

By: Senator(s) Barnett, Butler

To: Corrections

SENATE BILL NO. 2242
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-5-401, MISSISSIPPI CODE OF 1972,
2 TO ESTABLISH AN INMATE WORK PROGRAM WHERE STATE INMATES CAN WORK
3 FOR THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION; TO EMPOWER THE
4 MISSISSIPPI DEPARTMENT OF CORRECTIONS TO ESTABLISH ELIGIBILITY
5 STANDARDS; TO REQUIRE WORK PARTICIPANTS TO UTILIZE THEIR WAGES FOR
6 CERTAIN PURPOSES; TO AMEND SECTION 47-5-547, MISSISSIPPI CODE OF
7 1972, TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO WORK WITH
8 MAGCOR IN IMPLEMENTING THIS PROGRAM; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 47-5-401, Mississippi Code of 1972, is
11 amended as follows:

12 47-5-401. (1) There is hereby authorized, in each county of
13 the state, a public service work program for state inmates in
14 custody of the county. Such a program may be established at the
15 option of the county in accordance with the provisions of Sections
16 47-5-401 through 47-5-421. The department shall also recommend
17 rules and regulations concerning the participation of state
18 inmates in the program.

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



22 crime of violence, including, but not limited to, murder,
23 aggravated assault, rape, robbery or armed robbery.

24 (b) Any person who has been sentenced to confinement in
25 jail or who has been sentenced for a felony conviction but is
26 confined in a jail may request assignment to the work release
27 program established under subsections (1) through (4) of this
28 section. Admission to the program shall be in the discretion of
29 the sheriff. The sheriff may further authorize the offender to
30 participate in educational or other rehabilitative programs
31 designed to supplement his work release employment or to prepare
32 the person for successful reentry. No offender shall be eligible
33 for this program if he or she has more than one (1) year remaining
34 on his or her sentence.

35 (3) The inmates participating in the work program
36 established in accordance with the provisions of Sections 47-5-401
37 through 47-5-421 are restricted to the performance of public
38 service work for counties, municipalities, the state or nonprofit
39 charitable organizations, as defined by Section 501(c)(3) of the
40 Internal Revenue Code of 1986, except that the Department of
41 Corrections must approve all requests by nonprofit charitable
42 organizations to use offenders to perform any public service work.
43 Upon request of the Board of Trustees of State Institutions of
44 Higher Learning, or the board of trustees of a county school
45 district, municipal school district or junior college district,
46 the inmates may be permitted to perform work for such boards.



47 (4) (a) In addition to any programs established by
48 authority of subsections (1) through (3) of this section, the
49 Mississippi Department of Corrections may establish an inmate work
50 program under which eligible inmates perform services for the
51 Mississippi Department of Transportation. The Mississippi
52 Department of Corrections shall adopt rules necessary to implement
53 the purposes of this act, including those necessary to define
54 eligibility for participation in the program. Inmate compensation
55 for the program shall be no less than the prevailing wage for the
56 position and shall under no circumstances pay less than the
57 federal minimum wage. Any inmate who participates in the program
58 established under the Mississippi Department of Corrections and
59 the Mississippi Department of Transportation shall maintain an
60 account through a local financial institution and shall provide a
61 copy of a check stub to the commissioner or his designee.

62 (b) Any inmate who is a work participant for the
63 program established under the Mississippi Department of
64 Corrections and the Mississippi Department of Transportation shall
65 be required to pay his or her wages for the following purposes:

66 (i) To pay twenty-five percent (25%) toward any
67 support of dependents or to the Mississippi Department of Human
68 Services on behalf of dependents as may be ordered by a judge of
69 competent jurisdiction as well as fines, restitution, or costs as
70 ordered by the court to include any fines and fees associated with
71 obtaining a valid driver's license upon release. Once all the



72 aforementioned balances have been cleared, or if no liability
73 exists, these funds shall be added to the participants savings
74 diversion program.

75 (ii) To save fifty percent (50%) of the inmate's
76 wages in the account required under paragraph (a) of this
77 subsection. Monies under this subparagraph shall be made
78 available to the inmate upon parole or release.

79 (iii) To pay up to fifteen percent (15%) of the
80 inmate's wages to the facility for administrative expenses to
81 include transportation costs.

82 (iv) The inmate shall have access to the remaining
83 ten percent (10%) of the monies in his or her account to purchase
84 incidental expenses.

85 (c) Any monies remaining under paragraph (b) of this
86 subsection after all mandatory deductions are paid, shall be
87 deposited in the inmate's account established under this
88 subsection. Any monies remaining under this subsection, upon the
89 release of the inmate, shall be released to the inmate upon his or
90 her release.

91 (d) The work program required under this section with
92 the Mississippi Department of Transportation may, in the
93 discretion of the Mississippi Department of Corrections, be
94 established in each Mississippi Department of Transportation
95 District. The Mississippi Department of Corrections may work with
96 MAGCOR in implementing this program.



97 **SECTION 2.** Section 47-5-547, Mississippi Code of 1972, is
98 amended as follows:

99 47-5-547. (1) Except as otherwise specifically provided by
100 law, any training program or auxiliary program associated with any
101 existing prison industry shall be transferred to the corporation.
102 The corporation is empowered and authorized to establish in
103 participation with any community or junior college or state
104 institution of higher learning, any training or auxiliary program
105 for existing prison industries or for any industries which the
106 corporation might create. Such community or junior college or
107 state institution of higher learning shall provide assistance in
108 business planning, marketing and analysis of existing or projected
109 industries. These industrial services shall be contracted with
110 any appropriate community or junior college or state institution
111 of higher learning when these industries are developed at other
112 correction sites.

113 (2) The Mississippi Department of Corrections may assign the
114 management and oversight of the work release program established
115 by Section 1 of this act to the prison industries corporation
116 (MAGCOR) if it determines that this will be conducive to providing
117 effective job training for state inmates.

118 **SECTION 3.** This act shall take effect and be in force from
119 and after July 1, 2025.

