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To: Penitentiary; Appropriations

HOUSE BILL NO. 1365

1 AN ACT TO AUTHORIZE THE COMMISSIONER OF THE MISSISSIPPI
2 DEPARTMENT OF CORRECTIONS TO ENTER INTO CONTRACTUAL AGREEMENTS
3 WITH COUNTIES AND REGIONAL CORRECTIONAL FACILITIES FOR THE PURPOSE
4 OF PROVIDING HOUSING FOR STATE OFFENDERS WHERE THE COUNTIES OR
5 REGIONAL CORRECTIONAL FACILITIES AGREE TO BUILD ADDITIONAL PRISON
6 FACILITIES IN EXCHANGE FOR THE DEPARTMENT'S COMMITMENT TO HOUSE
7 STATE INMATES IN THE NEWLY CONSTRUCTED FACILITIES; TO AMEND
8 SECTION 47-5-901, MISSISSIPPI CODE OF 1972, TO DELETE THE
9 PROVISION OF LAW WHICH REQUIRES COUNTY INMATES TO BE HOUSED IN THE
10 COUNTY WHERE THE OFFENDER WAS CONVICTED; AND FOR RELATED PURPOSES.

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

12 SECTION 1. (1) The Commissioner of the Mississippi
13 Department of Corrections may enter into contracts with the boards
14 of supervisors of any counties and with the governing authorities
15 of any regional jail facilities who so desire to enter into
16 contracts for the housing, care and control of offenders sentenced
17 to the custody of the State of Mississippi. The contracts shall
18 be conditioned upon the commitment of the boards of supervisors or
19 governing authorities of the regional jail facilities to build
20 additional prison facilities to house state inmates in
21 consideration of the department's commitment to house state
22 inmates in the newly constructed facilities. All such contracts
23 shall expire on July 1, 2016.

24 (2) The minimum number of state inmates for which each
25 county or regional jail facility must provide housing through new
26 construction in order to meet the requirements of the contracts
27 authorized under subsection (1) of this section shall be
28 determined by multiplying the population of each county, as
29 determined by the latest federal decennial census, or the
30 population of the counties that comprise the district served by

31 the regional jail facility, by .00445. All such contracts with
32 counties and regional jail facilities shall provide housing for
33 not more than a total of eight hundred (800) state inmates per
34 year for the entire state. When construction of housing for the
35 maximum number of state inmates that may be built by a particular
36 county or regional jail facility has been determined, the contract
37 shall require the county or regional jail facility to perform
38 construction for the maximum number of state inmates. The
39 contract shall provide that the Department of Corrections pay the
40 fee as prescribed in Section 47-5-901 for each day that a state
41 inmate is housed in the facility for a period of up to fifteen
42 years from the date of completion of the facility. However, no
43 such contracts shall be authorized for any county or regional jail
44 facility for any year unless such contracts are first recommended
45 by the Commissioner of the Department of Corrections and approved
46 by the Governor on or before January 1 of the year in which such
47 contracts are authorized.

48 SECTION 2. (1) Counties having existing jail facilities
49 which do not meet certification requirements established by the
50 American Correctional Association shall be given preference by the
51 Commissioner of the Mississippi Department of Corrections in the
52 awarding of state inmate housing contracts under the provisions of
53 subsection (1) of this section over counties whose existing jail
54 facilities meet certification requirements of the American
55 Correctional Association.

56 SECTION 3. (1) All facilities newly constructed under this
57 act shall be designed, constructed, operated and maintained in
58 accordance with American Correctional Association standards and
59 shall comply with all constitutional standards of the United
60 States, the State of Mississippi and all court orders that may be
61 applicable to the facility.

62 (2) Any county or regional jail facility desiring to enter
63 into a contractual agreement with the Mississippi Department of

64 Corrections under the provisions of this act must do so before
65 July 1, 2016.

66 SECTION 4. The provisions of Sections 1 through 3 of this
67 act shall not be construed to amend or repeal the provisions of
68 any other law.

69 SECTION 5. Sections 1, 2 and 3 of this act shall stand
70 repealed on July 1, 2016.

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

73 47-5-901. (1) Any person committed, sentenced or otherwise
74 placed under the custody of the Department of Corrections, on
75 order of the sentencing court and subject to the other conditions
76 of this subsection, may serve all or any part of his sentence in
77 a county jail or in a regional jail facility if the Commissioner
78 of Corrections determines that physical space is not available for
79 confinement of such person in the state correctional institutions.
80 Such determination shall be promptly made by the Department of
81 Corrections upon receipt of notice of the conviction of such
82 person. The commissioner shall certify in writing that space is
83 not available to the sheriff or other officer having custody of
84 the person. Any person serving his sentence in a county or
85 regional jail facility shall be classified in accordance with
86 Section 47-5-905.

87 (2) If state prisoners are housed in county jails or
88 regional jail facilities due to a lack of capacity at state
89 correctional institutions, the Department of Corrections shall
90 determine the cost for food and medical attention for such
91 prisoners. The cost of feeding and housing offenders confined in
92 such county jails or regional jail facilities shall be based on
93 actual costs or contract price per prisoner not to exceed Twenty
94 Dollars (\$20.00) per day per offender.

95 (3) Upon vouchers submitted by the board of supervisors of
96 any county housing persons due to lack of space at state

97 institutions, the Department of Corrections shall pay to such
98 county or regional jail facility, out of any available funds, the
99 actual cost of food, or contract price per prisoner, not to exceed
100 Twenty Dollars (\$20.00) per day per offender as determined under
101 subsection (2) of this section for each day an offender is so
102 confined beginning the fifth day following the date the offender
103 is committed and taken into custody by the sheriff and will
104 terminate on the date on which the offender is released or
105 otherwise removed from the custody of the county jail or regional
106 jail facility, and shall pay the actual cost for medical attention
107 for prisoners unless the Commissioner of Corrections shall find
108 that the costs of any medical services rendered are unreasonable.
109 Such payment shall be placed in the county general fund or the
110 general fund of the counties that comprise a regional jail
111 facility and shall be expended only for food and medical attention
112 for such persons.

113 (4) A person, on order of the sentencing court, may serve
114 not more than twenty-four (24) months of his sentence in a county
115 jail or regional jail facility if the person is classified in
116 accordance with Section 47-5-905 and the county jail is an
117 approved * * * jail for housing state inmates under federal court
118 order. The sheriff of the county where the facility is located
119 shall have the right to petition the Commissioner of Corrections
120 to remove the inmate from the county jail or regional jail
121 facility. The county or regional jail facility shall be
122 reimbursed in accordance with subsection (2).

123 (5) The Attorney General of the State of Mississippi shall
124 defend the employees of the Department of Corrections and
125 officials and employees of political subdivisions against any
126 action brought by any person who was committed to a county jail or
127 regional jail facility under the provisions of this section.

128 (6) This section does not create in the Department of
129 Corrections, or its employees or agents, any new liability,

130 express or implied, nor shall it create in the Department of
131 Corrections any administrative authority or responsibility for the
132 construction, funding, administration or operation of county or
133 other local jails or other places of confinement which are not
134 staffed and operated on a full-time basis by the Department of
135 Corrections. The correctional system under the jurisdiction of
136 the Department of Corrections shall include only those facilities
137 fully staffed by the Department of Corrections and operated by it
138 on a full-time basis.

139 (7) An offender returned to a county or regional jail
140 facility for post-conviction proceedings shall be subject to the
141 provisions of Section 99-19-42 and the county or regional jail
142 facility shall not receive the per day allotment for such offender
143 after the time prescribed for returning the offender to the
144 Department of Corrections as provided in Section 99-19-42.

145 SECTION 7. This act shall take effect and be in force from
146 and after its passage.