

By: Senator(s) Sparks

To: Economic and Workforce
Development

SENATE BILL NO. 2717
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO
2 REMOVE PROVISIONS REQUIRING THAT THERE BE A DEPUTY COMMISSIONER
3 FOR WORKFORCE DEVELOPMENT WHO SHALL SERVE AS THE CHIEF EXECUTIVE
4 OFFICER OF PRISON INDUSTRIES AND DIRECTOR OF PRISON AGRICULTURAL
5 ENTERPRISES; TO AMEND SECTION 47-5-541, MISSISSIPPI CODE OF 1972,
6 AS AMENDED BY SENATE BILL NO. 2445, 2024 REGULAR SESSION, TO
7 REPLACE THE EXECUTIVE DIRECTOR OF ACCELERATEMS WITH THE EXECUTIVE
8 DIRECTOR OF THE OFFICE OF WORKFORCE DEVELOPMENT, TO REQUIRE THE
9 CHIEF EXECUTIVE OFFICER OF THE CORPORATION TO IMPLEMENT WORKFORCE
10 DEVELOPMENT PROGRAMS WITHIN THE CORRECTIONS SYSTEM, AND TO
11 DESCRIBE THE DUTIES OF THE CHIEF EXECUTIVE OFFICER OF THE
12 CORPORATION; TO AMEND SECTION 47-5-577, MISSISSIPPI CODE OF 1972,
13 TO EXTEND THE DATE OF REPEAL FROM 2024 TO 2027; AND FOR RELATED
14 PURPOSES.

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

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

18 47-5-26. (1) The commissioner shall employ the following
19 personnel:

20 (a) A Deputy Commissioner for Administration and
21 Finance, who shall supervise and implement all fiscal policies and
22 programs within the department, supervise and implement all hiring
23 and personnel matters within the department, supervise the
24 department's personnel director, supervise and implement all



25 purchasing within the department and supervise and implement all
26 data processing activities within the department, and who shall
27 serve as the Chief Executive Officer of the Division of
28 Administration and Finance. He shall possess either:

29 (i) A master's degree from an accredited four-year
30 college or university in public or business administration,
31 accounting, economics or a directly related field, and four (4)
32 years of experience in work related to the above-described duties,
33 one (1) year of which must have included line or functional
34 supervision; or

35 (ii) A bachelor's degree from an accredited
36 four-year college or university in public or business
37 administration, accounting, economics or a directly related field,
38 and six (6) years of experience in work related to the
39 above-described duties, one (1) year of which must have included
40 line or functional supervision. Certification by the State of
41 Mississippi as a certified public accountant may be substituted
42 for one (1) year of the required experience.

43 (b) A Deputy Commissioner for Community Corrections,
44 who shall initiate and administer programs, including, but not
45 limited to, supervision of probationers, parolees and
46 suspensioners, counseling, community-based treatment, interstate
47 compact administration and enforcement, prevention programs,
48 halfway houses and group homes, technical violation centers,
49 restitution centers, presentence investigations, and work and



50 educational releases, and shall serve as the Chief Executive
51 Officer of the Division of Community Services. The Deputy
52 Commissioner for Community Corrections is charged with full and
53 complete cooperation with the State Parole Board and shall make
54 monthly reports to the Chairman of the Parole Board in the form
55 and type required by the chairman, in his discretion, for the
56 proper performance of the probation and parole functions. After a
57 plea or verdict of guilty to a felony is entered against a person
58 and before he is sentenced, the Deputy Commissioner for Community
59 Corrections shall procure from any available source and shall file
60 in the presentence records any information regarding any criminal
61 history of the person such as fingerprints, dates of arrests,
62 complaints, civil and criminal charges, investigative reports of
63 arresting and prosecuting agencies, reports of the National Crime
64 Information Center, the nature and character of each offense,
65 noting all particular circumstances thereof and any similar data
66 about the person. The Deputy Commissioner for Community
67 Corrections shall keep an accurate and complete duplicate record
68 of this file and shall furnish the duplicate to the department.
69 This file shall be placed in and shall constitute a part of the
70 inmate's master file. The Deputy Commissioner for Community
71 Corrections shall furnish this file to the State Parole Board when
72 the file is needed in the course of its official duties. He shall
73 possess either: (i) a master's degree in counseling, corrections
74 psychology, guidance, social work, criminal justice or some



75 related field and at least four (4) years' full-time experience in
76 such field, including at least one (1) year of supervisory
77 experience; or (ii) a bachelor's degree in a field described in
78 subparagraph (i) of this paragraph and at least six (6) years'
79 full-time work in corrections, one (1) year of which shall have
80 been at the supervisory level.

81 (c) A Deputy Commissioner for Institutions, who shall
82 administer institutions, reception and diagnostic centers,
83 prerelease centers and other facilities and programs provided
84 therein, and shall serve as the Chief Executive Officer of the
85 Division of Institutions. He shall possess either: (i) a
86 master's degree in counseling, criminal justice, psychology,
87 guidance, social work, business or some related field, and at
88 least four (4) years' full-time experience in corrections,
89 including at least one (1) year of correctional management
90 experience; or (ii) a bachelor's degree in a field described in
91 subparagraph (i) of this paragraph and at least six (6) years'
92 full-time work in corrections, four (4) years of which shall have
93 been at the correctional management level.

94 (d) A Deputy Commissioner for Programs, Education and
95 Reentry, who shall initiate and administer programs, including but
96 not limited to, education services, religious services, moral
97 rehabilitation, alcohol and drug rehabilitation, and court
98 reentry. The Deputy Commissioner for Programs, Education and
99 Reentry may coordinate with any educational institution to develop



100 a program for moral rehabilitation with an emphasis on promoting
101 effective programs for release. The Deputy Commissioner for
102 Programs, Education and Reentry shall focus on reentry programs
103 aimed at reducing recidivism. The programs shall incorporate a
104 moral component focused on providing offenders with an opportunity
105 to make positive changes while incarcerated that will enable them
106 to be productive members of society upon their release. Such
107 deputy commissioner shall possess either:

108 (i) A master's degree in counseling, corrections,
109 psychology, guidance, social work, criminal justice or some
110 related field and at least four (4) years' full-time experience in
111 such field, including at least one (1) year of supervisory
112 experience; or

113 (ii) A bachelor's degree in a field described in
114 subparagraph (i) of this paragraph and at least six (6) years
115 full-time work in corrections, one (1) year of which shall have
116 been at the supervisory level.

117 * * *

118 (2) The commissioner shall employ an administrative
119 assistant for parole matters who shall be selected by the State
120 Parole Board who shall be an employee of the department assigned
121 to the State Parole Board and who shall be located at the office
122 of the State Parole Board, and who shall work under the guidance,
123 supervision and direction of the board.



124 (3) The administrative assistant for parole matters shall
125 receive an annual salary to be established by the Legislature.
126 The salaries of department employees not established by the
127 Legislature shall receive an annual salary established by the
128 State Personnel Board.

129 (4) The commissioner shall employ a superintendent for the
130 Parchman facility, Central Mississippi Correctional Facility and
131 South Mississippi Correctional Institution of the Department of
132 Corrections. The Superintendent of the Mississippi State
133 Penitentiary shall reside on the grounds of the Parchman facility.
134 Each superintendent shall appoint an officer in charge when he is
135 absent.

136 Each superintendent shall develop and implement a plan for
137 the prevention and control of an inmate riot and shall file a
138 report with the Chairman of the Senate Corrections Committee and
139 the Chairman of the House Penitentiary Committee on the first day
140 of each regular session of the Legislature regarding the status of
141 the plan.

142 In order that the grievances and complaints of inmates,
143 employees and visitors at each facility may be heard in a timely
144 and orderly manner, each superintendent shall appoint or designate
145 an employee at the facility to hear grievances and complaints and
146 to report grievances and complaints to the superintendent. Each
147 superintendent shall institute procedures as are necessary to



148 provide confidentiality to those who file grievances and
149 complaints.

150 (5) For a one-year period beginning July 1, 2016, any person
151 authorized for employment under this section shall not be subject
152 to the rules, regulations and procedures of the State Personnel
153 Board, except as otherwise provided under Section 25-9-127(5).

154 **SECTION 2.** Section 47-5-541, Mississippi Code of 1972, as
155 amended by Senate Bill No. 2445, 2024 Regular Session, is amended
156 as follows:

157 47-5-541. (1) The corporation shall be governed by a board
158 of directors. The terms of the board of directors in place before
159 July 1, 2022, shall expire June 30, 2022. From and after July 1,
160 2022, the board of directors of the nonprofit corporation shall be
161 composed of the following five (5) members:

162 (a) The Commissioner of the Department of Corrections
163 or his or her designee;

164 (b) One (1) representative of the faith-based community
165 who is a resident of the State of Mississippi, appointed by
166 the * * * Governor with the advice and consent of the Senate;

167 (c) One (1) representative of the business community
168 who is a resident of the State of Mississippi, appointed by
169 the * * * Lieutenant Governor with the advice and consent of the
170 Senate;

171 (d) The Executive Director of * * * the Office of
172 Workforce Development or his or her designee; and



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

175 For the initial appointments, the representative of the
176 faith-based community shall serve for a term of one (1) year; the
177 representative of the business community shall serve for a term of
178 two (2) years; the Executive Director of the * * * Office of
179 Workforce Development or his or her designee shall serve for a
180 term of three (3) years and the Executive Director of the
181 Mississippi Community College Board shall serve for a term of four
182 (4) years. All succeeding terms shall be for four (4) years from
183 the expiration date of the previous term. The term of the
184 Commissioner of Corrections shall run concurrent with his or her
185 term or terms as commissioner. Initial appointments shall be made
186 within thirty (30) days after July 1, 2022. Any vacancy on the
187 board prior to the expiration of a term for any reason, including
188 resignation, removal, disqualification, death or disability shall
189 be filled in the manner prescribed in paragraphs (a) through (e)
190 of this subsection for the balance of the unexpired term. The
191 officers of the corporation shall consist of a chairman, vice
192 chairman and a secretary-treasurer. The officers shall be
193 selected by the members of the board. However, the Commissioner
194 of Corrections shall not be eligible to serve as an officer of the
195 corporation.

196 (2) (a) The board of directors shall select and employ a
197 chief executive officer of the corporation who shall serve at the



198 pleasure of the board. The board shall set the compensation of
199 the chief executive officer. The chief executive officer shall be
200 responsible for the general business and entire operations of the
201 corporation, and shall be responsible for operating the
202 corporation in compliance with the bylaws of the corporation and
203 in compliance with any provision of law. The board shall be
204 authorized and empowered to do only those acts provided by law and
205 by the bylaws of the corporation. Except as otherwise
206 specifically provided by law, such board shall have the authority
207 to establish prison industries, to cease the operation of any
208 industry which it deems unsuitable or unprofitable, to enter into
209 any lease or contract for the corporation and it shall have the
210 full authority to establish prices for any industry good.

211 (b) The chief executive officer of the corporation
212 shall work in collaboration with the Executive Director of the
213 Office of Workforce Development to implement workforce development
214 programs within the corrections system which align with the
215 strategic plan for an integrated workforce development system for
216 the state, as described in Section 37-153-7.

217 (c) The chief executive officer of the corporation
218 shall be a person with extensive experience in development of
219 economic, human and physical resources, with an emphasis in the
220 corrections or reentry environments preferred. The chief
221 executive officer of the corporation shall have at least a
222 bachelor's degree from a state-accredited institution and no less



223 than eight (8) years of professional experience related to
224 workforce development.

225 (d) With the assistance of the Office of Workforce
226 Development, the chief executive officer of the corporation shall:

227 (i) Inventory and measure the effectiveness of
228 current workforce development programs in the state corrections
229 system, with the goal of eliminating any programs which do not
230 result in desired outcomes, including, but not limited to, an
231 increase in employment in reentering offenders, a better
232 environment within correctional facilities in the state, or a
233 reduction in recidivism;

234 (ii) Partner with educational institutions to
235 provide additional opportunities in workforce development programs
236 for offenders leading to high-wage, high-skill jobs upon reentry;

237 (iii) Provide information, as appropriate, to
238 offenders on workforce development programs available within the
239 corrections system;

240 (iv) Work with industry to identify barriers which
241 inhibit offender reentry and employment and evaluate the
242 responsiveness of the corrections system and other support
243 entities to the needs of industry;

244 (v) Develop short-term and long-term goals for the
245 state related to workforce development and reentry offender
246 employment within the corrections system; and



247 (vi) Perform a comprehensive review of workforce
248 development in the corrections system, including the amount
249 expended on programs supported by state or federal money and their
250 outcomes.

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

255 (4) In addition to the board of directors, an advisory board
256 may be set up for the benefit of each industry which is
257 established pursuant to the provisions of Sections 47-5-531
258 through 47-5-575. Such boards shall be advisory only, and may be
259 set up in the discretion of the board of directors of the
260 corporation.

261 (5) Each member of the board of directors of the corporation
262 shall receive per diem as provided in Section 25-3-69 for each day
263 or fraction thereof spent in actual discharge of his official
264 duties and shall be reimbursed for mileage and actual expenses
265 incurred in the performance of his official duties in accordance
266 with the requirements of Section 25-3-41, Mississippi Code of
267 1972.

268 (6) The board of directors shall make and publish policies,
269 rules and regulations governing all business functions, including
270 but not limited to accounting, marketing, purchasing and
271 personnel, not inconsistent with the terms of Sections 47-5-531



272 through 47-5-575, as may be necessary for the efficient
273 administration and operation of the corporation.

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

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

277 (b) Administer the daily operations of the corporation,
278 including establishing education, training and workforce
279 development programs in collaboration with the Office of Workforce
280 Development and other relevant state and federal agencies;

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

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

285 (8) A member of the board of directors of the corporation
286 shall not be liable for any civil damages for any personal injury
287 or property damage caused to a person as a result of any acts or
288 omissions committed in good faith in the exercise of their duties
289 as members of the board of directors of the corporation, except
290 where a member of the board engages in acts or omissions which are
291 intentional, willful, wanton, reckless or grossly negligent.

292 **SECTION 3.** Section 47-5-577, Mississippi Code of 1972, is
293 amended as follows:

294 47-5-577. Sections 47-5-531 through 47-5-575, which create
295 the Mississippi Prison Industries Act of 1990, shall stand
296 repealed from and after July 1, * * * 2027.



297 **SECTION 4.** This act shall take effect and be in force from
298 and after passage.

