



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

April 17, 2025

William C. Purdie, Esq.
Attorney, City of Clinton
Post Office Box 156
Clinton, Mississippi 39060

Re: Statutory Cap on Municipal Payment to County for the Housing of
Inmates in the County Jail

Dear Mr. Purdie:

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

Background

In 2019, Mississippi Code Annotated Section 19-25-73(3), pertaining to the housing of municipal prisoners in the county jail, was amended. Clinton seeks guidance on the impact of the amendment.

Question Presented

Is there a statutory cap on the amount municipalities may pay to a county for housing inmates in the county jail pursuant to a contract under Section 47-1-39(1)?

Brief Response

Yes. As amended, Section 19-25-73(3) provides that municipalities may only pay up to the amount “provided under state law for the keeping in the county jail of persons committed, sentenced or otherwise placed under the custody of the Department of Corrections.” Specifically, “for holding a municipal pretrial detainee or prisoner in the county jail, a municipality is authorized to pay a county up to \$25 per day for days one through thirty and up to \$32.71 for days thirty-one or greater.” MS AG Op., *Mallette* at *2 (Mar. 18, 2025).

Applicable Law and Discussion

There are four relevant statutes involved in our analysis.

First, Section 47-1-39(1) authorizes “the governing authorities of municipalities . . . to contract with the board of supervisors, which is empowered in the premises, for the use of the county jail by the municipality[.]”

Second, Section 19-25-73(3) provides as follows:

In the event that prisoners are housed in the county jail by any political subdivision of the state, the county may charge the political subdivision for housing, feeding and otherwise caring for such prisoners an amount not to exceed the payments provided under *state law* for the keeping in the county jail of persons committed, sentenced or otherwise placed under the custody of the Department of Corrections.

(emphasis added).

As you note in your request, Section 19-25-73(3) was amended in 2019 by House Bill No. 874 to strike a reference to a previously repealed statute and insert “state law” in its place.

Third, Section 47-5-901(2) provides that the Department of Corrections “is encouraged to negotiate a reasonable per day cost per prisoner, *which in no event may exceed* Twenty-five Dollars (25.00) per day per offender, except as authorized in Section 47-5-909(2).” (emphasis added).

Fourth and finally, Section 47-5-909(2) provides that the Department of Corrections shall pay “Thirty-two Dollars and Seventy-one Cents (\$32.71) per day per offender for days thirty-one (31) or greater” for certain offenders.

“It is a well-settled rule of statutory construction that ‘when two [or more] statutes pertain to the same subject, they must be read together in light of legislative intent.’ *Tunica Cnty. v. Hampton Co. Nat. Sur., LLC*, 27 So. 3d 1128, 1133 (Miss. 2009) (quoting *Lenoir v. Madison Cnty.*, 641 So. 2d 1124, 1129 (Miss. 1994)).

The four above-cited statutes, when read together, build a statutory scheme limiting the amount counties can charge, and thus the amount that municipalities can pay, for the housing of inmates at the county jail. The “payments provided under state law for the keeping in the county jail of persons committed, sentenced or otherwise placed under the custody of the Department of Corrections” are the per day, per offender costs established in Sections 47-5-901(2) and 47-5-909(2). Miss. Code Ann. § 19-25-73(3). Specifically, “it is the opinion of this office that for holding a municipal pretrial detainee or prisoner in the county jail, a municipality is authorized to pay a county up to \$25 per day for days one through thirty and up to \$32.71 for days thirty-one or greater.” MS AG Op., *Mallette* at *2 (Mar. 18, 2025).

You note in your request prior opinions of this office addressing this issue which predate the 2019 amendment to Section 19-25-73(3). These opinions were correct interpretations of the law when they were issued, but later statutory amendments may have rendered portions of these prior opinions obsolete. To the extent such opinions conflict, this opinion is controlling on the issues presented in your request.

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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*

Caleb A. Pracht

Special Assistant Attorney General

OFFICIAL OPINION