

By: Representative Moak

To: Corrections; County
Affairs

HOUSE BILL NO. 5

1 AN ACT TO AMEND SECTION 47-5-935, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY SHERIFF THAT CONTRACTS TO PROVIDE ADDITIONAL
3 MANAGEMENT SUPPORT FOR A REGIONAL CORRECTIONAL FACILITY SHALL
4 RECEIVE ADDITIONAL COMPENSATION EQUAL TO TWENTY-FIVE PERCENT OF
5 THE AMOUNT PAID TO THE CHIEF CORRECTIONS OFFICER; TO AMEND SECTION
6 47-5-937, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COUNTY OR
7 COUNTIES CONTRACTING FOR A REGIONAL CORRECTIONAL FACILITY SHALL
8 PROVIDE THE LAW ENFORCEMENT PERSONNEL THAT ARE NEEDED TO STAFF THE
9 FACILITY; TO AMEND SECTION 25-3-25, MISSISSIPPI CODE OF 1972, IN
10 CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED
11 PURPOSES.

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

13 **SECTION 1.** Section 47-5-935, Mississippi Code of 1972, is
14 amended as follows:

15 47-5-935. Concurrent with the execution of a contract for
16 housing of state offenders as authorized by Sections 47-5-931
17 through 47-5-941, the sheriff of a county where the facility is
18 located is designated as the chief corrections officer for the
19 facility housing state offenders, and in that capacity, shall
20 assume responsibility for management of the corrections facility
21 and for the provision of the care and control of the state
22 offenders housed therein. The sheriff shall be subject to the
23 direction of the department for management of the correctional
24 facility. In addition to the compensation provided by Section
25 25-3-25, the sheriff shall receive Fifteen Thousand Six Hundred
26 Dollars (\$15,600.00) as compensation for the duties specified in
27 Sections 47-5-931 through 47-5-941. If the chief corrections
28 officer for a correctional facility created under Section
29 47-5-931, contracts with a sheriff of another county to provide
30 additional management support for the facility, then the sheriff
31 who is providing the additional support for the facility shall

32 receive, in addition to the compensation provided by Section
33 25-3-25, a yearly amount equal to twenty-five percent (25%) of the
34 pay authorized in this section for the chief corrections officer.

35 **SECTION 2.** Section 47-5-937, Mississippi Code of 1972, is
36 amended as follows:

37 47-5-937. Sections 47-5-931 through 47-5-941 shall be full
38 and complete authority for the exercise of all powers and
39 authority granted herein and no requirements or restrictions of
40 law which would otherwise be applicable to acts of the county or
41 sheriff or the Department of Corrections shall be applicable
42 except as expressly provided herein. The sheriff is expressly
43 authorized to employ counsel to represent the facility to be paid
44 a salary within the range allowed for a legal assistant to a
45 district attorney with the employment to continue for a period of
46 time not to exceed the duration of the indebtedness incurred for
47 construction of the facility. The county or counties shall pay
48 this cost and other costs incurred in the operation of the
49 facility from the proceeds of the funds derived from the financing
50 of the project and the housing of offenders. The county or
51 counties also shall supply all law enforcement personnel that are
52 needed to staff a facility created under Sections 47-5-931 through
53 47-5-941.

54 **SECTION 3.** Section 25-3-25, Mississippi Code of 1972, is
55 amended as follows:

56 25-3-25. (1) Except as otherwise provided in subsections
57 (2) through (9) of this section and Section 47-5-935, the salaries
58 of sheriffs of the various counties are hereby fixed as full
59 compensation for their services.

60 From and after October 1, 1998, the annual salary for each
61 sheriff shall be based upon the total population of his county
62 according to the latest federal decennial census in the following
63 categories and for the following amounts; however, no sheriff
64 shall be paid less than the salary authorized under this section

65 to be paid the sheriff based upon the population of the county
66 according to the 1980 federal decennial census:

67 (a) For counties with a total population of more than
68 two hundred thousand (200,000), a salary of Seventy-five Thousand
69 Dollars (\$75,000.00).

70 (b) For counties with a total population of more than
71 one hundred thousand (100,000) and not more than two hundred
72 thousand (200,000), a salary of Seventy Thousand Dollars
73 (\$70,000.00).

74 (c) For counties with a total population of more than
75 forty-five thousand (45,000) and not more than one hundred
76 thousand (100,000), a salary of Sixty-five Thousand Dollars
77 (\$65,000.00).

78 (d) For counties with a total population of more than
79 thirty-four thousand (34,000) and not more than forty-five
80 thousand (45,000), a salary of Sixty Thousand Dollars
81 (\$60,000.00).

82 (e) For counties with a total population of more than
83 twenty-five thousand (25,000) and not more than thirty-four
84 thousand (34,000), a salary of Fifty-two Thousand Dollars
85 (\$52,000.00).

86 (f) For counties with a total population of more than
87 fifteen thousand (15,000) and not more than twenty-five thousand
88 (25,000), a salary of Fifty Thousand Dollars (\$50,000.00).

89 (g) For counties with a total population of more than
90 nine thousand five hundred (9,500) and not more than fifteen
91 thousand (15,000), a salary of Forty-seven Thousand Dollars
92 (\$47,000.00).

93 (h) For counties with a total population of more than
94 seven thousand five hundred (7,500) and not more than nine
95 thousand five hundred (9,500), a salary of Forty-five Thousand
96 Dollars (\$45,000.00).

97 (i) For counties with a total population of not more
98 than seven thousand five hundred (7,500), a salary of Forty-two
99 Thousand Dollars (\$42,000.00).

100 (2) In addition to the salary provided for in subsection (1)
101 of this section, the Board of Supervisors of Leflore County may,
102 in its discretion, pay an annual supplement to the sheriff of the
103 county in an amount not to exceed Ten Thousand Dollars
104 (\$10,000.00). The Legislature finds and declares that the annual
105 supplement authorized by this subsection is justified in such
106 county for the following reasons:

107 (a) The Mississippi Department of Corrections operates
108 and maintains a restitution center within the county;

109 (b) The Mississippi Department of Corrections operates
110 and maintains a community work center within the county;

111 (c) There is a resident circuit court judge in the
112 county whose office is located at the Leflore County Courthouse;

113 (d) There is a resident chancery court judge in the
114 county whose office is located at the Leflore County Courthouse;

115 (e) The Magistrate for the Fourth Circuit Court
116 District is located in the county and maintains his office at the
117 Leflore County Courthouse;

118 (f) The Region VI Mental Health-Mental Retardation
119 Center, which serves a multicounty area, calls upon the sheriff to
120 provide security for out-of-town mental patients, as well as
121 patients from within the county;

122 (g) The increased activity of the Child Support
123 Division of the Department of Human Services in enforcing in the
124 courts parental obligations has imposed additional duties on the
125 sheriff; and

126 (h) The dispatchers of the enhanced E-911 system in
127 place in Leflore County has been placed under the direction and
128 control of the sheriff.

129 (3) In addition to the salary provided for in subsection (1)
130 of this section, the Board of Supervisors of Rankin County may, in
131 its discretion, pay an annual supplement to the sheriff of the
132 county in an amount not to exceed Ten Thousand Dollars
133 (\$10,000.00). The Legislature finds and declares that the annual
134 supplement authorized by this subsection is justified in such
135 county for the following reasons:

136 (a) The Mississippi Department of Corrections operates
137 and maintains the Central Mississippi Correctional Facility within
138 the county;

139 (b) The State Hospital is operated and maintained
140 within the county at Whitfield;

141 (c) Hudspeth Regional Center, a facility maintained for
142 the care and treatment of the mentally retarded, is located within
143 the county;

144 (d) The Mississippi Law Enforcement Officers Training
145 Academy is operated and maintained within the county;

146 (e) The State Fire Academy is operated and maintained
147 within the county;

148 (f) The Pearl River Valley Water Supply District,
149 ordinarily known as the "Reservoir District," is located within
150 the county;

151 (g) The Jackson International Airport is located within
152 the county;

153 (h) The patrolling of the state properties located
154 within the county has imposed additional duties on the sheriff;
155 and

156 (i) The sheriff, in addition to providing security to
157 the nearly one hundred thousand (100,000) residents of the county,
158 has the duty to investigate, solve and assist in the prosecution
159 of any misdemeanor or felony committed upon any state property
160 located in Rankin County.

161 (4) In addition to the salary provided for in subsection (1)
162 of this section, the Board of Supervisors of Neshoba County shall
163 pay an annual supplement to the sheriff of the county an amount
164 equal to Ten Thousand Dollars (\$10,000.00).

165 (5) In addition to the salary provided for in subsection (1)
166 of this section, the Board of Supervisors of Tunica County may, in
167 its discretion, pay an annual supplement to the sheriff of the
168 county an amount equal to Ten Thousand Dollars (\$10,000.00),
169 payable beginning April 1, 1997.

170 (6) In addition to the salary provided for in subsection (1)
171 of this section, the Board of Supervisors of Hinds County shall
172 pay an annual supplement to the sheriff of the county in an amount
173 equal to Fifteen Thousand Dollars (\$15,000.00). The Legislature
174 finds and declares that the annual supplement authorized by this
175 subsection is justified in such county for the following reasons:

176 (a) Hinds County has the greatest population of any
177 county, two hundred fifty-four thousand four hundred forty-one
178 (254,441) by the 1990 census, being almost one hundred thousand
179 (100,000) more than the next most populous county;

180 (b) Hinds County is home to the State Capitol and the
181 seat of all state government offices;

182 (c) Hinds County is the third largest county in
183 geographic area, containing eight hundred seventy-five (875)
184 square miles;

185 (d) Hinds County is comprised of two (2) judicial
186 districts, each having a courthouse and county office buildings;

187 (e) There are four (4) resident circuit judges, four
188 (4) resident chancery judges, and three (3) resident county judges
189 in Hinds County, the most of any county, with the sheriff acting
190 as chief executive officer and provider of bailiff services for
191 all;

192 (f) The main offices for the clerk and most of the
193 judges and magistrates for the United States District Court for

194 the Southern District of Mississippi are located within the
195 county;

196 (g) The state's only urban university, Jackson State
197 University, is located within the county;

198 (h) The University of Mississippi Medical Center,
199 combining the medical school, dental school, nursing school and
200 hospital, is located within the county;

201 (i) Mississippi Veterans Memorial Stadium, the state's
202 largest sports arena, is located within the county;

203 (j) The Mississippi State Fairgrounds, including the
204 Coliseum and Trade Mart, are located within the county;

205 (k) Hinds County has the largest criminal population in
206 the state, such that the Hinds County Sheriff's Department
207 operates the largest county jail system in the state, housing
208 almost one thousand (1,000) inmates in three (3) separate
209 detention facilities;

210 (l) The Hinds County Sheriff's Department handles more
211 mental and drug and alcohol commitments cases than any other
212 sheriff's department in the state;

213 (m) The Mississippi Department of Corrections maintains
214 a restitution center within the county;

215 (n) The Mississippi Department of Corrections regularly
216 houses as many as one hundred (100) state convicts within the
217 Hinds County jail system; and

218 (o) The Hinds County Sheriff's Department is regularly
219 asked to provide security services not only at the Fairgrounds and
220 Memorial Stadium, but also for events at the Mississippi Museum of
221 Art and Jackson City Auditorium.

222 (7) In addition to the salary provided for in subsection (1)
223 of this section, the Board of Supervisors of Wilkinson County, in
224 its discretion, may pay an annual supplement to the sheriff of the
225 county in an amount not to exceed Ten Thousand Dollars
226 (\$10,000.00). The Legislature finds and declares that the annual

227 supplement authorized by this subsection is justified in such
228 county because the Mississippi Department of Corrections contracts
229 for the private incarceration of state inmates at a private
230 correctional facility within the county.

231 (8) In addition to the salary provided for in subsection (1)
232 of this section, the Board of Supervisors of Marshall County, in
233 its discretion, may pay an annual supplement to the sheriff of the
234 county in an amount not to exceed Ten Thousand Dollars
235 (\$10,000.00). The Legislature finds and declares that the annual
236 supplement authorized by this subsection is justified in such
237 county because the Mississippi Department of Corrections contracts
238 for the private incarceration of state inmates at a private
239 correctional facility within the county.

240 (9) In addition to the salary provided in subsection (1) of
241 this section, the Board of Supervisors of Greene County, in its
242 discretion, may pay an annual supplement to the sheriff of the
243 county in an amount not to exceed Ten Thousand Dollars
244 (\$10,000.00). The Legislature finds and declares that the annual
245 supplement authorized by this subsection is justified in such
246 county for the following reasons:

247 (a) The Mississippi Department of Corrections operates
248 and maintains the South Mississippi Correctional Facility within
249 the county;

250 (b) In 1996, additional facilities to house another one
251 thousand four hundred sixteen (1,416) male offenders were
252 constructed at the South Mississippi Correctional Facility within
253 the county; and

254 (c) The patrolling of the state properties located
255 within the county has imposed additional duties on the sheriff
256 justifying additional compensation.

257 (10) The salaries herein provided shall be payable monthly
258 on the first day of each calendar month by chancery clerk's
259 warrant drawn on the general fund of the county; however, the

260 board of supervisors, by resolution duly adopted and entered on
261 its minutes, may provide that such salaries shall be paid
262 semimonthly on the first and fifteenth day of each month. If a
263 pay date falls on a weekend or legal holiday, salary payments
264 shall be made on the workday immediately preceding the weekend or
265 legal holiday.

266 **SECTION 4.** The Attorney General of the State of Mississippi
267 shall submit this act, immediately upon approval by the Governor,
268 or upon approval by the Legislature subsequent to a veto, to the
269 Attorney General of the United States or to the United States
270 District Court for the District of Columbia in accordance with the
271 provisions of the Voting Rights Act of 1965, as amended and
272 extended.

273 **SECTION 5.** This act shall take effect and be in force from
274 and after the date it is effectuated under Section 5 of the Voting
275 Rights Act of 1965, as amended and extended.