

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2495

BY: Committee

**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.

