

By: Senator(s) Huggins, Jackson (11th),
Jordan

To: Corrections;
Appropriations

SENATE BILL NO. 2676
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-4-1, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH A PRIVATE
3 CORRECTIONAL FACILITY IN TALLAHATCHIE COUNTY TO HOUSE STATE
4 INMATES; TO PROVIDE THAT THE BOARD OF SUPERVISORS OF ANY COUNTY,
5 WITH THE APPROVAL OF THE SHERIFF, MAY CONTRACT WITH A PRIVATE
6 ENTITY FOR THE OPERATION OF A COUNTY JAIL; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 47-4-1, Mississippi Code of 1972, is
10 amended as follows:

11 47-4-1. (1) It is lawful for there to be located within
12 Wilkinson County and Leflore County a correctional facility
13 operated entirely by a private entity pursuant to a contractual
14 agreement between such private entity and the federal government,
15 any state, or a political subdivision of any state to provide
16 correctional services to any such public entity for the
17 confinement of inmates subject to the jurisdiction of such public
18 entity. Any person confined in such a facility pursuant to the
19 laws of the jurisdiction from which he is sent shall be considered
20 lawfully confined within this state. The private entity shall
21 assume complete responsibility for the inmates and shall be liable
22 to the State of Mississippi for any illegal or tortious actions of
23 such inmates.

24 (2) The Department of Corrections shall contract with the
25 Board of Supervisors of Leflore County for the private
26 incarceration of not more than one thousand (1,000) state inmates
27 at a facility in Leflore County. Any contract must comply with
28 the requirements of Section 47-5-1211 through Section 47-5-1227.

29 (3) It is lawful for any county to contract with a private
30 entity for the purpose of providing correctional services for the
31 confinement of federal inmates subject to the jurisdiction of the
32 United States. Any person confined in such a facility pursuant to
33 the laws of the United States shall be considered lawfully
34 confined within this state. The private entity shall assume
35 complete responsibility for the inmates and shall be liable to the
36 county or the State of Mississippi, as the case may be, for any
37 illegal or tortious actions of the inmates.

38 (4) It is lawful for there to be located within any county a
39 correctional facility operated entirely by a private entity and
40 the federal government to provide correctional services to the
41 United States for the confinement of federal inmates subject to
42 the jurisdiction of the United States. Any person confined in a
43 facility pursuant to the laws of the United States shall be
44 considered lawfully confined within this state. The private
45 entity shall assume complete responsibility for the inmates and
46 shall be liable to the State of Mississippi for any illegal or
47 tortious actions of the inmates.

48 A person convicted of simple assault on an employee of a
49 private correctional facility while such employee is acting within
50 the scope of his or her duty or employment shall be punished by a
51 fine of not more than One Thousand Dollars (\$1,000.00) or by
52 imprisonment for not more than five (5) years, or both.

53 A person convicted of aggravated assault on an employee of a
54 private correctional facility while such employee is acting within
55 the scope of his or her duty or employment shall be punished by a
56 fine of not more than Five Thousand Dollars (\$5,000.00) or by
57 imprisonment for not more than thirty (30) years, or both.

58 (5) The Department of Corrections may contract with the
59 Tallahatchie County Correctional Facility authorized in Chapter
60 904, Local and Private Laws of 1999, for the private incarceration
61 of not more than one thousand (1,000) state inmates at a facility

62 in Tallahatchie County. Any contract must comply with the
63 requirements of Section 47-5-1211 through Section 47-5-1227. No
64 state inmate shall be assigned to the Tallahatchie County
65 Correctional Facility unless the inmate cost per day is at least
66 ten percent (10%) less than the inmate cost per day for housing a
67 state inmate at a state correctional facility.

68 (6) If a private entity houses state inmates, the private
69 entity shall not displace state inmate beds with federal inmate
70 beds unless the private entity has obtained prior written approval
71 from the Commissioner of Corrections.

72 **SECTION 2.** The board of supervisors of any county, with the
73 approval of the sheriff, may contract with a private entity for
74 the management, operation and maintenance of a county jail.

75 **SECTION 3.** This act shall take effect and be in force from
76 and after its passage.