

By: Senator(s) Posey

To: Corrections;
Appropriations

SENATE BILL NO. 2884

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

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

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

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

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

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

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

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

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

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

29 (b) The Joint Legislative Committee on Performance
30 Evaluation and Expenditure Review shall contract annually with a
31 certified public accounting firm to establish a state inmate cost
32 per day for a comparable state facility. The Department of
33 Corrections shall pay the costs of the contract. The state inmate
34 cost per day shall be certified annually. The certified cost
35 shall be used as the basis for measuring the validity of the ten
36 percent (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, 2005.