

By: Senator(s) Hopson, Polk, Wiggins,
Hickman, Tate

To: Appropriations

SENATE BILL NO. 3011
(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 2024.

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, 2023, and ending June 30, 2024.....
10\$ 405,228,240.00.

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, 2023, and ending
17 June 30, 2024.....\$ 28,516,738.00.



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

44 FUNDING:

45	General Funds.....	\$	771,015.00
46	Special Funds.....		<u>0.00</u>
47	Total.....	\$	771,015.00

48 AUTHORIZED HEADCOUNT:

49	Permanent:	8
50	Time-Limited:	0

51 **PRIVATE PRISONS**

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

54 FUNDING:

55	General Funds.....	\$	67,384,297.00
56	Special Funds.....		<u>0.00</u>
57	Total.....	\$	67,384,297.00

58 AUTHORIZED HEADCOUNT:

59	Permanent:	0
60	Time-Limited:	0

61 **MEDICAL SERVICES**

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

64 FUNDING:

65	General Funds.....	\$	97,509,979.00
66	Special Funds.....		<u>375,447.00</u>



67 Total.....\$ 97,885,426.00

68 AUTHORIZED HEADCOUNT:

69 Permanent: 1

70 Time-Limited: 2

71 REGIONAL FACILITIES

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

74 FUNDING:

75 General Funds.....\$ 48,234,109.00

76 Special Funds..... 0.00

77 Total.....\$ 48,234,109.00

78 AUTHORIZED HEADCOUNT:

79 Permanent: 0

80 Time-Limited: 0

81 LOCAL CONFINEMENT

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

84 FUNDING:

85 General Funds.....\$ 10,064,537.00

86 Special Funds..... 0.00

87 Total.....\$ 10,064,537.00

88 AUTHORIZED HEADCOUNT:

89 Permanent: 0

90 Time-Limited: 0

91 COMMUNITY CORRECTIONS



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

94 FUNDING:

95	General Funds.....	\$	25,276,957.00
96	Special Funds.....		<u>12,931,359.00</u>
97	Total.....	\$	38,208,316.00

98 AUTHORIZED HEADCOUNT:

99	Permanent:	524
100	Time-Limited:	83

101 **CENTRAL MISSISSIPPI CORRECTIONAL**

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

104 FUNDING:

105	General Funds.....	\$	34,362,342.00
106	Special Funds.....		<u>1,571,321.00</u>
107	Total.....	\$	35,933,663.00

108 AUTHORIZED HEADCOUNT:

109	Permanent:	635
110	Time-Limited:	5

111 **PARCHMAN**

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

114 FUNDING:

115	General Funds.....	\$	38,441,885.00
116	Special Funds.....		<u>2,469,660.00</u>



117 Total.....\$ 40,911,545.00

118 AUTHORIZED HEADCOUNT:

119 Permanent: 635

120 Time-Limited: 9

121 **SOUTH MISSISSIPPI CORRECTIONAL**

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

124 FUNDING:

125 General Funds.....\$ 26,089,379.00

126 Special Funds..... 1,491,612.00

127 Total.....\$ 27,580,991.00

128 AUTHORIZED HEADCOUNT:

129 Permanent: 497

130 Time-Limited: 4

131 **Marshall County Correctional**

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

134 FUNDING:

135 General Funds.....\$ 11,536,415.00

136 Special Funds..... 0.00

137 Total.....\$ 11,536,415.00

138 AUTHORIZED HEADCOUNT:

139 Permanent: 153

140 Time-Limited: 0

141 **Walnut Grove 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.....	\$	11,296,316.00
146	Special Funds.....		<u>0.00</u>
147	Total.....	\$	11,296,316.00

148 AUTHORIZED HEADCOUNT:

149 Permanent: 170
150 Time-Limited: 0

151 **Delta Correctional**

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

154 FUNDING:

155	General Funds.....	\$	5,815,337.00
156	Special Funds.....		<u>0.00</u>
157	Total.....	\$	5,815,337.00

158 AUTHORIZED HEADCOUNT:

159 Permanent: 122
160 Time-Limited: 0

161 With the funds herein appropriated, it shall be the agency's
162 responsibility to make certain that funds required for Personal
163 Services for Fiscal Year 2025 do not exceed Fiscal Year 2024 funds
164 appropriated for that purpose unless programs or positions are
165 added to the agency's Fiscal Year 2024 budget by the Mississippi
166 Legislature. The Legislature shall determine the agency's



167 personal services appropriation, which the State Personnel Board
168 shall publish. The agency's personal services appropriation may
169 consist of restricted funds for approved vacancies for Fiscal Year
170 2024 that may not be utilized for active Fiscal Year 2023
171 headcount. It shall be the agency's responsibility to ensure that
172 the funds provided for vacancies are used to increase headcount
173 and not for promotions, title changes, in-range salary adjustments
174 or any other mechanism for increasing salaries for current
175 employees. It is the Legislature's intention that no employee
176 salary falls below the minimum salary established by the
177 Mississippi State Personnel Board.

178 Additionally, the State Personnel Board shall determine and
179 publish the projected annualized payroll costs based on current
180 employees. It shall be the responsibility of the agency head to
181 ensure that actual personnel expenditures for Fiscal Year 2024 do
182 not exceed the data provided by the Legislative Budget Office. If
183 the agency's Fiscal Year 2024 projected cost exceeds the
184 annualized costs, no salary actions shall be processed by the
185 State Personnel Board except for new hires determined to be
186 essential for the agency.

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



192 Department of Finance and Administration shall not provide written
193 approval to escalate any funds for salaries and/or positions
194 without proof of availability of new or additional funds above the
195 appropriated level.

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

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

204 **SECTION 4.** The Commissioner of the Mississippi Department of
205 Corrections is hereby authorized to transfer spending authority
206 between and within budgets, both positions and funds, in an amount
207 not to exceed twenty-five percent (25%) of the authorized budgets
208 in the aggregate. It is further the intention of the Legislature
209 that the Department of Corrections shall submit written
210 justification for the transfer to the Legislative Budget Office
211 and the Department of Finance and Administration on or before the
212 fifteenth of the month prior to the effective date of the
213 transfer.

214 **SECTION 5.** In compliance with the "Mississippi Performance
215 Budget and Strategic Planning Act of 1994," it is the intent of
216 the Legislature that the funds provided herein shall be utilized



217 in the most efficient and effective manner possible to achieve the
 218 intended mission of this agency. Based on the funding authorized,
 219 this agency shall make every effort to attain the targeted
 220 performance measures provided below:

221	FY2024
222 <u>Performance Measures</u>	<u>Target</u>
223 General Administration	
224 Support as a Percent of Total Budget	10.00
225 Number of State Prisoners per 100,000	
226 Population (Includes Only Inmates	
227 Sentenced to More Than a Year)	594
228 Average Annual Incarceration Cost per Inmate	49.00
229 Percent of Offenders Returning to	
230 Incarceration with 3 Years of Release	34.20
231 Farming Operations	
232 Annual Income from Farm Sales	1,679,875.25
233 Parole Board	
234 Number of Inmates Paroled	4,500
235 Private Prisons	
236 Number of ABE Program Slots Available	385
237 Number of VOC-ED Program Slots Available	260
238 Number of A&D Program Slots Available	330
239 Medical Services	
240 Number of Inmate Days in a Hospital	6,572
241 Regional Facilities	



242	Number of ABE Program Slots Available	585
243	Number of VOC-ED Program Slots Available	700
244	Number of A&D Program Slots Available	445
245	Probation/parole	
246	Recidivism Rate within 12 Months of	
247	Release to Field Supervision	7.50
248	Recidivism Rate within 36 Months of	
249	Release to Field Supervision	19.10
250	Community Work Centers	
251	Recidivism Rate within 12 Months of Release	6.80
252	Recidivism Rate within 36 Months of Release	19.90
253	Restitution Centers	
254	Recidivism Rate within 12 Months	20.60
255	Recidivism Rate within 36 Months	28.60
256	Local Confinement	
257	Number of Inmates Housed in County Jails	
258	(Inmate Days)	511,000
259	Institutional Security	
260	Number of Assaults on Inmates per 100	
261	Inmates	1.60
262	Number of Assaults on Officers per 100	
263	Officers	1.00
264	Youthful Offender School	
265	Recidivism Rate within 12 Months of Release	20.90
266	Recidivism Rate within 36 Months of Release	45.60



267	Evidenced Based Intervention	
268	Recidivism Rate for Inmates who Complete	
269	the ABE Program	20.00
270	Recidivism Rate for Inmates who Complete	
271	a Vocational Program	16.00
272	Recidivism Rate for Inmates who Complete	
273	the A&D Program	33.90
274	Percent of Offenders Possessing GED	
275	Certificate or High School Diploma at	
276	Time of Release	34.60
277	Percent of Offenders Obtaining	
278	Marketable Job Skills During	
279	Incarceration	4.20

280 A reporting of the degree to which the performance targets
281 set above have been or are being achieved shall be provided in the
282 agency's budget request submitted to the Joint Legislative Budget
283 Committee for Fiscal Year 2025.

284 **SECTION 6.** Of the funds appropriated in Sections 1 and 2 of
285 this act, none shall be expended for personnel housing under the
286 jurisdiction of the Department of Corrections unless the
287 department shall collect a reasonable rent, after a finding of
288 fact as to what is a reasonable rent, and/or the cost of utilities
289 furnished to said housing. The Department of Corrections shall
290 not pay for the installation or monthly service of any telephone
291 installed in a staff residence under its jurisdiction.



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

302 **SECTION 7.** Of the funds appropriated in Sections 1 and 2 of
303 this act, and authorized for expenditure in Section 3 of this act,
304 payment may be authorized for court-ordered attorney fees and any
305 accrued interest subject to the approval of the Office of the
306 Attorney General.

307 **SECTION 8.** None of the money herein appropriated shall be
308 paid to any person who by the provision of Section 47-5-47,
309 Mississippi Code of 1972, as amended, is prohibited from being an
310 employee of the Mississippi Department of Corrections. The State
311 Department of Finance and Administration shall at least annually
312 make a report to the Joint Legislative Committee on Performance
313 Evaluation and Expenditure Review and to the Attorney General
314 stating the name of any person prohibited under the provisions of
315 Section 47-5-47, Mississippi Code of 1972, as amended, from being
316 an employee of the Mississippi Department of Corrections who has



317 during the preceding year received any money herein appropriated.
318 In the event that any such person prohibited as hereinabove
319 provided from receiving funds herein appropriated should receive
320 any of said funds, the Attorney General shall immediately commence
321 action to recover the monies so paid to said person and to enjoin
322 the further employment of said person at the Mississippi
323 Department of Corrections.

324 **SECTION 9.** It is the intent of the Legislature that all
325 prisoners at Parchman shall work a minimum of eight (8) hours per
326 day, excluding prisoners with a physical disability or those
327 incarcerated in maximum security.

328 **SECTION 10.** It is the intention of the Legislature that the
329 per diem rates paid to regional facilities shall not exceed
330 Thirty-two Dollars and Seventy-one Cents (\$32.71) per inmate. All
331 regional facilities shall continue to receive the annual three
332 percent (3%) increase in the per diem rate as authorized in
333 Section 47-5-933, Mississippi Code of 1972; however, in no event
334 shall any regional facility's per diem rate exceed Thirty-two
335 Dollars and Seventy-one Cents (\$32.71) per inmate.

336 **SECTION 11.** The department or its contracted medical
337 provider will pay to a provider of a medical service for any and
338 all incarcerated persons from a correctional or detention facility
339 an amount based upon negotiated fees as agreed to by the medical
340 care service providers and the department and/or its contracted
341 medical provider. In the absence of a negotiated discounted fee



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

355 **SECTION 12.** It is the intention of the Legislature that the
356 Commissioner of the Mississippi Department of Corrections shall
357 have the authority to transfer cash from one special fund treasury
358 fund to another special fund treasury fund under the control of
359 the Department of Corrections. The purpose of this authority is
360 to more efficiently use available cash reserves. It is further
361 the intention of the Legislature that the Department of
362 Corrections shall submit written justification for the transfer to
363 the Legislative Budget Office and the Department of Finance and
364 Administration on or before the fifteenth of the month prior to
365 the effective date of the transfer.



366 **SECTION 13.** It is the intention of the Legislature that
367 whenever two (2) or more bids are received by this agency for the
368 purchase of commodities or equipment, and whenever all things
369 stated in such received bids are equal with respect to price,
370 quality and service, the Mississippi Industries for the Blind
371 shall be given preference. A similar preference shall be given to
372 the Mississippi Industries for the Blind whenever purchases are
373 made without competitive bids.

374 **SECTION 14.** It is the intention of the Legislature that all
375 funds held by the Inmate Welfare Fund, as created in Section
376 47-5-158, Mississippi Code of 1972, be placed in a treasury fund
377 effective July 1, 2023. Of the amounts appropriated in Section 2,
378 an amount not exceeding Seven Million Dollars (\$7,000,000.00)
379 shall be available for expenditure in the Inmate Welfare Fund. Of
380 these funds, Five Hundred Thousand Dollars (\$500,000.00) shall be
381 used to provide for transitional housing and post release reentry
382 programs.

383 **SECTION 15.** It is the intention of the Legislature that all
384 funds held by the Inmate Incentive to Work Program Fund, as
385 created in Section 47-5-371, Mississippi Code of 1972, be placed
386 in a treasury fund effective July 1, 2023. Of the amounts
387 appropriated in Section 2, an amount not exceeding One Million
388 Dollars (\$1,000,000.00) shall be available for expenditure in the
389 Inmate Incentive to Work Program Fund. The following funds shall



390 be utilized to pay inmates who are participants in the Inmate
391 Incentive to Work Program.

392 **SECTION 16.** It is the intention of the Legislature that the
393 Mississippi Department of Corrections shall maintain complete
394 accounting and personnel records related to the expenditure of all
395 funds appropriated under this act and that such records shall be
396 in the same format and level of detail as maintained for Fiscal
397 Year 2023. It is further the intention of the Legislature that
398 the agency's budget request for Fiscal Year 2025 shall be
399 submitted to the Joint Legislative Budget Committee in a format
400 and level of detail comparable to the format and level of detail
401 provided during the Fiscal Year 2024 budget request process.

402 **SECTION 17.** It is the intention of the Legislature for the
403 Mississippi Department of Corrections to manage funds budgeted and
404 allocated. In so doing, the commissioner of the department shall
405 have the authority to amend, extend and/or renew the term of any
406 lease agreement or any inmate housing agreement in connection with
407 a correctional facility. Notwithstanding any statutory limits to
408 the contrary, such amendment, extension and/or renewal may be for
409 a length of time up to and including ten (10) years as is
410 necessary for the continued operations of such facilities and
411 implementation of the department's duties and responsibilities in
412 accordance with Title 47 of the Mississippi Code of 1972, as
413 amended.



414 **SECTION 18.** With the funds herein appropriated, it is the
415 intent of the Legislature that upon vouchers submitted by the
416 board of supervisors of any county housing offenders in county
417 jails pending a probation or parole revocation hearing, the
418 department shall pay the reimbursement costs as provided for in
419 Section 47-5-901, Mississippi Code of 1972, as amended by House
420 Bill No. 585, 2014 Regular Session.

421 **SECTION 19.** With the funds herein appropriated, it is the
422 intent of the Legislature, that for Fiscal Year 2024, the
423 Department of Corrections shall reimburse municipalities, up to
424 Twenty Dollars (\$20.00) a day, for the cost incurred of housing
425 inmates in any jail facility based on time served for the
426 conviction of larceny, shoplifting, or related convictions where
427 the value of the property taken is Five Hundred Dollars (\$500.00)
428 or more but is equal to or less than One Thousand Dollars
429 (\$1,000.00). A copy of the court abstract of record and the jail
430 docket shall be provided to show the total number of days an
431 individual was incarcerated in said jail facility. The
432 reimbursement shall be payable back to the municipality upon
433 receipt of required documentation and an invoice. Total
434 reimbursements resulting from this section shall not exceed One
435 Hundred Twenty-five Thousand Dollars (\$125,000.00).

436 **SECTION 20.** Of the funds appropriated under the provisions
437 of Section 2, funds may be expended to defray the costs of
438 clothing for sworn nonuniform law enforcement officers in an



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

441 **SECTION 21.** Of the funds appropriated in Section 1, it is
442 the intention of the Legislature that Five Hundred Ten Thousand
443 Two Hundred Sixty-one Dollars (\$510,261.00) shall be allocated to
444 Victim's Notification Programs supported by General Fund court
445 assessments.

446 **SECTION 22.** The following sum, or so much thereof as may be
447 necessary, is reappropriated out of any money in the Capital
448 Expense Fund not otherwise appropriated to the Department of
449 Corrections for the purpose of reauthorizing the expenditure of
450 Capital Expense Funds, as authorized in SB 3013, 2022 Regular
451 Session to provide to the Mississippi Department of Corrections
452 for technology, equipment, and training in order to integrate,
453 analyze, and visualize data ranging from law enforcement
454 intelligence to administrative filings for the fiscal year
455 beginning July 1, 2023, and ending June 30, 2024.....
456\$ 1,468,042.00.

457 Notwithstanding the amount reappropriated under this section,
458 the amount that may be expended under the authority of this
459 section shall not exceed the unexpended balance of the funds
460 remaining as of June 30, 2023, from the amount authorized for the
461 previous fiscal year. In addition, this reappropriation shall not
462 change the purpose for which the funds were originally authorized.



463 **SECTION 23.** Of the funds appropriated under the provisions
464 of Section 2 of this act, Five Hundred Thousand Dollars
465 (\$500,000.00), or so much thereof, shall be derived out of any
466 money in the State Treasury to the credit of the Capital Expense
467 Fund, as created in Section 27-103-303, Mississippi Code of 1972,
468 and allocated in a manner as determined by the State Treasurer.
469 These funds are provided to the Department of Corrections for the
470 purpose of providing funds for vehicles for agency operations.

471 **SECTION 24.** With the funds appropriated in House Bill 1644,
472 2023 Regular Session, the Department of Corrections is authorized
473 to make payments for medical expenses incurred during Fiscal Year
474 2021 for an amount not to exceed Seven Hundred Fifty-five Thousand
475 One Hundred Seventy-two Dollars and Ninety-one Cents (\$755,172.91)
476 or an amount no greater than the reimbursement rate applicable
477 based on the Mississippi Medicaid reimbursement rate for these
478 services

479 **SECTION 25.** The money herein appropriated shall be paid by
480 the State Treasurer out of any money in the State Treasury to the
481 credit of the proper fund or funds as set forth in this act, upon
482 warrants issued by the State Fiscal Officer; and the State Fiscal
483 Officer shall issue his warrants upon requisitions signed by the
484 proper person, officer or officers, in the manner provided by law.

485 **SECTION 26.** This act shall take effect and be in force from
486 and after July 1, 2023, with the exception of Section 24 that
487 shall take effect from and after passage.

