

FIRST REGULAR SESSION

HOUSE BILL NO. 287

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILLIAMS (Sponsor) AND HOSMER.

Read 1st time January 7, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0206L.011

AN ACT

To amend chapter 221, RSMo, relating to jails and jailers, by adding thereto four new sections relating to privately-operated correctional facilities.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 221, RSMo, is amended by adding thereto four new sections, to be
2 known as sections 221.360, 221.363, 221.366 and 221.369, to read as follows:

221.360. 1. As used in sections 221.360 through 221.372, the term "private jail"
2 **shall mean any correctional facility, prison, jail or other facility intended as a place of**
3 **confinement for criminal defendants pending disposition of the criminal case against them,**
4 **persons sentenced to confinement for less than one year, and persons awaiting revocation**
5 **disposition, which is owned or operated by any person, corporation, partnership, business,**
6 **association, or other entity which is not an agency or political subdivision of this state.**

7 **2. No private jail may operate within this state without meeting all the**
8 **requirements set forth in subsection 3 of this section; nor shall any political subdivision**
9 **contract with any private jail within this state unless the private jail meets all the**
10 **requirements set forth in subsection 3 of this section.**

11 **3. A private jail, before entering into any contract for services with the state or any**
12 **political subdivision thereof, shall:**

13 **(1) Serve written notice of the intent to establish a private jail, and of the time and**
14 **place of a public hearing on the establishment of such private jail, to all local law**
15 **enforcement agencies, hospitals, and fire districts within the political subdivision wherein**
16 **such private jail is proposed to be located, and to the general public through notice**
17 **published in local newspapers;**

18 **(2) Submit for formal approval an operational plan to each political subdivision in**

19 which the private jail is proposed to be located, such plan to specify:

20 (a) The maximum security classification of individuals the private jail proposes to
21 accept, the private jail's custody level and maximum capacity;

22 (b) Verification of internal and perimeter security commensurate to security level;

23 (c) Written plans for the operation of the private jail, including but not limited to,
24 provision for control of infectious and contagious diseases, fire, power failure,
25 transportation, escape, riot, and other emergency and natural disasters;

26 (d) An environmental impact statement concerning the effect of the proposed
27 private jail on the surrounding area;

28 (e) Any other information required by each political subdivision wherein the
29 private jail is proposed to be located.

30 (3) Provide to the state or any political subdivision with which it proposes to
31 contract for services documentation of the qualifications and experience of the proposed
32 management of such private jail;

33 (4) Provide to the state or any political subdivision with which it proposes to
34 contract for services documentation of the indemnification for liability arising from the
35 operation of the proposed private jail; and

36 (5) Provide to the state or any political subdivision with which it proposes to
37 contract for services documentation of the ability of the proposed private jail to comply
38 with the requirements of this state's courts and department of corrections, and with state
39 and federal constitutional requirements for the care and custody of individuals confined
40 by the state.

221.363. In private jails located in unincorporated areas of a county, the county
2 sheriff may enter a private jail at any time and the department of corrections shall enforce
3 the provisions of sections 221.360 to 221.372.

221.366. 1. Private jails shall, at a minimum, provide the following services:

2 (1) Work or training programs, educational and vocational-technical opportunities,
3 drug and alcohol treatment, and life skills counseling services, suitable for the population
4 the private jail serves; and

5 (2) Rules for inmate discipline which are consistent with federal and state law, the
6 federal and state constitutions, and the standards of the American Jail Association,
7 including adequate on-site food, clothing, housing, and medical care facilities and staff.

8 2. Employees of private jails shall maintain qualifications which meet or exceed the
9 standards of the American Jail Association for the positions such employees hold.

221.369. 1. Any act which would constitute a violation of law if committed within
2 a publicly-operated jail shall constitute the same violation of law if committed within a

3 private jail.

4 **2. Upon verbal request, members of the county commission or heads of local law**
5 **enforcement agencies, or their delegates, shall be given full and complete access to any and**
6 **all portions of any private jail's facilities located within the political subdivision wherein**
7 **the private jail is located and such commissioners and law enforcement authorities have**
8 **jurisdiction.**

9 **3. Private jails shall not:**

- 10 **(1) Be public entities for purpose of Missouri law;**
11 **(2) Enjoy sovereign immunity; and**
12 **(3) Be considered part of the state correctional system.**