

By: Representatives Stevens, Frierson,
Clarke

To: Corrections;
Appropriations

HOUSE BILL NO. 591

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO PAY COSTS
3 ASSOCIATED WITH THE ANNUAL INMATE COST PER DAY REVIEW CONDUCTED BY
4 THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND
5 EXPENDITURE REVIEW (PEER); AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

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

28 (b) The Joint Legislative Committee on Performance
29 Evaluation and Expenditure Review (PEER) shall contract annually
30 with a certified public accounting firm to establish a state
31 inmate cost per day for a comparable state facility. The
32 Department of Corrections shall be responsible for paying the
33 contractor selected by the PEER Committee. The state inmate cost
34 per day shall be certified annually. The certified cost shall be
35 used as the basis for measuring the validity of the ten percent
36 (10%) savings of the contractor costs.

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

40 **SECTION 2.** This act shall take effect and be in force from
41 and after July 1, 2004.