

By: Senator(s) Horhn

To: Appropriations

SENATE BILL NO. 3045

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS SHALL  
3 REIMBURSE COUNTIES FOR THE COST OF HEALTH CARE SERVICES FOR STATE  
4 PRISONERS AT THE ACTUAL AMOUNT BILLED FOR SUCH HEALTH CARE  
5 SERVICES; 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 (2) If state prisoners are housed in county jails due to a  
24 lack of capacity at state correctional institutions, the  
25 Department of Corrections shall determine the cost for food and  
26 medical attention for such prisoners. The cost of feeding and  
27 housing offenders confined in such county jails shall be based on  
28 actual costs or contract price per prisoner. In order to maximize

29 the potential use of county jail space, the Department of  
30 Corrections is encouraged to negotiate a reasonable per day cost  
31 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)  
32 per day per offender.

33 (3) Upon vouchers submitted by the board of supervisors of  
34 any county housing persons due to lack of space at state  
35 institutions, the Department of Corrections shall pay to such  
36 county, out of any available funds, the actual cost of food, or  
37 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)  
38 per day per offender, as determined under subsection (2) of this  
39 section for each day an offender is so confined beginning the day  
40 that the Department of Corrections receives a certified copy of  
41 the sentencing order and will terminate on the date on which the  
42 offender is released or otherwise removed from the custody of the  
43 county jail. The department shall pay the cost for health care  
44 services for prisoners at the actual amount billed for such health  
45 care services. This limitation applies to all medical care  
46 services, durable and nondurable goods, prescription drugs and  
47 medications. Such payment shall be placed in the county general  
48 fund and shall be expended only for food and medical attention for  
49 such persons. The Department of Corrections shall not pay a  
50 county for offenders housed in county jails pending a probation or  
51 parole revocation 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, 2007.