

By: Representatives Dedeaux, Bailey, Clarke,
Hudson, Robinson (63rd), Rogers (61st)

To: Corrections;
Appropriations

HOUSE BILL NO. 818

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO PAY CERTAIN COSTS
3 ASSOCIATED WITH THE ANNUAL INMATE COST PER DAY REVIEW THAT IS
4 CONDUCTED BY THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE
5 EVALUATION AND EXPENDITURE REVIEW (PEER COMMITTEE); AND FOR RELATED
6 PURPOSES.

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

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

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

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

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

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

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

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

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

29 (b) The Joint Legislative Committee on Performance
30 Evaluation and Expenditure Review (PEER Committee) shall contract
31 annually with a certified public accounting firm to establish a
32 state inmate cost per day for a comparable state facility. The
33 Department of Corrections shall be responsible for paying the
34 contractor selected by the PEER Committee. The state inmate cost
35 per day shall be certified annually. The certified cost shall be
36 used as the basis for measuring the validity of the ten percent
37 (10%) savings of the contractor costs.

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

41 **SECTION 2.** This act shall take effect and be in force from
42 and after July 1, 2005.