

By: Senator(s) Browning

To: Appropriations

SENATE BILL NO. 2925

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE MEDICAL REIMBURSEMENT RATE FOR STATE OFFENDERS IN  
3 COUNTY JAILS; AND FOR RELATED PURPOSES.

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

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

7 47-5-901. (1) Any person committed, sentenced or otherwise  
8 placed under the custody of the Department of Corrections, on  
9 order of the sentencing court and subject to the other conditions  
10 of this subsection, may serve all or any part of his sentence in  
11 the county jail of the county wherein such person was convicted if  
12 the Commissioner of Corrections determines that physical space is  
13 not available for confinement of such person in the state  
14 correctional institutions. Such determination shall be promptly  
15 made by the Department of Corrections upon receipt of notice of  
16 the conviction of such person. The commissioner shall certify in  
17 writing that space is not available to the sheriff or other  
18 officer having custody of the person. Any person serving his  
19 sentence in a county jail shall be classified in accordance with  
20 Section 47-5-905.

21 (2) If state prisoners are housed in county jails due to a  
22 lack of capacity at state correctional institutions, the  
23 Department of Corrections shall determine the cost for food and  
24 medical attention for such prisoners. The cost of feeding and  
25 housing offenders confined in such county jails shall be based on  
26 actual costs or contract price per prisoner. In order to maximize  
27 the potential use of county jail space, the Department of

28 Corrections is encouraged to negotiate a reasonable per day cost  
29 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)  
30 per day per offender.

31 (3) Upon vouchers submitted by the board of supervisors of  
32 any county housing persons due to lack of space at state  
33 institutions, the Department of Corrections shall pay to such  
34 county, out of any available funds, the actual cost of food, or  
35 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)  
36 per day per offender, as determined under subsection (2) of this  
37 section for each day an offender is so confined beginning the day  
38 that the Department of Corrections receives a certified copy of  
39 the sentencing order and will terminate on the date on which the  
40 offender is released or otherwise removed from the custody of the  
41 county jail. The department shall pay the cost for medical  
42 attention for prisoners \* \* \*. Such payment shall be placed in  
43 the county general fund and shall be expended only for food and  
44 medical attention for such persons. The Department of Corrections  
45 shall not pay a county for offenders housed in county jails  
46 pending a probation or parole revocation hearing.

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

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

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

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

76           **SECTION 2.** This act shall take effect and be in force from  
77 and after July 1, 2005.