

By: Representative Banks

To: Penitentiary;
Appropriations

HOUSE BILL NO. 1188

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PAY THE SAME AMOUNT TO
3 COUNTY JAILS AS IT PAYS TO PRIVATE CORRECTIONAL FACILITIES FOR
4 HOUSING STATE OFFENDERS; 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 pay the same amount per prisoner
25 per day to county jails as the department pays to private
26 correctional facilities for housing state prisoners.

27 (3) Upon vouchers submitted by the board of supervisors of
28 any county housing persons due to lack of space at state



29 institutions, the Department of Corrections shall pay to such
30 county, out of any available funds, the * * * contract price per
31 prisoner, * * * as determined under subsection (2) of this section
32 for each day an offender is so confined beginning the fifth day
33 following the date the offender is committed and taken into
34 custody by the sheriff and terminating on the date on which the
35 offender is released or otherwise removed from the custody of the
36 county jail. The department shall pay the actual cost for medical
37 attention for prisoners unless the Commissioner of Corrections
38 shall find that the costs of any medical services rendered are
39 unreasonable. Such payment shall be placed in the county general
40 fund and shall be expended only for food and medical attention for
41 such persons.

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

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

55 (6) This section does not create in the Department of
56 Corrections, or its employees or agents, any new liability,
57 express or implied, nor shall it create in the Department of
58 Corrections any administrative authority or responsibility for the
59 construction, funding, administration or operation of county or
60 other local jails or other places of confinement which are not
61 staffed and operated on a full-time basis by the Department of



62 Corrections. The correctional system under the jurisdiction of
63 the Department of Corrections shall include only those facilities
64 fully staffed by the Department of Corrections and operated by it
65 on a full-time basis.

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

71 **SECTION 2.** This act shall take effect and be in force from
72 and after July 1, 2002.

