

By: Representatives Faulkner, Sykes,
Williams-Barnes

To: Corrections;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 868

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT PRIVATE CORRECTIONAL FACILITIES CONTRACTORS MUST
3 USE LOCAL VENDORS IN PROVIDING SERVICES TO OFFENDERS DURING THE
4 CONTRACTOR'S OPERATION OF THE FACILITY; AND FOR RELATED 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 (e) The ability and commitment to utilize local vendors
20 in providing commissary, medical, treatment or other services to
21 offenders and in providing any other service that may be needed
22 during the contractor's operation of the facility.

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

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

31 (b) Beginning in 2012, and every two (2) years
32 thereafter, the Joint Legislative Committee on Performance
33 Evaluation and Expenditure Review (PEER) shall contract with a
34 certified public accounting firm to establish a state inmate cost
35 per day using financial information of the Department of
36 Corrections for the most recently completed fiscal year. The
37 state inmate cost per day shall be certified as required by this
38 section. The certified cost shall be used as the basis for
39 measuring the validity of the ten percent (10%) savings of the
40 contractor costs.

41 (c) Prior to engaging a certified public accountant,
42 the PEER Committee, in conjunction with the Department of
43 Corrections, shall develop a current cost-based model that will



44 serve as a basis for the report produced as authorized by this
45 section.

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

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2018.

