

By: Representative Franks

To: Judiciary B; Corrections

HOUSE BILL NO. 1287

1 AN ACT TO AMEND SECTION 47-1-57, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY SHALL NOT BE
3 RESPONSIBLE FOR THE PAYMENT OF CERTAIN DENTAL SERVICES FOR INMATES
4 WHEN SUCH INMATES HAVE BEEN CONVICTED OF METHAMPHETAMINE RELATED
5 CRIMES; TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972, TO
6 PROHIBIT THE REIMBURSEMENT OF FUNDS TO COUNTIES FROM THE
7 DEPARTMENT OF CORRECTIONS FOR THE PAYMENT OF CERTAIN DENTAL
8 SERVICES FOR STATE OFFENDERS WHO HAVE BEEN CONVICTED OF
9 METHAMPHETAMINE RELATED DRUG CRIMES; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-1-57, Mississippi Code of 1972, is
12 amended as follows:

13 47-1-57. (1) When any person confined in jail shall be in
14 need of medical or surgical aid, the sheriff shall immediately
15 examine the condition of such prisoner and, if he is of the
16 opinion that the prisoner needs such aid, he shall call in a nurse
17 or physician to attend him. If the prisoner be unable to pay the
18 cost, the account of the nurse or physician, when allowed and
19 certified as required in respect to accounts of sheriffs for
20 keeping prisoners, shall be paid, in like manner, out of the
21 treasury of the county in which a prisoner is charged with the
22 crime for which he is imprisoned. The board of supervisors may
23 contract with a physician for the jail by the year.

24 (2) The board of supervisors of any county may authorize the
25 sheriff to establish a program under which prisoners expressing
26 the need for nonemergency medical attention will have access to a
27 registered nurse who will evaluate their condition and determine
28 the necessity for treatment by a physician. Charges for such a
29 visit with a registered nurse shall be paid by the prisoner by
30 deductions made by the sheriff out of any funds of the prisoner

31 held by the sheriff or in any other manner satisfactory to the
32 sheriff; however, such prisoner shall not be required to pay out
33 of funds of the prisoner held by the sheriff, more than ten
34 dollars (\$10.00) per visit. If the prisoner is unable to pay the
35 cost, the cost shall be paid out of the county treasury in the
36 same manner as provided for payment of other medical costs in
37 subsection (1) of this section. However, no dentures shall be
38 paid for prisoners who have been convicted of any crime relating
39 to the control substance of methamphetamine, as described in
40 Section 41-29-115. Dentures means, in this subsection, any
41 artificial or prosthetic replacement for missing teeth and
42 adjacent tissue.

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

45 47-5-901. (1) Any person committed, sentenced or otherwise
46 placed under the custody of the Department of Corrections, on
47 order of the sentencing court and subject to the other conditions
48 of this subsection, may serve all or any part of his sentence in
49 the county jail of the county wherein such person was convicted if
50 the Commissioner of Corrections determines that physical space is
51 not available for confinement of such person in the state
52 correctional institutions. Such determination shall be promptly
53 made by the Department of Corrections upon receipt of notice of
54 the conviction of such person. The commissioner shall certify in
55 writing that space is not available to the sheriff or other
56 officer having custody of the person. Any person serving his
57 sentence in a county jail shall be classified in accordance with
58 Section 47-5-905.

59 (2) If state prisoners are housed in county jails due to a
60 lack of capacity at state correctional institutions, the
61 Department of Corrections shall determine the cost for food and
62 medical attention for such prisoners. The cost of feeding and
63 housing offenders confined in such county jails shall be based on

64 actual costs or contract price per prisoner. In order to maximize
65 the potential use of county jail space, the Department of
66 Corrections is encouraged to negotiate a reasonable per day cost
67 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)
68 per day per offender.

69 (3) Upon vouchers submitted by the board of supervisors of
70 any county housing persons due to lack of space at state
71 institutions, the Department of Corrections shall pay to such
72 county, out of any available funds, the actual cost of food, or
73 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)
74 per day per offender, as determined under subsection (2) of this
75 section for each day an offender is so confined beginning the day
76 that the Department of Corrections receives a certified copy of
77 the sentencing order and will terminate on the date on which the
78 offender is released or otherwise removed from the custody of the
79 county jail. The department shall pay the cost for medical
80 attention for prisoners at an amount no greater than the
81 reimbursement rate based on the Mississippi Medicaid reimbursement
82 rate. This limitation applies to all medical care services,
83 durable and nondurable goods, prescription drugs and medications.
84 Such payment shall be placed in the county general fund and shall
85 be expended only for food and medical attention for such persons.
86 The Department of Corrections shall not pay a county for offenders
87 housed in county jails pending a probation or parole revocation
88 hearing.

89 (4) The Department of Corrections shall not reimburse any
90 county for any dentures obtained by state offenders, when such
91 offenders have been convicted of any crime relating to the
92 controlled substance of methamphetamine, as described in Section
93 41-29-115. Dentures means, in this subsection, any artificial or
94 prosthetic replacement for missing teeth and adjacent tissue.

95 (5) A person, on order of the sentencing court, may serve
96 not more than twenty-four (24) months of his sentence in a county

97 jail if the person is classified in accordance with Section
98 47-5-905 and the county jail is an approved county jail for
99 housing state inmates under federal court order. The sheriff of
100 the county shall have the right to petition the Commissioner of
101 Corrections to remove the inmate from the county jail. The county
102 shall be reimbursed in accordance with subsection (2).

103 (6) The Attorney General of the State of Mississippi shall
104 defend the employees of the Department of Corrections and
105 officials and employees of political subdivisions against any
106 action brought by any person who was committed to a county jail
107 under the provisions of this section.

108 (7) This section does not create in the Department of
109 Corrections, or its employees or agents, any new liability,
110 express or implied, nor shall it create in the Department of
111 Corrections any administrative authority or responsibility for the
112 construction, funding, administration or operation of county or
113 other local jails or other places of confinement which are not
114 staffed and operated on a full-time basis by the Department of
115 Corrections. The correctional system under the jurisdiction of
116 the Department of Corrections shall include only those facilities
117 fully staffed by the Department of Corrections and operated by it
118 on a full-time basis.

119 (8) An offender returned to a county for post-conviction
120 proceedings shall be subject to the provisions of Section 99-19-42
121 and the county shall not receive the per day allotment for such
122 offender after the time prescribed for returning the offender to
123 the Department of Corrections as provided in Section 99-19-42.

124 **SECTION 3.** This act shall take effect and be in force from
125 and after July 1, 2005.