

By: Representative Fillingane

To: Penitentiary;
Appropriations

HOUSE BILL NO. 1105

1 AN ACT TO AMEND SECTIONS 47-4-1 AND 47-5-931, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC OR PRIVATE
3 CORRECTIONAL FACILITY TO BE LOCATED IN LAMAR COUNTY, MISSISSIPPI;
4 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, Lamar County and Leflore County a correctional
10 facility operated entirely by a private entity pursuant to a
11 contractual agreement between such private entity and the federal
12 government, any state, or a political subdivision of any state to
13 provide 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 SECTION 2. Section 47-5-931, Mississippi Code of 1972, is
61 amended as follows:

62 47-5-931. (1) The Department of Corrections, in its
63 discretion, may contract with the board of supervisors of one or
64 more counties and/or with a regional facility jointly operated by
65 two (2) or three (3) counties, to provide for housing, care and
66 control of not more than two hundred fifty (250) offenders who are
67 in the custody of the State of Mississippi. Any facility owned or
68 leased by a county or counties for this purpose shall be designed,
69 constructed, operated and maintained in accordance with American
70 Correctional Association standards, and shall comply with all
71 constitutional standards of the United States and the State of
72 Mississippi, and with all court orders that may now or hereinafter
73 be applicable to the facility. If the Department of Corrections
74 contracts with more than one (1) county to house state offenders
75 in county correctional facilities, excluding a regional facility,
76 then the first of such facilities shall be constructed in Sharkey
77 County or Lamar County and the second of such facilities shall be
78 constructed in Jefferson County.

79 (2) The Department of Corrections shall contract with the
80 boards of supervisors of the following counties to house state
81 inmates in regional facilities: (a) Marion and Walthall Counties;
82 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River
83 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba
84 Counties; (f) Holmes County and any contiguous county in which
85 there is located an unapproved jail; and (g) Bolivar County and
86 any contiguous county in which there is located an unapproved
87 jail. The Department of Corrections may contract with the boards
88 of supervisors of the following counties to house state inmates in
89 regional facilities: (a) Yazoo County and any contiguous county,
90 (b) Chickasaw County; and (c) George and Greene Counties. The
91 Department of Corrections shall decide the order of priority of
92 the counties listed in this subsection with which it will contract

93 for the housing of state inmates. For the purposes of this
94 subsection the term "unapproved jail" means any jail that the
95 local grand jury determines should be condemned or has found to be
96 of substandard condition or in need of substantial repair or
97 reconstruction.

98 SECTION 3. This act shall take effect and be in force from
99 and after its passage.