

By: Representatives Clarke, Bowles,
Frierson, Horne, Stevens

To: Penitentiary;
Appropriations

HOUSE BILL NO. 1176

1 AN ACT TO AMEND SECTION 47-5-933, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THAT FUTURE REGIONAL PRISON CONTRACTS BETWEEN COUNTIES
3 AND THE DEPARTMENT OF CORRECTIONS BE ENTERED INTO AT A PER DIEM
4 RATE BASED ON AN EFFICIENT OPERATING COST; TO AMEND SECTION
5 47-5-935, MISSISSIPPI CODE OF 1972, TO MAKE THE WARDEN OF EACH
6 REGIONAL FACILITY THE CHIEF CORRECTIONAL OFFICER OF THE FACILITY;
7 AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 47-5-933, Mississippi Code of 1972, is
10 amended as follows:

11 47-5-933. (1) The Department of Corrections may contract
12 for the purposes set out in Section 47-5-931 for a period of not
13 more than twenty (20) years. The contract may provide that the
14 Department of Corrections pay a fee of up to Twenty-four Dollars
15 and Ninety Cents (\$24.90) per day for each offender that is housed
16 in the facility. The Department of Corrections may include in the
17 contract, as an inflation factor, a three percent (3%) annual
18 increase in the contract price. The state shall retain
19 responsibility for medical care for state offenders to the extent
20 that is required by law.

21 (2) For all contracts entered into after July 1, 2002, the
22 Department of Corrections shall negotiate a per diem rate for the
23 regional facility based on the Department's assessment of the most
24 efficient operating costs for a regional facility. Such per diem
25 shall not include compensation for excessive costs, and shall
26 include debt service payments necessary and appropriate to cover
27 the cost of housing state inmates only.

28 **SECTION 2.** Section 47-5-935, Mississippi Code of 1972, is
29 amended as follows:



30 **[Until January 1, 2004, this section shall read as follows:]**

31 47-5-935. Concurrent with the execution of a contract for
32 housing of state offenders as authorized by Sections 47-5-931
33 through 47-5-941, the sheriff of a county where the facility is
34 located is designated as the Chief Corrections Officer for the
35 facility housing state offenders, and in that capacity, shall
36 assume responsibility for management of the corrections facility
37 and for the provision of the care and control of the state
38 offenders housed therein. The sheriff shall be subject to the
39 direction of the department for management of the correctional
40 facility. In addition to the compensation provided by Section
41 25-3-25, the sheriff shall receive Fifteen Thousand Six Hundred
42 Dollars (\$15,600.00) as compensation for the duties specified in
43 Sections 47-5-931 through 47-5-941.

44 **[From and after January 1, 2004, this section shall read as**
45 **follows:]**

46 47-5-935. Concurrent with the execution of a contract for
47 housing of state offenders as authorized by Sections 47-5-931
48 through 47-5-941, the warden of the facility is designated as the
49 Chief Corrections Officer for the facility housing state
50 offenders, and in that capacity, shall assume responsibility for
51 management of the corrections facility and for the provision of
52 the care and control of the state offenders housed
53 therein. * * *

54 **SECTION 3.** This act shall take effect and be in force from
55 and after July 1, 2002.

