

By: Senator(s) Huggins

To: Corrections;  
Appropriations

SENATE BILL NO. 2915

1 AN ACT TO BRING FORWARD SECTION 47-5-901, MISSISSIPPI CODE OF  
2 1972, FOR THE PURPOSE OF AMENDING TO CLARIFY THE MEDICAL  
3 REIMBURSEMENT RATE FOR STATE OFFENDERS IN COUNTY JAILS; AND FOR  
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-5-901, Mississippi Code of 1972, is  
7 brought forward as follows:

8 47-5-901. (1) Any person committed, sentenced or otherwise  
9 placed under the custody of the Department of Corrections, on  
10 order of the sentencing court and subject to the other conditions  
11 of this subsection, may serve all or any part of his sentence in  
12 the county jail of the county wherein such person was convicted if  
13 the Commissioner of Corrections determines that physical space is  
14 not available for confinement of such person in the state  
15 correctional institutions. Such determination shall be promptly  
16 made by the Department of Corrections upon receipt of notice of  
17 the conviction of such person. The commissioner shall certify in  
18 writing that space is not available to the sheriff or other  
19 officer having custody of the person. Any person serving his  
20 sentence in a county jail shall be classified in accordance with  
21 Section 47-5-905.

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

29 Corrections is encouraged to negotiate a reasonable per day cost  
30 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)  
31 per day per offender.

32 (3) Upon vouchers submitted by the board of supervisors of  
33 any county housing persons due to lack of space at state  
34 institutions, the Department of Corrections shall pay to such  
35 county, out of any available funds, the actual cost of food, or  
36 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)  
37 per day per offender, as determined under subsection (2) of this  
38 section for each day an offender is so confined beginning the day  
39 that the Department of Corrections receives a certified copy of  
40 the sentencing order and will terminate on the date on which the  
41 offender is released or otherwise removed from the custody of the  
42 county jail. The department shall pay the cost for medical  
43 attention for prisoners at an amount no greater than the  
44 reimbursement rate based on the Mississippi Medicaid reimbursement  
45 rate. This limitation applies to all medical care services,  
46 durable and nondurable goods, prescription drugs and medications.  
47 Such payment shall be placed in the county general fund and shall  
48 be expended only for food and medical attention for such persons.  
49 The Department of Corrections shall not pay a county for offenders  
50 housed in county jails pending a probation or parole revocation  
51 hearing.

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

60 (5) The Attorney General of the State of Mississippi shall  
61 defend the employees of the Department of Corrections and

62 officials and employees of political subdivisions against any  
63 action brought by any person who was committed to a county jail  
64 under the provisions of this section.

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

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

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