

By: Representative Ward

To: County Affairs;
Corrections

HOUSE BILL NO. 21

1 AN ACT TO AMEND SECTION 47-5-903, MISSISSIPPI CODE OF 1972,
2 TO ALLOW ANY STATE OFFENDER TO SERVE HIS SENTENCE IN ANY COUNTY
3 JAIL WHEN CERTAIN CONDITIONS ARE MET; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 47-5-903, Mississippi Code of 1972, is
6 amended as follows:

7 47-5-903. (1) A person committed, sentenced or otherwise
8 placed under the custody of the Department of Corrections, on
9 order of the sentencing court, may serve his sentence in a county
10 jail * * * if all of the following conditions are complied with:

11 (a) The person must be classified in accordance with
12 Section 47-5-905;

13 (b) The person must not be classified as in need of
14 close supervision;

15 (c) The sheriff of the county where the person will
16 serve his sentence must request in writing that the person be
17 allowed to serve his sentence in that county jail;

18 (d) After the person is classified and returned to the
19 county, the county shall assume the full and complete
20 responsibility for the care and expenses of housing such person;
21 and

22 (e) The county jail must be an approved county jail for
23 housing state inmates under federal court order.

24 (2) This section does not apply to inmates housed in county
25 jails due to lack of space at state correctional facilities. The
26 department shall not reimburse the county for the expense of
27 housing an inmate under this section.



28 (3) The Attorney General of the State of Mississippi shall
29 defend the employees of the Department of Corrections and
30 officials and employees of political subdivisions against any
31 action brought by any person who was committed to a county jail
32 under the provisions of this section.

33 (4) The state, the Department of Corrections, and its
34 employees or agents, shall not be liable to any person or entity
35 for an inmate held in a county jail under this section.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2007.

