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

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

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

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

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

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

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

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

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

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

(b) The Joint Legislative Committee on Performance Evaluation and Expenditure Review shall contract annually with a
ST: Prison industries; require private prison with state inmates to purchase prison clothing from MS Prison Industries Corporation.

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

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

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

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