

By: Representatives Newman, Crawford

To: Corrections

HOUSE BILL NO. 585

1 AN ACT TO CREATE THE "DIGNITY AND SAFETY FOR INCARCERATED  
 2 WOMEN ACT"; TO DEFINE CERTAIN TERMS AS USED UNDER THIS ACT; TO  
 3 PROVIDE THAT EVERY RESTROOM AND CHANGING ROOM WITHIN A  
 4 CORRECTIONAL FACILITY THAT IS FOR USE BY INCARCERATED INDIVIDUALS  
 5 SHALL BE DESIGNATED FOR USE BY MEMBERS OF ONE SEX; TO PROHIBIT ANY  
 6 INCARCERATED INDIVIDUAL FROM ENTERING A RESTROOM OR CHANGING ROOM  
 7 THAT IS DESIGNATED FOR ONE SEX UNLESS HE OR SHE IS A MEMBER OF  
 8 THAT SEX; TO PROVIDE THAT EVERY RESTROOM, CHANGING ROOM AND  
 9 SLEEPING QUARTER WITHIN A CORRECTIONAL FACILITY THAT IS DESIGNATED  
 10 FOR THE USE OF INCARCERATED ADULTS THAT IS ACCESSIBLE BY MULTIPLE  
 11 INDIVIDUALS AT THE SAME TIME SHALL BE DESIGNATED FOR USE ONLY BY  
 12 MEMBERS OF ONE SEX; TO PROVIDE CERTAIN REMEDIES FOR VIOLATIONS OF  
 13 THIS ACT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Sections 1 through 6 of this act may be cited as  
 16 the "Dignity and Safety for Incarcerated Women Act."

17 **SECTION 2. Legislative purpose.** The Legislature of the  
 18 State of Mississippi finds that the purpose of this act is as  
 19 follows:

20 (a) To provide for the safety and privacy needs of all  
 21 incarcerated individuals in correctional and detention facilities  
 22 in Mississippi; and



23 (b) To maintain order and dignity in restrooms,  
24 showers, housing facilities, and other facilities where  
25 incarcerated individuals may be in a state of undress in the  
26 presence of other incarcerated individuals.

27 **SECTION 3. Definitions.**

28 For purposes of this act, the following terms shall have the  
29 meanings ascribed herein:

30 (a) "Changing room" means a room or area in which a  
31 person may be in a state of undress in the presence of others,  
32 including a locker room or shower room.

33 (b) "Correctional facility" means a correctional  
34 facility operated, regulated or authorized by the Mississippi  
35 Department of Corrections to house state inmates.

36 (c) "Female" means an individual who has, had, will  
37 have or would have, but for a developmental or genetic anomaly or  
38 historical accident, the reproductive system that at some point  
39 produces, transports, and utilizes eggs for fertilization.

40 (d) "Male" means an individual who has, had, will have  
41 or would have, but for a developmental or genetic anomaly or  
42 historical accident, the reproductive system that at some point  
43 produces, transports, and utilizes sperm for fertilization.

44 (e) "Restroom" means a room that includes one or more  
45 toilets or urinals.

46 (f) "Sex" means a person's biological sex, either male  
47 or female, as observed or clinically verified at birth.



48 (g) "Sleeping quarters" means a room with more than one  
49 bed and in which more than one individual is housed for sleeping.

50 **SECTION 4. Safety and privacy in correctional facilities.**

51 (1) Every restroom and changing room within a correctional  
52 facility that is designated for the use of incarcerated  
53 individuals and that is accessible by multiple individuals at the  
54 same time shall be designated for use only by members of one sex.

55 (2) A restroom or changing room within a correctional  
56 facility that is designated for one sex shall be used only by  
57 members of that sex and no incarcerated individual shall enter a  
58 restroom or changing room that is designated for one sex unless he  
59 or she is a member of that sex and the correctional facility shall  
60 ensure that all restrooms and changing rooms provide its users  
61 with privacy from members of the opposite sex.

62 (3) Each sleeping quarter within a correctional facility  
63 that is designated for the use of incarcerated individuals and  
64 that is accessible by multiple individuals at the same time shall  
65 be designated for use only by members of one sex.

66 (4) A sleeping quarter within a correctional facility that  
67 is designated for one sex shall be used only by members of that  
68 sex and no incarcerated individual shall be housed in a sleeping  
69 quarter that is designated for one sex unless he or she is a  
70 member of that sex.

71 (5) This section shall not apply to an incarcerated  
72 individual who enters a restroom, changing room, or sleeping



73 quarter designated for the opposite sex when entering for the  
74 following purposes:

75 (a) For custodial or maintenance purposes;

76 (b) To render medical assistance;

77 (c) During a natural disaster, emergency, or when  
78 necessary to prevent a serious threat to good order or safety; or

79 (e) On a temporary basis (which shall not include  
80 overnight housing) at the direction of the correctional facility.

81 **SECTION 5. Remedies.**

82 (1) An incarcerated individual who, while accessing a  
83 restroom or changing room designated for use by their sex,  
84 encounters a person of the opposite sex in that restroom or  
85 changing room, has a private cause of action for declaratory and  
86 injunctive relief against the correctional facility if:

87 (a) The correctional facility gave that person  
88 permission to use a restroom or changing room of the opposite sex;  
89 or

90 (b) The correctional facility failed to take reasonable  
91 steps to prohibit that person from using the restroom or changing  
92 room of the opposite sex.

93 (2) An incarcerated individual who is required by the  
94 correctional facility to share sleeping quarters with a person of  
95 the opposite sex has a private cause of action for declaratory and  
96 injunctive relief against the correctional facility.



97           (3) All civil actions brought pursuant to this section must  
98 be initiated within two (2) years after the violation occurred.  
99 An individual aggrieved under this section who prevails in court  
100 may recover reasonable attorney fees and costs from the offending  
101 correctional facility.

102           **SECTION 6.** If any subsection or portion of this act is  
103 declared invalid, that declaration shall not affect the validity  
104 of the remaining portions.

105           **SECTION 7.** This act shall take effect and be in force and  
106 after July 1, 2024.

