

2021 Regular Session

SENATE BILL NO. 16

BY SENATOR PETERSON AND REPRESENTATIVES LANDRY, MARCELLE,
NEWELL, SELDERS AND WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORRECTIONAL FACILITIES. Terminates the use of private prisons, for-profit prison
contractors in Louisiana. (8/1/21)

1 AN ACT

2 To enact R.S. 39:1800.8, relative to private prisons; to terminate the use of private, for-profit

3 prison contractors in Louisiana; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. RS 39:1800.8 is hereby enacted to read as follows:

6 **§1800.8. Terminates use of private, for-profit contractors**

7 **A. On or after January 1, 2022, the department or any local**

8 **governmental subdivision shall not enter into a contract with a private, for-**

9 **profit prison contractor for a prison facility located in the state to provide**

10 **housing for inmates assigned to state or local facilities.**

11 **B. On or after January 1, 2022, the department or any local**

12 **governmental subdivision shall not renew a contract with a private, for-profit**

13 **prison contractor for a prison facility located in the state to provide housing for**

14 **inmates assigned to state or local facilities.**

15 **C. After January 1, 2029, a state prison inmate or other person under**

16 **the jurisdiction of the department or any local governmental subdivision shall**

17 **not be housed in a prison facility operated by a private, for-profit**

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prison contractor.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

SB 16 Original 2021 Regular Session Peterson

Present law provides for the Louisiana Corrections Private Management Act.

Present law provides for the following definitions:

- (1) "Correctional services" means the following functions, services, and activities, when provided within a prison:
 - (a) Design and construction of prison facilities.
 - (b) Operation of correctional facilities, including management, custody of inmates, and providing security.
 - (c) Food services, commissary, medical services, including geriatric care, transportation, sanitation, or other ancillary services.
 - (d) Development and implementation of assistance for classification, management, or information systems or services.
 - (e) Education, training, and job programs.
 - (f) Counseling, special treatment programs, or other programs for special needs.
- (2) "Prison contractor" or "contractor" means any entity entering into a contractual agreement to provide any correctional services, including geriatric care to inmates under the custody of the state.
- (3) "Local governmental subdivisions" means any parish or municipality.
- (4) "Prison" or "facility" or "prison facility" means any institution to be opened after June 28, 1989, and which was not operational as of May 22, 1989, and operated by or under authority of the department, a local governmental subdivision, or a sheriff or chief of police, and includes, whether obtained by purchase, lease, construction, reconstruction, restoration, improvement, alteration, repair, or other means, any physical betterment or improvement related to the housing of inmates or any preliminary plans, studies, or surveys relative thereto, land or rights to land, and any furnishings, machines, vehicles, apparatus, or equipment for use in connection with any prison facility.

Present law authorizes the DPSC and local governmental subdivisions to enter into contracts with prison contractors for the financing, acquiring, designing, leasing, constructing, and operating of prison facilities.

Proposed law terminates the use of private, for-profit prison contractors by the Department of Public Safety and Corrections and local governmental subdivisions to provide housing to inmates assigned to state or local prison facilities.

Proposed law provides that on or after January 1, 2022, the department or any local governmental subdivision shall not enter into a contract with a private, for-profit prison contractor for a prison facility located in the state to provide housing for inmates assigned

to state or local facilities.

Proposed law provides that on or after January 1, 2022, the department or any local governmental subdivision shall not renew any contract with a private, for-profit prison contractor for a prison facility located in the state to provide housing for inmates assigned to state or local facilities.

Proposed law provides that after January 1, 2029, a state prison inmate or other person under the jurisdiction of the department or any local governmental subdivision shall not be housed in a prison facility operated by a private, for-profit prison contractor.

Effective August 1, 2021.

(Adds R.S. 39:1800.8)