

By: Senator(s) Smith (By Request)

To: Corrections;  
Appropriations

SENATE BILL NO. 2880

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; AND FOR RELATED  
4 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 five hundred (1,500)  
25 state inmates at a facility in Leflore County. Any contract must  
26 comply with the requirements of Section 47-5-1211 through Section  
27 47-5-1227.

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

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

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

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

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

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