HOUSE BILL NO. 573

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001

By: Representative Moak

To: Penitentiary; County Affairs

To: Penitentiary; County Affairs

MISSISSIPPI LEGISLATURE REGULAR SESSION 2001

By: Representative Moak

HOUSE BILL NO. 573

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

SECTION 1. Section 47-5-935, Mississippi Code of 1972, is amended as follows:

47-5-935. Concurrent with the execution of a contract for housing of state offenders as authorized by Sections 47-5-931 through 47-5-941, the sheriff of a county where the facility is located is designated as the Chief Corrections Officer for the facility housing state offenders, and in that capacity, shall assume responsibility for management of the corrections facility and for the provision of the care and control of the state offenders housed therein. The sheriff shall be subject to the direction of the department for management of the correctional facility. In addition to the compensation provided by Section 25-3-25, the sheriff shall receive Fifteen Thousand Six Hundred Dollars ($15,600.00) as compensation for the duties specified in Sections 47-5-931 through 47-5-941. If the Chief Corrections Officer for a correctional facility created under Section 47-5-931, contracts with a sheriff of another county to provide additional management support for the facility, then the sheriff who is providing the additional support for the facility shall...
receive, in addition to the compensation provided by Section 25-3-25, a yearly amount equal to twenty-five percent (25%) of the pay authorized in this section for the Chief Corrections Officer.

SECTION 2. Section 47-5-937, Mississippi Code of 1972, is amended as follows:

47-5-937. Sections 47-5-931 through 47-5-941 shall be full and complete authority for the exercise of all powers and authority granted herein and no requirements or restrictions of law which would otherwise be applicable to acts of the county or sheriff or the Department of Corrections shall be applicable except as expressly provided herein. The sheriff is expressly authorized to employ counsel to represent the facility to be paid a salary within the range allowed for a legal assistant to a district attorney with the employment to continue for a period of time not to exceed the duration of the indebtedness incurred for construction of the facility. The county or counties shall pay this cost and other costs incurred in the operation of the facility from the proceeds of the funds derived from the financing of the project and the housing of offenders. The county or counties also shall supply all law enforcement personnel that are needed to staff a facility created under Sections 47-5-931 through 47-5-941.

SECTION 3. Section 25-3-25, Mississippi Code of 1972, is amended as follows:

25-3-25. (1) Except as otherwise provided in subsections (2) through (9) of this section and Section 47-5-935, the salaries of sheriffs of the various counties are hereby fixed as full compensation for their services.

From and after October 1, 1998, the annual salary for each sheriff shall be based upon the total population of his county according to the latest federal decennial census in the following categories and for the following amounts; however, no sheriff shall be paid less than the salary authorized under this section.
to be paid the sheriff based upon the population of the county according to the 1980 federal decennial census:

(a) For counties with a total population of more than two hundred thousand (200,000), a salary of Seventy-five Thousand Dollars ($75,000.00).

(b) For counties with a total population of more than one hundred thousand (100,000) and not more than two hundred thousand (200,000), a salary of Seventy Thousand Dollars ($70,000.00).

(c) For counties with a total population of more than forty-five thousand (45,000) and not more than one hundred thousand (100,000), a salary of Sixty-five Thousand Dollars ($65,000.00).

(d) For counties with a total population of more than thirty-four thousand (34,000) and not more than forty-five thousand (45,000), a salary of Sixty Thousand Dollars ($60,000.00).

(e) For counties with a total population of more than twenty-five thousand (25,000) and not more than thirty-four thousand (34,000), a salary of Fifty-two Thousand Dollars ($52,000.00).

(f) For counties with a total population of more than fifteen thousand (15,000) and not more than twenty-five thousand (25,000), a salary of Fifty Thousand Dollars ($50,000.00).

(g) For counties with a total population of more than nine thousand five hundred (9,500) and not more than fifteen thousand (15,000), a salary of Forty-seven Thousand Dollars ($47,000.00).

(h) For counties with a total population of more than seven thousand five hundred (7,500) and not more than nine thousand five hundred (9,500), a salary of Forty-five Thousand Dollars ($45,000.00).
(i) For counties with a total population of not more than seven thousand five hundred (7,500), a salary of Forty-two Thousand Dollars ($42,000.00).

(2) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Leflore County may, in its discretion, pay an annual supplement to the sheriff of the county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county for the following reasons:

(a) The Mississippi Department of Corrections operates and maintains a restitution center within the county;

(b) The Mississippi Department of Corrections operates and maintains a community work center within the county;

(c) There is a resident circuit court judge in the county whose office is located at the Leflore County Courthouse;

(d) There is a resident chancery court judge in the county whose office is located at the Leflore County Courthouse;

(e) The Magistrate for the Fourth Circuit Court District is located in the county and maintains his office at the Leflore County Courthouse;

(f) The Region VI Mental Health-Mental Retardation Center, which serves a multicounty area, calls upon the sheriff to provide security for out-of-town mental patients, as well as patients from within the county;

(g) The increased activity of the Child Support Division of the Department of Human Services in enforcing in the courts parental obligations has imposed additional duties on the sheriff; and

(h) The dispatchers of the enhanced E-911 system in place in Leflore County has been placed under the direction and control of the sheriff.
(3) In addition to the salary provided for in subsection (1)
of this section, the Board of Supervisors of Rankin County may, in
its discretion, pay an annual supplement to the sheriff of the
county in an amount not to exceed Ten Thousand Dollars
($10,000.00). The Legislature finds and declares that the annual
supplement authorized by this subsection is justified in such
county for the following reasons:

   (a) The Mississippi Department of Corrections operates
and maintains the Central Mississippi Correctional Facility within
the county;

   (b) The State Hospital is operated and maintained
within the county at Whitfield;

   (c) Hudspeth Regional Center, a facility maintained for
the care and treatment of the mentally retarded, is located within
the county;

   (d) The Mississippi Law Enforcement Officers Training
Academy is operated and maintained within the county;

   (e) The State Fire Academy is operated and maintained
within the county;

   (f) The Pearl River Valley Water Supply District,
ordinarily known as the "Reservoir District," is located within
the county;

   (g) The Jackson International Airport is located within
the county;

   (h) The patrolling of the state properties located
within the county has imposed additional duties on the sheriff;
and

   (i) The sheriff, in addition to providing security to
the nearly one hundred thousand (100,000) residents of the county,
has the duty to investigate, solve and assist in the prosecution
of any misdemeanor or felony committed upon any state property
located in Rankin County.
(4) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Neshoba County shall pay an annual supplement to the sheriff of the county an amount equal to Ten Thousand Dollars ($10,000.00).

(5) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Tunica County may, in their discretion, pay an annual supplement to the sheriff of the county an amount equal to Ten Thousand Dollars ($10,000.00), payable beginning April 1, 1997.

(6) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Hinds County shall pay an annual supplement to the sheriff of the county in an amount equal to Fifteen Thousand Dollars ($15,000.00). The Legislature finds and declares that the annual supplement authorized by this subsection is justified in such county for the following reasons:

(a) Hinds County has the greatest population of any county, two hundred fifty-four thousand four hundred forty-one (254,441) by the 1990 census, being almost one hundred thousand (100,000) more than the next most populous county;

(b) Hinds County is home to the state capitol and the seat of all state government offices;

(c) Hinds County is the third largest county in geographic area, containing eight hundred seventy-five (875) square miles;

(d) Hinds County is comprised of two (2) judicial districts, each having a courthouse and county office buildings;

(e) There are four (4) resident circuit judges, four (4) resident chancery judges, and three (3) resident county judges in Hinds County, the most of any county, with the sheriff acting as chief executive officer and provider of bailiff services for all;

(f) The main offices for the clerk and most of the judges and magistrates for the United States District Court for
the Southern District of Mississippi are located within the county;

  (g) The state's only urban university, Jackson State University, is located within the county;
  (h) The University of Mississippi Medical Center, combining the medical school, dental school, nursing school and hospital, is located within the county;
  (i) Mississippi Veterans Memorial Stadium, the state's largest sports arena, is located within the county;
  (j) The Mississippi State Fairgrounds, including the Coliseum and Trade Mart, are located within the county;
  (k) Hinds County has the largest criminal population in the state, such that the Hinds County Sheriff's Department operates the largest county jail system in the state, housing almost one thousand (1,000) inmates in three (3) separate detention facilities;
  (l) The Hinds County Sheriff's Department handles more mental and drug and alcohol commitments cases than any other sheriff’s department in the state;
  (m) The Mississippi Department of Corrections maintains a restitution center within the county;
  (n) The Mississippi Department of Corrections regularly houses as many as one hundred (100) state convicts within the Hinds County jail system; and
  (o) The Hinds County Sheriff's Department is regularly asked to provide security services not only at the Fairgrounds and Memorial Stadium, but also for events at the Mississippi Museum of Art and Jackson City Auditorium.

  (7) In addition to the salary provided for in subsection (1) of this section, the Board of Supervisors of Wilkinson County, in its discretion, may pay an annual supplement to the sheriff of the county in an amount not to exceed Ten Thousand Dollars ($10,000.00). The Legislature finds and declares that the annual
supplement authorized by this subsection is justified in such
county because the Mississippi Department of Corrections contracts
for the private incarceration of state inmates at a private
correctional facility within the county.

(8) In addition to the salary provided for in subsection (1)
of this section, the Board of Supervisors of Marshall County, in
its discretion, may pay an annual supplement to the sheriff of the
county in an amount not to exceed Ten Thousand Dollars
($10,000.00). The Legislature finds and declares that the annual
supplement authorized by this subsection is justified in such
county because the Mississippi Department of Corrections contracts
for the private incarceration of state inmates at a private
correctional facility within the county.

(9) In addition to the salary provided in subsection (1) of
this section, the Board of Supervisors of Greene County, in its
discretion, may pay an annual supplement to the sheriff of the
county in an amount not to exceed Ten Thousand Dollars
($10,000.00). The Legislature finds and declares that the annual
supplement authorized by this subsection is justified in such
county for the following reasons:

(a) The Mississippi Department of Corrections operates
and maintains the South Mississippi Correctional Facility within
the county;

(b) In 1996, additional facilities to house another one
thousand four hundred sixteen (1,416) male offenders were
constructed at the South Mississippi Correctional Facility within
the county; and

(c) The patrolling of the state properties located
within the county has imposed additional duties on the sheriff
justifying additional compensation.

(10) The salaries herein provided shall be payable monthly
on the first day of each calendar month by chancery clerk's
warrant drawn on the general fund of the county; however, the
board of supervisors, by resolution duly adopted and entered on its minutes, may provide that such salaries shall be paid semimonthly on the first and fifteenth day of each month. If a pay date falls on a weekend or legal holiday, salary payments shall be made on the workday immediately preceding the weekend or legal holiday.

SECTION 4. This act shall take effect and be in force from and after July 1, 2001.