

By: Representative Banks

To: Corrections

HOUSE BILL NO. 645

1 AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PROVIDE
2 CONJUGAL VISITATION FOR ANY ELIGIBLE MARRIED OFFENDER WHO IS
3 COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND TO
4 PROVIDE CERTAIN DEFINITIONS; TO AMEND SECTION 47-5-95, MISSISSIPPI
5 CODE OF 1972, IN CONFORMITY TO THE PRECEDING SECTION; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** The Department of Corrections shall provide
9 conjugal visitation for any married offender who is eligible based
10 upon the rules of the department and who is committed to the
11 custody of the Department of Corrections. As used in this
12 section, "married offender" means any offender who has a valid
13 marriage as prescribed under Section 93-1-15.

14 **SECTION 2.** Section 47-5-95, Mississippi Code of 1972, is
15 amended as follows:

16 47-5-95. (1) The members of the executive department,
17 except the Governor and Lieutenant Governor, and judicial
18 departments of the state and members of the Legislature, shall
19 with advance notice to the commissioner be admitted into the
20 correctional system or any facility thereof, and other places



21 where offenders are kept and worked, at all proper hours, for the
22 purpose of observing the conduct thereof, and may hold
23 conversations with the offenders apart from all correctional
24 system officials.

25 (2) In addition to those individuals prescribed under
26 subsection (1) of this section, other persons may visit a
27 correctional system facility under such rules and regulations as
28 may be established by the commissioner who shall be liable to the
29 state on his bond for negligence in security and in an amount to
30 be determined by the courts.

31 (3) Conjugal visitation shall be allowed for any person who
32 is married to an offender and visits such offender at a
33 correctional facility if the offender is committed to the custody
34 of the Department of Corrections and is eligible for such
35 visitation as provided under Section 1 of this act. As used in
36 this subsection, "any person who is married" means any person who
37 has a valid marriage as prescribed under Section 93-1-15.

38 **SECTION 3.** This act shall take effect and be in force from
39 and after July 1, 2018.

