

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 169

BY: Representative Malone

1 **AMEND** after line 72 by inserting the following language and
2 renumber the succeeding section:

3 "**SECTION 3.** (1) It is lawful for there to be located within
4 Bay Springs, Mississippi a correctional facility operated entirely
5 by a private entity pursuant to a contractual agreement between
6 such private entity and the federal government, any state, or a
7 political subdivision of any state to provide correctional
8 services to any such public entity for the confinement of inmates
9 subject to the jurisdiction of such public entity. Any person
10 confined in such a facility pursuant to the laws of the
11 jurisdiction from which he or she is sent shall be considered
12 lawfully confined within this state. The private entity shall
13 assume complete responsibility for the inmates and shall be liable
14 to the State of Mississippi for any illegal or tortious actions of
15 such inmates.

16 (2) The Department of Corrections shall contract with the
17 local governing authorities of Bay Springs, Mississippi for the
18 private incarceration of five-hundred (500) state inmates with the
19 capacity to incarcerate up to one-thousand (1,000) state inmates
20 at a facility in Bay Springs, Mississippi. Such contract shall
21 provide that Bay Springs, Mississippi shall provide a site for a
22 private prison at no charge to the state. In addition, such

23 contract shall provide utilities shall be run to the site of the
24 private prison at no charge to the state. Any contract must
25 comply with the requirements of Section 47-5-1211 through Section
26 47-5-1227.

27 (3) It is lawful for there to be located within any county a
28 correctional facility operated entirely by a private entity and
29 the federal government to provide correctional services to the
30 United States for the confinement of federal inmates subject to
31 the jurisdiction of the United States. Any person confined in a
32 facility pursuant to the laws of the United States shall be
33 considered lawfully confined within this state. The private
34 entity shall assume complete responsibility for the inmates and
35 shall be liable to the State of Mississippi for any illegal or
36 tortious actions of the inmates.

37 A person convicted of simple assault on an employee of a
38 private correctional facility while such employee is acting within
39 the scope of his or her duty or employment shall be punished by a
40 fine of not more than One Thousand Dollars (\$1,000.00) or by
41 imprisonment for not more than five (5) years, or both.

42 A person convicted of aggravated assault on an employee of a
43 private correctional facility while such employee is acting within
44 the scope of his or her duty or employment shall be punished by a
45 fine of not more than Five Thousand Dollars (\$5,000.00) or by
46 imprisonment for not more than thirty (30) years, or both.

47 (4) If a private entity houses state inmates, the private
48 entity shall not displace state inmate beds with federal inmate
49 beds unless the private entity has obtained prior written approval
50 from the Commissioner of Corrections.

51 (5) Inmates who are housed in the private prison authorized
52 in this act are authorized to participate in the Prison Industry
53 Enhancement (PIE) program which is authorized in Section 47-5-
54 1251. If inmates participate in such program, it is the intent of

55 this legislation that the state shall be reimbursed for the work
56 of such inmates who participate in the PIE program."

57 **AMEND FURTHER** the title on line 10 by inserting the following
58 language after the semicolon:

59 "TO AUTHORIZE BAY SPRINGS, MISSISSIPPI, TO OPERATE A PRIVATE
60 PRISON TO HOUSE STATE INMATES; TO REQUIRE THE DEPARTMENT OF
61 CORRECTIONS TO CONTRACT WITH THE GOVERNING AUTHORITIES OF BAY
62 SPRINGS, MISSISSIPPI, FOR THE PRIVATE INCARCERATION OF SUCH
63 INMATES; TO PROVIDE THAT SUCH PRIVATE PRISON SHALL HOUSE 500 STATE
64 INMATES WITH THE ABILITY TO HOUSE 1000 STATE INMATES IF NEEDED; TO
65 AUTHORIZE THAT INMATES WHO ARE HOUSED IN SUCH PRIVATE PRISONS MAY
66 PARTICIPATE IN THE PRISON INDUSTRY ENHANCEMENT PROGRAM;"