

By: Representative Newman

To: Corrections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 585

1 AN ACT TO CREATE THE "DIGNITY AND SAFETY FOR INCARCERATED
2 WOMEN ACT"; TO DEFINE CERTAIN TERMS AS USED UNDER THIS ACT; TO
3 PROVIDE THAT EVERY RESTROOM AND CHANGING ROOM WITHIN A
4 CORRECTIONAL FACILITY THAT IS FOR USE BY INCARCERATED INDIVIDUALS
5 SHALL BE DESIGNATED FOR USE BY MEMBERS OF ONE SEX; TO PROHIBIT ANY
6 INCARCERATED INDIVIDUAL FROM ENTERING A RESTROOM OR CHANGING ROOM
7 THAT IS DESIGNATED FOR ONE SEX UNLESS HE OR SHE IS A MEMBER OF
8 THAT SEX; TO PROVIDE THAT EVERY RESTROOM, CHANGING ROOM AND
9 SLEEPING QUARTER WITHIN A CORRECTIONAL FACILITY THAT IS DESIGNATED
10 FOR THE USE OF INCARCERATED ADULTS THAT IS ACCESSIBLE BY MULTIPLE
11 INDIVIDUALS AT THE SAME TIME SHALL BE DESIGNATED FOR USE ONLY BY
12 MEMBERS OF ONE SEX; TO PROVIDE CERTAIN REMEDIES FOR VIOLATIONS OF
13 THIS ACT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Sections 1 through 6 of this act may be cited as
16 the "Dignity and Safety for Incarcerated Women Act."

17 **SECTION 2.** **Legislative purpose.** The Legislature of the
18 State of Mississippi finds that the purpose of this act is as
19 follows:

20 (a) To provide for the safety and privacy needs of all
21 incarcerated individuals in correctional and detention facilities
22 in Mississippi; and



23 (b) To maintain order and dignity in restrooms,
24 showers, housing facilities, and other facilities where
25 incarcerated individuals may be in a state of undress in the
26 presence of other incarcerated individuals.

27 **SECTION 3. Definitions.**

28 For purposes of this act, the following terms shall have the
29 meanings ascribed herein:

30 (a) "Changing room" means a room or area in which a
31 person may be in a state of undress in the presence of others,
32 including a locker room or shower room.

33 (b) "Correctional facility" means a correctional
34 facility operated, regulated or authorized by the Mississippi
35 Department of Corrections to house state inmates.

36 (c) "Female" means an individual who has, had, will
37 have or would have, but for a developmental or genetic anomaly or
38 historical accident, the reproductive system that at some point
39 produces, transports, and utilizes eggs for fertilization.

40 (d) "Male" means an individual who has, had, will have
41 or would have, but for a developmental or genetic anomaly or
42 historical accident, the reproductive system that at some point
43 produces, transports, and utilizes sperm for fertilization.

44 (e) "Restroom" means a room that includes one or more
45 toilets or urinals.

46 (f) "Sex" means a person's biological sex, either male
47 or female, as observed or clinically verified at birth.



48 (g) "Sleeping quarters" means a room with more than one
49 bed and in which more than one individual is housed for sleeping.

50 **SECTION 4. Safety and privacy in correctional facilities.**

51 (1) Every restroom and changing room within a correctional
52 facility that is designated for the use of incarcerated
53 individuals and that is accessible by multiple individuals at the
54 same time shall be designated for use only by members of one sex.

55 (2) A restroom or changing room within a correctional
56 facility that is designated for one sex shall be used only by
57 members of that sex and no incarcerated individual shall enter a
58 restroom or changing room that is designated for one sex unless he
59 or she is a member of that sex and the correctional facility shall
60 ensure that all restrooms and changing rooms provide its users
61 with privacy from members of the opposite sex.

62 (3) Each sleeping quarter within a correctional facility
63 that is designated for the use of incarcerated individuals and
64 that is accessible by multiple individuals at the same time shall
65 be designated for use only by members of one sex.

66 (4) A sleeping quarter within a correctional facility that
67 is designated for one sex shall be used only by members of that
68 sex and no incarcerated individual shall be housed in a sleeping
69 quarter that is designated for one sex unless he or she is a
70 member of that sex.

71 (5) This section shall not apply to an incarcerated
72 individual who enters a restroom, changing room, or sleeping



73 quarter designated for the opposite sex when entering for the
74 following purposes:

75 (a) For custodial or maintenance purposes;

76 (b) To render medical assistance;

77 (c) During a natural disaster, emergency, or when
78 necessary to prevent a serious threat to good order or safety; or

79 (e) On a temporary basis (which shall not include
80 overnight housing) at the direction of the correctional facility.

81 **SECTION 5. Remedies.**

82 (1) An incarcerated individual who, while accessing a
83 restroom or changing room designated for use by their sex,
84 encounters a person of the opposite sex in that restroom or
85 changing room in violation of Section 4, has a private cause of
86 action for declaratory and injunctive relief against the
87 correctional facility if:

88 (a) The correctional facility gave that person
89 permission to use a restroom or changing room of the opposite sex;
90 or

91 (b) The correctional facility failed to take reasonable
92 steps to prohibit that person from using the restroom or changing
93 room of the opposite sex.

94 (2) An incarcerated individual who is required by the
95 correctional facility to share sleeping quarters with a person of
96 the opposite sex in violation of Section 4, has a private cause of



97 action for declaratory and injunctive relief against the
98 correctional facility.

99 (3) All civil actions brought pursuant to this section must
100 be initiated within two (2) years after the violation occurred.
101 An individual aggrieved under this section who prevails in court
102 may recover reasonable attorney fees and costs from the offending
103 correctional facility.

104 **SECTION 6.** If any subsection or portion of this act is
105 declared invalid, that declaration shall not affect the validity
106 of the remaining portions.

107 **SECTION 7.** This act shall take effect and be in force and
108 after July 1, 2024.

