

By: Representative Buck

To: Corrections

HOUSE BILL NO. 1454

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE DEPARTMENT OF CORRECTIONS FROM ENTERING INTO
3 CONTRACTS WITH A PRIVATE ENTITY FOR THE PURPOSES OF ALLOWING
4 OFFENDERS WITHIN THE DEPARTMENT'S CUSTODY TO PROVIDE LABOR TO A
5 PRIVATE ENTITY WITHOUT SPECIFIC AUTHORITY FROM GENERAL LAW; AND
6 FOR RELATED 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) The demonstrated history of successful operation
20 and 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 shall contract annually with a
31 certified public accounting firm to establish a state inmate cost
32 per day for a comparable state facility. The state inmate cost
33 per day shall be certified annually. The certified cost shall be
34 used as the basis for measuring the validity of the ten percent
35 (10%) savings of the contractor costs.

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

39 (5) The Department of Corrections and all of its agents
40 shall not be authorized to delegate, privatize or otherwise enter
41 into a contract with a private entity for the purpose of allowing
42 any individual in the department's custody to provide labor to a
43 private entity without specific authority to do so by a general
44 act of the Legislature. Nothing in this provision shall prohibit
45 individuals in the department's custody from providing labor to
46 the Mississippi Prison Industries.

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