

By: Senator(s) Horhn

To: Corrections;
Appropriations

SENATE BILL NO. 2871

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE REIMBURSEMENT RATE HOUSING STATE INMATES IN
3 COUNTY JAILS SHALL BE THE SAME AS THE REIMBURSEMENT RATE FOR
4 HOUSING STATE INMATES IN REGIONAL CORRECTIONAL FACILITIES; AND FOR
5 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 * * * reimbursement rate
28 per day per offender for regional correctional facilities under

29 Section 47-5-933, * * * for each day an offender is so confined
30 beginning the day that the Department of Corrections receives a
31 certified copy of the sentencing order and will terminate on the
32 date on which the offender is released or otherwise removed from
33 the custody of the county jail. The department shall pay the cost
34 for medical attention for prisoners at an amount no greater than
35 the reimbursement rate based on the Mississippi Medicaid
36 reimbursement rate. This limitation applies to all medical care
37 services, durable and nondurable goods, prescription drugs and
38 medications. Such payment shall be placed in the county general
39 fund and shall be expended only for food and medical attention for
40 such persons. The Department of Corrections shall not pay a
41 county for offenders housed in county jails pending a probation or
42 parole revocation hearing.

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

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

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

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

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

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