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To: Appropriations;
Corrections

HOUSE BILL NO. 1100

1 AN ACT TO AMEND SECTION 47-1-57, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY SHALL NOT BE
3 RESPONSIBLE FOR THE PAYMENT OF COSMETIC MEDICAL PROCEDURES FOR
4 INMATES; TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972, TO
5 PROHIBIT THE REIMBURSEMENT OF FUNDS TO COUNTIES FROM THE
6 DEPARTMENT OF CORRECTIONS FOR THE PAYMENT OF COSMETIC MEDICAL
7 PROCEDURES FOR STATE OFFENDERS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-1-57, Mississippi Code of 1972, is
10 amended as follows:

11 47-1-57. (1) When any person confined in jail shall be in
12 need of medical or surgical aid, the sheriff shall immediately
13 examine the condition of such prisoner and, if he is of the
14 opinion that the prisoner needs such aid, he shall call in a nurse
15 or physician to attend him. If the prisoner be unable to pay the
16 cost, the account of the nurse or physician, when allowed and
17 certified as required in respect to accounts of sheriffs for
18 keeping prisoners, shall be paid, in like manner, out of the
19 treasury of the county in which a prisoner is charged with the
20 crime for which he is imprisoned. The board of supervisors may
21 contract with a physician for the jail by the year.

22 (2) The board of supervisors of any county may authorize the
23 sheriff to establish a program under which prisoners expressing
24 the need for nonemergency medical attention will have access to a
25 registered nurse who will evaluate their condition and determine
26 the necessity for treatment by a physician. Charges for such a
27 visit with a registered nurse shall be paid by the prisoner by
28 deductions made by the sheriff out of any funds of the prisoner
29 held by the sheriff or in any other manner satisfactory to the

30 sheriff; however, such prisoner shall not be required to pay out
31 of funds of the prisoner held by the sheriff, more than ten
32 dollars (\$10.00) per visit. If the prisoner is unable to pay the
33 cost, the cost shall be paid out of the county treasury in the
34 same manner as provided for payment of other medical costs in
35 subsection (1) of this section.

36 (3) No costs for cosmetic medical procedures for prisoners
37 shall be paid out of the county treasury. Cosmetic medical
38 procedures means any medical procedure performed in order to
39 change an individual's appearance without significantly serving to
40 prevent or treat illness or disease or to promote proper
41 functioning of the body.

42 **SECTION 2.** Section 47-5-901, Mississippi Code of 1972, is
43 amended as follows:

44 47-5-901. (1) Any person committed, sentenced or otherwise
45 placed under the custody of the Department of Corrections, on
46 order of the sentencing court and subject to the other conditions
47 of this subsection, may serve all or any part of his sentence in
48 the county jail of the county wherein such person was convicted if
49 the Commissioner of Corrections determines that physical space is
50 not available for confinement of such person in the state
51 correctional institutions. Such determination shall be promptly
52 made by the Department of Corrections upon receipt of notice of
53 the conviction of such person. The commissioner shall certify in
54 writing that space is not available to the sheriff or other
55 officer having custody of the person. Any person serving his
56 sentence in a county jail shall be classified in accordance with
57 Section 47-5-905.

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

63 actual costs or contract price per prisoner. In order to maximize
64 the potential use of county jail space, the Department of
65 Corrections is encouraged to negotiate a reasonable per day cost
66 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)
67 per day per offender.

68 (3) Upon vouchers submitted by the board of supervisors of
69 any county housing persons due to lack of space at state
70 institutions, the Department of Corrections shall pay to such
71 county, out of any available funds, the actual cost of food, or
72 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)
73 per day per offender, as determined under subsection (2) of this
74 section for each day an offender is so confined beginning the day
75 that the Department of Corrections receives a certified copy of
76 the sentencing order and will terminate on the date on which the
77 offender is released or otherwise removed from the custody of the
78 county jail. The department shall pay the cost for medical
79 attention for prisoners at an amount no greater than the
80 reimbursement rate based on the Mississippi Medicaid reimbursement
81 rate. This limitation applies to all medical care services,
82 durable and nondurable goods, prescription drugs and medications.
83 Such payment shall be placed in the county general fund and shall
84 be expended only for food and medical attention for such persons.
85 The Department of Corrections shall not pay a county for offenders
86 housed in county jails pending a probation or parole revocation
87 hearing.

88 (4) The Department of Corrections shall not reimburse any
89 county for cosmetic medical procedures obtained by any state
90 offenders. Cosmetic medical procedures means any medical
91 procedure performed in order to change an individual's appearance
92 without significantly serving to prevent or treat illness or
93 disease or to promote proper functioning of the body.

94 (5) A person, on order of the sentencing court, may serve
95 not more than twenty-four (24) months of his sentence in a county

96 jail if the person is classified in accordance with Section
97 47-5-905 and the county jail is an approved county jail for
98 housing state inmates under federal court order. The sheriff of
99 the county shall have the right to petition the Commissioner of
100 Corrections to remove the inmate from the county jail. The county
101 shall be reimbursed in accordance with subsection (2).

102 (6) The Attorney General of the State of Mississippi shall
103 defend the employees of the Department of Corrections and
104 officials and employees of political subdivisions against any
105 action brought by any person who was committed to a county jail
106 under the provisions of this section.

107 (7) This section does not create in the Department of
108 Corrections, or its employees or agents, any new liability,
109 express or implied, nor shall it create in the Department of
110 Corrections any administrative authority or responsibility for the
111 construction, funding, administration or operation of county or
112 other local jails or other places of confinement which are not
113 staffed and operated on a full-time basis by the Department of
114 Corrections. The correctional system under the jurisdiction of
115 the Department of Corrections shall include only those facilities
116 fully staffed by the Department of Corrections and operated by it
117 on a full-time basis.

118 (8) An offender returned to a county for post-conviction
119 proceedings shall be subject to the provisions of Section 99-19-42
120 and the county shall not receive the per day allotment for such
121 offender after the time prescribed for returning the offender to
122 the Department of Corrections as provided in Section 99-19-42.

123 **SECTION 3.** This act shall take effect and be in force from
124 and after July 1, 2005.