

By: Senator(s) Huggins, Burton

To: Corrections;
Appropriations

SENATE BILL NO. 2858
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PAY A COUNTY FOR STATE
3 INMATES HELD IN COUNTY JAILS FOR A PAROLE OR PROBATION REVOCATION
4 HEARING; AND FOR 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 amended 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) (a) Upon vouchers submitted by the board of supervisors
33 of 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
49 persons. * * *

50 (b) Upon vouchers submitted by the board of supervisors
51 of any county housing offenders in county jails pending a
52 probation or parole revocation hearing, the department shall pay,
53 out of any available funds, the reimbursement costs provided in
54 paragraph (a).

55 (c) If the probation or parole of an offender is
56 revoked, the additional cost of housing the offender pending the
57 revocation hearing shall be assessed as part of the offender's
58 court cost and shall be remitted to the department.

59 (4) A person, on order of the sentencing court, may serve
60 not more than twenty-four (24) months of his sentence in a county
61 jail if the person is classified in accordance with Section

62 47-5-905 and the county jail is an approved county jail for
63 housing state inmates under federal court order. The sheriff of
64 the county shall have the right to petition the Commissioner of
65 Corrections to remove the inmate from the county jail. The county
66 shall be reimbursed in accordance with subsection (2).

67 (5) The Attorney General of the State of Mississippi shall
68 defend the employees of the Department of Corrections and
69 officials and employees of political subdivisions against any
70 action brought by any person who was committed to a county jail
71 under the provisions of this section.

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

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

88 **SECTION 2.** This act shall take effect and be in force from
89 and after July 1, 2006.