

By: Senator(s) Hopson, Polk, Wiggins,
Jackson (32nd), Tate

To: Appropriations

SENATE BILL NO. 2915
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT AND
2 MAINTENANCE OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS FOR
3 FISCAL YEAR 2022.

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

5 **SECTION 1.** The following sum, or so much thereof as may be
6 necessary, is hereby appropriated out of any money in the State
7 General Fund not otherwise appropriated, for the support and
8 maintenance of the Mississippi Department of Corrections for the
9 fiscal year beginning July 1, 2021, and ending June 30, 2022.....
10\$ 323,552,322.00.

11 **SECTION 2.** The following sum, or so much thereof as may be
12 necessary, is hereby appropriated out of any money in the special
13 fund in the State Treasury to the credit of the Mississippi
14 Department of Corrections which is collected by or otherwise
15 becomes available for the purpose of defraying the expenses of the
16 department, for the fiscal year beginning July 1, 2021, and ending
17 June 30, 2022.....\$ 30,045,036.00.



18 **SECTION 3.** Of the funds appropriated under the provisions of
19 Sections 1 and 2, not more than the amounts set forth below shall
20 be expended:

21 **CENTRAL OFFICE**

22 Of the funds appropriated under the provisions of this act,
23 the following funding and positions are authorized:

24 FUNDING:

25	General Funds.....	\$	24,400,295.00
26	Special Funds.....		<u>9,593,670.00</u>
27	Total.....	\$	33,993,965.00

28 AUTHORIZED POSITIONS:

29	Permanent:	Full Time.....	187
30		Part Time.....	1
31	Time-Limited:	Full Time.....	8
32		Part Time.....	0

33 **FARMING OPERATIONS**

34 Of the funds appropriated under the provisions of this act,
35 the following funding and positions are authorized:

36 FUNDING:

37	General Funds.....	\$	0.00
38	Special Funds.....		<u>2,411,181.00</u>
39	Total.....	\$	2,411,181.00

40 AUTHORIZED POSITIONS:

41	Permanent:	Full Time.....	8
42		Part Time.....	0



43 Time-Limited: Full Time..... 0
44 Part Time..... 0

45 **PAROLE BOARD**

46 Of the funds appropriated under the provisions of this act,
47 the following funding and positions are authorized:

48 FUNDING:

49 General Funds.....\$ 701,010.00
50 Special Funds.....0.00
51 Total.....\$ 701,010.00

52 AUTHORIZED POSITIONS:

53 Permanent: Full Time..... 8
54 Part Time..... 0
55 Time-Limited: Full Time..... 0
56 Part Time..... 0

57 **PRIVATE PRISONS**

58 Of the funds appropriated under the provisions of this act,
59 the following funding and positions are authorized:

60 FUNDING:

61 General Funds.....\$ 67,729,681.00
62 Special Funds.....0.00
63 Total.....\$ 67,729,681.00

64 AUTHORIZED POSITIONS:

65 Permanent: Full Time..... 0
66 Part Time..... 0
67 Time-Limited: Full Time..... 0



68 Part Time..... 0

69 **MEDICAL SERVICES**

70 Of the funds appropriated under the provisions of this act,
71 the following funding and positions are authorized:

72 FUNDING:

73	General Funds.....	\$	75,343,375.00
74	Special Funds.....		<u>261,487.00</u>
75	Total.....	\$	75,604,862.00

76 AUTHORIZED POSITIONS:

77	Permanent:	Full Time.....	0
78		Part Time.....	0
79	Time-Limited:	Full Time.....	2
80		Part Time.....	0

81 **REGIONAL FACILITIES**

82 Of the funds appropriated under the provisions of this act,
83 the following funding and positions are authorized:

84 FUNDING:

85	General Funds.....	\$	43,850,472.00
86	Special Funds.....		<u>0.00</u>
87	Total.....	\$	43,850,472.00

88 AUTHORIZED POSITIONS:

89	Permanent:	Full Time.....	0
90		Part Time.....	0
91	Time-Limited:	Full Time.....	0
92		Part Time.....	0



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LOCAL CONFINEMENT

Of the funds appropriated under the provisions of this act,
the following funding and positions are authorized:

FUNDING:

General Funds.....	\$	7,438,367.00
Special Funds.....		<u>0.00</u>
Total.....	\$	7,438,367.00

AUTHORIZED POSITIONS:

Permanent: Full Time.....	0
Part Time.....	0
Time-Limited: Full Time.....	0
Part Time.....	0

COMMUNITY CORRECTIONS

Of the funds appropriated under the provisions of this act,
the following funding and positions are authorized:

FUNDING:

General Funds.....	\$	21,688,145.00
Special Funds.....		<u>12,863,909.00</u>
Total.....	\$	34,552,054.00

AUTHORIZED POSITIONS:

Permanent: Full Time.....	561
Part Time.....	0
Time-Limited: Full Time.....	83
Part Time.....	0

CENTRAL MISSISSIPPI CORRECTIONAL



118 Of the funds appropriated under the provisions of this act,
119 the following funding and positions are authorized:

120 FUNDING:

121	General Funds.....	\$	28,075,422.00
122	Special Funds.....		<u>1,446,152.00</u>
123	Total.....	\$	29,521,574.00

124 AUTHORIZED POSITIONS:

125	Permanent: Full Time.....	609
126	Part Time.....	1
127	Time-Limited: Full Time.....	5
128	Part Time.....	0

129 **PARCHMAN**

130 Of the funds appropriated under the provisions of this act,
131 the following funding and positions are authorized:

132 FUNDING:

133	General Funds.....	\$	34,135,755.00
134	Special Funds.....		<u>2,015,439.00</u>
135	Total.....	\$	36,151,194.00

136 AUTHORIZED POSITIONS:

137	Permanent: Full Time.....	635
138	Part Time.....	9
139	Time-Limited: Full Time.....	9
140	Part Time.....	0

141 **SOUTH MISSISSIPPI CORRECTIONAL**



142 Of the funds appropriated under the provisions of this act,
143 the following funding and positions are authorized:

144 FUNDING:

145	General Funds.....	\$	20,189,800.00
146	Special Funds.....		<u>1,453,198.00</u>
147	Total.....	\$	21,642,998.00

148 AUTHORIZED POSITIONS:

149	Permanent:	Full Time.....	357
150		Part Time.....	0
151	Time-Limited:	Full Time.....	4
152		Part Time.....	0

153 With the funds herein appropriated, it shall be the agency's
154 responsibility to make certain that funds required to be
155 appropriated for "Personal Services" for Fiscal Year 2023 do not
156 exceed Fiscal Year 2022 funds appropriated for that purpose unless
157 programs or positions are added to the agency's Fiscal Year 2022
158 budget by the Mississippi Legislature. Based on data provided by
159 the Legislative Budget Office, the State Personnel Board shall
160 determine and publish the projected annual cost to fully fund all
161 appropriated positions in compliance with the provisions of this
162 act. Absent a special situation or circumstance approved by the
163 State Personnel Board, or unless otherwise authorized by this act,
164 no state agency shall take any action to promote or otherwise
165 award salary increases through reallocation or realignment. If
166 the State Personnel Board determines a special situation or



167 circumstance exists and approves an action, then the agency and
168 the State Personnel Board shall provide a monthly report of each
169 action approved by the State Personnel Board to the chairmen of
170 the Accountability, Efficiency and Transparency Committees of the
171 Senate and House of Representatives and the chairmen of the
172 Appropriations Committees of the Senate and House of
173 Representatives. It shall be the responsibility of the agency
174 head to ensure that no single personnel action increases this
175 projected annual cost and/or the Fiscal Year 2022 appropriations
176 for "Personal Services" when annualized, with the exception of
177 escalated funds and the award of benchmarks. If, at the time the
178 agency takes any action to change "Personal Services," the State
179 Personnel Board determines that the agency has taken an action
180 which would cause the agency to exceed this projected annual cost
181 or the Fiscal Year 2022 "Personal Services" appropriated level,
182 when annualized, then only those actions which reduce the
183 projected annual cost and/or the appropriation requirement will be
184 processed by the State Personnel Board until such time as the
185 requirements of this provision are met.

186 Any transfers or escalations shall be made in accordance with
187 the terms, conditions and procedures established by law or
188 allowable under the terms set forth within this act. The State
189 Personnel Board shall not escalate positions without written
190 approval from the Department of Finance and Administration. The
191 Department of Finance and Administration shall not provide written



192 approval to escalate any funds for salaries and/or positions
193 without proof of availability of new or additional funds above the
194 appropriated level.

195 No general funds authorized to be expended herein shall be
196 used to replace federal funds and/or other special funds which are
197 being used for salaries authorized under the provisions of this
198 act and which are withdrawn and no longer available.

199 None of the funds herein appropriated shall be used in
200 violation of Internal Revenue Service's Publication 15-A relating
201 to the reporting of income paid to contract employees, as
202 interpreted by the Office of the State Auditor.

203 Funds have been appropriated herein for the purpose of
204 implementation and funding Project SEC2 of the Colonel Guy Groff
205 State Variable Compensation Plan beginning January 1, 2022, and
206 ending June 30, 2022. It shall be the agency's responsibility to
207 make certain that each person, excluding executive directors,
208 agency heads, and elected judges, shall receive no more than a 3%
209 annual increase in salary which shall not exceed the market rate
210 established by the State Personnel Board pursuant to the Colonel
211 Guy Groff State Variable Compensation Plan for each
212 classification.

213 **SECTION 4.** In compliance with the "Mississippi Performance
214 Budget and Strategic Planning Act of 1994," it is the intent of
215 the Legislature that the funds provided herein shall be utilized
216 in the most efficient and effective manner possible to achieve the



217 intended mission of this agency. Based on the funding authorized,
218 this agency shall make every effort to attain the targeted
219 performance measures provided below:

	FY2022
<u>Performance Measures</u>	<u>Target</u>
222 General Administration	
223 Support as a percent of total budget (%)	9.20
224 State prisoners per 100,000 population	
225 (includes only inmates sentenced to more	
226 than a year) (Number of)	619
227 Average annual incarceration cost per	
228 inmate (\$)	39.91
229 Offenders returning to incarceration	
230 with 3 years of release (%)	33.00
231 Farming Operations	
232 Annual income from farm sales (\$)	1,000,000.00
233 Parole Board	
234 Inmates paroled (Number of)	5,100
235 Private Prisons	
236 ABE program slots available (Number of)	572
237 VOC-ED program slots available (Number of)	221
238 A&D program slots available (Number of)	186
239 Medical Services	
240 Total inmate days in a hospital (Number of)	4,172
241 Regional Facilities	



242	ABE Program slots available (Number of)	585
243	VOC-ED program slots available (Number of)	700
244	A&D Program slots available (Number of)	424
245	Probation/parole	
246	Recidivism rate within 12 months of	
247	release to field supervision (%)	10.70
248	Recidivism rate within 36 months of	
249	release to field supervision (%)	14.00
250	Community Work Centers	
251	Recidivism rate within 12 months of	
252	release (%)	6.50
253	Recidivism rate within 36 months of	
254	release (%)	25.90
255	Restitution Centers	
256	Recidivism rate within 12 months (%)	16.80
257	Recidivism rate within 36 months (%)	35.50
258	Local Confinement	
259	Number of Inmates Housed in County Jails	
260	(Inmate Days)	260,626
261	Institutional Security	
262	Assault on inmates per 100 inmates	
263	(Number of)	7
264	Assaults on officers per 100 officers	
265	(Number of)	19
266	Youthful Offender School	



267	Recidivism rate within 12 months of	
268	release (%)	26.00
269	Recidivism rate within 36 months of	
270	release (%)	50.00
271	Evidenced Based Intervention	
272	Recidivism rate for inmates who complete	
273	the ABE program (%)	24.00
274	Recidivism rate for inmates who complete	
275	a vocational program (%)	16.00
276	Recidivism rate for inmates who complete	
277	the A&D program (%)	23.00
278	Offenders possessing GED Certificate or	
279	High School Diploma at time of release	
280	(%)	38.30
281	Offenders obtaining marketable job	
282	skills during incarceration (%)	3.00

283 A reporting of the degree to which the performance targets
284 set above have been or are being achieved shall be provided in the
285 agency's budget request submitted to the Joint Legislative Budget
286 Committee for Fiscal Year 2023.

287 **SECTION 5.** Of the funds appropriated in Sections 1 and 2,
288 none shall be expended for personnel housing under the
289 jurisdiction of the Department of Corrections unless the
290 department shall collect a reasonable rent, after a finding of
291 fact as to what is a reasonable rent, and/or the cost of utilities



292 furnished to said housing. The Department of Corrections shall
293 not pay for the installation or monthly service of any telephone
294 installed in a staff residence under its jurisdiction.

295 It is further the intention of the Legislature that none of
296 the funds provided herein shall be used to pay certain utilities
297 for state-furnished housing for any employees. Such utilities
298 shall include electricity, natural gas, butane, propane and cable
299 services. Where actual cost cannot be determined, the agency
300 shall be required to provide meters to be in compliance with
301 legislative intent. Such state-furnished housing shall include
302 single-family and multifamily residences but shall not include any
303 dormitory residences. Allowances for such utilities shall be
304 prohibited.

305 **SECTION 6.** Of the funds appropriated in Sections 1 and 2,
306 and authorized for expenditure in Section 3, payment may be
307 authorized for court-ordered attorney fees and any accrued
308 interest subject to the approval of the Office of the Attorney
309 General.

310 **SECTION 7.** None of the money herein appropriated shall be
311 paid to any person who by the provision of Section 47-5-47,
312 Mississippi Code of 1972, as amended, is prohibited from being an
313 employee of the Mississippi Department of Corrections. The State
314 Department of Finance and Administration shall at least annually
315 make a report to the Joint Legislative Committee on Performance
316 Evaluation and Expenditure Review and to the Attorney General



317 stating the name of any person prohibited under the provisions of
318 Section 47-5-47, Mississippi Code of 1972, as amended, from being
319 an employee of the Mississippi Department of Corrections who has
320 during the preceding year received any money herein appropriated.
321 In the event that any such person prohibited as hereinabove
322 provided from receiving funds herein appropriated should receive
323 any of said funds, the Attorney General shall immediately commence
324 action to recover the monies so paid to said person and to enjoin
325 the further employment of said person at the Mississippi
326 Department of Corrections.

327 **SECTION 8.** It is the intent of the Legislature that all
328 prisoners at Parchman shall work a minimum of eight (8) hours per
329 day, excluding prisoners with a physical disability or those
330 incarcerated in maximum security.

331 **SECTION 9.** It is the intention of the Legislature that the
332 per diem rates paid to regional facilities shall not exceed
333 Thirty-one Dollars (\$31.00) per inmate. All regional facilities
334 shall continue to receive the annual three percent (3%) increase
335 in the per diem rate as authorized in Section 47-5-933,
336 Mississippi Code of 1972, however, in no event shall any regional
337 facility's per diem rate exceed Thirty-one Dollars (\$31.00) per
338 inmate.

339 **SECTION 10.** The department or its contracted medical
340 provider will pay to a provider of a medical service for any and
341 all incarcerated persons from a correctional or detention facility



342 an amount based upon negotiated fees as agreed to by the medical
343 care service providers and the department and/or its contracted
344 medical provider. In the absence of a negotiated discounted fee
345 schedule, medical care service providers will be paid by the
346 department or its contracted medical service provider an amount no
347 greater than the reimbursement rate applicable based on the
348 Mississippi Medicaid reimbursement rate. This limitation applies
349 to all medical care services, durable and nondurable goods,
350 prescription drugs and medications provided to any and all
351 incarcerated persons outside of the correctional or detention
352 facility. None of the monies appropriated herein may be used to
353 pay for cosmetic medical procedures for any prisoner. Cosmetic
354 medical procedure means any medical procedure performed in order
355 to change an individual's appearance without significantly serving
356 to prevent or treat illness or disease or to promote proper
357 functioning of the body.

358 **SECTION 11.** It is the intention of the Legislature that the
359 Commissioner of the Mississippi Department of Corrections shall
360 have the authority to transfer cash from one special fund treasury
361 fund to another special fund treasury fund under the control of
362 the Department of Corrections. The purpose of this authority is
363 to more efficiently use available cash reserves. It is further
364 the intention of the Legislature that the Department of
365 Corrections shall submit written justification for the transfer to
366 the Legislative Budget Office and the Department of Finance and



367 Administration on or before the fifteenth of the month prior to
368 the effective date of the transfer.

369 **SECTION 12.** The Commissioner of the Mississippi Department
370 of Corrections is hereby authorized to transfer spending authority
371 between and within budgets, both positions and funds, in an amount
372 not to exceed twenty-five percent (25%) of the authorized budgets
373 in the aggregate. It is further the intention of the Legislature
374 that the Department of Corrections shall submit written
375 justification for the transfer to the Legislative Budget Office
376 and the Department of Finance and Administration on or before the
377 fifteenth of the month prior to the effective date of the
378 transfer.

379 **SECTION 13.** It is the intention of the Legislature that
380 whenever two (2) or more bids are received by this agency for the
381 purchase of commodities or equipment, and whenever all things
382 stated in such received bids are equal with respect to price,
383 quality and service, the Mississippi Industries for the Blind
384 shall be given preference. A similar preference shall be given to
385 the Mississippi Industries for the Blind whenever purchases are
386 made without competitive bids.

387 **SECTION 14.** It is the intention of the Legislature that all
388 funds held by the Inmate Welfare Fund be placed in a treasury fund
389 effective July 1, 2021. Of the amounts appropriated in Section 2,
390 an amount not exceeding Six Million Dollars (\$6,000,000.00) shall
391 be available for expenditure in the Inmate Welfare Fund. Of these



392 funds, Five Hundred Thousand Dollars (\$500,000.00) shall be used
393 to provide for transitional housing and post release reentry
394 programs.

395 **SECTION 15.** It is the intention of the Legislature that the
396 Mississippi Department of Corrections shall maintain complete
397 accounting and personnel records related to the expenditure of all
398 funds appropriated under this act and that such records shall be
399 in the same format and level of detail as maintained for Fiscal
400 Year 2021. It is further the intention of the Legislature that
401 the agency's budget request for Fiscal Year 2023 shall be
402 submitted to the Joint Legislative Budget Committee in a format
403 and level of detail comparable to the format and level of detail
404 provided during the Fiscal Year 2022 budget request process.

405 **SECTION 16.** It is the intention of the Legislature for the
406 Mississippi Department of Corrections to manage funds budgeted and
407 allocated. In so doing, the commissioner of the department shall
408 have the authority to amend, extend and/or renew the term of any
409 lease agreement or any inmate housing agreement in connection with
410 a correctional facility. Notwithstanding any statutory limits to
411 the contrary, such amendment, extension and/or renewal may be for
412 a length of time up to and including ten (10) years as is
413 necessary for the continued operations of such facilities and
414 implementation of the department's duties and responsibilities in
415 accordance with Title 47 of the Mississippi Code of 1972, as
416 amended.



417 **SECTION 17.** With the funds herein appropriated, it is the
418 intent of the Legislature that upon vouchers submitted by the
419 board of supervisors of any county housing offenders in county
420 jails pending a probation or parole revocation hearing, the
421 department shall pay the reimbursement costs as provided for in
422 Section 47-5-901(3)(b), Mississippi Code of 1972, as amended by
423 House Bill No. 585, 2014 Regular Session.

424 **SECTION 18.** With the funds herein appropriated, it is the
425 intent of the Legislature, that for Fiscal Year 2022, the
426 Department of Corrections shall reimburse municipalities, up to
427 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
428 inmates in any jail facility based on time served for the
429 conviction of larceny, shoplifting, or related convictions where
430 the value of the property taken is Five Hundred Dollars (\$500.00)
431 or more but is equal to or less than One Thousand Dollars
432 (\$1,000.00). A copy of the court abstract of record and the jail
433 docket shall be provided to show the total number of days an
434 individual was incarcerated in said jail facility. The
435 reimbursement shall be payable back to the municipality upon
436 receipt of required documentation and an invoice. Total
437 reimbursements resulting from this section shall not exceed One
438 Hundred Twenty-five Thousand Dollars (\$125,000.00).

439 **SECTION 19.** Of the funds appropriated under the provisions
440 of Section 2, funds may be expended to defray the costs of
441 clothing for sworn nonuniform law enforcement officers in an



442 amount not to exceed One Thousand Dollars (\$1,000.00) annually per
443 officer.

444 **SECTION 20.** Of the funds appropriated in Section 1, it is
445 the intention of the Legislature that Five Hundred Ten Thousand
446 Two Hundred Sixty-one Dollars (\$510,261.00) shall be allocated to
447 Victim's Notification Programs supported by General Fund court
448 assessments.

449 **SECTION 21.** Of the funds appropriated under the provisions
450 of Section 2, Five Million Dollars (\$5,000,000.00), or so much
451 thereof, shall be derived out of any money in the State Treasury
452 to the credit of the Capital Expense Fund, as created in Section
453 27-103-303, Mississippi Code of 1972, and allocated in a manner as
454 determined by the Treasurer's Office. This appropriation is made
455 for the purpose of providing the funds necessary for repairs and
456 renovation of the physical facilities of the Mississippi
457 Department of Corrections.

458 **SECTION 22.** The money herein appropriated shall be paid by
459 the State Treasurer out of any money in the State Treasury to the
460 credit of the proper fund or funds as set forth in this act, upon
461 warrants issued by the State Fiscal Officer; and the State Fiscal
462 Officer shall issue his warrants upon requisitions signed by the
463 proper person, officer or officers, in the manner provided by law.

464 **SECTION 23.** This act shall take effect and be in force from
465 and after July 1, 2021.

