

By: Representative Parker

To: Corrections

## HOUSE BILL NO. 394

1 AN ACT TO PROHIBIT THE USE OF TOBACCO PRODUCTS BY COUNTY  
2 PRISONERS WHILE SUCH PRISONERS ARE INCARCERATED; TO AMEND SECTION  
3 47-1-29, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE USE OF TOBACCO  
4 PRODUCTS BY MUNICIPAL PRISONERS WHILE SUCH PRISONERS ARE  
5 INCARCERATED; TO AMEND SECTION 47-5-10, MISSISSIPPI CODE OF 1972,  
6 TO PROVIDE THAT THE DEPARTMENT OF CORRECTIONS SHALL PROHIBIT THE  
7 USE OF TOBACCO PRODUCTS BY ANY PERSON WHO IS IN THE CUSTODY OF THE  
8 DEPARTMENT OF CORRECTIONS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Any person who is a county prisoner is prohibited  
11 from using any tobacco products either inside or on any grounds of  
12 a correctional facility while such offender is incarcerated. In  
13 this section, "tobacco products" means cigars, cigarettes, snuff,  
14 loose tobacco or similar goods made with any part of the tobacco  
15 plant that are prepared or used for smoking, chewing, dipping or  
16 other personal use.

17 **SECTION 2.** Section 47-1-39, Mississippi Code of 1972, is  
18 amended as follows:

19 47-1-39. (1) The governing authorities of municipalities  
20 shall have the power to construct and maintain a municipal prison,  
21 and to regulate the keeping of the same and the prisoners therein,  
22 and to contract with the board of supervisors, which is empowered  
23 in the premises, for the use of the county jail by the  
24 municipality; and to provide for the working of the streets by  
25 municipal prisoners, and to contract with the county for such work  
26 by county prisoners or the working of county roads by municipal  
27 prisoners, or for working same on the county farms. Municipal  
28 prisoners shall be worked on county roads or county farms only in  
29 the county in which the municipality is situated. Males and



30 females shall be confined in separate cells or compartments. In  
31 addition, all municipal offenders are prohibited from using any  
32 tobacco products either inside or on any grounds of a correctional  
33 facility while such offenders are incarcerated. In this  
34 subsection, "tobacco products" means cigars, cigarettes, snuff,  
35 loose tobacco or similar goods made with any part of the tobacco  
36 plant that are prepared or used for smoking, chewing, dipping or  
37 other personal use.

38 (2) The municipality shall pay the tuition, living and  
39 travel expenses incurred by a person attending and participating  
40 in the basic and continuing education courses for jail officers.

41 **SECTION 3.** Section 47-5-10, Mississippi Code of 1972, is  
42 amended as follows:

43 47-5-10. The department shall have the following powers and  
44 duties:

45 (a) To accept adult offenders committed to it by the  
46 courts of this state for incarceration, care, custody, treatment  
47 and rehabilitation;

48 (b) To provide for the care, custody, study, training,  
49 supervision and treatment of adult offenders committed to the  
50 department;

51 (c) To maintain, administer and exercise executive and  
52 administrative supervision over all state correctional  
53 institutions and facilities used for the custody, training, care,  
54 treatment and after-care supervision of adult offenders committed  
55 to the department; provided, however, that such supervision shall  
56 not extend to any institution or facility for which executive and  
57 administrative supervision has been provided by law through  
58 another agency;

59 (d) To plan, develop and coordinate a statewide,  
60 comprehensive correctional program designed to train and  
61 rehabilitate offenders in order to prevent, control and retard  
62 recidivism;



63 (e) To maintain records of persons committed to it, and  
64 to establish programs of research, statistics and planning;

65 (f) To investigate the grievances of any person  
66 committed to the department, and to inquire into any alleged  
67 misconduct by employees; and for this purpose it may issue  
68 subpoenas and compel the attendance of witnesses and the  
69 production of writings and papers, and may examine under oath any  
70 witnesses who may appear before it;

71 (g) To administer programs of training and development  
72 of personnel of the department;

73 (h) To develop and implement diversified programs and  
74 facilities to promote, enhance, provide and assure the  
75 opportunities for the successful custody, training and treatment  
76 of adult offenders properly committed to the department or  
77 confined in any facility under its control. Such programs and  
78 facilities may include but not be limited to institutions, group  
79 homes, halfway houses, diagnostic centers, work and educational  
80 release centers, restitution centers, counseling and supervision  
81 of probation, parole, suspension and compact cases, presentence  
82 investigating and other state and local community-based programs  
83 and facilities;

84 (i) To receive, hold and use, as a corporate body, any  
85 real, personal and mixed property donated to the department, and  
86 any other corporate authority as shall be necessary for the  
87 operation of any facility at present or hereafter;

88 (j) To provide those personnel, facilities, programs  
89 and services the department shall find necessary in the operation  
90 of a modern correctional system for the custody, care, study and  
91 treatment of adult offenders placed under its jurisdiction by the  
92 courts and other agencies in accordance with law;

93 (k) To develop the capacity and administrative network  
94 necessary to deliver advisory consultation and technical  
95 assistance to units of local government for the purpose of



96 assisting them in developing model local correctional programs for  
97 adult offenders;

98 (l) To cooperate with other departments and agencies  
99 and with local communities for the development of standards and  
100 programs for better correctional services in this state;

101 (m) To administer all monies and properties of the  
102 department;

103 (n) To report annually to the Legislature and the  
104 Governor on the committed persons, institutions and programs of  
105 the department;

106 (o) To cooperate with the courts and with public and  
107 private agencies and officials to assist in attaining the purposes  
108 of this chapter and Chapter 7 of this title. The department may  
109 enter into agreements and contracts with other departments of  
110 federal, state or local government and with private agencies  
111 concerning the discharge of its responsibilities or theirs. The  
112 department shall have the authority to accept and expend or use  
113 gifts, grants and subsidies from public and private sources;

114 (p) To make all rules and regulations and exercise all  
115 powers and duties vested by law in the department;

116 (q) The department may require a search of all persons  
117 entering the grounds and facilities at the correctional system;

118 (r) To prohibit the use of any tobacco products either  
119 inside or on any grounds of a correctional facility by any person  
120 who is in the custody of the department. In this paragraph,  
121 "tobacco products" means cigars, cigarettes, snuff, loose tobacco  
122 or similar goods made with any part of the tobacco plant that are  
123 prepared or used for smoking, chewing, dipping or other personal  
124 use;

125 (s) To discharge any other power or duty imposed or  
126 established by law.

127 **SECTION 4.** This act shall take effect and be in force from  
128 and after July 1, 2009.

