

By: Representative McInnis

To: Penitentiary

HOUSE BILL NO. 594

1 AN ACT TO AMEND SECTION 47-5-193, MISSISSIPPI CODE OF 1972,
2 TO DELETE PROHIBITIONS AGAINST FURNISHING ANY ALCOHOLIC BEVERAGE,
3 CONTROLLED SUBSTANCE OR NARCOTIC DRUG TO ANY OFFENDER WITHIN THE
4 CUSTODY OF THE DEPARTMENT OF CORRECTIONS, AND TO DELETE
5 PROHIBITIONS AGAINST BRINGING THESE SUBSTANCES ONTO THE PROPERTY
6 OF THE DEPARTMENT OF CORRECTIONS; TO PROVIDE THAT IT SHALL BE
7 UNLAWFUL FOR ANY OFFICER OF ANY COUNTY SHERIFF'S DEPARTMENT OR ANY
8 PRIVATE CORRECTIONAL FACILITY IN THIS STATE IN WHICH OFFENDERS ARE
9 CONFINED TO FURNISH AN OFFENDER WITH ANY WEAPON OR CONTRABAND
10 ITEM; TO AMEND SECTION 47-5-195, MISSISSIPPI CODE OF 1972, TO
11 REVISE THE PENALTIES FOR PROVIDING OFFENDERS WITH ALCOHOL, DRUGS,
12 WEAPONS AND OTHER CONTRABAND ITEMS; TO CREATE A NEW CODE SECTION
13 TO BE CODIFIED AS SECTION 47-5-198, MISSISSIPPI CODE OF 1972, TO
14 PROVIDE THAT IT SHALL BE UNLAWFUL TO SELL OR USE ANY CONTROLLED
15 SUBSTANCE OR NARCOTIC DRUG IN ANY STATE CORRECTIONAL FACILITY,
16 COUNTY JAIL, MUNICIPAL JAIL OR OTHER JAIL AND TO PRESCRIBE A
17 CRIMINAL PENALTY FOR VIOLATION OF THIS LAW; TO AMEND SECTION
18 97-31-35, MISSISSIPPI CODE OF 1972, TO PRESCRIBE A PENALTY FOR ANY
19 PERSON THAT SELLS OR BRINGS ANY ALCOHOLIC BEVERAGE WITHIN ANY
20 STATE PENITENTIARY, COUNTY JAIL OR MUNICIPAL JAIL; AND FOR RELATED
21 PURPOSES.

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

23 SECTION 1. Section 47-5-193, Mississippi Code of 1972, is
24 amended as follows:

25 47-5-193. It is unlawful for any officer or employee of the
26 department, of any county sheriff's department, of any private
27 correctional facility in this state in which offenders are
28 confined or for any other person to furnish, attempt to furnish,
29 or assist in furnishing to any offender confined in this state
30 any * * * weapon, deadly weapon or contraband item. It is
31 unlawful for any person to take, attempt to take, or assist in
32 taking any * * * weapon, deadly weapon or contraband item on
33 property belonging to the department which is occupied or used by
34 offenders, except as authorized by law.

35 SECTION 2. Section 47-5-195, Mississippi Code of 1972, is

36 amended as follows:

37 47-5-195. Any person who violates any provision of Section
38 47-5-193 or 47-5-194 shall be guilty of a felony and upon
39 conviction shall be punished by confinement in the Penitentiary
40 for not less than three (3) years nor more than fifteen (15)
41 years, and may be fined not more than Twenty-five Thousand Dollars
42 (\$25,000.00), or both.

43 SECTION 3. The following shall be codified as Section
44 47-5-198, Mississippi Code of 1972:

45 47-5-198. (1) It is unlawful for any person to sell within,
46 bring to, or be in possession of, in any correctional facility or
47 convict camp within the state or any county, municipal or other
48 jail within the state, except as authorized by law, any controlled
49 substance or narcotic drug.

50 (2) It is unlawful for any person who is the keeper or
51 officer in charge of the facility, camp or jail, or who is
52 employed in or about the facility, camp or jail to knowingly
53 permit any controlled substance or narcotic drug to be sold,
54 possessed or used therein contrary to law.

55 (3) Any person who violates the provisions of this section
56 and is convicted shall be fined up to Twenty-five Thousand Dollars
57 (\$25,000.00) and be punished by imprisonment for not less than
58 three (3) years nor more than seven (7) years; and the person is
59 not eligible for probation, parole, suspension of sentence, earned
60 time allowance or any other reduction of sentence.

61 SECTION 4. Section 97-31-35, Mississippi Code of 1972, is
62 amended as follows:

63 97-31-35. (1) It is unlawful for any person to sell within,
64 bring to, or be in possession of, in any correctional facility or
65 convict camp within the state or any county, municipal or other
66 jail within the state, except as authorized by this chapter, any
67 alcoholic beverage including any vinous, spirituous, malt or
68 intoxicating liquor, or intoxicating drinks which if drunk to

69 excess will produce intoxication.

70 (2) It is unlawful for any person who is the keeper or
71 officer in charge of the facility, camp or jail, or who is
72 employed in or about the facility, camp or jail to knowingly
73 permit any alcoholic beverage to be sold, possessed or used
74 therein contrary to law.

75 (3) Any person who violates the provisions of this section
76 and is convicted shall be fined up to Ten Thousand Dollars
77 (\$10,000.00) and be punished by imprisonment for not less than two
78 (2) years, nor more than five (5) years; and that person will not
79 be eligible for probation, parole, suspension of sentence, earned
80 time allowance or other reduction of sentence.

81 SECTION 5. This act shall take effect and be in force from
82 and after July 1, 1999.