

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2399

1 AN ACT TO AMEND SECTION 45-11-101, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THAT THE PLANS FOR CONSTRUCTION OF PRIVATE CORRECTIONAL  
3 FACILITIES THAT HOUSE STATE INMATES AND CERTAIN OTHER CONSTRUCTION  
4 SHALL BE SUBMITTED TO THE STATE FIRE MARSHAL'S OFFICE TO ENSURE  
5 COMPLIANCE WITH THE MISSISSIPPI FIRE PREVENTION CODE; AND FOR  
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 45-11-101, Mississippi Code of 1972, is  
9 amended as follows:

10 45-11-101. (1) The State Fire Marshal shall promulgate the  
11 Mississippi Fire Prevention Code which shall apply to:

12 (a) All buildings owned by the state or state agencies;

13 (b) All buildings utilized for public assembly, except  
14 in any county or municipality which has adopted a fire prevention  
15 code with standards not less stringent than the Mississippi Fire  
16 Prevention Code; however, the State Fire Marshal or his authorized  
17 representative shall perform investigations or inspections of such  
18 buildings only when advised by interested persons of a danger or  
19 hazardous inflammable condition existing in any building that  
20 would tend to impair the safety of persons or property, or when  
21 the State Fire Marshal or his authorized representative believes  
22 the investigation or inspection is in the interest of public  
23 safety. The investigation or inspection shall be made in  
24 accordance with Section 45-11-3;

25 (c) All buildings, the permits for the construction of  
26 which are issued subsequent to the effective date of Sections  
27 45-11-101 through 45-11-111 and which are not less than  
28 seventy-five (75) feet in height; provided, however, that in any  
29 county or municipality which has adopted a fire prevention code

30 with standards not less stringent than the Mississippi Fire  
31 Prevention Code, the provisions and enforcement mechanism thereof  
32 shall apply and not the Mississippi Fire Prevention Code;

33 (d) All buildings, the permits for construction of  
34 which are issued subsequent to July 1, 2004, constructed as  
35 private correctional facilities that house state inmates. Before  
36 such construction, construction plans for review and approval must  
37 be submitted to the State Fire Marshal's Office to ensure  
38 compliance with the Mississippi Fire Prevention Code; however, in  
39 any county or municipality that has adopted a fire prevention code  
40 with standards not less stringent than the Mississippi Fire  
41 Prevention Code, the provisions and enforcement mechanism thereof  
42 shall apply instead of the Mississippi Fire Prevention Code. All  
43 private correctional facilities may be inspected as required by  
44 the State Fire Marshal or his duly authorized representative.  
45 Inspection fees and expenses authorized by Section 45-11-105(2)  
46 shall be assessed for each inspection conducted by the State Fire  
47 Marshal's Office and shall be paid to the State Fire Marshal's  
48 Office;

49 (e) Any buildings, the permits for construction of  
50 which are issued subsequent to July 1, 2004, upon the request of  
51 any interested person. The interested person may submit the  
52 construction plans to the State Fire Marshal's Office for review  
53 and approval before construction to ensure compliance with the  
54 Mississippi Fire Prevention Code; however, in any county or  
55 municipality that has adopted a fire prevention code with  
56 standards not less stringent than the Mississippi Fire Prevention  
57 Code, the provisions and enforcement mechanism thereof shall apply  
58 instead of the Mississippi Fire Prevention Code. Inspection fees  
59 and expenses authorized by Section 45-11-105(2) shall be assessed  
60 for each inspection conducted by the State Fire Marshal's Office  
61 and shall be paid to the State Fire Marshal's Office.

62           (2) The State Fire Marshal shall annually examine the fire  
63 prevention codes adopted by counties and municipalities within the  
64 State of Mississippi and prepare a list thereof specifying which  
65 codes have provisions not less stringent than those of the  
66 Mississippi Fire Prevention Code.

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