MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Corrections;
Appropriations

HOUSE BILL NO. 63

AN ACT TO AMEND SECTION 47-5-931, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A BOARD OF SUPERVISORS CONTRACTS FOR A REGIONAL CORRECTIONAL FACILITY, THEN SUCH BOARD IS PROHIBITED FROM CONTRACTING FOR THE FACILITY TO BE OPERATED BY A PRIVATE ENTITY; TO PROHIBIT CERTAIN COUNTY EMPLOYEES WHO HAVE BEEN EMPLOYED WITH A PRIVATE CORRECTIONAL FACILITY FROM EXERCISING ANY AUTHORITY OR HAVING ANY INTERESTS OVER A REGIONAL CORRECTIONAL FACILITY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-5-931, Mississippi Code of 1972, is amended as follows:

47-5-931. (1) The Department of Corrections, in its discretion, may contract with the board of supervisors of one or more counties or with a regional facility operated by one or more counties, to provide for housing, care and control of offenders who are in the custody of the State of Mississippi. Any facility owned or leased by a county or counties for this purpose shall be designed, constructed, operated and maintained in accordance with American Correctional Association standards, and shall comply with all constitutional standards of the United States and the State of Mississippi, and with all court orders that may now or hereinafter

be applicable to the facility. If the Department of Corrections contracts with more than one (1) county to house state offenders in county correctional facilities, excluding a regional facility, then the first of such facilities shall be constructed in Sharkey County and the second of such facilities shall be constructed in Jefferson County.

(2) The Department of Corrections shall contract with the board of supervisors of the following counties to house state inmates in regional facilities: (a) Marion and Walthall Counties; (b) Carroll and Montgomery Counties; (c) Stone and Pearl River Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba Counties; (f) Alcorn County and any contiguous county in which there is located an unapproved jail; (g) Yazoo County and any contiguous county in which there is located an unapproved jail; (h) Chickasaw County and any contiguous county in which there is located an unapproved jail; (i) George and Greene Counties and any contiguous county in which there is located an unapproved jail; (j) Washington County and any contiguous county in which there is located an unapproved jail; (k) Hinds County and any contiguous county in which there is located an unapproved jail; (l) Leake County and any contiguous county in which there is located an unapproved jail; (m) Issaquena County and any contiguous county in which there is located an unapproved jail; (n) Jefferson County and any contiguous county in which there is located an unapproved jail; (o) Franklin County and any contiguous county in which there

is located an unapproved jail; (p) Holmes County and any contiguous county in which there is located an unapproved jail; and (q) Bolivar County and any contiguous county in which there is located an unapproved jail. The Department of Corrections shall decide the order of priority of the counties listed in this subsection with which it will contract for the housing of state inmates. For the purposes of this subsection, the term "unapproved jail" means any jail that the local grand jury determines should be condemned or has found to be of substandard condition or in need of substantial repair or reconstruction.

(3) In addition to the offenders authorized to be housed under subsection (1) of this section, the Department of Corrections may contract with any regional facility to provide for housing, care and control of not more than seventy-five (75) additional offenders who are in the custody of the State of Mississippi.

(4) The Governor and the Commissioner of Corrections are authorized to increase administratively the number of offenders who are in the custody of the State of Mississippi that can be placed in regional correctional facilities.

(5) If a board of supervisors contracts for the operation of a regional correctional facility, pursuant to this section, then the board is prohibited from contracting for such correctional facility to be operated by a private entity.

(6) No county employee or contract employee, who is currently employed or who has been previously employed for five (5) years or less with a private correctional facility, shall exercise any authority with respect to a regional correction facility and is prohibited from any personal interest, direct or indirect, in any regional correction facility, or in any property included or planned to be included in a regional correctional facility or proposed contract in connection with a regional correctional facility.

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