

By: Senator(s) Doxey

To: Corrections;
Appropriations

SENATE BILL NO. 2791

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE REIMBURSEMENT RATE FOR HOUSING STATE INMATES IN
3 COUNTY JAILS; TO AMEND SECTION 47-5-911, MISSISSIPPI CODE OF 1972,
4 TO EXTEND THE REPEALER ON HOUSING STATE INMATES IN COUNTY JAILS;
5 AND 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 * * *

24 (2) Upon vouchers submitted by the board of supervisors of
25 any county housing persons due to lack of space at state
26 institutions, the Department of Corrections shall pay to such
27 county, out of any available funds, the amount of Twenty-five
28 Dollars (\$25.00) per day per offender * * * for each day an

29 offender is so confined beginning the day that the Department of
30 Corrections receives a certified copy of the sentencing order and
31 will terminate on the date on which the offender is released or
32 otherwise removed from the custody of the county jail. The
33 department shall pay the cost for medical attention for prisoners
34 at an amount no greater than the reimbursement rate based on the
35 Mississippi Medicaid reimbursement rate. This limitation applies
36 to all medical care services, durable and nondurable goods,
37 prescription drugs and medications. Such payment shall be placed
38 in the county general fund and shall be expended only for food and
39 medical attention for such persons. The Department of Corrections
40 shall not pay a county for offenders housed in county jails
41 pending a probation or parole revocation hearing.

42 (3) A person, on order of the sentencing court, may serve
43 not more than twenty-four (24) months of his sentence in a county
44 jail if the person is classified in accordance with Section
45 47-5-905 and the county jail is an approved county jail for
46 housing state inmates under federal court order. The sheriff of
47 the county shall have the right to petition the Commissioner of
48 Corrections to remove the inmate from the county jail. The county
49 shall be reimbursed in accordance with subsection (2).

50 (4) The Attorney General of the State of Mississippi shall
51 defend the employees of the Department of Corrections and
52 officials and employees of political subdivisions against any
53 action brought by any person who was committed to a county jail
54 under the provisions of this section.

55 (5) This section does not create in the Department of
56 Corrections, or its employees or agents, any new liability,
57 express or implied, nor shall it create in the Department of
58 Corrections any administrative authority or responsibility for the
59 construction, funding, administration or operation of county or
60 other local jails or other places of confinement which are not
61 staffed and operated on a full-time basis by the Department of

62 Corrections. The correctional system under the jurisdiction of
63 the Department of Corrections shall include only those facilities
64 fully staffed by the Department of Corrections and operated by it
65 on a full-time basis.

66 (6) An offender returned to a county for post-conviction
67 proceedings shall be subject to the provisions of Section 99-19-42
68 and the county shall not receive the per day allotment for such
69 offender after the time prescribed for returning the offender to
70 the Department of Corrections as provided in Section 99-19-42.

71 **SECTION 2.** Section 47-5-911, Mississippi Code of 1972, is
72 amended as follows:

73 47-5-911. Sections 47-5-901 through 47-5-911 shall stand
74 repealed on July 1, 2008.

75 **SECTION 3.** This act shall take effect and be in force from
76 and after June 30, 2007.