

By: Senator(s) Barnett, Simmons (12th),  
Turner-Ford, Simmons (13th), Sparks, Jackson  
(11th)

To: Corrections; Judiciary,  
Division B

SENATE BILL NO. 2574

1 AN ACT TO CREATE A PILOT REENTRY COURT; TO ESTABLISH A  
2 REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM AT THE  
3 MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AUTHORIZE THE JUDGE  
4 PRESIDING OVER THE PILOT REENTRY COURT AT THE TIME OF INITIAL  
5 SENTENCING OF ANY SECOND OR SUBSEQUENT OFFENDER TO RECOMMEND THE  
6 OFFENDER BE PLACED IN THE REHABILITATION AND WORKFORCE DEVELOPMENT  
7 PROGRAM FOR A PERIOD OF NO MORE THAN THREE YEARS AFTER THE INITIAL  
8 SENTENCING; TO RECONSIDER THE SENTENCE AND PLACE THE OFFENDER ON  
9 POST-RELEASE SUPERVISION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) This act shall be known as the "Reentry  
12 Court Act of 2021."

13 (2) The Mississippi Department of Corrections shall  
14 establish a rehabilitation and workplace development program that  
15 can be completed in no more than three (3) years.

16 (3) The Senior Circuit Court Judge of the First, Seventh,  
17 and Fifteenth Circuit Court Districts may establish a pilot  
18 reentry division in the district. Any reentry division of the  
19 court and sentencing program shall work in conjunction with the  
20 Mississippi Department of Corrections and the Mississippi  
21 Intervention Court Commission to establish best practices for the



22 court including standards for suitability. Any person placed in  
23 the reentry court shall be counted in determining funding  
24 allocations to the court from the Administrative Office of Courts.

25 (4) Participation in the workforce development sentencing  
26 program as authorized by the provisions of this section shall be  
27 subject to the certain provisions. The court may recommend that a  
28 defendant who has been previously convicted of one or more felony  
29 offenses in this state or any other state or federal court  
30 participate in the workforce development sentencing program if all  
31 of the following criteria are satisfied:

32 (a) The defendant meets the eligibility and suitability  
33 requirements for participation in the Offender Rehabilitation and  
34 Workforce Development Program;

35 (b) The court determines that it is in the best  
36 interest of the community and in the interest of justice that the  
37 defendant be sentenced to the Offender Rehabilitation and  
38 Workforce Development Program;

39 (c) The defendant is not sentenced to a term of  
40 incarceration which exceeds twenty (20) years;

41 (d) The defendant shall not have any prior felony  
42 convictions for any offenses defined as a sex offense in Section  
43 45-33-23;

44 (e) The crime before the court shall not be a crime of  
45 violence as listed in Section 97-3-2, except house burglary under  
46 Section 97-17-23(1);



47 (f) The defendant cannot be sentenced in the present  
48 charge as a habitual offender pursuant to Section 99-19-81 or  
49 99-19-83;

50 (g) Other criminal proceedings alleging commission of a  
51 crime of violence as listed in Section 97-3-2, except house  
52 burglary under Section 97-17-23(1), shall not be pending against  
53 the defendant; and

54 (h) The crime before the court shall not be a charge of  
55 any crime that resulted in the death of a person.

56 (5) Upon a determination that the defendant meets the  
57 eligibility and suitability criteria provided for in subsection  
58 (4) of this section, the court shall advise the defendant that he  
59 may be eligible for enrollment in the workforce development  
60 sentencing program.

61 (6) Prior to sentence, the court shall contact the  
62 Department of Corrections Reentry Services to determine if there  
63 is adequate capacity for enrollment or if bed space is available.

64 (7) In offering a defendant the opportunity to request the  
65 program, the court shall advise the defendant of the following:

66 (a) If the defendant is eligible to participate in the  
67 workforce development sentencing program, the defendant shall  
68 waive the right to a trial. The defendant shall enter a plea of  
69 guilty to the charge with the stipulation that the defendant shall  
70 be sentenced to custody of the Department of Corrections to  
71 participate in the Offender Rehabilitation and Workforce



72 Development Program, and, after successful completion of that  
73 program, the court shall suspend the remainder of his or her  
74 sentence and place him or her on probation under the intensive  
75 supervision of the reentry division of court.

76 (b) The court may impose any conditions reasonably  
77 related to the rehabilitation of the defendant, including ordering  
78 the defendant to participate and complete a substance abuse  
79 treatment program.

80 (c) A defendant who is placed under the supervision of  
81 the reentry division of court may be ordered to pay the cost of  
82 any assessments, substance abuse tests, and treatment programs to  
83 which he or she is assigned and the cost of any additional  
84 supervision that may be required, to the extent of his financial  
85 resources, as determined by the reentry division of court as  
86 guided by Section 99-19-20.1(1).

87 (d) Notwithstanding any provision of law to the  
88 contrary, any offender sentenced under this section shall not be  
89 eligible for parole pursuant to Section 47-7-3, nor earn "good  
90 time" pursuant to Section 47-5-138, 47-5-138.1, 47-5-139 or  
91 47-5-142 while in the program.

92 (8) The defendant shall agree to participation in the  
93 workforce development sentencing program.

94 (9) The judge shall consider the following factors in  
95 determining whether workforce development sentencing is in the



96 interest of justice and of benefit to the defendant and the  
97 community:

98 (a) The nature of the crime charged and the  
99 circumstances surrounding the crime;

100 (b) Any special characteristics or circumstances of the  
101 defendant;

102 (c) Whether there is a probability that the defendant  
103 will cooperate with and benefit from the workforce development  
104 sentencing program;

105 (d) Whether the available workforce development  
106 sentencing program is appropriate to meet the needs of the  
107 defendant;

108 (e) The impact of the defendant's sentencing upon the  
109 community;

110 (f) Recommendations, if any, of the district attorney;

111 (g) Recommendations, if any, of the involved law  
112 enforcement agency;

113 (h) Recommendations, if any, of the victim;

114 (i) Provisions for and the likelihood of obtaining  
115 restitution from the defendant;

116 (j) Any mitigating circumstances; and

117 (k) Any other circumstances reasonably related to the  
118 defendant's case.

119 (10) If the judge determines that the defendant shall be  
120 enrolled in the workforce development sentencing program, the



121 court shall accept the defendant's guilty plea and sentence the  
122 defendant to the custody of the Department of Corrections for a  
123 term of years subject to participation in the Offender  
124 Rehabilitation and Workforce Development Program under the terms  
125 and conditions of the workforce development sentencing program.

126 (11) If the judge determines that the defendant is not  
127 qualified for enrollment, the judge shall state for the record the  
128 reasons for that determination.

129 (12) If the defendant successfully completes the Offender  
130 Rehabilitation and Workforce Development Program and successfully  
131 completes all other requirements of the workforce development  
132 sentencing program, the court, notwithstanding any provision of  
133 Section 47-7-33 or 47-7-47 to the contrary, shall suspend the  
134 remainder of his sentence and place the person on probation for  
135 not more than three (3) years under the intensive supervision of  
136 the reentry division of court. If the defendant fails to complete  
137 the program, the court shall order the defendant to serve all or  
138 part of the remainder of the sentence. The Department of  
139 Corrections shall not grant any "good time credits" for the time  
140 served prior to the resentencing nor shall the time in the program  
141 be used to calculate a parole eligibility date.

142 (13) If the defendant violates any condition of his reentry  
143 probation, the court may revoke the probation and order the  
144 defendant to serve all or part of the sentence previously imposed  
145 and suspended, unless the violation is a technical violation and



146 then the court may impose a sentence of not more than ninety (90)  
147 days to be served at the Technical Violation Center. The term of  
148 the revocation for a technical violation shall begin on the date  
149 the court orders the revocation. Upon completion of the imposed  
150 sentence for the technical revocation, the defendant shall return  
151 to active supervised probation for a period equal to the remainder  
152 of the original period of probation subject to any additional  
153 conditions imposed by the court.

154 (14) This section shall stand repealed on July 1, 2024.

155 **SECTION 2.** The Joint Legislative Committee on Performance  
156 Evaluation and Expenditure Review shall conduct a review of all  
157 reentry court programs active after three (3) years and produce a  
158 report to the Legislature on their effectiveness by December 1,  
159 2024. The PEER Committee may seek the assistance of the  
160 Administrative Office of Courts or any other criminal justice  
161 experts it deems necessary during its review.

162 **SECTION 3.** This act shall take effect and be in force from  
163 and after July 1, 2021.

