

By: Representative Cummings

To: Corrections

HOUSE BILL NO. 1415

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO REIMBURSE COUNTIES THE  
3 ACTUAL AMOUNT FOR MEDICAL EXPENSES WHEN PROVIDING MEDICAL  
4 ATTENTION TO STATE OFFENDERS WHO ARE HOUSED IN COUNTY JAILS; AND  
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 47-5-901, Mississippi Code of 1972, is  
8 amended as follows:

9 47-5-901. (1) Any person committed, sentenced or otherwise  
10 placed under the custody of the Department of Corrections, on  
11 order of the sentencing court and subject to the other conditions  
12 of this subsection, may serve all or any part of his sentence in  
13 the county jail of the county wherein such person was convicted if  
14 the Commissioner of Corrections determines that physical space is  
15 not available for confinement of such person in the state  
16 correctional institutions. Such determination shall be promptly  
17 made by the Department of Corrections upon receipt of notice of  
18 the conviction of such person. The commissioner shall certify in  
19 writing that space is not available to the sheriff or other  
20 officer having custody of the person. Any person serving his  
21 sentence in a county jail shall be classified in accordance with  
22 Section 47-5-905.

23 (2) If state prisoners are housed in county jails due to a  
24 lack of capacity at state correctional institutions, the  
25 Department of Corrections shall determine the cost for food and  
26 medical attention for such prisoners. The cost of feeding and  
27 housing offenders confined in such county jails shall be based on  
28 actual costs or contract price per prisoner. In order to maximize

29 the potential use of county jail space, the Department of  
30 Corrections is encouraged to negotiate a reasonable per day cost  
31 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)  
32 per day per offender.

33 (3) Upon vouchers submitted by the board of supervisors of  
34 any county housing persons due to lack of space at state  
35 institutions, the Department of Corrections shall pay to such  
36 county, out of any available funds, the actual cost of food, or  
37 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)  
38 per day per offender, as determined under subsection (2) of this  
39 section for each day an offender is so confined beginning the day  
40 that the Department of Corrections receives a certified copy of  
41 the sentencing order and will terminate on the date on which the  
42 offender is released or otherwise removed from the custody of the  
43 county jail. The department shall pay the cost for medical  
44 attention for prisoners at an amount that reflects the actual  
45 costs of the medical expenses provided to such prisoners. Such  
46 payment shall be placed in the county general fund and shall be  
47 expended only for food and medical attention for such persons.  
48 The Department of Corrections shall not pay a county for offenders  
49 housed in county jails pending a probation or parole revocation  
50 hearing.

51 (4) A person, on order of the sentencing court, may serve  
52 not more than twenty-four (24) months of his sentence in a county  
53 jail if the person is classified in accordance with Section  
54 47-5-905 and the county jail is an approved county jail for  
55 housing state inmates under federal court order. The sheriff of  
56 the county shall have the right to petition the Commissioner of  
57 Corrections to remove the inmate from the county jail. The county  
58 shall be reimbursed in accordance with subsection (2).

59 (5) The Attorney General of the State of Mississippi shall  
60 defend the employees of the Department of Corrections and  
61 officials and employees of political subdivisions against any

62 action brought by any person who was committed to a county jail  
63 under the provisions of this section.

64 (6) This section does not create in the Department of  
65 Corrections, or its employees or agents, any new liability,  
66 express or implied, nor shall it create in the Department of  
67 Corrections any administrative authority or responsibility for the  
68 construction, funding, administration or operation of county or  
69 other local jails or other places of confinement which are not  
70 staffed and operated on a full-time basis by the Department of  
71 Corrections. The correctional system under the jurisdiction of  
72 the Department of Corrections shall include only those facilities  
73 fully staffed by the Department of Corrections and operated by it  
74 on a full-time basis.

75 (7) An offender returned to a county for post-conviction  
76 proceedings shall be subject to the provisions of Section 99-19-42  
77 and the county shall not receive the per day allotment for such  
78 offender after the time prescribed for returning the offender to  
79 the Department of Corrections as provided in Section 99-19-42.

80 **SECTION 2.** This act shall take effect and be in force from  
81 and after July 1, 2005.