

## House Amendments to Senate Bill No. 2676

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 a state correctional facility.

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

HR40\SB2676A.J

Don Richardson  
Clerk of the House of Representatives