

By: Senator(s) Huggins, Jackson (11th),
Jordan

To: Corrections;
Appropriations

SENATE BILL NO. 2676
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-4-1, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH A PRIVATE
3 CORRECTIONAL FACILITY IN TALLAHATCHIE COUNTY TO HOUSE STATE
4 INMATES; 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 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 (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) The Department of Corrections may contract with the
57 Tallahatchie County correctional facility authorized in Chapter
58 904, Local and Private Laws of 1999, for the private incarceration
59 of not more than one thousand (1,000) state inmates at a facility
60 in Tallahatchie County. Any contract must comply with the
61 requirements of Section 47-5-1211 through Section 47-5-1227. No

62 state inmates shall be assigned to the Tallahatchie County
63 correctional facility unless the inmate cost per day is at least
64 ten percent (10%) less than the inmate cost per day for housing a
65 state inmate at maximum security Unit-32 at Parchman Penitentiary.

66 (6) If a private entity houses state inmates, the private
67 entity shall not displace state inmate beds with federal inmate
68 beds unless the private entity has obtained prior written approval
69 from the Commissioner of Corrections.

70 **SECTION 2.** This act shall take effect and be in force from
71 and after its passage.