SENATE BILL NO. 2281

AN ACT TO AMEND SECTIONS 97-9-45 AND 97-9-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A TRUSTY WHO WILLFULLY FAILS TO RETURN SHALL BE SUBJECT TO THE SAME PENALTIES AS A PRISONER WHO ESCAPES OR ATTEMPTS TO ESCAPE; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 97-9-45, Mississippi Code of 1972, is amended as follows:

97-9-45. If any person sentenced to the Mississippi Department of Corrections for any term shall escape or attempt to escape from his particular unit or camp of confinement or the boundaries of the penitentiary as a whole, or shall escape or attempt to escape from custody before confinement therein, he shall, upon conviction, be punished by imprisonment in such prison for a term not exceeding five (5) years, to commence from and after the expiration of the original term of his imprisonment as extended in consequence of such escape or attempted escape.

Any convict who is entrusted to leave the boundaries of confinement by authorities of the Mississippi Department of Corrections or by the Governor, and who willfully fails to return within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and, upon conviction, shall be subject to the penalties provided under this section.

SECTION 2. Section 97-9-49, Mississippi Code of 1972, is amended as follows:

97-9-49. (1) Whoever escapes or attempts by force or violence to escape from any jail in which he is confined, or from any custody under or by virtue of any process issued under the
laws of the State of Mississippi by any court or judge, or from
the custody of a sheriff or other peace officer pursuant to lawful
arrest, shall, upon conviction, if the confinement or custody is
by virtue of an arrest on a charge of felony, or conviction of a
felony, be punished by imprisonment in the penitentiary not
exceeding five (5) years to commence at the expiration of his
former sentence, or, if the confinement or custody is by virtue of
an arrest of or charge for or conviction of a misdemeanor, be
punished by imprisonment in the county jail not exceeding one (1)
year to commence at the expiration of the sentence which the court
has imposed or which may be imposed for the crime for which he is
charged.

(2) Anyone confined in any jail who is entrusted by any
authorized person to leave the jail for any purpose and who
willfully fails to return to the jail within the stipulated time,
or after the accomplishment of the purpose for which he was
entrusted to leave, shall be an escapee and shall be subject
to the penalties provided in subsection (1).

SECTION 3. This act shall take effect and be in force from
and after July 1, 2002.