



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 28, 2025

The Honorable Quordiniah N. Lockley
Mayor, City of McComb
Post Office Box 667
McComb, Mississippi 39649-0667

Re: Contract for Jail Services

Dear Mayor Lockley:

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

Question Presented

In follow up to MS AG Op., *Mallette* (Mar. 18, 2025), when a municipality is paying a county to hold a municipal detainee or prisoner in the county jail, does the \$25 per day for days one through thirty and \$32.71 per day for days thirty-one or greater include meals, medical treatment and transportation?

Brief Response

Meals are included in the statutory daily rate when a municipality is paying a county to hold a municipal detainee or prisoner in the county jail. However, in accordance with Mississippi Code Annotated Sections 19-25-73(3) and 47-5-909(3), medical treatment and related transportation are an additional responsibility. Mississippi law does not address whether transportation unrelated to medical treatment is included in the contracted daily rate; accordingly, such decision is left to the discretion of the parties.

Applicable Law and Discussion

In summary, in MS AG Op., *Mallette*, we opined that a municipality is authorized to pay a county up to \$25 per day for days one through thirty and \$32.71 for days thirty-one or greater for holding a municipal pretrial detainee or prisoner in the county jail. (citing Miss. Code Ann. §§ 47-1-39 (allowing municipalities to contract for use of the county jail), 19-25-73(3), 47-5-901(2), and 47-5-909).

General authority for counties to charge political subdivisions for use of the county jail is found in Section 19-25-73(3), which states:

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.

Section 47-5-901(2) places a cap on the cost of feeding and housing such offenders:

If state prisoners are housed in county jails due to a lack of capacity at state correctional institutions, the Department of Corrections shall determine the cost for food and medical attention for such prisoners. *The cost of feeding and housing offenders confined in such county jails shall be based on actual costs or contract price per prisoner.* In order to maximize the potential use of county jail space, 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).

But Section 47-5-909(2) extends this cap for days thirty-one or greater, further providing:

(2) Notwithstanding any other provision of law, to expedite the removal of inmates from county jails as early as practicable, absent a contract negotiated between the Department of Corrections and the county jail, the Department of Corrections shall pay county jails for housing state offenders out of any available funds as follows:

(a) Twenty-five Dollars (\$25.00) per day per offender for days one (1) through thirty (30);

(b) Thirty-two Dollars and Seventy-one Cents (\$32.71) per day per offender for days thirty-one (31) or greater when:

(i) An offender remains in the county jail after the Department of Corrections receives a certified copy of the sentencing order or five (5) days after the sentencing order is sent, in writing, by such county to the Department of Corrections, whichever is earlier; or

(ii) An offender remains in the county jail after being revoked from parole or probation or is sentenced to a technical violation center.

In follow up to *Mallette*, you ask if the \$25 per day for days one through thirty and \$32.71 per day for days thirty-one or greater includes meals, medical treatment and transportation when a municipality is paying a county to hold a municipal detainee or prisoner in the county jail. It is the

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opinion of this office that medical treatment and transportation are not included in these amounts. As stated *supra*, Section 19-25-73(3) allows counties to “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 . . . under the custody of the Department of Corrections.” Section 47-5-909(3) clarifies that, “The Department of Corrections is *additionally responsible for all medical costs* related to offenders housed at county jails under subsection (2) of this section.” (emphasis added); *see also* Miss. Code Ann. § 47-5-901(3)(a) (requiring department or its contracted medical provider to pay provider of medical service amount based upon negotiated fees as agreed to by medical care service providers, or upon absence thereof, a rate not to exceed the relevant Mississippi Medicaid reimbursement rate).¹ It thus follows that medical treatment and related transportation are likewise not included in the \$25 per day for days one through thirty and \$32.71 per day for days thirty-one or greater when a municipality, or other political subdivision, is paying a county to hold a municipal detainee or prisoner in the county jail.

This said, unlike medical costs, Mississippi law does not provide that meals are a separate expense from the statutory daily rate. To the contrary, Section 47-5-901(3)(a) provides, “the Department of Corrections [or political subdivision] shall pay to such county, out of any available funds, *the actual cost of food, or contract price per prisoner*, not to exceed Twenty-five Dollars (\$25.00) per day per offender, except as authorized in Section 47-5-909(2).” (emphasis added). Accordingly, it is the opinion of this office that meals are included in the statutory daily rate.

Finally, because Mississippi law does not address whether transportation unrelated to medical treatment is included in the contracted daily rate, it is the opinion of this office that such decision is left to the discretion of the parties.

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/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General

¹ *But see also* Miss. Code Ann. § 47-1-57 (regarding payment of costs for prisoner’s medical assistance); MS AG Op., *Turnage* at *1 (Sept. 29, 2006) (providing “if the city pays for medical costs of a non-indigent prisoner, it may seek reimbursement by civil suit against the prisoner”).