

By: Senator(s) Doxey

To: Corrections;  
Appropriations

SENATE BILL NO. 2614

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT STATE OFFENDERS OF ANY CUSTODY CLASSIFICATION MAY  
3 BE HOUSED IN PRIVATE CORRECTIONAL FACILITIES; AND FOR RELATED  
4 PURPOSES.

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

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

8 47-5-1211. (1) A contract for private correctional  
9 facilities or services shall not be entered into unless the  
10 contractor has demonstrated that it has:

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

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

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

17 (d) Demonstrated history of successful operation and  
18 management of other correctional facilities.

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

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

27 (b) The Joint Legislative Committee on Performance  
28 Evaluation and Expenditure Review shall contract annually with a

29 certified public accounting firm to establish a state inmate cost  
30 per day for a comparable state facility. The state inmate cost  
31 per day shall be certified annually. The certified cost shall be  
32 used as the basis for measuring the validity of the ten percent  
33 (10%) savings of the contractor costs.

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

37 (5) A state offender of any custody classification may be  
38 housed in a private correctional facility.

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