

By: Senator(s) Smith

To: Corrections

SENATE BILL NO. 2876

1 AN ACT TO AMEND SECTION 47-5-903, MISSISSIPPI CODE OF 1972,
2 TO PERMIT SENTENCING OF CERTAIN FELONS TO SERVE THEIR TIME IN A
3 COUNTY JAIL INSTEAD OF A DEPARTMENT OF CORRECTIONS FACILITY; TO
4 REPEAL SECTION 47-5-911, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
5 THAT SECTIONS 47-5-901 THROUGH 47-5-909, MISSISSIPPI CODE OF 1972,
6 SHALL STAND REPEALED ON JULY 1, 2001; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 47-5-903, Mississippi Code of 1972, is
9 amended as follows:

10 47-5-903. (1) A person committed, sentenced or otherwise
11 placed under the custody of the Department of Corrections, on
12 order of the sentencing court, may serve his sentence in the
13 county jail of the county where convicted if all of the following
14 conditions are complied with:

15 (a) The person must be classified in accordance with
16 Section 47-5-905;

17 (b) The person must not be classified as in need of
18 close supervision;

19 (c) The sheriff of the county where the person will
20 serve his sentence must request in writing that the person be
21 allowed to serve his sentence in that county jail;

22 (d) After the person is classified and returned to the
23 county, the county shall assume the full and complete
24 responsibility for the care and expenses of housing such person;
25 and

26 (e) The county jail must be an approved county jail for
27 housing state inmates under federal court order.

28 (2) A person committed, sentenced or otherwise placed under
29 the custody of the Department of Corrections, on order of the
30 sentencing court, may serve his sentence in the county jail of the
31 county where convicted if all of the following conditions are met:

32 (a) The person was convicted of a drug use offense or
33 nonviolent crime; and

34 (b) The term of imprisonment to which the person is
35 sentenced is less than three (3) years.

36 (3) This section does not apply to inmates housed in county
37 jails due to lack of space at state correctional facilities. The
38 department shall not reimburse the county for the expense of
39 housing an inmate under this section.

40 (4) The Attorney General of the State of Mississippi shall
41 defend the employees of the Department of Corrections and
42 officials and employees of political subdivisions against any
43 action brought by any person who was committed to a county jail
44 under the provisions of this section.

45 (5) The state, the Department of Corrections, and its
46 employees or agents, shall not be liable to any person or entity
47 for an inmate held in a county jail under this section.

48 SECTION 2. Section 47-5-911, Mississippi Code of 1972, which
49 provides that Sections 47-5-901 through 47-5-909, Mississippi Code
50 of 1972, shall stand repealed on July 1, 2001, is repealed.

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