

By: Representative Kinkade

To: Corrections

HOUSE BILL NO. 1126

1 AN ACT TO AMEND SECTION 47-5-198, MISSISSIPPI CODE OF 1972,  
 2 TO REMOVE THE PROHIBITION AGAINST ANY PERSON, EXCEPT FOR  
 3 CORRECTIONAL STAFF, WHO IS CONVICTED OF THE SALE, POSSESSION OR  
 4 USE OF A CONTROLLED SUBSTANCE WITHIN A CORRECTIONAL FACILITY FROM  
 5 EARNING TIME ALLOWANCE OR ANY OTHER REDUCTION OF SENTENCE; TO  
 6 PROVIDE THAT ANY CORRECTIONAL STAFF WHO IS CONVICTED OF THE SALE,  
 7 POSSESSION OR USE OF A CONTROLLED SUBSTANCE WITHIN A CORRECTIONAL  
 8 FACILITY SHALL NOT BE ELIGIBLE FOR ANY TYPE REDUCTION OF SENTENCE  
 9 OR EARLY RELEASE; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-5-198, Mississippi Code of 1972, is  
 12 amended as follows:

13 47-5-198. (1) It is unlawful for any person to sell within,  
 14 bring to, or be in possession of, in any correctional facility or  
 15 convict camp within the state or any county, municipal or other  
 16 jail within the state, except as authorized by law, any controlled  
 17 substance or narcotic drug.

18 (2) It is unlawful for any person who is the keeper or  
 19 officer in charge of the facility, camp or jail, or who is  
 20 employed in or about the facility, camp or jail to knowingly



21 permit any controlled substance or narcotic drug to be sold,  
22 possessed or used therein contrary to law.

23 (3) Any person who violates the provisions of this section  
24 and is convicted shall be fined up to Twenty-five Thousand Dollars  
25 (\$25,000.00) and be punished by imprisonment for not less than  
26 three (3) years nor more than seven (7) years; and the person is  
27 not eligible for probation, parole \* \* \* or suspension of  
28 sentence \* \* \*.

29 (4) Any correctional staff who violates the provisions of  
30 this section and is convicted shall be fined up to Twenty-five  
31 Thousand Dollars (\$25,000.00) and be punished by imprisonment for  
32 not less than three (3) years nor more than seven (7) years, and  
33 such person is not eligible for probation, parole, suspension of  
34 sentence, earned time allowance or any other reduction of  
35 sentence.

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

