

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

HOUSE BILL NO. 1278
(As Passed the House)

1 AN ACT TO AMEND SECTION 47-5-441, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE SHERIFF OF ANY COUNTY TO USE PRISON LABOR TO
3 CLEAR, CLEAN AND MAINTAIN HISTORIC OR NOT-FOR-PROFIT CEMETERIES;
4 TO PROVIDE THAT HISTORIC CEMETERIES ARE THOSE THAT ARE RECOGNIZED
5 AS SUCH BY THE DEPARTMENT OF ARCHIVES AND HISTORY; AND FOR RELATED
6 PURPOSES.

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

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

10 47-5-441. (1) Any sheriff, or his designee, may use any
11 person who has been convicted of a nonviolent offense and who is
12 serving all or any part of his sentence in the county jail to
13 clear, clean, stabilize, preserve, maintain and restore historic
14 or not-for-profit cemeteries in the county, including, but not
15 limited to, church cemeteries. For the purposes of this section
16 the term "historic cemeteries" means cemeteries that are
17 recognized as historic by the Department of Archives and History.

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

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

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