

By: Representatives Newman, Eubanks

To: Corrections

HOUSE BILL NO. 188

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



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

SECTION 3. Definitions.

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

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

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

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

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

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

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



(g) "Sleeping quarters" means a room with more than one (1) bed and in which more than one (1) individual is housed for sleeping.

SECTION 4. Safety and privacy in correctional facilities.

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

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

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

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



(5) This section shall not apply to an incarcerated individual who enters a restroom, changing room, or sleeping quarter designated for the opposite sex when entering for the following purposes:

- (a) For custodial or maintenance purposes;
- (b) To render medical assistance;
- (c) During a natural disaster, emergency, or when necessary to prevent a serious threat to good order or safety; or
- (e) On a temporary basis (which shall not include overnight housing) at the direction of the correctional facility.

SECTION 5. Remedies.

(1) An incarcerated individual who, while accessing a restroom or changing room designated for use by their sex, encounters a person of the opposite sex in that restroom or changing room in violation of Section 4, has a private cause of action for declaratory and injunctive relief against the correctional facility if:

- (a) The correctional facility gave that person permission to use a restroom or changing room of the opposite sex; or
- (b) The correctional facility failed to take reasonable steps to prohibit that person from using the restroom or changing room of the opposite sex.

(2) An incarcerated individual who is required by the correctional facility to share sleeping quarters with a person of



the opposite sex in violation of Section 4, has a private cause of action for declaratory and injunctive relief against the correctional facility.

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

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

SECTION 7. This act shall take effect and be in force and after July 1, 2025.

