MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Chassaniol

To: Corrections; Accountability, Efficiency, Transparency

SENATE BILL NO. 2103

AN ACT TO AMEND SECTION 47-5-1211, MISSISSIPPI CODE OF 1972, TO TRANSFER RESPONSIBILITY FOR CONDUCTING COST-PER-DAY REVIEWS FROM THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE REVIEW TO THE DEPARTMENT OF CORRECTIONS; TO AUTHORIZE THE DEPARTMENT TO CONSULT WITH THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE REVIEW REGARDING POSSIBLE CHANGES TO METHODS AND PROCEDURES UTILIZED IN CONDUCTING SAID COST-PER-DAY REVIEWS; 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.

(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 * * * 2022, and every two (2) years thereafter, the * * * Mississippi Department of Corrections 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. The Department of Corrections shall require the accounting firm to utilize the cost-based model developed in

conjunction with the PEER Committee staff and the department for cost-per-day reviews conducted after 2012. The Department of Corrections may consult with the PEER staff regarding proposed changes to the model for use in future cost-per-day determinations.

(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.