

By: Representatives Gibbs (72nd), Butler-
Washington, Summers, Holloway (27th), Porter

To: Corrections

HOUSE BILL NO. 1444

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



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

69 (b) Any person who has been sentenced to confinement in
70 jail or who has been sentenced for a felony conviction but is
71 confined in a jail may request assignment to the work release
72 program established under subsections (1) through (4) of this
73 section. Admission to the program shall be in the discretion of
74 the sheriff. The sheriff may further authorize the offender to
75 participate in educational or other rehabilitative programs
76 designed to supplement his work release employment or to prepare
77 the person for successful reentry. No offender shall be eligible
78 for this program if he or she has more than one (1) year remaining
79 on his or her sentence.

80 (3) The inmates participating in the work program
81 established in accordance with the provisions of Sections 47-5-401
82 through 47-5-421 are restricted to the performance of public
83 service work for counties, municipalities, the state or nonprofit
84 charitable organizations, as defined by Section 501(c)(3) of the
85 Internal Revenue Code of 1986, except that the Department of
86 Corrections must approve all requests by nonprofit charitable
87 organizations to use offenders to perform any public service work.
88 Upon request of the Board of Trustees of State Institutions of
89 Higher Learning, or the board of trustees of a county school
90 district, municipal school district or junior college district,
91 the inmates may be permitted to perform work for such boards.



92 (4) (a) In addition to any programs established by
93 authority of subsections (1) through (3) of this section, the
94 Mississippi Department of Corrections may establish an inmate work
95 program under which eligible inmates perform services for the
96 Mississippi Department of Transportation. The Mississippi
97 Department of Corrections shall adopt rules necessary to implement
98 the purposes of this act, including those necessary to define
99 eligibility for participation in the program. Inmate compensation
100 for the program shall be no less than the prevailing wage for the
101 position and shall under no circumstances pay less than the
102 federal minimum wage. Any inmate who participates in the program
103 established under the Mississippi Department of Corrections and
104 the Mississippi Department of Transportation shall maintain an
105 account through a local financial institution and shall provide a
106 copy of a check stub to the commissioner or his designee.

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

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



117 aforementioned balances have been cleared, or if no liability
118 exists, these funds shall be added to the participant's savings
119 diversion program.

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

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

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

130 (c) Any monies remaining under paragraph (b) of this
131 subsection after all mandatory deductions are paid, shall be
132 deposited in the inmate's account established under this
133 subsection. Any monies remaining under this subsection, upon the
134 release of the inmate, shall be released to the inmate upon his or
135 her release.

136 (d) The work program required under this section with
137 the Mississippi Department of Transportation may, in the
138 discretion of the Mississippi Department of Corrections, be
139 established in each Mississippi Department of Transportation
140 District. The Mississippi Department of Corrections may work with
141 MAGCOR in implementing this program.



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

144 47-5-431. (1) The sheriff may, in his discretion, use any
145 person who has been convicted of a nonviolent felony and who is
146 serving all or any part of his sentence in the county jail to pick
147 up trash along public roads and state highways within the county.

148 (2) County inmates performing work under this section shall
149 be eligible for earned time credit in the same manner as state
150 inmates. State inmates shall be eligible for earned time credit
151 in the same manner as other inmates confined or detained in state
152 prisons or other state correctional facilities.

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

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

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

161 47-5-441. (1) Any sheriff, or his designee, may use any
162 person who has been convicted of a nonviolent offense and who is
163 serving all or any part of his sentence in the county jail to
164 clear, clean, stabilize, preserve, maintain and restore historic
165 cemeteries in the county, and such person who is a state inmate as
166 provided under Section 1 of this act shall be provided protective



167 equipment if he or she utilizes raw cleaning chemicals as set out
168 under Section 1 of this act. For the purposes of this section the
169 term "historic cemeteries" means cemeteries that are at least one
170 hundred (100) years old.

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

175 (3) Any sheriff, or his designee, may use any person who has
176 been convicted of a crime and is serving all or part of his
177 sentence in the county jail, who volunteers his time, to prepare
178 or serve food in county or public facilities in conjunction with a
179 nonprofit organization under Section 501 (c) (3) of the Internal
180 Revenue Code.

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

183 47-5-451. (1) There is hereby authorized, in each county of
184 the state, a public service work program for state inmates in
185 custody of the county. Such a program may be established at the
186 option of the county in accordance with the provisions of Sections
187 47-5-401 through 47-5-421. The department shall also recommend
188 rules and regulations concerning the participation of state
189 inmates in the program, and the department shall provide
190 protective equipment, when applicable, as provided under Section 1
191 of this act.



192 (2) An inmate shall not be eligible to participate in a work
193 program established in accordance with the provisions of Sections
194 47-5-401 through 47-5-421, if he has been convicted of any crime
195 of violence, including, but not limited to, murder, aggravated
196 assault, rape, robbery or armed robbery.

197 (3) The inmates participating in the work program
198 established in accordance with the provisions of Sections 47-5-401
199 through 47-5-421, are restricted to the performance of public
200 service work for counties, municipalities, the state, nonprofit
201 charitable organizations or churches, as defined by Section
202 501(c)(3) of the Internal Revenue Code of 1986, except that the
203 Department of Corrections must approve all requests by nonprofit
204 charitable organizations or churches to use offenders to perform
205 any public service work. Upon request of the Board of Trustees of
206 State Institutions of Higher Learning, or the board of trustees of
207 a county school district, municipal school district or junior
208 college district, the inmates may be permitted to perform work for
209 such boards.

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

212 47-5-453. Each county board of supervisors electing to
213 establish a work program under Sections 47-5-451 through 47-5-469
214 shall adopt regulations and policies as authorized by the
215 Department of Corrections for joint state-county work programs,
216 including providing protective equipment, when applicable, as



217 provided under Section 1 of this act as well as including
218 extending the limits of the place of confinement of an eligible
219 inmate as to whom there is reasonable cause to believe he will
220 know his trust. Extending the limits of the place of confinement
221 may include confinement at the residence of the subject inmate
222 wherein the primary maintenance and care of the inmate shall take
223 place, subject to approval by the department and county.

224 Violations by inmates participating in such programs of any
225 such rules, regulations or policies shall result in the
226 ineligibility of the inmates to participate in such programs, and
227 shall result in the inmate's immediate incarceration.

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

230 47-5-555. The department shall, subject to the necessary
231 security requirements and the needs of the corporation, provide to
232 the corporation sufficient inmate labor for the various prison
233 industry programs. The department may adopt rules and regulations
234 as may be necessary to govern the use of inmates by the
235 corporation, and the department shall provide protective
236 equipment, when applicable, as provided under Section 1 of this
237 act. The corporation shall establish policies and procedures,
238 subject to the approval of the department, relating to the use of
239 inmates in the prison industry programs.

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

