

By: Representative Flaggs

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
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 and the sheriff of the
13 county and the Department of Corrections approve of the serving of
14 the sentence in the county jail.

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

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

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

27 (5) The provisions of this section shall apply to any jail
28 which is used by two (2) or more counties pursuant to an agreement
29 as provided by law.

30 SECTION 2. For the purposes of this act "nonviolent crime"
31 means any crime which does not involve the use or attempted use of
32 any force, the use or attempted use of a deadly weapon or a crime
33 which does not involve injury, attempted injury or the killing or
34 attempted killing of a human being. The term "nonviolent crime"
35 does not include:

36 (a) Burglary of a dwelling as defined in Sections
37 97-17-19 through 97-17-27;

38 (b) Any felony conviction under Sections 97-17-1,
39 97-17-3, 97-17-5, 97-17-7, 97-17-9, 97-17-11 and 97-17-13;

40 (c) Any felony conviction under Section 41-29-139
41 relating to controlled substances or counterfeit substances; or

42 (d) Any elected public official or any public official
43 appointed by an elected board or body.

44 SECTION 3. This act shall take effect and be in force from
45 and after July 1, 2001.