

By: Representative Malone

To: Penitentiary;  
Appropriations

HOUSE BILL NO. 1012

1 AN ACT TO AMEND SECTION 47-4-1, MISSISSIPPI CODE OF 1972, TO  
 2 INCREASE THE NUMBER OF INMATES THAT MAY BE INCARCERATED AT THE  
 3 DELTA CORRECTIONAL FACILITY IN LEFLORE COUNTY; TO AMEND SECTION  
 4 47-5-941, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF  
 5 INMATES THAT MAY BE INCARCERATED AT THE WILKINSON COUNTY FACILITY;  
 6 TO AMEND SECTION 47-5-943, MISSISSIPPI CODE OF 1972, TO INCREASE  
 7 THE NUMBER OF JUVENILE OFFENDERS THAT MAY BE HOUSED BY THE WALNUT  
 8 GROVE CORRECTIONAL AUTHORITY; TO AMEND SECTION 47-5-1207,  
 9 MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF INMATES THAT  
 10 MAY BE HOUSED IN MARSHALL COUNTY OR WILKINSON COUNTY; AND FOR  
 11 RELATED PURPOSES.

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

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

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

28 (2) The Department of Corrections shall contract with the  
 29 "Delta Correctional Facility Authority," a public body authorized  
 30 in Chapter 852, Local and Private Laws of 1992, for the private

31 incarceration of not more than one thousand five hundred (1,500)  
32 state inmates at a facility in Leflore County. Any contract must  
33 comply with the requirements of Section 47-5-1211 through Section  
34 47-5-1227.

35 (3) It is lawful for any county to contract with a private  
36 entity for the purpose of providing correctional services for the  
37 confinement of federal inmates subject to the jurisdiction of the  
38 United States. Any person confined in such a facility pursuant to  
39 the laws of the United States shall be considered lawfully  
40 confined within this state. The private entity shall assume  
41 complete responsibility for the inmates and shall be liable to the  
42 county or the State of Mississippi, as the case may be, for any  
43 illegal or tortious actions of the inmates.

44 (4) It is lawful for there to be located within any county a  
45 correctional facility operated entirely by a private entity and  
46 the federal government to provide correctional services to the  
47 United States for the confinement of federal inmates subject to  
48 the jurisdiction of the United States. Any person confined in a  
49 facility pursuant to the laws of the United States shall be  
50 considered lawfully confined within this state. The private  
51 entity shall assume complete responsibility for the inmates and  
52 shall be liable to the State of Mississippi for any illegal or  
53 tortious actions of the inmates.

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

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

64 (5) If a private entity houses state inmates, the private  
65 entity shall not displace state inmate beds with federal inmate  
66 beds unless the private entity has obtained prior written approval  
67 from the Commissioner of Corrections.

68 SECTION 2. Section 47-5-941, Mississippi Code of 1972, is  
69 amended as follows:

70 47-5-941. In addition to any other authority granted by law,  
71 the Department of Corrections may contract with the Wilkinson  
72 County industrial development or economic development authority  
73 for the private incarceration of not more than one thousand five  
74 hundred (1,500) state inmates at a facility in Wilkinson County.  
75 Any such contract must comply with Sections 47-5-1211 through  
76 47-5-1227.

77 The Department of Corrections may contract with the East  
78 Mississippi Correctional Facility for the private incarceration of  
79 not more than one thousand five hundred (1,500) state inmates.

80 SECTION 3. Section 47-5-943, Mississippi Code of 1972, is  
81 amended as follows:

82 47-5-943. The Mississippi Department of Corrections shall  
83 contract with the Walnut Grove Correctional Authority or the  
84 governing authorities of the Municipality of Walnut Grove, Leake  
85 County, Mississippi, to provide for the private housing, care and  
86 control up to one thousand (1,000) juvenile offenders who are in  
87 the custody of the Department of Corrections at a maximum security  
88 facility in Walnut Grove. The maximum age of any offender housed  
89 in this facility shall be nineteen (19) years. A county or  
90 circuit judge shall not order any juvenile to be housed in the  
91 correctional facility authorized in this act. Commitment of  
92 juvenile offenders shall not be to this facility, but shall be to  
93 the jurisdiction of the department. The commissioner shall assign  
94 newly sentenced offenders to an appropriate facility consistent  
95 with public safety. Any facility owned or leased by the Walnut  
96 Grove Correctional Authority or the Municipality of Walnut Grove

97 for this purpose shall be designed, constructed, operated and  
98 maintained in accordance with American Correctional Association  
99 standards, and shall comply with all constitutional standards of  
100 the United States and the State of Mississippi and with all court  
101 orders that may now or hereinafter be applicable to the facility.  
102 The contract must comply with Sections 47-5-1211 through  
103 47-5-1227.

104 SECTION 4. Section 47-5-1207, Mississippi Code of 1972, is  
105 amended as follows:

106 47-5-1207. (1) The State Prison Emergency Construction and  
107 Management Board shall select a suitable site or sites for a  
108 public or private facility not to exceed one thousand (1,000) beds  
109 in any of the following counties: Lauderdale, Quitman, Perry and  
110 Sharkey.

111 (2) The State Prison Emergency Construction and Management  
112 Board may contract for the construction, lease, acquisition,  
113 improvement, operation and management of a private correctional  
114 facility in Marshall County or Wilkinson County for the private  
115 incarceration of not more than one thousand five hundred (1,500)  
116 state inmates at the facility.

117 (3) The State Prison Emergency Construction and Management  
118 Board may contract with any county industrial or economic  
119 development authority or district for the construction, lease,  
120 acquisition, improvement, operation and management of a private  
121 correctional facility to be sited or constructed under Laws, 1994  
122 First Extraordinary Session, Chapter 26.

123 (4) The State Prison Emergency Construction and Management  
124 Board may contract for the construction, lease, acquisition,  
125 improvement and operation of two (2) private restitution centers,  
126 one of which may be in Bolivar County. The capacity of each  
127 restitution center shall not exceed seventy-five (75) state  
128 inmates.

129           (5) (a) The State Prison Emergency Construction and  
130 Management Board may contract for the special needs facility and  
131 services authorized in Sections 47-5-1101 through 47-5-1123.

132           (b) No later than September 15, 1994, the Joint  
133 Legislative Committee on Performance Evaluation and Expenditure  
134 Review shall determine the state medical cost per inmate day to  
135 use as a basis for measuring the validity of ten percent (10%)  
136 savings of the contractor cost.

137           (6) Each private contractor and private facility housing  
138 state inmates must meet the requirements of Section 47-5-1211  
139 through Section 47-5-1227.

140           (7) No additional emergency prisons shall be located in any  
141 city and/or county, except upon the submission to the State Prison  
142 Emergency Construction and Management Board, of a resolution  
143 signed by a majority of the governing authorities of the city  
144 and/or county, wherein the proposed prison site is to be located,  
145 approving and/or requesting that a prison facility be located at  
146 the proposed site.

147           SECTION 5. This act shall take effect and be in force from  
148 and after July 1, 2001.