

## House Amendments to Senate Bill No. 2495

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

18           **SECTION 1.** Section 47-5-901, Mississippi Code of 1972, is  
19 amended as follows:  
20           47-5-901. (1) (a) Any person committed, sentenced or  
21 otherwise placed under the custody of the Department of  
22 Corrections, on order of the sentencing court and subject to the  
23 other conditions of this subsection, may serve all or any part of  
24 his sentence in the county jail of the county wherein such person  
25 was convicted if the Commissioner of Corrections determines that  
26 physical space is not available for confinement of such person in  
27 the state correctional institutions. Such determination shall be  
28 promptly made by the Department of Corrections upon receipt of  
29 notice of the conviction of such person. The commissioner shall  
30 certify in writing that space is not available to the sheriff or  
31 other officer having custody of the person. Any person serving  
32 his sentence in a county jail shall be classified in accordance  
33 with Section 47-5-905.

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

54           (2) If state prisoners are housed in county jails due to a  
55 lack of capacity at state correctional institutions, the  
56 Department of Corrections shall determine the cost for food and  
57 medical attention for such prisoners. The cost of feeding and  
58 housing offenders confined in such county jails shall be based on  
59 actual costs or contract price per prisoner. In order to maximize

60 the potential use of county jail space, the Department of  
61 Corrections is encouraged to negotiate a reasonable per day cost  
62 per prisoner, which in no event may exceed \* \* \* Twenty-five  
63 Dollars (\$25.00) per day per offender, except as authorized in  
64 Section 47-5-909(2).

65 (3) (a) Upon vouchers submitted by the board of supervisors  
66 of any county housing persons due to lack of space at state  
67 institutions, the Department of Corrections shall pay to such  
68 county, out of any available funds, the actual cost of food, or  
69 contract price per prisoner, not to exceed \* \* \* Twenty-five  
70 Dollars (\$25.00) per day per offender, except as authorized in  
71 Section 47-5-909(2), as determined under subsection (2) of this  
72 section for each day an offender is so confined beginning the day  
73 that the Department of Corrections receives a certified copy of  
74 the sentencing order or five (5) days after the sentencing order  
75 is sent, in writing, by such county to the department, whichever  
76 is earlier, and will terminate on the date on which the offender  
77 is released or otherwise removed from the custody of the county  
78 jail. The department, or its contracted medical provider, will  
79 pay to a provider of a medical service for any and all  
80 incarcerated persons from a correctional or detention facility an  
81 amount based upon negotiated fees as agreed to by the medical care  
82 service providers and the department and/or its contracted medical  
83 provider. In the absence of negotiated discounted fee schedule,  
84 medical care service providers will be paid by the department, or  
85 its contracted medical service provider, an amount no greater than

86 the reimbursement rate applicable based on the Mississippi  
87 Medicaid reimbursement rate. The board of supervisors of any  
88 county shall not be liable for any cost associated with medical  
89 attention for prisoners who are pretrial detainees or for  
90 prisoners who have been convicted that exceeds the Mississippi  
91 Medicaid reimbursement rate or the reimbursement provided by the  
92 Department of Corrections, whichever is greater. This limitation  
93 applies to all medical care services, durable and nondurable  
94 goods, prescription drugs and medications. Such payment shall be  
95 placed in the county general fund and shall be expended only for  
96 food and medical attention for such persons.

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

101 (c) If the probation or parole of an offender is  
102 revoked, the additional cost of housing the offender pending the  
103 revocation hearing shall be assessed as part of the offender's  
104 court cost and shall be remitted to the department.

105 (4) A person, on order of the sentencing court, may serve  
106 not more than twenty-four (24) months of his sentence in a county  
107 jail if the person is classified in accordance with Section  
108 47-5-905 and the county jail is an approved county jail for  
109 housing state inmates under federal court order. The sheriff of  
110 the county shall have the right to petition the Commissioner of  
111 Corrections to remove the inmate from the county jail. The county

112 shall be reimbursed in accordance with subsection (2) of this  
113 section.

114 (5) The Attorney General of the State of Mississippi shall  
115 defend the employees of the Department of Corrections and  
116 officials and employees of political subdivisions against any  
117 action brought by any person who was committed to a county jail  
118 under the provisions of this section.

119 (6) This section does not create in the Department of  
120 Corrections, or its employees or agents, any new liability,  
121 express or implied, nor shall it create in the Department of  
122 Corrections any administrative authority or responsibility for the  
123 construction, funding, administration or operation of county or  
124 other local jails or other places of confinement which are not  
125 staffed and operated on a full-time basis by the Department of  
126 Corrections. The correctional system under the jurisdiction of  
127 the Department of Corrections shall include only those facilities  
128 fully staffed by the Department of Corrections and operated by it  
129 on a full-time basis.

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

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

137           47-5-909. (1) It is the policy of the Legislature that all  
138 inmates be removed from county jails as early as practicable.  
139 Sections 47-5-901 through 47-5-907 are temporary measures to help  
140 alleviate the immediate operating capacity limitations at  
141 correctional facilities and are not permanent measures to be  
142 included in the long-term operating capacity of the correctional  
143 system.

144           (2) Notwithstanding any other provision of law, to expedite  
145 the removal of inmates from county jails as early as practicable,  
146 absent a contract negotiated between the Department of Corrections  
147 and the county jail, the Department of Corrections shall pay  
148 county jails for housing state offenders out of any available  
149 funds as follows: Twenty-five Dollars (\$25.00) per day per  
150 offender for days one (1) through thirty (30), Thirty Dollars  
151 (\$30.00) per day per offender for days thirty-one (31) through  
152 sixty (60), and Thirty-four Dollars (\$34.00) per day per offender  
153 for days sixty-one (61) or greater when:

154           (a) An offender remains in the county jail after the  
155 Department of Corrections receives a certified copy of the  
156 sentencing order or five (5) days after the sentencing order is  
157 sent, in writing, by such county to the Department of Corrections,  
158 whichever is earlier.

159           (b) An offender remains in the county jail after being  
160 revoked from parole or probation or is sentenced to a technical  
161 violation center.

162           (3) The Department of Corrections is additionally  
163 responsible for all medical costs related to offenders housed at  
164 county jails under subsection (2) of this section.

165           **SECTION 3.** Section 99-19-42, Mississippi Code of 1972, is  
166 amended as follows:

167           99-19-42. Any offender in the custody of the Department of  
168 Corrections who is summoned to a county by court order for any  
169 post-conviction proceeding shall have such proceeding heard during  
170 the term of court in which the offender is returned to the custody  
171 of a county. If the offender's case is not heard during such term  
172 of court, the offender shall be returned to the facility of the  
173 Department of Corrections from which he was summoned. If the  
174 offender is not returned within one (1) week of the end of the  
175 term of court, the county housing the offender shall not receive  
176 the \* \* \* Twenty-five Dollars (\$25.00) allowed under Section  
177 47-5-901, except as authorized in Section 47-5-909(2), for housing  
178 state offenders after the one-week time period required for  
179 returning the offender to the Department of Corrections.

180           **SECTION 4.** Section 47-5-931, Mississippi Code of 1972, is  
181 brought forward as follows:

182           47-5-931. (1) The Department of Corrections, in its  
183 discretion, may contract with the board of supervisors of one or  
184 more counties or with a regional facility operated by one or more  
185 counties, to provide for housing, care and control of offenders  
186 who are in the custody of the State of Mississippi. Any facility  
187 owned or leased by a county or counties for this purpose shall be

188 designed, constructed, operated and maintained in accordance with  
189 American Correctional Association standards, and shall comply with  
190 all constitutional standards of the United States and the State of  
191 Mississippi, and with all court orders that may now or hereinafter  
192 be applicable to the facility. If the Department of Corrections  
193 contracts with more than one (1) county to house state offenders  
194 in county correctional facilities, excluding a regional facility,  
195 then the first of such facilities shall be constructed in Sharkey  
196 County and the second of such facilities shall be constructed in  
197 Jefferson County.

198 (2) The Department of Corrections shall contract with the  
199 board of supervisors of the following counties to house state  
200 inmates in regional facilities: (a) Marion and Walthall Counties;  
201 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River  
202 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba  
203 Counties; (f) Alcorn County and any contiguous county in which  
204 there is located an unapproved jail; (g) Yazoo County and any  
205 contiguous county in which there is located an unapproved jail;  
206 (h) Chickasaw County and any contiguous county in which there is  
207 located an unapproved jail; (i) George and Greene Counties and any  
208 contiguous county in which there is located an unapproved jail;  
209 (j) Washington County and any contiguous county in which there is  
210 located an unapproved jail; (k) Hinds County and any contiguous  
211 county in which there is located an unapproved jail; (l) Leake  
212 County and any contiguous county in which there is located an  
213 unapproved jail; (m) Issaquena County and any contiguous county in



214 which there is located an unapproved jail; (n) Jefferson County  
215 and any contiguous county in which there is located an unapproved  
216 jail; (o) Franklin County and any contiguous county in which there  
217 is located an unapproved jail; (p) Holmes County and any  
218 contiguous county in which there is located an unapproved jail;  
219 and (q) Bolivar County and any contiguous county in which there is  
220 located an unapproved jail. The Department of Corrections shall  
221 decide the order of priority of the counties listed in this  
222 subsection with which it will contract for the housing of state  
223 inmates. For the purposes of this subsection, the term  
224 "unapproved jail" means any jail that the local grand jury  
225 determines should be condemned or has found to be of substandard  
226 condition or in need of substantial repair or reconstruction.

227 (3) In addition to the offenders authorized to be housed  
228 under subsection (1) of this section, the Department of  
229 Corrections may contract with any regional facility to provide for  
230 housing, care and control of not more than seventy-five (75)  
231 additional offenders who are in the custody of the State of  
232 Mississippi.

233 (4) The Governor and the Commissioner of Corrections are  
234 authorized to increase administratively the number of offenders  
235 who are in the custody of the State of Mississippi that can be  
236 placed in regional correctional facilities.

237 **SECTION 5.** Section 47-5-933, Mississippi Code of 1972, is  
238 amended as follows:

239 47-5-933. The Department of Corrections may contract for the  
240 purposes set out in Section 47-5-931 for a period of not more than  
241 twenty (20) years. The contract may provide that the Department  
242 of Corrections pay a fee of no more than \* \* \* Thirty-four Dollars  
243 (\$34.00) per day for each offender that is housed in the facility.  
244 The Department of Corrections may include in the contract, as an  
245 inflation factor, a three percent (3%) annual increase in the  
246 contract price. The state shall retain responsibility for medical  
247 care for state offenders to the extent that is required by law;  
248 provided, however, the department may reimburse each facility for  
249 contract medical services as provided by law in an amount not to  
250 exceed Six Dollars and Twenty-five Cents (\$6.25) per day per  
251 offender.

252 **SECTION 6.** This act shall take effect and be in force from  
253 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 47-5-901 AND 47-5-903, MISSISSIPPI  
2 CODE OF 1972, TO ALLOW AN INMATE PLACED UNDER THE CUSTODY OF THE  
3 DEPARTMENT OF CORRECTIONS TO SERVE ALL OR PART OF HIS SENTENCE IN  
4 THE COUNTY REQUESTED BY A SHERIFF OR BOARD OF SUPERVISORS OUTSIDE  
5 THE COUNTY OF CONVICTION UPON CERTAIN CONDITIONS; TO INCREASE THE  
6 MAXIMUM PER DAY COST PER PRISONER; TO AMEND SECTION 47-5-909,  
7 MISSISSIPPI CODE OF 1972, TO EXPEDITE THE REMOVAL OF INMATES FROM  
8 COUNTY JAILS BY DIRECTING THE DEPARTMENT OF CORRECTIONS TO PAY  
9 COUNTY JAILS FOR HOUSING STATE OFFENDERS; TO AMEND SECTION  
10 99-19-42, MISSISSIPPI CODE OF 1972, TO INCREASE THE RATE OF PAY  
11 FOR HOUSING STATE OFFENDERS IN COUNTY JAILS; TO BRING FORWARD  
12 SECTION 47-5-931, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF  
13 POSSIBLE AMENDMENT; TO AMEND SECTION 47-5-933, MISSISSIPPI CODE OF  
14 1972, TO INCREASE FROM \$31.00 TO \$34.00 THE AMOUNT THE DEPARTMENT  
15 OF CORRECTIONS PAYS PER DAY FOR EACH STATE OFFENDER WHO IS HOUSED  
16 IN A REGIONAL CORRECTIONAL FACILITY; AND FOR RELATED PURPOSES.

HR26\SB2495A.J

Andrew Ketchings  
Clerk of the House of Representatives