

By: Senator(s) Sparks, Tate, McMahan,  
DeLano, McCaughn, Younger, Moran, McLendon,  
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To: Corrections;  
Appropriations

SENATE BILL NO. 2495  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-5-909, MISSISSIPPI CODE OF 1972,  
2 TO EXPEDITE THE REMOVAL OF INMATES FROM COUNTY JAILS BY DIRECTING  
3 THE DEPARTMENT OF CORRECTIONS TO PAY COUNTY JAILS FOR HOUSING  
4 STATE OFFENDERS; TO AMEND SECTION 99-19-42, MISSISSIPPI CODE OF  
5 1972, TO INCREASE THE RATE OF PAY FOR HOUSING STATE OFFENDERS IN  
6 COUNTY JAILS; TO AMEND SECTION 47-5-901 TO CONFORM; AND FOR  
7 RELATED PURPOSES.

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

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

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



21 certify in writing that space is not available to the sheriff or  
22 other officer having custody of the person. Any person serving  
23 his sentence in a county jail shall be classified in accordance  
24 with Section 47-5-905.

25 (b) Any person committed, sentenced or otherwise placed  
26 under the custody of the Department of Corrections, on order of  
27 the sentencing court and subject to the other conditions of this  
28 subsection, may serve all or any part of his or her sentence in  
29 the county jail of the county wherein such person was convicted if  
30 the sheriff or president of the board of supervisors, requests  
31 such inmate or inmates. Upon such request, the department may  
32 allow such inmate or inmates to serve all or any part of such  
33 inmate's or inmates' sentence(s), as the case may be, in the  
34 county of conviction of the inmate or inmates or the county of  
35 request of a sheriff or board of supervisors outside the county of  
36 conviction. Such determination shall be promptly made by the  
37 Department of Corrections upon receipt of notice of the conviction  
38 of such person. Whenever a request is denied for an inmate or  
39 inmates, then the commissioner shall certify in writing to the  
40 sentencing court, sheriff, or president of the board of  
41 supervisors of a county, as the case may be, that such inmate or  
42 inmates does not qualify to serve the sentence or sentences in the  
43 county jail. Any person serving his sentence in a county jail  
44 shall be classified in accordance with Section 47-5-905.



45 (2) If state prisoners are housed in county jails due to a  
46 lack of capacity at state correctional institutions, the  
47 Department of Corrections shall determine the cost for food and  
48 medical attention for such prisoners. The cost of feeding and  
49 housing offenders confined in such county jails shall be based on  
50 actual costs or contract price per prisoner. In order to maximize  
51 the potential use of county jail space, the Department of  
52 Corrections is encouraged to negotiate a reasonable per day cost  
53 per prisoner, which in no event may exceed \* \* \* Twenty-five  
54 Dollars (\$25.00) per day per offender, except as authorized in  
55 Section 47-5-909(2).

56 (3) (a) Upon vouchers submitted by the board of supervisors  
57 of any county housing persons due to lack of space at state  
58 institutions, the Department of Corrections shall pay to such  
59 county, out of any available funds, the actual cost of food, or  
60 contract price per prisoner, not to exceed \* \* \* Twenty-five  
61 Dollars (\$25.00) per day per offender, except as authorized in  
62 Section 47-5-909(2), as determined under subsection (2) of this  
63 section for each day an offender is so confined beginning the day  
64 that the Department of Corrections receives a certified copy of  
65 the sentencing order or five (5) days after the sentencing order  
66 is sent, in writing, by such county to the department, whichever  
67 is earlier, and will terminate on the date on which the offender  
68 is released or otherwise removed from the custody of the county  
69 jail. The department, or its contracted medical provider, will



70 pay to a provider of a medical service for any and all  
71 incarcerated persons from a correctional or detention facility an  
72 amount based upon negotiated fees as agreed to by the medical care  
73 service providers and the department and/or its contracted medical  
74 provider. In the absence of negotiated discounted fee schedule,  
75 medical care service providers will be paid by the department, or  
76 its contracted medical service provider, an amount no greater than  
77 the reimbursement rate applicable based on the Mississippi  
78 Medicaid reimbursement rate. The board of supervisors of any  
79 county shall not be liable for any cost associated with medical  
80 attention for prisoners who are pretrial detainees or for  
81 prisoners who have been convicted that exceeds the Mississippi  
82 Medicaid reimbursement rate or the reimbursement provided by the  
83 Department of Corrections, whichever is greater. This limitation  
84 applies to all medical care services, durable and nondurable  
85 goods, prescription drugs and medications. Such payment shall be  
86 placed in the county general fund and shall be expended only for  
87 food and medical attention for such persons.

88 (b) Upon vouchers submitted by the board of supervisors  
89 of any county housing offenders in county jails pending a  
90 probation or parole revocation hearing, the department shall pay  
91 the reimbursement costs provided in paragraph (a).

92 (c) If the probation or parole of an offender is  
93 revoked, the additional cost of housing the offender pending the



94 revocation hearing shall be assessed as part of the offender's  
95 court cost and shall be remitted to the department.

96 (4) A person, on order of the sentencing court, may serve  
97 not more than twenty-four (24) months of his sentence in a county  
98 jail if the person is classified in accordance with Section  
99 47-5-905 and the county jail is an approved county jail for  
100 housing state inmates under federal court order. The sheriff of  
101 the county shall have the right to petition the Commissioner of  
102 Corrections to remove the inmate from the county jail. The county  
103 shall be reimbursed in accordance with subsection (2) of this  
104 section.

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

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



119 fully staffed by the Department of Corrections and operated by it  
120 on a full-time basis.

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

126 **SECTION 2.** Section 47-5-909, Mississippi Code of 1972, is  
127 amended as follows:

128 47-5-909. (1) It is the policy of the Legislature that all  
129 inmates be removed from county jails as early as practicable.  
130 Sections 47-5-901 through 47-5-907 are temporary measures to help  
131 alleviate the immediate operating capacity limitations at  
132 correctional facilities and are not permanent measures to be  
133 included in the long-term operating capacity of the correctional  
134 system.

135 (2) Notwithstanding any other provision of law, to expedite  
136 the removal of inmates from county jails as early as practicable,  
137 absent a contract negotiated between the Department of Corrections  
138 and the county jail, the Department of Corrections shall pay  
139 county jails for housing state offenders out of any available  
140 funds as follows:

141 (a) Twenty-five Dollars (\$25.00) per day per offender  
142 for days one (1) through thirty (30);



143           (b) Thirty-two Dollars and Seventy-one Cents (\$32.71)

144 per day per offender for days thirty-one (31) or greater when:

145           (i) An offender remains in the county jail after

146 the Department of Corrections receives a certified copy of the

147 sentencing order or five (5) days after the sentencing order is

148 sent, in writing, by such county to the Department of Corrections,

149 whichever is earlier; or

150           (ii) An offender remains in the county jail after

151 being revoked from parole or probation or is sentenced to a

152 technical violation center.

153           (3) The Department of Corrections is additionally

154 responsible for all medical costs related to offenders housed at

155 county jails under subsection (2) of this section.

156           **SECTION 3.** Section 99-19-42, Mississippi Code of 1972, is

157 amended as follows:

158           99-19-42. Any offender in the custody of the Department of

159 Corrections who is summoned to a county by court order for any

160 post-conviction proceeding shall have such proceeding heard during

161 the term of court in which the offender is returned to the custody

162 of a county. If the offender's case is not heard during such term

163 of court, the offender shall be returned to the facility of the

164 Department of Corrections from which he was summoned. If the

165 offender is not returned within one (1) week of the end of the

166 term of court, the county housing the offender shall not receive

167 the \* \* \* Twenty-five Dollars (\$25.00) allowed under Section



168 47-5-901, except as authorized in Section 47-5-909(2), for housing  
169 state offenders after the one-week time period required for  
170 returning the offender to the Department of Corrections.

171 **SECTION 4.** This act shall take effect and be in force from  
172 and after July 1, 2023.

