



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

November 1, 2024

The Honorable Mitchell Mixon
Sheriff, George County
154 Industrial Park Road
Lucedale, Mississippi 39452

Re: Inmate Canteen Fund Expenditures

Dear Sheriff Mixon:

The Office of the Attorney General has received your request for an official opinion.

OFFICIAL **Background** OPINION

The George County Correctional Facility operates an inmate-led HVAC program. The facility's boiler needs a new mixing valve. In addition, the George County Correctional Facility launders inmate uniforms and requires an additional washer and dryer for such uniforms.

Questions Presented

1. May the sheriff of George County use money from the Inmate Canteen Fund, provided for in Mississippi Code Annotated Section 19-3-81, to purchase a boiler mixing valve for the inmate-led HVAC program at George County Correctional Facility?
2. May the sheriff of George County use money from the Inmate Canteen Fund, provided for in Section 19-3-81, to purchase an additional washing machine and clothes dryer for inmate uniforms?

Brief Response

1. Yes. The sheriff may use money from the Inmate Canteen Fund for the purchase of a boiler mixing valve as an educational related expense for the inmate-led HVAC program as well as for maintaining equipment "for the benefit and welfare of the inmates incarcerated in the county jail," pursuant to Miss. Code Ann. § 19-3-81(1)(b).
2. Yes. The sheriff may use money from the Inmate Canteen Fund for the purchase of an additional washing machine and clothes dryer for inmate uniforms, so long as the purchase

is made “for the benefit and welfare of the inmates incarcerated in the county jail,” pursuant to Miss. Code Ann. § 19-3-81(1)(b).

Applicable Law and Discussion

Section 19-3-81 provides, in relevant part:

(1)(a) The board of supervisors of any county is hereby authorized and empowered, in its discretion, to allow the sheriff of such county to operate a facility or facilities to be known as an inmate canteen facility or facilities, the purpose of which is to make available certain goods and other items of value for purchase by inmates confined in the county jail of such county, employees of the county jail and persons visiting inmates or employees. The sheriff of such county shall promulgate rules and regulations for the operation of such a facility.

(b) If the board of supervisors of any county authorizes the sheriff of such county to operate such a facility or facilities as provided in subsection (1) of this section, any funds which may be derived from the operation of an inmate canteen facility or facilities shall be deposited into a special fund in the county treasury to be designated as the “Inmate Canteen Fund.” Any monies in the special fund may be expended solely by the sheriff of the county *for any educational related expenses, to purchase equipment and supplies and to provide for maintenance of the equipment purchased for the benefit and welfare of the inmates incarcerated in the county jail.* The term “supplies” shall not include supplies related to the personal hygiene of inmates.

(emphasis added).

In addition to educational related expenses, the sheriff may use canteen funds to purchase general equipment and supplies for the benefit and welfare of the inmates, other than those related to the inmates’ personal hygiene, as well as to provide for the maintenance of such equipment. Miss. Code Ann § 19-3-81(b). Therefore, the sheriff may lawfully use canteen funds to purchase a boiler mixing valve for the inmate-led HVAC program.

Further, in accordance with Section 19-3-81, so long as the washing machine and clothes dryer are purchased “for the benefit and welfare of the inmates incarcerated in the county jail,” purchasing such with inmate canteen funds is lawful.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Caleb A. Pracht

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Special Assistant Attorney General

OFFICIAL OPINION