

By: Representatives West, Green, Huddleston, Middleton, Hines, Bailey To: Corrections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1278

1 AN ACT TO AMEND SECTION 47-5-441, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE DEPARTMENT OF ARCHIVES AND HISTORY TO RECOGNIZE
3 CERTAIN CEMETERIES AS HISTORIC FOR THE PURPOSES OF AUTHORIZING THE
4 SHERIFF OF ANY COUNTY TO USE PRISON LABOR TO CLEAR, CLEAN AND
5 MAINTAIN HISTORIC CEMETERIES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 47-5-441, Mississippi Code of 1972, is
8 amended as follows:

9 47-5-441. (1) Any sheriff, or his designee, may use any
10 person who has been convicted of a nonviolent offense and who is
11 serving all or any part of his sentence in the county jail to
12 clear, clean, stabilize, preserve, maintain and restore historic
13 cemeteries in the county. For the purposes of this section the
14 term "historic cemeteries" means cemeteries that are recognized as
15 historic by the Department of Archives and History.

16 (2) Before undertaking work on an historic cemetery, the
17 sheriff, or his designee, shall contact the Department of Archives
18 and History to obtain information on the appropriate procedures
19 for the preservation and restoration of an historical cemetery.

20 (3) Any sheriff, or his designee, may use any person who has
21 been convicted of a crime and is serving all or part of his
22 sentence in the county jail, who volunteers his time, to prepare
23 or serve food in county or public facilities in conjunction with a
24 nonprofit organization under Section 501 (c)(3) of the Internal
25 Revenue Code.

26 **SECTION 2.** This act shall take effect and be in force from
27 and after July 1, 2004.