

By: Representative Ladner

To: Corrections

HOUSE BILL NO. 27

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,  
 2 TO TRANSFER RESPONSIBILITY FOR CONDUCTING COST-PER-DAY REVIEWS  
 3 FROM THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND  
 4 EXPENDITURE REVIEW (PEER) TO THE DEPARTMENT OF CORRECTIONS; TO  
 5 AUTHORIZE THE DEPARTMENT TO CONSULT WITH THE JOINT LEGISLATIVE  
 6 COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE REVIEW  
 7 REGARDING POSSIBLE CHANGES TO METHODS AND PROCEDURES UTILIZED IN  
 8 CONDUCTING THE COST-PER-DAY REVIEWS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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



21 (d) Demonstrated history of successful operation and  
22 management of other correctional facilities.

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 \* \* \* 2023, and every two (2) years  
32 thereafter, the \* \* \* Mississippi Department of Corrections shall  
33 contract with a certified public accounting firm to establish a  
34 state inmate cost per day using financial information of the  
35 Department of Corrections for the most recently completed fiscal  
36 year. The state inmate cost per day shall be certified as  
37 required by this section. The certified cost shall be used as the  
38 basis for measuring the validity of the ten percent (10%) savings  
39 of the contractor costs.

40 (c) Prior to engaging a certified public  
41 accountant, \* \* \* the Department of Corrections, shall develop a  
42 current cost-based model that will serve as a basis for the report  
43 produced as authorized by this section. The Department of  
44 Corrections shall require the accounting firm to utilize the  
45 cost-based model developed in conjunction with the PEER Committee



46 staff and the department for cost-per-day reviews conducted after  
47 2012. The Department of Corrections may consult with the PEER  
48 staff regarding proposed changes to the model for use in future  
49 cost-per-day determinations.

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

53 **SECTION 2.** This act shall take effect and be in force from  
54 and after July 1, 2022.

