

By: Representative Banks

To: Penitentiary;  
Appropriations

## HOUSE BILL NO. 1356

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS SHALL PAY THE SAME  
3 AMOUNT TO COUNTY JAILS AS IT PAYS TO PRIVATE CORRECTIONAL  
4 FACILITIES FOR HOUSING STATE OFFENDERS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 47-5-901, Mississippi Code of 1972, is  
7 amended as follows:

8 47-5-901. (1) Any person committed, sentenced or otherwise  
9 placed under the custody of the Department of Corrections, on  
10 order of the sentencing court and subject to the other conditions  
11 of this subsection, may serve all or any part of his sentence in  
12 the county jail of the county wherein such person was convicted if  
13 the Commissioner of Corrections determines that physical space is  
14 not available for confinement of such person in the state  
15 correctional institutions. Such determination shall be promptly  
16 made by the Department of Corrections upon receipt of notice of  
17 the conviction of such person. The commissioner shall certify in  
18 writing that space is not available to the sheriff or other  
19 officer having custody of the person. Any person serving his  
20 sentence in a county jail shall be classified in accordance with  
21 Section 47-5-905.

22 (2) If state offenders are housed in county jails due to a  
23 lack of capacity at state correctional institutions, the  
24 Department of Corrections shall pay the same amount per offender  
25 per day to county jails as it pays to private correctional  
26 facilities for housing state offenders.

27 (3) Upon vouchers submitted by the board of supervisors of

28 any county housing persons due to lack of space at state  
29 institutions, the Department of Corrections shall pay to such  
30 county, out of any available funds, the \* \* \* contract price per  
31 offender \* \* \* as determined under subsection (2) of this section  
32 for each day an offender is so confined beginning the fifth day  
33 following the date the offender is committed and taken into  
34 custody by the sheriff and will terminate on the date on which the  
35 offender is released or otherwise removed from the custody of the  
36 county jail, and shall pay the actual cost for medical attention  
37 for prisoners unless the Commissioner of Corrections shall find  
38 that the costs of any medical services rendered are unreasonable.

39 Such payment shall be placed in the county general fund and shall  
40 be expended only for food and medical attention for such persons.

41 (4) A person, on order of the sentencing court, may serve  
42 not more than twenty-four (24) months of his sentence in a county  
43 jail if the person is classified in accordance with Section  
44 47-5-905 and the county jail is an approved county jail for  
45 housing state offenders under federal court order. The sheriff of  
46 the county shall have the right to petition the Commissioner of  
47 Corrections to remove the offender from the county jail. The  
48 county shall be reimbursed in accordance with subsection (2).

49 (5) The Attorney General of the State of Mississippi shall  
50 defend the employees of the Department of Corrections and  
51 officials and employees of political subdivisions against any  
52 action brought by any person who was committed to a county jail  
53 under the provisions of this section.

54 (6) This section does not create in the Department of  
55 Corrections, or its employees or agents, any new liability,  
56 express or implied, nor shall it create in the Department of  
57 Corrections any administrative authority or responsibility for the  
58 construction, funding, administration or operation of county or  
59 other local jails or other places of confinement which are not  
60 staffed and operated on a full-time basis by the Department of

61 Corrections. The correctional system under the jurisdiction of  
62 the Department of Corrections shall include only those facilities  
63 fully staffed by the Department of Corrections and operated by it  
64 on a full-time basis.

65 (7) An offender returned to a county for post-conviction  
66 proceedings shall be subject to the provisions of Section 99-19-42  
67 and the county shall not receive the per day allotment for such  
68 offender after the time prescribed for returning the offender to  
69 the Department of Corrections as provided in Section 99-19-42.

70 SECTION 2. This act shall take effect and be in force from  
71 and after July 1, 1999.