HOUSE BILL NO. 906
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-903, MISSISSIPPI CODE OF 1972,
TO PROVIDE THAT ANY PERSON WHO IS COMMITTED, SENTENCED OR PLACED
UNDER THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS MAY SERVE HIS
OR HER SENTENCE IN ANY COUNTY JAIL IF CERTAIN CONDITIONS ARE MET;
TO AUTHORIZE THE DEPARTMENT TO REIMBURSE ANY COUNTY FOR THE
EXPENSE OF HOUSING STATE OFFENDERS IN ANY COUNTY JAIL; AND FOR
RELATED PURPOSES.

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

SECTION 1. Section 47-5-903, Mississippi Code of 1972, is
amended as follows:

47-5-903. (1) A person committed, sentenced or otherwise
placed under the custody of the Department of Corrections, on
order of the sentencing court, may serve his or her sentence
in any county jail if all of the following conditions
are complied with:

(a) The person must be classified in accordance with
Section 47-5-905;
(b) The person must not be classified as in need of
close supervision;
(c) The sheriff of the county where the person will serve his or her sentence must request in writing that the person be allowed to serve his or her sentence in that county jail;

(d) After the person is classified and returned to the county, the county shall assume the full and complete responsibility for the care and expenses of housing such person; and

(e) The county jail must be an approved county jail for housing state inmates under federal court order.

(2) This section does not apply to inmates housed in county jails due to lack of space at state correctional facilities. The department may reimburse the county for the expense of housing an inmate under this section.

(3) The Attorney General of the State of Mississippi shall defend the employees of the Department of Corrections and officials and employees of political subdivisions against any action brought by any person who was committed to a county jail under the provisions of this section.

(4) The state, the Department of Corrections, and its employees or agents, shall not be liable to any person or entity for an inmate held in a county jail under this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2022.