

By: Representative Mayo

To: Penitentiary

HOUSE BILL NO. 191

1 AN ACT TO AMEND SECTION 47-4-1, MISSISSIPPI CODE OF 1972, TO
2 ALLOW PRIVATE CORRECTIONAL FACILITIES TO HOUSE STATE INMATES IN
3 SAME FACILITY AS INMATES FROM OTHER STATES UNDER CERTAIN
4 CONDITIONS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 47-4-1, Mississippi Code of 1972, is
7 amended as follows:

8 47-4-1. (1) It is lawful for there to be located within
9 Wilkinson County and Leflore County a correctional facility
10 operated entirely by a private entity pursuant to a contractual
11 agreement between such private entity and the federal government,
12 any state, or a political subdivision of any state to provide
13 correctional services to any such public entity for the
14 confinement of inmates subject to the jurisdiction of such public
15 entity. Any person confined in such a facility pursuant to the
16 laws of the jurisdiction from which he is sent shall be considered
17 lawfully confined within this state. The private entity shall
18 assume complete responsibility for the inmates and shall be liable
19 to the State of Mississippi for any illegal or tortious actions of
20 such inmates.

21 (2) The Department of Corrections shall contract with the
22 "Delta Correctional Facility Authority," a public body authorized
23 in Chapter 852, Local and Private Laws of 1992, for the private
24 incarceration of not more than one thousand (1,000) state inmates
25 at a facility in Leflore County. Any contract must comply with
26 the requirements of Section 47-5-1211 through Section 47-5-1227.

27 (3) It is lawful for any county to contract with a private
28 entity for the purpose of providing correctional services for the



29 confinement of federal inmates subject to the jurisdiction of the
30 United States. Any person confined in such a facility pursuant to
31 the laws of the United States shall be considered lawfully
32 confined within this state. The private entity shall assume
33 complete responsibility for the inmates and shall be liable to the
34 county or the State of Mississippi, as the case may be, for any
35 illegal or tortious actions of the inmates.

36 (4) It is lawful for there to be located within any county a
37 correctional facility operated entirely by a private entity and
38 the federal government to provide correctional services to the
39 United States for the confinement of federal inmates subject to
40 the jurisdiction of the United States. Any person confined in a
41 facility pursuant to the laws of the United States shall be
42 considered lawfully confined within this state. The private
43 entity shall assume complete responsibility for the inmates and
44 shall be liable to the State of Mississippi for any illegal or
45 tortious actions of the inmates.

46 A person convicted of simple assault on an employee of a
47 private correctional facility while such employee is acting within
48 the scope of his or her duty or employment shall be punished by a
49 fine of not more than One Thousand Dollars (\$1,000.00) or by
50 imprisonment for not more than five (5) years, or both.

51 A person convicted of aggravated assault on an employee of a
52 private correctional facility while such employee is acting within
53 the scope of his or her duty or employment shall be punished by a
54 fine of not more than Five Thousand Dollars (\$5,000.00) or by
55 imprisonment for not more than thirty (30) years, or both.

56 (5) If a private entity houses state inmates, the private
57 entity shall not displace state inmate beds with federal inmate
58 beds unless the private entity has obtained prior written approval
59 from the Commissioner of Corrections.



60 (6) It is lawful for a private entity housing state inmates
61 to house inmates from other states provided that state inmates are
62 completely segregated from out-of-state inmates.

63 SECTION 2. This act shall take effect and be in force from
64 and after July 1, 2001.

