



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 21, 2025

Kevin Null, Esq.
Attorney, Town of Ackerman
Post Office Box 756
Ackerman, Mississippi 39753

Re: Responsibility for Inmate Expenses Once Defendant is Bound Over
to Grand Jury

Dear Mr. Null:

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

Background

A question has arisen between the Choctaw County (“County”) Sheriff and the Town of Ackerman’s Chief of Police regarding which entity is responsible for inmate expenses once a municipal prisoner has been bound over to a grand jury for indictment.

Question Presented

Which entity is obligated to pay the expenses for a municipal prisoner whose case has been bound over to a grand jury for indictment?

Brief Response

It is the responsibility of the County to pay inmate expenses for a municipal prisoner once that defendant has been bound over to a grand jury for indictment.

Applicable Law and Discussion

Mississippi Code Annotated Section 47-1-39 authorizes the housing of municipal prisoners in the county jail under a contract between the governing authorities of the municipality and the county board of supervisors but is otherwise silent as to any point at which a “municipal” prisoner becomes a “county” prisoner for purposes of inmate expenses. *See* MS AG Op., *Purdie* (Apr. 17, 2025); MS AG Op., *Mallette* (Mar. 18, 2025) (explaining the statutory caps on payment for

housing prisoners); *but see* MS AG Op., *Rushing* at *1 (Apr. 4, 2024) (explaining that neither statutory nor case law exists regarding city prisoners becoming county prisoners upon being bound over to the grand jury).

This office cannot opine on the interpretation of contract terms. *Rushing* at *2 (citing MS AG Op., *Hensarling* at *3 (Sept. 3, 2021)) (stating that we cannot offer guidance on specific language of local agreements). However, we have previously opined that a municipal prisoner becomes a county prisoner when said prisoner is either 1) bound over to the grand jury at a preliminary hearing or 2) waives said preliminary hearing. MS AG Op., *Wright* (Apr. 13, 1994) (citing MS AG Op., *Hall* (Jan. 28, 1982)); *see also* MS AG Op., *Birdsong* at *1 (May 7, 1992) (“after either of these events occur[,] the prisoner becomes a county prisoner. Prior to either of these events[,] the municipality is responsible for housing and expenses of the prisoner.”).

Following either the holding or waiver of a preliminary hearing in the lower court, once the municipal prisoner’s case has been bound over to a grand jury for indictment, the County becomes responsible for the defendant inmate’s expenses.

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