

By: Representatives Newman, Crawford

To: Corrections

HOUSE BILL NO. 585  
(As Passed the House)

1 AN ACT TO CREATE THE "DIGNITY AND SAFETY FOR INCARCERATED  
2 WOMEN ACT"; TO DEFINE CERTAIN TERMS AS USED UNDER THIS ACT; TO  
3 PROVIDE THAT EVERY RESTROOM AND CHANGING ROOM WITHIN A  
4 CORRECTIONAL FACILITY THAT IS FOR USE BY INCARCERATED INDIVIDUALS  
5 SHALL BE DESIGNATED FOR USE BY MEMBERS OF ONE SEX; TO PROHIBIT ANY  
6 INCARCERATED INDIVIDUAL FROM ENTERING A RESTROOM OR CHANGING ROOM  
7 THAT IS DESIGNATED FOR ONE SEX UNLESS HE OR SHE IS A MEMBER OF  
8 THAT SEX; TO PROVIDE THAT EVERY RESTROOM, CHANGING ROOM AND  
9 SLEEPING QUARTER WITHIN A CORRECTIONAL FACILITY THAT IS DESIGNATED  
10 FOR THE USE OF INCARCERATED ADULTS THAT IS ACCESSIBLE BY MULTIPLE  
11 INDIVIDUALS AT THE SAME TIME SHALL BE DESIGNATED FOR USE ONLY BY  
12 MEMBERS OF ONE SEX; TO PROVIDE CERTAIN REMEDIES FOR VIOLATIONS OF  
13 THIS ACT; TO REGULATE PUBLIC STUDENT HOUSING FOR SINGLE-SEX  
14 EDUCATIONAL HOUSING; TO REGULATE HOW PERSONS ENTER A SINGLE-SEX  
15 EDUCATIONAL HOUSING SPACE; TO REQUIRE GOVERNMENTAL ENTITIES TO  
16 ESTABLISH CERTAIN REGULATIONS WITH CERTAIN DISCIPLINARY  
17 PROCEDURES; TO PROVIDE THAT A PERSON WHO WILLFULLY ENTERS A  
18 SINGLE-SEX EDUCATIONAL HOUSING SPACE, WHEN SUCH ENTRANCE IS  
19 PROHIBITED, SHALL BE COMMITTING THE OFFENSE OF TRESPASS; TO  
20 AUTHORIZE ASSERTION OF A VIOLATION OF THIS ACT; TO AUTHORIZE THE  
21 ATTORNEY GENERAL TO BRING ACTION UNDER CERTAIN CIRCUMSTANCES; AND  
22 FOR RELATED PURPOSES.

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

24 **SECTION 1.** Sections 1 through 6 of this act may be cited as  
25 the "Dignity and Safety for Incarcerated Women Act."

26 **SECTION 2. Legislative purpose.** The Legislature of the  
27 State of Mississippi finds that the purpose of this act is as  
28 follows:



29 (a) To provide for the safety and privacy needs of all  
30 incarcerated individuals in correctional and detention facilities  
31 in Mississippi; and

32 (b) To maintain order and dignity in restrooms,  
33 showers, housing facilities, and other facilities where  
34 incarcerated individuals may be in a state of undress in the  
35 presence of other incarcerated individuals.

36 **SECTION 3. Definitions.**

37 For purposes of this act, the following terms shall have the  
38 meanings ascribed herein:

39 (a) "Changing room" means a room or area in which a  
40 person may be in a state of undress in the presence of others,  
41 including a locker room or shower room.

42 (b) "Correctional facility" means a correctional  
43 facility operated, regulated or authorized by the Mississippi  
44 Department of Corrections to house state inmates.

45 (c) "Female" means an individual who has, had, will  
46 have or would have, but for a developmental or genetic anomaly or  
47 historical accident, the reproductive system that at some point  
48 produces, transports, and utilizes eggs for fertilization.

49 (d) "Male" means an individual who has, had, will have  
50 or would have, but for a developmental or genetic anomaly or  
51 historical accident, the reproductive system that at some point  
52 produces, transports, and utilizes sperm for fertilization.



53 (e) "Restroom" means a room that includes one or more  
54 toilets or urinals.

55 (f) "Sex" means a person's biological sex, either male  
56 or female, as observed or clinically verified at birth.

57 (g) "Sleeping quarters" means a room with more than one  
58 bed and in which more than one individual is housed for sleeping.

59 **SECTION 4. Safety and privacy in correctional facilities.**

60 (1) Every restroom and changing room within a correctional  
61 facility that is designated for the use of incarcerated  
62 individuals and that is accessible by multiple individuals at the  
63 same time shall be designated for use only by members of one sex.

64 (2) A restroom or changing room within a correctional  
65 facility that is designated for one sex shall be used only by  
66 members of that sex and no incarcerated individual shall enter a  
67 restroom or changing room that is designated for one sex unless he  
68 or she is a member of that sex and the correctional facility shall  
69 ensure that all restrooms and changing rooms provide its users  
70 with privacy from members of the opposite sex.

71 (3) Each sleeping quarter within a correctional facility  
72 that is designated for the use of incarcerated individuals and  
73 that is accessible by multiple individuals at the same time shall  
74 be designated for use only by members of one sex.

75 (4) A sleeping quarter within a correctional facility that  
76 is designated for one sex shall be used only by members of that  
77 sex and no incarcerated individual shall be housed in a sleeping



78 quarter that is designated for one sex unless he or she is a  
79 member of that sex.

80 (5) This section shall not apply to an incarcerated  
81 individual who enters a restroom, changing room, or sleeping  
82 quarter designated for the opposite sex when entering for the  
83 following purposes:

84 (a) For custodial or maintenance purposes;

85 (b) To render medical assistance;

86 (c) During a natural disaster, emergency, or when  
87 necessary to prevent a serious threat to good order or safety; or

88 (e) On a temporary basis (which shall not include  
89 overnight housing) at the direction of the correctional facility.

90 **SECTION 5. Remedies.**

91 (1) An incarcerated individual who, while accessing a  
92 restroom or changing room designated for use by their sex,  
93 encounters a person of the opposite sex in that restroom or  
94 changing room in violation of Section 4, has a private cause of  
95 action for declaratory and injunctive relief against the  
96 correctional facility if:

97 (a) The correctional facility gave that person  
98 permission to use a restroom or changing room of the opposite sex;  
99 or

100 (b) The correctional facility failed to take reasonable  
101 steps to prohibit that person from using the restroom or changing  
102 room of the opposite sex.



103           (2) An incarcerated individual who is required by the  
104 correctional facility to share sleeping quarters with a person of  
105 the opposite sex in violation of Section 4, has a private cause of  
106 action for declaratory and injunctive relief against the  
107 correctional facility.

108           (3) All civil actions brought pursuant to this section must  
109 be initiated within two (2) years after the violation occurred.  
110 An individual aggrieved under this section who prevails in court  
111 may recover reasonable attorney fees and costs from the offending  
112 correctional facility.

113           **SECTION 6.** If any subsection or portion of this act is  
114 declared invalid, that declaration shall not affect the validity  
115 of the remaining portions.

116           **SECTION 7.** (1) For purposes of this section, the following  
117 terms shall have the meanings ascribed herein:

118           (a) "Institution of higher education" means any state  
119 institution of higher learning or public community or junior  
120 college.

121           (b) "Single-sex educational housing space" means a  
122 separate room or area located within an institution of higher  
123 education functioning as housing for student residents at an  
124 educational institution and designated for use or occupancy only  
125 for members of one (1) sex, but excludes common areas designated  
126 for use by members of both sexes.



127           (c) "Public building" means any building, facility or  
128 space owned, controlled, operated, rented or leased by, or rented  
129 or leased to a public university, public community or junior  
130 college and the institutions of higher learning.

131           (d) "Restroom" means a space designated for multiple  
132 individuals at an institution of higher education that includes  
133 toilets and/or urinals. This term does not include a unisex  
134 restroom.

135           (f) "Unisex restroom" means a room at an institution of  
136 higher education that includes a toilet or urinal and that is  
137 intended for a single occupant or a family, is enclosed by  
138 floor-to-ceiling walls, and is accessed by a full door with a  
139 secure lock that prevents another individual from entering while  
140 the room is in use.

141           (2) Any single-sex education housing space that maintains a  
142 restroom shall, at a minimum, have:

143           (a) A restroom designated for exclusive use by females  
144 and a restroom designated for exclusive use by males; or

145           (b) A unisex restroom.

146           (3) Any public building that functions as housing for  
147 student residents at an institution of higher education shall  
148 provide students the option to be housed only in a single-sex  
149 educational housing space with persons of the same sex.

150           (4) Social fraternities and sororities at institutions of  
151 higher learning that have and operate single-sex housing



152 facilities located on public land shall comply with the  
153 definitions contained within this act for purposes of maintaining  
154 such facilities as single sex only.

155 (5) A person may not enter a single-sex educational housing  
156 space, designated for the opposite sex, except under the following  
157 circumstances:

158 (a) To accompany a person of the opposite sex for the  
159 purpose of assisting or chaperoning a child under the age of  
160 twelve (12), a vulnerable person as defined in Section 43-47-5, or  
161 a person with a disability as defined in Section 43-6-203(b);

162 (b) For law enforcement, fire protection or response,  
163 or other public safety purposes;

164 (c) For governmental purposes, including employees or  
165 contractors of governmental entities acting within the scope of  
166 their employment or contract;

167 (d) For the purpose of rendering emergency medical  
168 assistance or to intervene in any other emergency situation where  
169 the health or safety of another person is at risk;

170 (e) For custodial, maintenance, or inspection purposes,  
171 provided that the restroom or changing facility is not in use;

172 (f) If the appropriate designated restroom or changing  
173 facility is out of order or under repair and the restroom or  
174 changing facility designated for the opposite sex contains no  
175 person of the opposite sex;



176 (g) A parent, guardian or sibling of a student living  
177 in a single-sex educational housing space to assist in moving or  
178 health purposes.

179 (6) The applicable governmental entity for each public  
180 building that is utilized by an institution of higher education  
181 for a single-sex educational housing space under its ownership,  
182 control or lease shall, within ninety (90) days, establish  
183 regulations and disciplinary procedures for any person who  
184 willfully enters, for a purpose other than those listed in Section  
185 29-18-15, a single-sex dormitory space designated for the opposite  
186 sex on the premises of the public building and refuses to depart  
187 when asked to do so by any employee or contractor of the owner,  
188 lessee or lessor of the public building.

189 (7) A person who willfully enters, for a purpose other than  
190 those listed in Section 29-18-11, a single-sex dormitory space  
191 designated for the opposite sex on the premises of a public  
192 building and refuses to depart when asked to do so by an employee  
193 or contractor of the owner, lessee or lessor of a public building  
194 that is utilized as a single-sex educational housing space commits  
195 the offense of trespass as provided in Section 97-17-97.

196 (8) (a) A person may assert a violation of this act as a  
197 claim or defense in a judicial or administrative proceeding and  
198 obtain compensatory damages, punitive damages, injunctive relief,  
199 declaratory relief, or any other appropriate relief. Such claim  
200 may be brought against any applicable governmental entity for each





201 public building that is utilized as a single-sex educational  
202 housing space under its ownership, control or lease which caused  
203 or contributed to a violation of this act.

204 (b) Any person under eighteen (18) years of age may  
205 bring an action at any time to assert a violation of this act  
206 through a parent or next friend and may bring an action in their  
207 own name upon reaching the age of eighteen (18) years of age.

208 (c) Notwithstanding any other provision of law, an  
209 action under this act may be commenced, and relief may be granted,  
210 in a judicial proceeding without regard to whether the person  
211 commencing the action has sought or exhausted available  
212 administrative remedies.

213 (9) In any action or proceeding to enforce a provision of  
214 this act, a prevailing party who establishes a violation of this  
215 chapter shall recover reasonable attorney's fees.

216 (10) The Attorney General shall bring an action to enforce  
217 compliance with this act. This act shall not be construed to  
218 deny, impair, or otherwise affect any right or authority of the  
219 Attorney General, the State of Mississippi, or any agency,  
220 officer, or employee of the state, acting under any law other than  
221 this act, to institute or intervene in any proceeding.

222 (11) Any provision of this section is held to be invalid or  
223 unenforceable by its terms, or as applied to any person or  
224 circumstance, shall be construed so as to give it the maximum  
225 effect permitted by law, unless such holding shall be one of utter



226 invalidity or unenforceability, in which event such provision  
227 shall be deemed severable herefrom and shall not affect the  
228 remainder hereof or the application of such provision to other  
229 persons not similarly situated or to other, dissimilar  
230 circumstances.

231         **SECTION 8.** This act shall take effect and be in force and  
232 after July 1, 2024.

