

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2445: Correctional system programs; extend repealers.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 the
98 Mississippi Department of Human Services on behalf of dependents
99 as may be ordered by a judge of competent jurisdiction; and

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

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

106 (iii) To save fifty percent (50%) of the
107 offender's wages in the account required under paragraph (a) of



108 this subsection. Monies under this subparagraph shall be made
109 available to the offender upon parole or release.

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

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

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

127 (* * * 8) This section shall stand repealed on July 1, * * *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

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



131 47-5-577. Sections 47-5-531 through 47-5-575, which create
132 the Mississippi Prison Industries Act of 1990, shall stand
133 repealed from and after July 1, * * * 2027.

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

136 47-5-579. (1) (a) The corporation * * * shall operate
137 a * * * work initiative at the Central Mississippi Correctional
138 Facility, South Mississippi Correctional Institution, Mississippi
139 State Penitentiary and the Mississippi Correctional Institute for
140 Women, and is authorized, in its discretion, to create a work
141 initiative at any other correctional facility listed in Section
142 47-5-539(d). * * * In lieu of a work initiative created by the
143 corporation, the warden or superintendent or sheriff at any
144 regional and private facility listed in Section 47-5-539 is
145 authorized to create a work initiative at their respective
146 facility consistent with the provisions and requirements of this
147 section. Each initiative shall be limited to no more than
148 twenty-five (25) inmates in the * * * state, regional or private
149 facility at any given time.

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

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

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



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

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

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

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

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

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

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

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

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

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

178 (3) (a) The commissioner, in the case of MDOC facilities,
179 or the warden, superintendent, sheriff or similar leader in the



180 case of regional and private facilities, shall select inmates for
181 admission to the program.

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

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

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

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

202 (* * *6) Any inmate assigned to the initiative who, without
203 proper authority or just cause, leaves the area to which he has
204 been assigned to work or attend educational or other



205 rehabilitative programs, or leaves the vehicle or route of travel
206 involved in his or her going to or returning from such place, will
207 be guilty of escape as provided in Section 97-9-49. An offender
208 who is convicted under Section 97-9-49 shall be ineligible for
209 further participation in the work initiative during his or her
210 current term of confinement.

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

216 (b) The inmate shall be required:

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

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

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

226 (ii) To pay * * * fifteen percent (15%) of the
227 inmate's wages to the corporation for administrative expenses to
228 include transportation costs to be remitted to the state, regional
229 or private facility where the inmate is housed. In the case of



230 state facilities, the administrative expense reimbursement shall
231 be paid to the corporation; in the case of regional facilities,
232 the administrative expense reimbursement shall be paid to the
233 sheriff's department; in the case of private facilities the
234 administrative expense reimbursement shall be paid to the
235 contractor overseeing the facility.

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

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

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

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



254 intervals thereafter unless PEER establishes a different schedule.

255 The data shall include:

256 * * *

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

298 (* * *9) The Joint Legislative Committee on Performance
299 Evaluation and Expenditure Review (PEER) shall conduct a review of
300 the initiative * * *, including any expansion of the initiative
301 authorized under this section and produce * * * an annual report
302 to the Legislature on their effectiveness by January 1, * * * of



303 each year. The PEER Committee shall seek the assistance of the
304 Corrections and Criminal Justice Task Force and may seek
305 assistance from any other criminal justice experts it deems
306 necessary during its review.

307 * * *

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

310 47-5-531. Sections 47-5-531 through 47-5-575 shall be known
311 as the "Mississippi Prison Industries Act of 1990."

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

314 47-5-533. (1) It is the finding of the Legislature that
315 prison industry programs of the State Department of Corrections
316 are uniquely different from other programs operated or conducted
317 by other departments in that it is essential to the state that the
318 prison industry programs provide inmates with useful activities
319 that can lead to meaningful employment after release in order to
320 assist in reducing the return of inmates to the system.

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

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



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

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

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

334 47-5-535. (1) Except as otherwise specifically provided by
335 law, it is the intent of the Legislature that a nonprofit
336 corporation be organized and formed, within sixty (60) days from
337 April 4, 1990, to lease and manage the prison industry programs of
338 the Mississippi Correctional Industries. The corporation created
339 and established shall be a body politic and corporate, may acquire
340 and hold real and personal property, may receive, hold and
341 dispense monies appropriated to it by the Legislature of the State
342 of Mississippi received from the federal government, received from
343 the sale of products, goods, and services which it produces, and
344 received from any other sources whatsoever.

345 (2) Except as otherwise specifically provided by law, it is
346 the further intent of the Legislature that the nonprofit
347 corporation shall create any additional prison industry program as
348 it deems fit, and any such program shall be created in compliance
349 with the provisions of Sections 47-5-531 through 47-5-575.



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

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

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

371 47-5-537. The Secretary of State, or his designee, shall
372 assist the Department of Corrections and the Department of Finance
373 and Administration in the formation of the nonprofit corporation,
374 and within sixty (60) days after the formation of the corporation,



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

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

383 47-5-539. For the purposes of Sections 47-5-531 through
384 47-5-575, the following terms shall have the following meaning
385 unless the context shall provide otherwise:

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

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

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

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

398 (i) Central Mississippi Correctional Facility;

399 (ii) Marshall County Correctional Facility;



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



425 (xx) Yazoo Regional Correctional Facility;

426 (xxi) Stone County Correctional Facility;

427 (xxii) Winston/Choctaw County Correctional

428 Facility;

429 (xxiii) East Mississippi Correctional Facility;

430 and

431 (xxiv) Wilkinson County Correctional Facility.

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

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

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

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

440 47-5-541. (1) The corporation shall be governed by a board
441 of directors. The terms of the board of directors in place before
442 July 1, 2022, shall expire June 30, 2022. From and after July 1,
443 2022, the board of directors of the nonprofit corporation shall be
444 composed of the following five (5) members:

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

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



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

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

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

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



475 selected by the members of the board. However, the Commissioner
476 of Corrections shall not be eligible to serve as an officer of the
477 corporation.

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

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

497 (4) In addition to the board of directors, an advisory board
498 may be set up for the benefit of each industry which is
499 established pursuant to the provisions of Sections 47-5-531



500 through 47-5-575. Such boards shall be advisory only, and may be
501 set up in the discretion of the board of directors of the
502 corporation.

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

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

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

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

519 (b) Administer the daily operations of the corporation,
520 including establishing education, training and workforce
521 development programs in collaboration with the State Office of
522 Workforce Development and other relevant state and federal
523 agencies;



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

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

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

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

537 47-5-543. (1) Within sixty (60) days after the formation of
538 the corporation pursuant to the provisions of Section 47-5-535,
539 the State Department of Corrections shall lease to the corporation
540 all existing prison industries including the buildings, land,
541 furnishings, equipment and other chattel used in the operation of
542 such industries. Such lease shall be agreed upon by the State
543 Department of Corrections, State Department of Finance and
544 Administration and the corporation. The initial term of such
545 lease shall not exceed six (6) years, provided that such lease may
546 be renewed for additional successive terms of years not to exceed
547 six (6) years in any one (1) renewal. No sublease to the
548 corporation shall be in excess of that amount for which the



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

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



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

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

579 47-5-545. Except as otherwise specifically provided by law,
580 after the commissioning and implementation of a marketing
581 feasibility study for any proposed new prison industry, the
582 corporation may establish such prison industry. Before any new
583 industry is established, the corporation shall hold a hearing to
584 determine the impact such industry may have on the private sector
585 market. The corporation shall provide adequate and advance notice
586 regarding the nature, time, date and place of such hearing. After
587 the hearing which is required under this section, the corporation
588 may commence negotiations with the State Department of
589 Corrections, with the Secretary of State, or his designee, serving
590 as a mediator, regarding the leasing of land and other chattels
591 for the purpose of establishing any new industry.

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

594 47-5-547. Except as otherwise specifically provided by law,
595 any training program or auxiliary program associated with any
596 existing prison industry shall be transferred to the corporation.
597 The corporation is empowered and authorized to establish in
598 participation with any community or junior college or state



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

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

610 47-5-549. Any service or item manufactured, processed, grown
611 or produced by the corporation from its prison industries may be
612 furnished or sold to any legislative, executive or judicial branch
613 of the state, any political subdivision or any governing authority
614 of the state, any other state, any school, college or university
615 of the state, any foreign government, any agency of the federal
616 government or to any private entity. The corporation shall make
617 reasonable efforts to purchase raw materials from in-state
618 vendors. The prices for industry-made products shall be
619 established by the board of directors of the corporation or its
620 designee.

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



623 47-5-551. In the event the corporation is dissolved or its
624 lease of any prison industry program expires or is otherwise
625 terminated, all property relating to such prison industry program
626 which ceases to function because of such termination or
627 dissolution, including all funds, buildings, land, furnishings,
628 equipment and other chattels subsequently purchased or otherwise
629 acquired by the corporation in connection with its continued
630 operation of that program, automatically reverts to full ownership
631 by the department.

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

634 47-5-553. Before any prison industry may commence
635 operations, the chief executive officer of the corporation must
636 communicate with the Commissioner of Corrections regarding the
637 proper security for the facility. If at anytime the Commissioner
638 of Corrections recognizes a need for improvement in the security
639 at any facility, then he or she shall communicate to the
640 corporation regarding what improvements are needed for the
641 facility to be properly secured. The corporation shall furnish
642 its own security within the parameters of any prison industry work
643 area.

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

646 47-5-555. The department shall, subject to the necessary
647 security requirements and the needs of the corporation, provide to



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

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

656 47-5-557. Any inmate who performs work for the corporation,
657 except those inmates employed by the corporation in the Prison
658 Industry Enhancement Program under Section 47-5-1251, shall not be
659 deemed an agent, employee or involuntary servant of the
660 corporation while performing such work or while going to and from
661 work or other specified areas.

662 **SECTION 18.** Section 47-5-559, Mississippi Code of 1972, is
663 brought forward as follows:

664 47-5-559. The corporation shall submit to the Governor and
665 the Legislature, on or before January 1 of each year, a report on
666 the status of the correctional work programs, including, but not
667 limited to, the programs and funds which have been transferred to
668 the corporation, the programs and funds to be taken over within
669 the next year and the proposed use of the profits from such
670 programs, a breakdown of the amount of noninmate labor used, work
671 subcontracted to other vendors, use of consultants, finished goods
672 purchased for resale, and the number of inmates working in the



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

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

696 47-5-561. (1) In addition to its other powers, the
697 corporation shall have the power to request, through the



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

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

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

717 47-5-563. (1) The department may adopt such rules as may be
718 necessary to govern the use of inmates by the corporation;
719 however, such rules shall be related only to the need for
720 security, inmate projections, and efficient operation of each
721 institution.



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

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

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

731 47-5-565. To carry out the provisions of Sections 47-5-531
732 through 47-5-575, the provisions of Sections 47-5-301 et seq., and
733 47-5-501 et seq., Mississippi Code of 1972, the corporation shall
734 authorize the transfer and expending of monies from the Prison
735 Industries Fund.

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

738 47-5-567. Except as otherwise specifically provided by law,
739 no inmate shall be eligible for unemployment compensation or
740 workmen's compensation whether employed by the corporation or by
741 any other private enterprise operating on the grounds of a
742 correctional institution or elsewhere where such employment shall
743 be a part of a correctional work program or work release program
744 of either the corporation or the department.

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



747 47-5-569. (1) Except as otherwise specifically provided by
748 law, if the department leases a single correctional work program
749 at any correctional institution to the corporation, the
750 corporation shall lease all such correctional work programs at
751 that institution. Any rent paid by the corporation to the
752 department shall be deposited in a correctional programs trust
753 fund for enhancement of education and training, post-release job
754 placement, and other correctional purposes related to the purposes
755 of Sections 47-5-531 through 47-5-575.

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

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

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

764 47-5-571. Except as otherwise specifically provided by law,
765 no goods, wares, services or merchandise manufactured, mined or
766 offered in whole or in part by prisoners shall be sold or offered
767 by any person or other authority except by the corporation, as
768 authorized by Sections 47-5-531 through 47-5-575.

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



771 47-5-573. (1) In adopting or modifying master plans for
772 correctional work programs, and in the administration of the
773 Department of Corrections, it shall be the objective of the
774 department to develop a logical sequence of vocational training,
775 employment by correctional work programs, and post-release job
776 placement for inmates participating in correctional work programs.

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

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

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

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

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

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

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

793 47-5-575. Any records or reports which relate to the
794 financial aspect or operations of the corporation, with the
795 exception of any trade secrets, shall be considered as public



796 records and shall be subject to the provisions of the Mississippi
797 Public Records Act of 1983.

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

800 47-5-1251. (1) There is created the "Prison Industry
801 Enhancement Program," through which the Department of Corrections
802 may contract with the nonprofit corporation organized and formed
803 under the "Mississippi Prison Industries Act of 1990" to employ
804 offenders within the custody of the department or prison
805 industries.

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

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

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

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



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

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

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**



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, 47-5-541, 47-5-543,
14 47-5-545, 47-5-547, 47-5-549, 47-5-551, 47-5-553, 47-5-555,
15 47-5-557, 47-5-559, 47-5-561, 47-5-563, 47-5-565, 47-5-567,
16 47-5-569, 47-5-571, 47-5-573 AND 47-5-575, MISSISSIPPI CODE OF
17 1972; TO AMEND SECTION 47-5-1251, MISSISSIPPI CODE OF 1972, TO
18 CONFORM; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)

Barnett

X (SIGNED)

Chassaniol

X (SIGNED)

Sparks

CONFEREES FOR

X (SIGNED)

Currie

X (SIGNED)

Horan

X (SIGNED)

Faulkner

