

By: Representative Green

To: Penitentiary;
Appropriations

HOUSE BILL NO. 1248

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE REIMBURSEMENT FEE TO COUNTIES FOR THE HOUSING OF
3 STATE INMATES; TO AMEND SECTION 99-19-42, MISSISSIPPI CODE OF
4 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 47-5-901, Mississippi Code of 1972, is
7 amended as follows:

8 47-5-901. (1) Any person committed, sentenced or otherwise
9 placed under the custody of the Department of Corrections, on
10 order of the sentencing court and subject to the other conditions
11 of this subsection, may serve all or any part of his sentence in
12 the county jail of the county wherein such person was convicted if
13 the Commissioner of Corrections determines that physical space is
14 not available for confinement of such person in the state
15 correctional institutions. Such determination shall be promptly
16 made by the Department of Corrections upon receipt of notice of
17 the conviction of such person. The commissioner shall certify in
18 writing that space is not available to the sheriff or other
19 officer having custody of the person. Any person serving his
20 sentence in a county jail shall be classified in accordance with
21 Section 47-5-905.

22 (2) If state prisoners are housed in county jails due to a
23 lack of capacity at state correctional institutions, the
24 Department of Corrections shall determine the cost for food and
25 medical attention for such prisoners. The cost of feeding and
26 housing offenders confined in such county jails shall be based on

27 actual costs or contract price per prisoner not to exceed
28 Twenty-five Dollars (\$25.00) per day per offender.

29 (3) Upon vouchers submitted by the board of supervisors of
30 any county housing persons due to lack of space at state
31 institutions, the Department of Corrections shall pay to such
32 county, out of any available funds, the actual cost of food, or
33 contract price per prisoner, not to exceed Twenty-five Dollars
34 (\$25.00) per day per offender as determined under subsection (2)
35 of this section for each day an offender is so confined beginning
36 the fifth day following the date the offender is committed and
37 taken into custody by the sheriff and will terminate on the date
38 on which the offender is released or otherwise removed from the
39 custody of the county jail, and shall pay the actual cost for
40 medical attention for prisoners unless the Commissioner of
41 Corrections shall find that the costs of any medical services
42 rendered are unreasonable. Such payment shall be placed in the
43 county general fund and shall be expended only for food and
44 medical attention for such persons.

45 (4) A person, on order of the sentencing court, may serve
46 not more than twenty-four (24) months of his sentence in a county
47 jail if the person is classified in accordance with Section
48 47-5-905 and the county jail is an approved county jail for
49 housing state inmates under federal court order. The sheriff of
50 the county shall have the right to petition the Commissioner of
51 Corrections to remove the inmate from the county jail. The county
52 shall be reimbursed in accordance with subsection (2).

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

58 (6) This section does not create in the Department of
59 Corrections, or its employees or agents, any new liability,

60 express or implied, nor shall it create in the Department of
61 Corrections any administrative authority or responsibility for the
62 construction, funding, administration or operation of county or
63 other local jails or other places of confinement which are not
64 staffed and operated on a full-time basis by the Department of
65 Corrections. The correctional system under the jurisdiction of
66 the Department of Corrections shall include only those facilities
67 fully staffed by the Department of Corrections and operated by it
68 on a full-time basis.

69 (7) An offender returned to a county for post-conviction
70 proceedings shall be subject to the provisions of Section 99-19-42
71 and the county shall not receive the per day allotment for such
72 offender after the time prescribed for returning the offender to
73 the Department of Corrections as provided in Section 99-19-42.

74 SECTION 2. Section 99-19-42, Mississippi Code of 1972, is
75 amended as follows:

76 99-19-42. Any offender in the custody of the Department of
77 Corrections who is summoned to a county by court order for any
78 post-conviction proceeding shall have such proceeding heard during
79 the term of court in which the offender is returned to the custody
80 of a county. If the offender's case is not heard during such term
81 of court, the offender shall be returned to the facility of the
82 Department of Corrections from which he was summoned. If the
83 offender is not returned within one (1) week of the end of the
84 term of court, the county housing the offender shall not receive
85 the Twenty-five Dollars (\$25.00) allowed under Section 47-5-901
86 for housing state offenders after the one-week time required for
87 returning the offender to the Department of Corrections.

88 SECTION 3. This act shall take effect and be in force from
89 and after July 1, 2001.