MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Banks

To: Corrections

HOUSE BILL NO. 396

AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PROVIDE CONJUGAL VISITATION FOR ANY ELIGIBLE MARRIED OFFENDER WHO IS COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONS AND TO PROVIDE CERTAIN DEFINITIONS; TO AMEND SECTION 47-5-95, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

SECTION 1. The Department of Corrections shall provide conjugal visitation for any married offender who is eligible based upon the rules of the department and who is committed to the custody of the Department of Corrections. As used in this section, "married offender" means any offender who has a valid marriage as prescribed under Section 93-1-15.

SECTION 2. Section 47-5-95, Mississippi Code of 1972, is amended as follows:

47-5-95. (1) The members of the executive department, except the Governor and Lieutenant Governor, and judicial departments of the state and members of the Legislature, shall with advance notice to the commissioner be admitted into the correctional system or any facility thereof, and other places

where offenders are kept and worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversations with the offenders apart from all correctional system officials.

(2) In addition to those individuals prescribed under subsection (1) of this section, other persons may visit a correctional system facility under such rules and regulations as may be established by the commissioner who shall be liable to the state on his bond for negligence in security and in an amount to be determined by the courts.

(3) Conjugal visitation shall be allowed for any person who is married to an offender and visits such offender at a correctional facility if the offender is committed to the custody of the Department of Corrections and is eligible for such visitation as provided under Section 1 of this act. As used in this subsection, "any person who is married" means any person who has a valid marriage as prescribed under Section 93-1-15.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.