

By: Representative Parker

To: Corrections

HOUSE BILL NO. 673

1 AN ACT TO PROHIBIT THE USE OF TOBACCO PRODUCTS BY COUNTY
2 PRISONERS WHILE SUCH PRISONERS ARE INCARCERATED; TO AMEND SECTION
3 47-1-39, 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 the prisoner 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 the 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, 2010.

