

By: Senator(s) Barnett

To: Corrections

SENATE BILL NO. 2243

1 AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE NEGOTIATED PRIVATE PRISON CONTRACT RATE FOR
3 CORRECTIONAL SERVICES SHALL BE BASED UPON INMATE CLASSIFICATION
4 AND NOT A FLAT RATE; 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 (2) A facility shall at all times comply with all federal
20 and state laws, and all applicable court orders.

21 (3) (a) The negotiated rate for correctional services under
22 a contract for private incarceration shall be based upon the
23 classification of the inmate and not a flat rate. No contract for
24 private incarceration shall be entered into unless the cost of the
25 private operation, including the state's cost for monitoring the
26 private operation, offers a cost savings of at least ten percent
27 (10%) to the Department of Corrections for at least the same level
28 and quality of service offered by the Department of Corrections.

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

39 (c) Prior to engaging a certified public accountant,
40 the PEER Committee, in conjunction with the Department of
41 Corrections, shall develop a current cost-based model based upon
42 the classification of the inmate that will serve as a basis for
43 the report produced as authorized by this section.



44 (4) The rates and benefits for correctional services shall
45 be negotiated based upon the classification of inmates, American
46 Correction Association standards, state law and court orders.

47 **SECTION 2.** This act shall take effect and be in force from
48 and after July 1, 2025.

