

By: Representatives Gibbs (72nd), Holloway
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To: Corrections

HOUSE BILL NO. 658

1 AN ACT TO PROVIDE THAT IF THE DEPARTMENT OF CORRECTIONS HAS
2 ANY STATE INMATE IN A WORK ASSIGNMENT AND IN SUCH ASSIGNMENT THE
3 INMATE UTILIZES RAW CLEANING CHEMICALS, THEN THE DEPARTMENT SHALL
4 PROVIDE CERTAIN PROTECTIVE EQUIPMENT TO THE INMATE; TO AMEND
5 SECTIONS 47-5-371, 47-5-401, 47-5-431, 47-5-441, 47-5-451,
6 47-5-453 AND 47-5-555, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
7 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) For purposes of this act, the following
10 terms are defined as follows, unless the context clearly indicates
11 otherwise:

12 (a) "Raw cleaning chemicals" means chemical compounds
13 that break down and remove contaminants from surfaces, and
14 includes, but is not limited to:

- 15 (i) Acids;
- 16 (ii) Alkalies;
- 17 (iii) Surfactants; and
- 18 (iv) Enzymes.



19 (b) "State inmate" means a person convicted of a crime
20 and sentenced to the custody of the Department of Corrections for
21 a term of confinement of more than one (1) year's duration.

22 (2) Any state inmate who is assigned to a work assignment
23 that requires the inmate to utilize raw cleaning chemicals, then
24 the Department of Corrections shall provide the inmate with
25 suitable protective equipment, including, but not limited to, a
26 face mask, gloves, a protective helmet or eye protection.

27 **SECTION 2.** Section 47-5-371, Mississippi Code of 1972, is
28 amended as follows:

29 47-5-371. (1) (a) The Department of Corrections is
30 authorized to create the Inmate Incentive to Work Program. The
31 program shall be made available for eligible inmates housed in
32 state correctional facilities and shall provide certain pay upon
33 work performed in the program. The work offered by inmates shall
34 consist of a wide range of jobs that require varying skill levels.

35 (b) The department shall adopt rules and regulations as
36 necessary regarding the eligibility of the program as well as the
37 amount of payment to be received by inmates for their work.
38 Inmates who are unable to work or who are in cell confinement
39 shall not be eligible to participate in the program.

40 (c) If an eligible inmate utilizes raw cleaning
41 chemicals, the department shall provide protective equipment to
42 the inmate as set out under Section 1 of this act.



43 (2) There is hereby created a special fund to be known as
44 the "Inmate Incentive to Work Program Fund" to be maintained in a
45 bank to be selected by the Commissioner of the Department of
46 Corrections. It shall be the duty of the bank, so long as it
47 retains such deposits, to make monthly reports to the State
48 Treasurer of the State of Mississippi as to the condition of the
49 funds on deposit in the depository. Such funds shall be used for
50 the payment of inmates who are participants in the Inmate
51 Incentive to Work Program, and the fund shall be funded as
52 provided under Section 47-5-158(b).

53 **SECTION 3.** Section 47-5-401, Mississippi Code of 1972, is
54 amended as follows:

55 47-5-401. (1) There is hereby authorized, in each county of
56 the state, a public service work program for state inmates in
57 custody of the county. Such a program may be established at the
58 option of the county in accordance with the provisions of Sections
59 47-5-401 through 47-5-421. The department shall also recommend
60 rules and regulations concerning the participation of state
61 inmates in the program, and the department shall provide
62 protective equipment, when applicable, as provided under Section 1
63 of this act.

64 (2) An inmate shall not be eligible to participate in a work
65 program established in accordance with the provisions of Sections
66 47-5-401 through 47-5-421 if he has been convicted of any crime of



67 violence, including but not limited to murder, aggravated assault,
68 rape, robbery or armed robbery.

69 (3) The inmates participating in the work program
70 established in accordance with the provisions of Sections 47-5-401
71 through 47-5-421 are restricted to the performance of public
72 service work for counties, municipalities, the state or nonprofit
73 charitable organizations, as defined by Section 501(c)(3) of the
74 Internal Revenue Code of 1986, except that the Department of
75 Corrections must approve all requests by nonprofit charitable
76 organizations to use offenders to perform any public service work.
77 Upon request of the Board of Trustees of State Institutions of
78 Higher Learning, or the board of trustees of a county school
79 district, municipal school district or junior college district,
80 the inmates may be permitted to perform work for such boards.

81 **SECTION 4.** Section 47-5-431, Mississippi Code of 1972, is
82 amended as follows:

83 47-5-431. (1) The sheriff may, in his discretion, use any
84 person who has been convicted of a nonviolent felony and who is
85 serving all or any part of his sentence in the county jail to pick
86 up trash along public roads and state highways within the county.

87 (2) County inmates performing work under this section shall
88 be eligible for earned time credit in the same manner as state
89 inmates. State inmates shall be eligible for earned time credit
90 in the same manner as other inmates confined or detained in state
91 prisons or other state correctional facilities.



92 (3) Any inmate escaping while participating in the work
93 described herein shall receive an additional five-year sentence.

94 (4) Any state inmate participating in the work described
95 under this section shall be provided with protective equipment if
96 utilizing raw cleaning chemicals as set out under Section 1 of
97 this act.

98 **SECTION 5.** Section 47-5-441, Mississippi Code of 1972, is
99 amended as follows:

100 47-5-441. (1) Any sheriff, or his designee, may use any
101 person who has been convicted of a nonviolent offense and who is
102 serving all or any part of his sentence in the county jail to
103 clear, clean, stabilize, preserve, maintain and restore historic
104 cemeteries in the county, and such person who is a state inmate as
105 provided under Section 1 of this act shall be provided protective
106 equipment if he or she utilizes raw cleaning chemicals as set out
107 under Section 1 of this act. For the purposes of this section the
108 term "historic cemeteries" means cemeteries that are at least one
109 hundred (100) years old.

110 (2) Before undertaking work on an historic cemetery, the
111 sheriff, or his designee, shall contact the Department of Archives
112 and History to obtain information on the appropriate procedures
113 for the preservation and restoration of an historical cemetery.

114 (3) Any sheriff, or his designee, may use any person who has
115 been convicted of a crime and is serving all or part of his
116 sentence in the county jail, who volunteers his time, to prepare



117 or serve food in county or public facilities in conjunction with a
118 nonprofit organization under Section 501 (c) (3) of the Internal
119 Revenue Code.

120 **SECTION 6.** Section 47-5-451, Mississippi Code of 1972, is
121 amended as follows:

122 47-5-451. (1) There is hereby authorized, in each county of
123 the state, a public service work program for state inmates in
124 custody of the county. Such a program may be established at the
125 option of the county in accordance with the provisions of Sections
126 47-5-401 through 47-5-421. The department shall also recommend
127 rules and regulations concerning the participation of state
128 inmates in the program, and the department shall provide
129 protective equipment, when applicable, as provided under Section 1
130 of this act.

131 (2) An inmate shall not be eligible to participate in a work
132 program established in accordance with the provisions of Sections
133 47-5-401 through 47-5-421, if he has been convicted of any crime
134 of violence, including, but not limited to, murder, aggravated
135 assault, rape, robbery or armed robbery.

136 (3) The inmates participating in the work program
137 established in accordance with the provisions of Sections 47-5-401
138 through 47-5-421, are restricted to the performance of public
139 service work for counties, municipalities, the state, nonprofit
140 charitable organizations or churches, as defined by Section
141 501(c) (3) of the Internal Revenue Code of 1986, except that the



142 Department of Corrections must approve all requests by nonprofit
143 charitable organizations or churches to use offenders to perform
144 any public service work. Upon request of the Board of Trustees of
145 State Institutions of Higher Learning, or the board of trustees of
146 a county school district, municipal school district or junior
147 college district, the inmates may be permitted to perform work for
148 such boards.

149 **SECTION 7.** Section 47-5-453, Mississippi Code of 1972, is
150 amended as follows:

151 47-5-453. Each county board of supervisors electing to
152 establish a work program under Sections 47-5-451 through 47-5-469
153 shall adopt regulations and policies as authorized by the
154 Department of Corrections for joint state-county work programs,
155 including providing protective equipment, when applicable, as
156 provided under Section 1 of this act as well as including
157 extending the limits of the place of confinement of an eligible
158 inmate as to whom there is reasonable cause to believe he will
159 know his trust. Extending the limits of the place of confinement
160 may include confinement at the residence of the subject inmate
161 wherein the primary maintenance and care of the inmate shall take
162 place, subject to approval by the department and county.

163 Violations by inmates participating in such programs of any
164 such rules, regulations or policies shall result in the
165 ineligibility of the inmates to participate in such programs, and
166 shall result in the inmate's immediate incarceration.



167 **SECTION 8.** Section 47-5-555, Mississippi Code of 1972, is
168 amended as follows:

169 47-5-555. The department shall, subject to the necessary
170 security requirements and the needs of the corporation, provide to
171 the corporation sufficient inmate labor for the various prison
172 industry programs. The department may adopt rules and regulations
173 as may be necessary to govern the use of inmates by the
174 corporation, and the department shall provide protective
175 equipment, when applicable, as provided under Section 1 of this
176 act. The corporation shall establish policies and procedures,
177 subject to the approval of the department, relating to the use of
178 inmates in the prison industry programs.

179 **SECTION 9.** This act shall take effect and be in force from
180 and after its passage.

