 to the corporation. The corporation may expand, eliminate,
566 suspend or alter any of its industries as it sees fit.

567 (2) Any lands, buildings, equipment, furnishings, livestock,
568 supplies and vehicles used in the department's farming operations
569 which were leased or transferred to the nonprofit corporation
570 under subsection (1) shall be transferred to the department. Any
571 personnel in the department's farming operations employed by the
572 nonprofit corporation who desire to be reassigned to the



573 department and who are under state service may be reassigned to
574 the department.

575 (3) The department is not required to lease land, buildings,
576 equipment, furnishings or other chattel used in its prison
577 agricultural enterprises.

578 **SECTION 11.** Section 47-5-545, Mississippi Code of 1972, is
579 brought forward as follows:

580 47-5-545. Except as otherwise specifically provided by law,
581 after the commissioning and implementation of a marketing
582 feasibility study for any proposed new prison industry, the
583 corporation may establish such prison industry. Before any new
584 industry is established, the corporation shall hold a hearing to
585 determine the impact such industry may have on the private sector
586 market. The corporation shall provide adequate and advance notice
587 regarding the nature, time, date and place of such hearing. After
588 the hearing which is required under this section, the corporation
589 may commence negotiations with the State Department of
590 Corrections, with the Secretary of State, or his designee, serving
591 as a mediator, regarding the leasing of land and other chattels
592 for the purpose of establishing any new industry.

593 **SECTION 12.** Section 47-5-547, Mississippi Code of 1972, is
594 brought forward as follows:

595 47-5-547. Except as otherwise specifically provided by law,
596 any training program or auxiliary program associated with any
597 existing prison industry shall be transferred to the corporation.



598 The corporation is empowered and authorized to establish in
599 participation with any community or junior college or state
600 institution of higher learning, any training or auxiliary program
601 for existing prison industries or for any industries which the
602 corporation might create. Such community or junior college or
603 state institution of higher learning shall provide assistance in
604 business planning, marketing and analysis of existing or projected
605 industries. These industrial services shall be contracted with
606 any appropriate community or junior college or state institution
607 of higher learning when these industries are developed at other
608 correction sites.

609 **SECTION 13.** Section 47-5-549, Mississippi Code of 1972, is
610 brought forward as follows:

611 47-5-549. Any service or item manufactured, processed, grown
612 or produced by the corporation from its prison industries may be
613 furnished or sold to any legislative, executive or judicial branch
614 of the state, any political subdivision or any governing authority
615 of the state, any other state, any school, college or university
616 of the state, any foreign government, any agency of the federal
617 government or to any private entity. The corporation shall make
618 reasonable efforts to purchase raw materials from in-state
619 vendors. The prices for industry-made products shall be
620 established by the board of directors of the corporation or its
621 designee.



622 **SECTION 14.** Section 47-5-551, Mississippi Code of 1972, is
623 brought forward as follows:

624 47-5-551. In the event the corporation is dissolved or its
625 lease of any prison industry program expires or is otherwise
626 terminated, all property relating to such prison industry program
627 which ceases to function because of such termination or
628 dissolution, including all funds, buildings, land, furnishings,
629 equipment and other chattels subsequently purchased or otherwise
630 acquired by the corporation in connection with its continued
631 operation of that program, automatically reverts to full ownership
632 by the department.

633 **SECTION 15.** Section 47-5-553, Mississippi Code of 1972, is
634 brought forward as follows:

635 47-5-553. Before any prison industry may commence
636 operations, the chief executive officer of the corporation must
637 communicate with the Commissioner of Corrections regarding the
638 proper security for the facility. If at anytime the Commissioner
639 of Corrections recognizes a need for improvement in the security
640 at any facility, then he or she shall communicate to the
641 corporation regarding what improvements are needed for the
642 facility to be properly secured. The corporation shall furnish
643 its own security within the parameters of any prison industry work
644 area.

645 **SECTION 16.** Section 47-5-555, Mississippi Code of 1972, is
646 brought forward as follows:



647 47-5-555. The department shall, subject to the necessary
648 security requirements and the needs of the corporation, provide to
649 the corporation sufficient inmate labor for the various prison
650 industry programs. The department may adopt rules and regulations
651 as may be necessary to govern the use of inmates by the
652 corporation. The corporation shall establish policies and
653 procedures, subject to the approval of the department, relating to
654 the use of inmates in the prison industry programs.

655 **SECTION 17.** Section 47-5-557, Mississippi Code of 1972, is
656 brought forward as follows:

657 47-5-557. Any inmate who performs work for the corporation,
658 except those inmates employed by the corporation in the Prison
659 Industry Enhancement Program under Section 47-5-1251, shall not be
660 deemed an agent, employee or involuntary servant of the
661 corporation while performing such work or while going to and from
662 work or other specified areas.

663 **SECTION 18.** Section 47-5-559, Mississippi Code of 1972, is
664 amended as follows:

665 47-5-559. The corporation shall submit to the Governor and
666 the Legislature, on or before January 1 of each year, a report on
667 the status of the correctional work programs, including, but not
668 limited to, the programs and funds which have been transferred to
669 the corporation, the programs and funds to be taken over within
670 the next year and the proposed use of the profits from such
671 programs, a breakdown of the amount of noninmate labor used, work



672 subcontracted to other vendors, use of consultants, finished goods
673 purchased for resale, and the number of inmates working in the
674 correctional work programs at the time of the report. In
675 addition, the corporation shall submit to the department, the
676 Governor and the Legislature an annual independently audited
677 financial statement and such other information as may be requested
678 by the Legislature together with recommendations from the
679 corporation relating to provisions for reasonable tax incentives
680 to private enterprises that employ inmates, parolees or former
681 inmates who have participated in correctional work programs. The
682 department shall include, as a portion of its annual report, a
683 report on post-release job placement and the rate of subsequent
684 contact with the correctional system for those inmates who have
685 participated in the correctional work programs operated by the
686 corporation and by the department. Beginning January 1, 1991, the
687 State Auditor shall conduct an annual financial audit of the
688 corporation in conjunction with an independent audit conducted by
689 the corporation's auditors. The State Auditor and the legislative
690 PEER committee shall also conduct a biennial performance audit of
691 the corporation for the period beginning January 1, 1991, through
692 January 1, 1993, and thereafter upon the joint request of the
693 Senate Corrections Committee, House * * * Corrections Committee,
694 Senate Finance Committee, and House Ways and Means Committee.

695 **SECTION 19.** Section 47-5-561, Mississippi Code of 1972, is
696 brought forward as follows:



697 47-5-561. (1) In addition to its other powers, the
698 corporation shall have the power to request, through the
699 department, an appropriation of general revenue funds for the
700 purposes of operation of, addition to or renovation of facilities
701 or correctional work programs at the various correctional
702 institutions; however, upon receipt of such appropriation, the
703 rental paid by the corporation for the operation of or such new
704 remodeled or renovated facilities or the operation of a
705 correctional work program shall be sufficient to amortize its cost
706 over a period of five (5) years.

707 (2) The corporation shall maintain those prison industries
708 funds in excess of that amount necessary for sustaining quarterly
709 or monthly operations of the corporation in an interest-bearing
710 account best serving the proper management of corporation funds
711 and earning the maximum amount of interest allowed by law. The
712 corporation shall cause monies from the interest-bearing account
713 to be deposited quarterly or monthly into the corporation's
714 checking account in order to pay the legal debts of the
715 corporation, approved for payment by the corporation.

716 **SECTION 20.** Section 47-5-563, Mississippi Code of 1972, is
717 brought forward as follows:

718 47-5-563. (1) The department may adopt such rules as may be
719 necessary to govern the use of inmates by the corporation;
720 however, such rules shall be related only to the need for



721 security, inmate projections, and efficient operation of each
722 institution.

723 (2) The corporation, with the input of the department, shall
724 establish policies and procedures subject to the approval of the
725 department's legal counsel relating to the use of inmates in the
726 correctional work programs.

727 (3) All such policies and procedures adopted by the
728 department and the corporation shall be placed on file in the
729 Office of the Secretary of State.

730 **SECTION 21.** Section 47-5-565, Mississippi Code of 1972, is
731 brought forward as follows:

732 47-5-565. To carry out the provisions of Sections 47-5-531
733 through 47-5-575, the provisions of Sections 47-5-301 et seq., and
734 47-5-501 et seq., Mississippi Code of 1972, the corporation shall
735 authorize the transfer and expending of monies from the Prison
736 Industries Fund.

737 **SECTION 22.** Section 47-5-567, Mississippi Code of 1972, is
738 brought forward as follows:

739 47-5-567. Except as otherwise specifically provided by law,
740 no inmate shall be eligible for unemployment compensation or
741 workmen's compensation whether employed by the corporation or by
742 any other private enterprise operating on the grounds of a
743 correctional institution or elsewhere where such employment shall
744 be a part of a correctional work program or work release program
745 of either the corporation or the department.



746 **SECTION 23.** Section 47-5-569, Mississippi Code of 1972, is
747 brought forward as follows:

748 47-5-569. (1) Except as otherwise specifically provided by
749 law, if the department leases a single correctional work program
750 at any correctional institution to the corporation, the
751 corporation shall lease all such correctional work programs at
752 that institution. Any rent paid by the corporation to the
753 department shall be deposited in a correctional programs trust
754 fund for enhancement of education and training, post-release job
755 placement, and other correctional purposes related to the purposes
756 of Sections 47-5-531 through 47-5-575.

757 (2) All leases of department-owned land for the funding or
758 operations of the corporation shall be subject to the approval of
759 the corporation, the Mississippi Department of Corrections and the
760 Public Procurement Review Board.

761 (3) This section shall not apply to any program within the
762 prison agricultural enterprises operated by the department.

763 **SECTION 24.** Section 47-5-571, Mississippi Code of 1972, is
764 brought forward as follows:

765 47-5-571. Except as otherwise specifically provided by law,
766 no goods, wares, services or merchandise manufactured, mined or
767 offered in whole or in part by prisoners shall be sold or offered
768 by any person or other authority except by the corporation, as
769 authorized by Sections 47-5-531 through 47-5-575.



770 **SECTION 25.** Section 47-5-573, Mississippi Code of 1972, is
771 brought forward as follows:

772 47-5-573. (1) In adopting or modifying master plans for
773 correctional work programs, and in the administration of the
774 Department of Corrections, it shall be the objective of the
775 department to develop a logical sequence of vocational training,
776 employment by correctional work programs, and post-release job
777 placement for inmates participating in correctional work programs.

778 (2) The Department of Corrections shall establish guidelines
779 for the development of correctional work programs.

780 (3) The needs of the corporation shall be considered by the
781 department when assigning and transferring prisoners to
782 correctional institutions. The following criteria shall be used
783 when assigning and transferring inmates:

784 (a) Skills of the inmate relevant to the corporation's
785 industries;

786 (b) Security classification of the inmate relevant to
787 the type of corporation's industry;

788 (c) Duration of availability of the inmate for
789 employment by the corporation;

790 (d) Establishment of a concept of potentially
791 rehabilitative inmate.

792 **SECTION 26.** Section 47-5-575, Mississippi Code of 1972, is
793 brought forward as follows:



794 47-5-575. Any records or reports which relate to the
795 financial aspect or operations of the corporation, with the
796 exception of any trade secrets, shall be considered as public
797 records and shall be subject to the provisions of the Mississippi
798 Public Records Act of 1983.

799 **SECTION 27.** Section 47-5-1251, Mississippi Code of 1972, is
800 amended as follows:

801 47-5-1251. (1) There is created the "Prison Industry
802 Enhancement Program," through which the Department of Corrections
803 may contract with the nonprofit corporation organized and formed
804 under the "Mississippi Prison Industries Act of 1990" to employ
805 offenders within the custody of the department or prison
806 industries.

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

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



817 (b) To pay reasonable charges for room and board as
818 determined by regulations issued by the Commissioner of
819 Corrections;

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

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

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

833 (4) Offenders who participate in the employment must do so
834 voluntarily and must agree in advance to the specific deductions
835 made from gross wages pursuant to this section and to all other
836 financial arrangements or benefits resulting from participation in
837 the employment.

838 (5) The Department of Corrections shall develop rules and
839 regulations to meet the criteria established by the Bureau of
840 Justice Assistance under the Prison Industry Enhancement
841 Certification Program.



842 (6) This section shall stand repealed on July 1, * * * 2027.

843 **SECTION 28.** This act shall take effect and be in force from
844 and after July 1, 2024.

