

By: Representatives Newman, Eubanks

To: Corrections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 188

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 MULTI-OCCUPANCY RESTROOM, CHANGING
9 ROOM AND SLEEPING QUARTER WITHIN A CORRECTIONAL FACILITY SHALL BE
10 DESIGNATED FOR EXCLUSIVE USE OF MALES OR FEMALES; TO PROVIDE
11 CERTAIN REMEDIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED
12 PURPOSES.

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

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

16 **SECTION 2.** **Legislative purpose.** The Legislature of the
17 State of Mississippi finds that the purpose of this act is as
18 follows:

19 (a) To provide for the safety and privacy needs of all
20 incarcerated individuals in correctional and detention facilities
21 in Mississippi; and

22 (b) To maintain order and dignity in restrooms,
23 showers, housing facilities, and other facilities where



incarcerated individuals may be in a state of undress in the presence of other incarcerated individuals.

SECTION 3. Definitions.

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

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

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

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

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

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

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

(g) "Sleeping quarters" means a room with a bed and in which more than one (1) individual is housed for sleeping.



(h) "Multi-occupancy" means a space that is designated for use by multiple persons simultaneously.

SECTION 4. Safety and privacy in correctional facilities.

(1) Every multi-occupancy restroom and changing room within a correctional facility shall be designated for exclusive use of:

(a) Males; or

(b) Females.

(2) A restroom or changing room within a correctional facility that is designated for one sex shall be used only by members of that sex. No incarcerated individual shall enter a restroom or changing room that is designated for one sex unless he or she is a member of that sex. The correctional facility shall take reasonable steps to provide individuals with privacy in restrooms and changing rooms designated for their sex from members of the opposite sex.

(3) Each multi-occupancy sleeping quarter within a correctional facility shall be designated for exclusive use of:

(a) Males; or

(b) Females.

(4) A sleeping quarter within a correctional facility that is designated for one sex shall be used only by members of that sex. No incarcerated individual shall be housed in a sleeping quarter that is designated for one sex unless he or she is a member of that sex.



73 A correctional facility shall take reasonable steps to
74 provide individuals with privacy in sleeping quarters designated
75 for their sex from members of the opposite sex.

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

- 80 (a) For custodial or maintenance purposes;
- 81 (b) To render medical assistance;
- 82 (c) During a natural disaster, emergency, or when
83 necessary to prevent a serious threat to good order or safety; or
- 84 (d) On a temporary basis (which shall not include
85 overnight housing) at the direction of the correctional facility.

86 (6) Nothing in this section shall be construed to prohibit a
87 correctional facility from redesignating a multi-occupancy
88 restroom, changing room or sleeping quarter for exclusive use by
89 one (1) sex to a designation for exclusive use by the opposite
90 sex.

91 **SECTION 5. Remedies.**

92 (1) An individual who, while accessing a restroom or
93 changing room designated for use by their sex, encounters a person
94 of the opposite sex in that restroom or changing room in violation
95 of Section 4, has a private cause of action for declaratory and
96 injunctive relief against the 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.** This act shall take effect and be in force and
117 after July 1, 2025.

