SENATE BILL NO. 2463

AN ACT TO AMEND SECTION 47-5-931, MISSISSIPPI CODE OF 1972, TO GIVE PRIORITY TO A REGIONAL FACILITY DESIGNED TO HOUSE NONVIOLENT OFFENDERS NEEDING SUBSTANCE ABUSE TREATMENT AND COUNSELING; TO PLACE CERTAIN REQUIREMENTS ON SUCH FACILITY AND OFFENDERS; AND FOR RELATED PURPOSES.

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

SECTION 1. A need exists for careful planning to expand local correctional facilities to enable local governments adequately to incarcerate offenders who are awaiting trial or serving sentences of imprisonment at the local level. At the same time, Mississippi faces a critical need for more prison space to accommodate the projected increase in the inmate population. At a time when the state's prisons are becoming increasingly overcrowded, budgetary resources are becoming more limited and the future availability of funding for more prison construction is uncertain.

To ensure that adequate space is available in state corrections facilities for violent and habitual offenders, a need exists for additional community correctional facilities to enable courts to sentence nonviolent offenders to these less costly community correctional facilities which enable the offenders to participate in programs emphasizing substance abuse, education and mental health counseling.

SECTION 2. Section 47-5-931, Mississippi Code of 1972, is amended as follows:

47-5-931. (1) The Department of Corrections, in its discretion, may contract with the board of supervisors of one or more counties and/or with a regional facility jointly operated by
two (2) or three (3) counties, to provide for housing, care and control of not more than two hundred fifty (250) offenders who are in the custody of the State of Mississippi. Any facility owned or leased by a county or counties for this purpose shall be designed, constructed, operated and maintained in accordance with American Correctional Association standards, and shall comply with all constitutional standards of the United States and the State of Mississippi, and with all court orders that may now or hereinafter be applicable to the facility. If the Department of Corrections contracts with more than one (1) county to house state offenders in county correctional facilities, excluding a regional facility, then the first of such facilities shall be constructed in Sharkey County and the second of such facilities shall be constructed in Jefferson County.

(2) The Department of Corrections shall contract with the boards of supervisors of the following counties to house state inmates in regional facilities: (a) Marion and Walthall Counties; (b) Carroll and Montgomery Counties; (c) Stone and Pearl River Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba Counties; (f) Holmes County and any contiguous county in which there is located an unapproved jail; and (g) Bolivar County and any contiguous county in which there is located an unapproved jail. The Department of Corrections may contract with the boards of supervisors of the following counties to house state inmates in regional facilities: (a) Yazoo County and any contiguous county, (b) Chickasaw County; and (c) George and Greene Counties. The Department of Corrections shall decide the order of priority of the counties listed in this subsection with which it will contract for the housing of state inmates. For the purposes of this subsection the term "unapproved jail" means any jail that the local grand jury determines should be condemned or has found to be of substandard condition or in need of substantial repair or reconstruction.
(3) (a) Notwithstanding the provisions of subsections (1) and (2), the department shall contract for a regional facility for the exclusive use of supervising and rehabilitating drug and alcohol and other nonviolent offenders with less than twenty-four (24) months to serve and who can be incarcerated safely in a regional facility.

(b) The regional facility must provide for intensive addiction therapy, treatment and rehabilitation of offenders. All personnel, including the guards, must have training or experience in alcohol and drug rehabilitation. In addition to alcohol and drug therapy, all offenders shall be required to participate in the regimented inmate discipline program.

SECTION 3. This act shall take effect and be in force from and after its passage.