HOUSE BILL NO. 1012

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

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

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

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

(2) The Department of Corrections shall contract with the "Delta Correctional Facility Authority," a public body authorized in Chapter 852, Local and Private Laws of 1992, for the private
incarceration of not more than one thousand five hundred (1,500) state inmates at a facility in Leflore County. Any contract must comply with the requirements of Section 47-5-1211 through Section 47-5-1227.

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

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

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

A person convicted of aggravated assault on an employee of a private correctional facility while such employee is acting within the scope of his or her duty or employment shall be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than thirty (30) years, or both.
If a private entity houses state inmates, the private entity shall not displace state inmate beds with federal inmate beds unless the private entity has obtained prior written approval from the Commissioner of Corrections.

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

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

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

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

47-5-943. The Mississippi Department of Corrections shall contract with the Walnut Grove Correctional Authority or the governing authorities of the Municipality of Walnut Grove, Leake County, Mississippi, to provide for the private housing, care and control up to one thousand (1,000) juvenile offenders who are in the custody of the Department of Corrections at a maximum security facility in Walnut Grove. The maximum age of any offender housed in this facility shall be nineteen (19) years. A county or circuit judge shall not order any juvenile to be housed in the correctional facility authorized in this act. Commitment of juvenile offenders shall not be to this facility, but shall be to the jurisdiction of the department. The commissioner shall assign newly sentenced offenders to an appropriate facility consistent with public safety. Any facility owned or leased by the Walnut Grove Correctional Authority or the Municipality of Walnut Grove
for this purpose shall be designed, constructed, operated and
maintained in accordance with American Correctional Association
standards, and shall comply with all constitutional standards of
the United States and the State of Mississippi and with all court
orders that may now or hereinafter be applicable to the facility.
The contract must comply with Sections 47-5-1211 through
47-5-1227.

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

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

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

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

(4) The State Prison Emergency Construction and Management
Board may contract for the construction, lease, acquisition,
improvement and operation of two (2) private restitution centers,
one of which may be in Bolivar County. The capacity of each
restitution center shall not exceed seventy-five (75) state
inmates.
(5) (a) The State Prison Emergency Construction and Management Board may contract for the special needs facility and services authorized in Sections 47-5-1101 through 47-5-1123.

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

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

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

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