

By: Representative Kinkade

To: Corrections

HOUSE BILL NO. 1341

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 SHALL NOT BE ELIGIBLE
 8 FOR ANY TYPE REDUCTION OF SENTENCE OR EARLY RELEASE; TO AMEND
 9 SECTION 47-5-195, MISSISSIPPI CODE OF 1972, TO PROVIDE ENHANCED
 10 PENALTIES FOR ANY INCARCERATED OFFENDER OR EMPLOYEE OF ANY
 11 CORRECTIONAL FACILITY, IF THE OFFENDER OR EMPLOYEE POSSESSES
 12 CERTAIN CONTRABAND; AND FOR RELATED PURPOSES.

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

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

16 47-5-198. (1) It is unlawful for any person to sell within,
 17 bring to, or be in possession of, in any correctional facility or
 18 convict camp within the state or any county, municipal or other
 19 jail within the state, except as authorized by law, any controlled
 20 substance 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.** Section 47-5-195, Mississippi Code of 1972, is
40 amended as follows:

41 47-5-195. (1) Any person who violates any provision of
42 Section 47-5-193 or 47-5-194 shall be guilty of a felony and upon
43 conviction shall be punished by confinement in the Penitentiary
44 for not less than three (3) years nor more than fifteen (15)
45 years, and may be fined not more than Twenty-five Thousand Dollars
46 (\$25,000.00), or both.

47 (2) Any person who violates any provision of Section
48 47-5-193 as it pertains to illegal drugs or a cell phone or any of



49 its components or accessories to include, but not limited to,
50 Subscriber Information Module (SIM) cards or charger shall be
51 punished as authorized under this section, and, in the discretion
52 of the court, may be punished up to twice that authorized under
53 this section.

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

