

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 1232

1 AN ACT TO AMEND SECTION 47-5-193, MISSISSIPPI CODE OF 1972,
 2 TO DELETE CERTAIN LANGUAGE; TO AMEND SECTION 47-5-1001,
 3 MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF HOUSE
 4 ARREST; TO AMEND SECTION 25-1-87, MISSISSIPPI CODE OF 1972, TO
 5 EXEMPT THE COMMISSIONER OF THE MISSISSIPPI DEPARTMENT OF
 6 CORRECTIONS FROM THE PROVISION WHICH REQUIRES ALL STATE-OWNED OR
 7 LEASED VEHICLES TO EXHIBIT A STATE DECAL; TO AMEND SECTION
 8 69-11-5, MISSISSIPPI CODE OF 1972, TO PERMIT THE MISSISSIPPI
 9 DEPARTMENT OF CORRECTIONS TO FEED GARBAGE TO SWINE; AND FOR
 10 RELATED PURPOSES.

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

12 SECTION 1. Section 47-5-193, Mississippi Code of 1972, is
 13 amended as follows:

14 47-5-193. It is unlawful for any officer or employee of the
 15 department, of any county sheriff's department, of any private
 16 correctional facility in this state in which offenders are
 17 confined or for any other person to furnish, attempt to furnish,
 18 or assist in furnishing to any offender confined in this state any
 19 weapon, deadly weapon or contraband item. * * *

20 SECTION 2. Section 47-5-1001, Mississippi Code of 1972, is
 21 amended as follows:

22 47-5-1001. For purposes of Sections 47-5-1001 through
 23 47-5-1015, the following words shall have the meaning ascribed
 24 herein unless the context shall otherwise require:

25 (a) "Approved electronic monitoring device" means a
 26 device approved by the department which is primarily intended to
 27 record and transmit information regarding the offender's presence
 28 or nonpresence in the home.

29 (b) "Correctional field officer" means the supervising
30 probation and parole officer in charge of supervising the
31 offender.

32 (c) "Court" means a circuit court having jurisdiction
33 to place an offender to the intensive supervision program.

34 (d) "Department" means the Department of Corrections.

35 (e) "House arrest" means the confinement of a person
36 convicted of a felony to his place of residence under the terms
37 and conditions established by the department or court.

38 (f) "Operating capacity" means the total number of
39 state offenders which can be safely and reasonably housed in
40 facilities operated by the department and in local or county jails
41 or other facilities authorized to house state offenders as
42 certified by the department, subject to applicable federal and
43 state laws and rules and regulations.

44 (g) "Participant" means an offender placed into an
45 intensive supervision program.

46 SECTION 3. Section 25-1-87, Mississippi Code of 1972, is
47 amended as follows:

48 25-1-87. All motor vehicles owned or leased by the State of
49 Mississippi or any agency, department or political subdivision
50 thereof, which shall include counties and municipalities, when
51 such agency or department or political subdivision, which shall
52 include counties and municipalities, is supported wholly or in
53 part by public taxes or by appropriations from public funds, shall
54 have painted on both sides in letters at least three (3) inches in
55 height, and on the rear in letters not less than one and one-half
56 (1-1/2) inches in height, the name of the state agency or
57 department, or political subdivision, which shall include counties
58 and municipalities, in a color which is in contrast with the color
59 of the vehicle; provided, however, that a permanent decal may be
60 used in lieu of paint, and provided further, that any municipality
61 may affix a permanent decal or design at least twelve (12) inches

62 in height and twelve (12) inches in width on both sides of the
63 vehicle with the name of the municipality within or across the
64 permanent decal or design, and the permanent design or decal shall
65 be in a color or colors which are in contrast with the color of
66 the vehicle. No privilege license tag shall be issued for such
67 vehicle until the name has been painted thereon or a permanent
68 design or decal affixed thereto as required by this section. A
69 permanent decal may be used in lieu of paint. The provisions of
70 this paragraph shall not apply to vehicles used by the Chief
71 Executive of the State of Mississippi, to vehicles owned or leased
72 by the Department of Economic and Community Development, to
73 vehicles owned or leased by the Office of the Attorney General, to
74 not more than one (1) vehicle owned or leased by the Department of
75 Finance and Administration for use by the Capitol Police, to
76 vehicles owned or leased by the Mississippi State Board of Medical
77 Licensure and used only by the Investigative Division of the
78 board, to one (1) vehicle owned or leased by the Executive
79 Director of the Department of Mental Health, to one (1) vehicle
80 owned or leased by the Commissioner of the Mississippi Department
81 of Corrections, to not more than three (3) vehicles owned or
82 leased by the Department of Corrections and used only by Community
83 Services Division officers, to not more than one (1) vehicle owned
84 or leased by the Mississippi Department of Transportation and used
85 only by an investigator employed by the Mississippi Department of
86 Transportation, to not more than two (2) vehicles owned or leased
87 by the Mississippi Department of Marine Resources, or to not more
88 than one (1) vehicle owned or leased by the Mississippi State Tax
89 Commission; and upon receipt of a written request from the State
90 Adjutant General, the Commissioner of Public Safety, the Director
91 of the Alcoholic Beverage Control Division of the Mississippi
92 State Tax Commission, the Commissioner of the Mississippi
93 Department of Corrections, the Executive Director of the
94 Mississippi Department of Wildlife, Fisheries and Parks, the

95 Director of the Bureau of Narcotics, the Executive Officer of the
96 Board of Pharmacy, the Executive Director of the Mississippi
97 Gaming Commission, the State Auditor or a president or chancellor
98 of a state institution of higher learning, the Governor may
99 authorize the use of specified unmarked vehicles only in instances
100 where such identifying marks will hinder official investigations,
101 and the governing authorities of any municipality may authorize
102 the use of specified, unmarked police vehicles when identifying
103 marks would hinder official criminal investigations by the police.
104 The written request or the order or resolution authorizing such
105 shall contain the manufacturer's serial number, the state
106 inventory number, where applicable, and shall set forth why the
107 vehicle should be exempt from the provisions of this paragraph.
108 In the event the request is granted, the Governor shall furnish
109 the State Department of Audit with a copy of his written authority
110 for the use of the unmarked vehicles, or the governing authority,
111 as the case may be, shall enter its order or resolution on the
112 minutes and shall furnish the State Department of Audit with a
113 certified copy of its order or resolution for the use of the
114 unmarked police vehicle. The state property auditors of the State
115 Department of Audit shall personally examine vehicles owned or
116 leased by the State of Mississippi or any agency, department or
117 commission thereof and report violations of the provisions of this
118 paragraph to the State Auditor and the Chairman of the Joint
119 Legislative Committee on Performance Evaluation and Expenditure
120 Review. Any vehicle found to be in violation of this paragraph
121 shall be reported immediately to the department head charged with
122 such vehicle, and five (5) days shall be given for compliance; and
123 if not complied with, such vehicles shall be impounded by the
124 State Auditor until properly marked or exempted.

125 Upon notification to the State Tax Commission by the State
126 Auditor that any municipality or political subdivision is not in
127 compliance with this section, the State Tax Commission shall

128 withhold any sales tax due for distribution to any such
129 municipality and any excise tax on gasoline, diesel fuel, kerosene
130 and oil due any such county and for any months thereafter, and
131 shall continue to withhold such funds until compliance with this
132 section is certified to the State Tax Commission by the State
133 Department of Audit.

134 County-owned motor vehicles operated by the sheriff's
135 department shall not be subject to the provisions of this section,
136 but shall be subject to the provisions of Section 19-25-15.

137 County-owned motor vehicles operated by a family court established
138 pursuant to Section 43-23-1 et seq., shall not be subject to the
139 provisions of this section.

140 State-owned or leased motor vehicles operated by the
141 Department of Mental Health or by facilities operated by the
142 Department of Mental Health and used for transporting patients
143 living in group homes or alternative living arrangements shall not
144 be subject to the provisions of this section.

145 Up to four (4) passenger automobiles owned or leased by
146 economic development districts or economic development authorities
147 shall not be subject to the provisions of this section.

148 State-owned or leased motor vehicles operated by the
149 Agricultural and Livestock Theft Bureau of the Department of
150 Agriculture and Commerce and used to investigate livestock theft
151 shall not be subject to the provisions of this section.

152 Up to three (3) motor vehicles owned or leased by the
153 Pascagoula Municipal Separate School District for use by district
154 security officers shall not be subject to the provisions of this
155 section.

156 Up to three (3) motor vehicles owned or leased by the
157 Department of Human Services for use only by the Program Integrity
158 Division and the executive director shall not be subject to the
159 provisions of this section.

160 The motor vehicles of a public airport shall not be subject
161 to the provisions of this section upon a finding by the governing
162 authority of such airport that marking a motor vehicle as required
163 in this section will compromise security at such airport.

164 SECTION 4. Section 69-11-5, Mississippi Code of 1972, is
165 amended as follows:

166 69-11-5. (1) It shall be unlawful for any person,
167 municipality, county, political subdivision, governmental agency
168 or department, institution, individual, partnership, corporation,
169 association, other entity or organization to feed garbage to
170 swine, except as permitted under subsection (2) of this section.

171 (2) This chapter shall not apply to any person who feeds
172 only household garbage to swine for household consumption only.

173 (3) This chapter shall not apply to the Mississippi
174 Department of Corrections who is authorized to feed to swine
175 cooked garbage and vegetable refuse. The Mississippi Department
176 of Corrections shall follow applicable state rules, regulations
177 and guidelines that are equal to or exceed federal rules and
178 regulations for cooking and feeding cooked garbage to swine. The
179 Mississippi Department of Corrections may market and/or use for
180 consumption swine that has been fed garbage.

181 SECTION 5. This act shall take effect and be in force from
182 and after July 1, 2001.