

By: Representative Kinkade

To: Corrections

HOUSE BILL NO. 1126
(As Passed the House)

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, * * * unauthorized electronic device, contraband item,
18 or cell phone or any of its components or accessories to include,
19 but not be limited to, Subscriber Information Module (SIM) cards
20 or chargers or narcotic drug.



21 (2) It is unlawful for any person who is the keeper or
22 officer in charge of the facility, camp or jail, or who is
23 employed in or about the facility, camp or jail to knowingly
24 permit any controlled substance or narcotic drug to be sold,
25 possessed or used therein contrary to law.

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

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

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

