

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

Senate Bill NO. 2351

By Representative(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

8 **SECTION 1.** Section 47-5-911, Mississippi Code of 1972, is
9 amended as follows:

10 47-5-911. Sections 47-5-901 through 47-5-911 shall stand
11 repealed on July 1, 2003.

12 **SECTION 2.** Section 47-5-901, Mississippi Code of 1972, is
13 amended as follows:

14 47-5-901. (1) Any person committed, sentenced or otherwise
15 placed under the custody of the Department of Corrections, on
16 order of the sentencing court and subject to the other conditions
17 of this subsection, may serve all or any part of his sentence in
18 the county jail of the county wherein such person was convicted if
19 the Commissioner of Corrections determines that physical space is
20 not available for confinement of such person in the state
21 correctional institutions. Such determination shall be promptly
22 made by the Department of Corrections upon receipt of notice of
23 the conviction of such person. The commissioner shall certify in
24 writing that space is not available to the sheriff or other
25 officer having custody of the person. Any person serving his
26 sentence in a county jail shall be classified in accordance with
27 Section 47-5-905.

28 (2) If state prisoners are housed in county jails due to a
29 lack of capacity at state correctional institutions, the
30 Department of Corrections shall determine the cost for food and
31 medical attention for such prisoners. The cost of feeding and
32 housing offenders confined in such county jails shall be based on
33 actual costs or contract price per prisoner not to exceed Twenty
34 Dollars (\$20.00) per day per offender.

35 (3) Upon vouchers submitted by the board of supervisors of
36 any county housing persons due to lack of space at state
37 institutions, the Department of Corrections shall pay to such
38 county, out of any available funds, the actual cost of food, or
39 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)
40 per day per offender as determined under subsection (2) of this
41 section for each day an offender is so confined beginning
42 the * * * day that the Department of Corrections receives a
43 certified copy of the sentencing order and will terminate on the
44 date on which the offender is released or otherwise removed from
45 the custody of the county jail, and shall pay the actual cost for
46 medical attention for prisoners unless the Commissioner of
47 Corrections shall find that the costs of any medical services
48 rendered are unreasonable. Such payment shall be placed in the
49 county general fund and shall be expended only for food and
50 medical attention for such persons.

51 (4) A person, on order of the sentencing court, may serve
52 not more than twenty-four (24) months of his sentence in a county
53 jail if the person is classified in accordance with Section
54 47-5-905 and the county jail is an approved county jail for
55 housing state inmates under federal court order. The sheriff of
56 the county shall have the right to petition the Commissioner of
57 Corrections to remove the inmate from the county jail. The county
58 shall be reimbursed in accordance with subsection (2).

59 (5) The Attorney General of the State of Mississippi shall
60 defend the employees of the Department of Corrections and
61 officials and employees of political subdivisions against any
62 action brought by any person who was committed to a county jail

63 under the provisions of this section.

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 47-5-911, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON THE LAW AUTHORIZING THE HOUSING OF STATE
3 INMATES IN COUNTY JAILS; TO AMEND SECTION 47-5-901, MISSISSIPPI
4 CODE OF 1972, TO REVISE THE DATE ON WHICH THE DEPARTMENT OF
5 CORRECTIONS MUST BEGIN PAYING COUNTIES FOR HOUSING STATE INMATES;
6 AND FOR RELATED PURPOSES.