

By: Representative Ward

To: County Affairs;  
Corrections

HOUSE BILL NO. 1340

1 AN ACT TO AMEND SECTION 47-5-903, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW ANY STATE OFFENDER TO SERVE HIS OR HER SENTENCE IN ANY  
3 COUNTY JAIL WHEN CERTAIN CONDITIONS ARE MET; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 47-5-903, Mississippi Code of 1972, is  
7 amended as follows:

8 47-5-903. (1) A person committed, sentenced or otherwise  
9 placed under the custody of the Department of Corrections, on  
10 order of the sentencing court, may serve his or her sentence in a  
11 county jail \* \* \* if all of the following conditions are complied  
12 with:

13 (a) The person must be classified in accordance with  
14 Section 47-5-905;

15 (b) The person must not be classified as in need of  
16 close supervision;

17 (c) The sheriff of the county where the person will  
18 serve his or her sentence must request in writing that the person  
19 be allowed to serve his or her sentence in that county jail;

20 (d) After the person is classified and returned to the  
21 county, the county shall assume the full and complete  
22 responsibility for the care and expenses of housing such person;  
23 and

24 (e) The county jail must be an approved county jail for  
25 housing state inmates under federal court order.

26 (2) This section does not apply to inmates housed in county  
27 jails due to lack of space at state correctional facilities. The

28 department shall not reimburse the county for the expense of  
29 housing an inmate under this section.

30 (3) The Attorney General of the State of Mississippi shall  
31 defend the employees of the Department of Corrections and  
32 officials and employees of political subdivisions against any  
33 action brought by any person who was committed to a county jail  
34 under the provisions of this section.

35 (4) The state, the Department of Corrections, and its  
36 employees or agents, shall not be liable to any person or entity  
37 for an inmate held in a county jail under this section.

38 **SECTION 2.** This act shall take effect and be in force from  
39 and after July 1, 2006.