

By: Senator(s) England

To: Corrections

SENATE BILL NO. 2364

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

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

14 **SECTION 1. Definitions.** For purposes of this act, the
15 following terms shall have the meanings ascribed herein:

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

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

22 (c) "Female" means an individual who naturally has,
23 had, will have, or would have, but for a developmental or genetic



24 anomaly or historical accident, the reproductive system that at
25 some point produces eggs.

26 (d) "Male" means an individual who naturally has, had,
27 will have, or would have, but for a developmental or genetic
28 anomaly or historical accident, the reproductive system that at
29 some point produces sperm.

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

32 (f) "Sex" when used to classify a natural person, means
33 the biological indication of male and female as observed or
34 clinically verified at birth, without regard to a person's
35 psychological, chosen, or subjective experience, feelings,
36 actions, or sense of self. The following additional provisions
37 apply to the use of "sex" and related terms:

38 (i) There are only two (2) sexes, and every
39 individual is either male or female.

40 (ii) "Sex" is objective and fixed.

41 (iii) Persons with "DSD conditions" (sometimes
42 referred to as "differences in sex development", "disorders of sex
43 development", or "intersex conditions") are not members of a third
44 sex.

45 (iv) The foregoing definition of "sex," for
46 purposes of state law, neither requires nor precludes the
47 accommodation of persons with a congenital and physically
48 verifiable diagnosis of "DSD condition" (sometimes referred to as



"differences in sex development", "disorders of sex development", or "intersex conditions"); however, such accommodation may be required by federal law.

(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 2. 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 (1) sex.

(2) A restroom or changing room within a correctional facility that is designated for one (1) 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 (1) 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 (1) sex.

(4) A sleeping quarter within a correctional facility that is designated for one (1) sex shall be used only by members of



74 that sex and no incarcerated individual shall be housed in a
75 sleeping quarter that is designated for one (1) sex unless he or
76 she is a member of that sex.

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

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

87 **SECTION 3.** If any subsection or portion of this act is
88 declared invalid, that declaration shall not affect the validity
89 of the remaining portions.

90 **SECTION 4.** This act shall take effect and be in force from
91 and after July 1, 2025.

