

By: Representative Flaggs

To: Judiciary B

## HOUSE BILL NO. 315

1 AN ACT TO PROVIDE THAT TRIAL JUDGES SHALL HAVE THE DISCRETION  
2 TO SENTENCE PERSONS CONVICTED OF NONVIOLENT CRIMES TO COUNTY JAIL  
3 FACILITIES RATHER THAN TO THE MISSISSIPPI DEPARTMENT OF  
4 CORRECTIONS UNDER CERTAIN CIRCUMSTANCES; TO DEFINE NONVIOLENT  
5 CRIMES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. (1) A trial judge shall have the discretion to  
8 order any person convicted of a nonviolent crime to serve all or  
9 part of his sentence in the county jail in the county where that  
10 person was convicted rather than the Mississippi Department of  
11 Corrections, provided that the sentence of the convicted person  
12 does not exceed a period of three (3) years.

13 (2) Prisoners convicted under this section are not subject  
14 to the provisions of Section 47-5-905. The prisoner shall be  
15 processed and classified at the county jail in accordance with the  
16 county jail's standard procedure for processing and classifying  
17 prisoners.

18 (3) The county shall assume full and complete responsibility  
19 of all persons convicted under this section and shall be  
20 completely responsible for the care and expense of housing such  
21 person.

22 (4) The state, the Department of Corrections, and its  
23 employees or agents, shall not be liable to any person or entity  
24 for a prisoner held in a county jail under this section.

25 SECTION 2. For the purposes of this section "nonviolent  
26 crime" means any crime which does not involve the use or attempted  
27 use of any force, the use or attempted use of a deadly weapon or a  
28 crime which does not involve injury, attempted injury or the

29 killing or attempted killing of a human being. The term  
30 "nonviolent crime" does not include:  
31 (a) Burglary of a dwelling as defined in Sections  
32 97-17-19 through 97-17-27;  
33 (b) Any felony conviction under Sections 97-17-1,  
34 97-17-3, 97-17-5, 97-17-7, 97-17-9, 97-17-11 and 97-17-13;  
35 (c) Any felony conviction under Section 41-29-139  
36 relating to controlled substances or counterfeit substances; or  
37 (d) Any elected public official or any public official  
38 appointed by an elected board or body.  
39 SECTION 3. This act shall take effect and be in force from  
40 and after July 1, 2001.