

By: Senator(s) Hamilton

To: Corrections

SENATE BILL NO. 2281

1 AN ACT TO AMEND SECTIONS 97-9-45 AND 97-9-49, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT A TRUSTY WHO WILLFULLY FAILS TO
3 RETURN SHALL BE SUBJECT TO THE SAME PENALTIES AS A PRISONER WHO
4 ESCAPES OR ATTEMPTS TO ESCAPE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-9-45, Mississippi Code of 1972, is
7 amended as follows:

8 97-9-45. If any person sentenced to the Mississippi
9 Department of Corrections for any term shall escape or attempt to
10 escape from his particular unit or camp of confinement or the
11 boundaries of the penitentiary as a whole, or shall escape or
12 attempt to escape from custody before confinement therein, he
13 shall, upon conviction, be punished by imprisonment in such prison
14 for a term not exceeding five (5) years, to commence from and
15 after the expiration of the original term of his imprisonment as
16 extended in consequence of such escape or attempted escape.

17 Any convict who is entrusted to leave the boundaries of
18 confinement by authorities of the Mississippi Department of
19 Corrections or by the Governor, and who willfully fails to return
20 within the stipulated time, or after the accomplishment of the
21 purpose for which he was entrusted to leave, shall be * * * an
22 escapee and, upon conviction, shall be subject to the penalties
23 provided under this section.

24 **SECTION 2.** Section 97-9-49, Mississippi Code of 1972, is
25 amended as follows:

26 97-9-49. (1) Whoever escapes or attempts by force or
27 violence to escape from any jail in which he is confined, or from
28 any custody under or by virtue of any process issued under the



29 laws of the State of Mississippi by any court or judge, or from
30 the custody of a sheriff or other peace officer pursuant to lawful
31 arrest, shall, upon conviction, if the confinement or custody is
32 by virtue of an arrest on a charge of felony, or conviction of a
33 felony, be punished by imprisonment in the penitentiary not
34 exceeding five (5) years to commence at the expiration of his
35 former sentence, or, if the confinement or custody is by virtue of
36 an arrest of or charge for or conviction of a misdemeanor, be
37 punished by imprisonment in the county jail not exceeding one (1)
38 year to commence at the expiration of the sentence which the court
39 has imposed or which may be imposed for the crime for which he is
40 charged.

41 (2) Anyone confined in any jail who is entrusted by any
42 authorized person to leave the jail for any purpose and who
43 willfully fails to return to the jail within the stipulated time,
44 or after the accomplishment of the purpose for which he was
45 entrusted to leave, shall be * * * an escapee and shall be subject
46 to the penalties provided in subsection (1).

47 **SECTION 3.** This act shall take effect and be in force from
48 and after July 1, 2002.

