MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Faulkner

To: Corrections

HOUSE BILL NO. 445

AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PRIVATE CORRECTIONAL FACILITIES CONTRACTORS MUST USE LOCAL VENDORS IN PROVIDING SERVICES TO OFFENDERS DURING THE CONTRACTOR'S OPERATION OF THE FACILITY; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

(e) The ability and commitment to utilize local vendors in providing commissary, medical, treatment or other services to offenders and in providing any other service that may be needed during the contractor's operation of the facility.

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

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

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

(c) Prior to engaging a certified public accountant, the PEER Committee, in conjunction with the Department of Corrections, shall develop a current cost-based model that will

serve as a basis for the report produced as authorized by this section.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

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ST: Private correctional facilities contractor; must have ability to use local vendors when providing services to offenders.