HOUSE BILL NO. 1188

AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PAY THE SAME AMOUNT TO COUNTY JAILS AS IT PAYS TO PRIVATE CORRECTIONAL FACILITIES FOR HOUSING STATE OFFENDERS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-901, Mississippi Code of 1972, is amended as follows:

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

(2) If state prisoners are housed in county jails due to a lack of capacity at state correctional institutions, the Department of Corrections shall pay the same amount per prisoner per day to county jails as the department pays to private correctional facilities for housing state prisoners.

(3) Upon vouchers submitted by the board of supervisors of any county housing persons due to lack of space at state
institutions, the Department of Corrections shall pay to such
county, out of any available funds, the *** contract price per
prisoner, *** as determined under subsection (2) of this section
for each day an offender is so confined beginning the fifth day
following the date the offender is committed and taken into
custody by the sheriff and terminating on the date on which the
offender is released or otherwise removed from the custody of the
county jail. The department shall pay the actual cost for medical
attention for prisoners unless the Commissioner of Corrections
shall find that the costs of any medical services rendered are
unreasonable. Such payment shall be placed in the county general
fund and shall be expended only for food and medical attention for
such persons.

(4) A person, on order of the sentencing court, may serve
not more than twenty-four (24) months of his sentence in a county
jail if the person is classified in accordance with Section
47-5-905 and the county jail is an approved county jail for
housing state inmates under federal court order. The sheriff of
the county shall have the right to petition the Commissioner of
Corrections to remove the inmate from the county jail. The county
shall be reimbursed in accordance with subsection (2).

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

(6) This section does not create in the Department of
Corrections, or its employees or agents, any new liability,
express or implied, nor shall it create in the Department of
Corrections any administrative authority or responsibility for the
construction, funding, administration or operation of county or
other local jails or other places of confinement which are not
staffed and operated on a full-time basis by the Department of
Corrections. The correctional system under the jurisdiction of
the Department of Corrections shall include only those facilities
fully staffed by the Department of Corrections and operated by it
on a full-time basis.

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

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.