

By: Representative Scott

To: Corrections

## HOUSE BILL NO. 463

1 AN ACT TO AMEND SECTION 47-5-193, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT FOOD, TOILETRY ITEMS OR UNDERGARMENTS THAT ARE  
3 BROUGHT UPON THE PREMISES OF A CORRECTIONAL FACILITY OR MAILED TO  
4 AN OFFENDER IN A CORRECTIONAL FACILITY SHALL NOT BE CONSIDERED  
5 CONTRABAND BY THE DEPARTMENT OF CORRECTIONS IF SUCH FOOD, TOILETRY  
6 ITEMS OR UNDERGARMENTS HAVE BEEN SUBJECTED TO A SEARCH; AND FOR  
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-5-193, Mississippi Code of 1972, is  
10 amended as follows:

11 47-5-193. (1) It is unlawful for any officer or employee of  
12 the department, of any county sheriff's department, of any private  
13 correctional facility in this state in which offenders are  
14 confined, of any municipal or other correctional facility in this  
15 state, or for any other person or offender to possess, furnish,  
16 attempt to furnish, or assist in furnishing to any offender  
17 confined in this state any weapon, deadly weapon, unauthorized  
18 electronic device, contraband item, or cell phone or any of its  
19 components or accessories to include, but not limited to,  
20 Subscriber Information Module (SIM) cards or chargers. It is



21 unlawful for any person or offender to take, attempt to take, or  
22 assist in taking any weapon, deadly weapon, unauthorized  
23 electronic device, contraband item, cell phone or any of its  
24 components or accessories to include, but not limited to,  
25 Subscriber Information Module (SIM) cards or chargers on property  
26 within the state belonging to the department, a county, a  
27 municipality, or other entity that is occupied or used by  
28 offenders, except as authorized by law.

29 (2) Any food, toiletry items or undergarments that are  
30 brought upon the premises of a correctional facility or mailed to  
31 incarcerated offenders shall not be considered contraband or  
32 unlawful by the Department of Corrections if such food, toiletry  
33 items or undergarments have been subjected to a search by an  
34 officer or employee of the department. Once a search has been  
35 conducted, the food, toiletry items and undergarments shall be  
36 distributed to the appropriate offender.

37 **SECTION 2.** This act shall take effect and be in force from  
38 and after July 1, 2018.

