

By: Representative Horan

To: Corrections

HOUSE BILL NO. 906  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-5-903, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ANY PERSON WHO IS COMMITTED, SENTENCED OR PLACED  
3 UNDER THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS MAY SERVE HIS  
4 OR HER SENTENCE IN ANY COUNTY JAIL IF CERTAIN CONDITIONS ARE MET;  
5 TO AUTHORIZE THE DEPARTMENT TO REIMBURSE ANY COUNTY FOR THE  
6 EXPENSE OF HOUSING STATE OFFENDERS IN ANY COUNTY JAIL; AND FOR  
7 RELATED PURPOSES.

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

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

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

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

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



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

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

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

29 (2) This section does not apply to inmates housed in county  
30 jails due to lack of space at state correctional facilities. The  
31 department \* \* \* may reimburse the county for the expense of  
32 housing an inmate under this section.

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

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

41 **SECTION 2.** This act shall take effect and be in force from  
42 and after July 1, 2022.

