

By: Senator(s) Smith

To: Corrections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2958

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE PRIVATE PRISONS HOUSING STATE INMATES TO PURCHASE
3 PRISON CLOTHING AND BEDDING FROM MISSISSIPPI PRISON INDUSTRIES IF
4 IT SUBMITS A COMPETITIVE BID; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-5-1211, Mississippi Code of 1972, is
7 amended as follows:

8 47-5-1211. (1) A contract for private correctional
9 facilities or services shall not be entered into unless the
10 contractor has demonstrated that it has:

11 (a) The qualifications, experience and management
12 personnel necessary to carry out the terms of the contract.

13 (b) The ability to expedite the siting, design and
14 construction of correctional facilities.

15 (c) The ability to comply with applicable laws, court
16 orders and national correctional standards.

17 (d) Demonstrated history of successful operation and
18 management of other correctional facilities.

19 (2) A facility shall at all times comply with all federal
20 and state laws, and all applicable court orders.

21 (3) (a) No contract for private incarceration shall be
22 entered into unless the cost of the private operation, including
23 the state's cost for monitoring the private operation, offers a
24 cost savings of at least ten percent (10%) to the Department of
25 Corrections for at least the same level and quality of service
26 offered by the Department of Corrections.

27 (b) The Joint Legislative Committee on Performance
28 Evaluation and Expenditure Review shall contract annually with a



29 certified public accounting firm to establish a state inmate cost
30 per day for a comparable state facility. The state inmate cost
31 per day shall be certified annually. The certified cost shall be
32 used as the basis for measuring the validity of the ten percent
33 (10%) savings of the contractor costs.

34 (4) The rates and benefits for correctional services shall
35 be negotiated based upon American Correction Association
36 standards, state law and court orders.

37 (5) The contract shall require that the private correctional
38 facility shall purchase prison clothing, beds and bedding by bid
39 and if the nonprofit Mississippi Prison Industries Corporation
40 submits a competitive bid that is not greater than five percent
41 (5%) above the lowest and best bid then the contract shall be
42 awarded to the Mississippi Prison Industries Corporation.

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2002.

