

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 929

BY: Representatives Horan, Felsner

1 **AMEND** after line 442 by inserting the following language and
2 renumbering the succeeding section:

3 " **SECTION 23.** (1) This act shall be known as the "Reentry
4 Court Act of 2021."

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

8 (3) The Senior Circuit Court Judge of the First, Seventh,
9 and Fifteenth Circuit Court Districts may establish a pilot
10 reentry division in the district. Any reentry division of the
11 court and sentencing program shall work in conjunction with the
12 Mississippi Department of Corrections and the Mississippi
13 Intervention Court Commission to establish best practices for the



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

17 (4) Participation in the workforce development sentencing
18 program as authorized by the provisions of this section shall be
19 subject to certain provisions. The court may recommend that a
20 defendant convicted of one or more felony offenses in this state
21 or any other state or federal court participate in the workforce
22 development sentencing program if all of the following criteria
23 are satisfied:

24 (a) The defendant meets the eligibility and suitability
25 requirements for participation in the Offender Rehabilitation and
26 Workforce Development Program;

27 (b) The court determines that it is in the best
28 interest of the community and in the interest of justice that the
29 defendant be sentenced to the Offender Rehabilitation and
30 Workforce Development Program;

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

33 (d) The defendant shall not have any prior felony
34 convictions for any offenses defined as a sex offense in Section
35 45-33-23;

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



39 (f) The defendant cannot be sentenced in the present
40 charge as a habitual offender pursuant to Section 99-19-81 or
41 99-19-83;

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

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

48 (5) Upon a determination that the defendant meets the
49 eligibility and suitability criteria provided for in subsection
50 (4) of this section, the court shall advise the defendant that he
51 may be eligible for enrollment in the workforce development
52 sentencing program.

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

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

58 (a) If the defendant is eligible to participate in the
59 workforce development sentencing program, the defendant shall
60 waive the right to a trial. The defendant shall enter a plea of
61 guilty to the charge with the stipulation that the defendant shall
62 be sentenced to custody of the Department of Corrections to
63 participate in the Offender Rehabilitation and Workforce



64 Development Program, and, after successful completion of that
65 program, the court shall suspend the remainder of his or her
66 sentence and place him or her on probation under the intensive
67 supervision of the reentry division of court.

68 (b) The court may impose any conditions reasonably
69 related to the rehabilitation of the defendant, including ordering
70 the defendant to participate and complete a substance abuse
71 treatment program.

72 (c) A defendant who is placed under the supervision of
73 the reentry division of court may be ordered to pay the cost of
74 any assessments, substance abuse tests, and treatment programs to
75 which he or she is assigned and the cost of any additional
76 supervision that may be required, to the extent of his financial
77 resources, as determined by the reentry division of court as
78 guided by Section 99-19-20.1(1).

79 (d) Notwithstanding any provision of law to the
80 contrary, any offender sentenced under this section shall not be
81 eligible for parole pursuant to Section 47-7-3, nor earn "good
82 time" pursuant to Section 47-5-138, 47-5-138.1, 47-5-139 or
83 47-5-142 while in the program.

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

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



88 interest of justice and of benefit to the defendant and the
89 community:

90 (a) The nature of the crime charged and the
91 circumstances surrounding the crime;

92 (b) Any special characteristics or circumstances of the
93 defendant;

94 (c) Whether there is a probability that the defendant
95 will cooperate with and benefit from the workforce development
96 sentencing program;

97 (d) Whether the available workforce development
98 sentencing program is appropriate to meet the needs of the
99 defendant;

100 (e) The impact of the defendant's sentencing upon the
101 community;

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

103 (g) Recommendations, if any, of the involved law
104 enforcement agency;

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

106 (i) Provisions for and the likelihood of obtaining
107 restitution from the defendant;

108 (j) Any mitigating circumstances; and

109 (k) Any other circumstances reasonably related to the
110 defendant's case.

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



113 court shall accept the defendant's guilty plea and sentence the
114 defendant to the custody of the Department of Corrections for a
115 term of years subject to participation in the Offender
116 Rehabilitation and Workforce Development Program under the terms
117 and conditions of the workforce development sentencing program.

118 (11) If the judge determines that the defendant is not
119 qualified for enrollment, the judge shall state for the record the
120 reasons for that determination.

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

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



138 then the court may impose a sentence of not more than ninety (90)
139 days to be served at the Technical Violation Center. The term of
140 the revocation for a technical violation shall begin on the date
141 the court orders the revocation. Upon completion of the imposed
142 sentence for the technical revocation, the defendant shall return
143 to active supervised probation for a period equal to the remainder
144 of the original period of probation subject to any additional
145 conditions imposed by the court.

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

147 **SECTION 24.** The Joint Legislative Committee on Performance
148 Evaluation and Expenditure Review shall conduct a review of all
149 reentry court programs active after three (3) years and produce a
150 report to the Legislature on their effectiveness by December 1,
151 2024. The PEER Committee may seek the assistance of the
152 Administrative Office of Courts or any other criminal justice
153 experts it deems necessary during its review."

154 **AMEND further** the title on line 3 by inserting the following
155 language after the semicolon: "TO CREATE A PILOT REENTRY COURT;
156 TO ESTABLISH A REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM AT
157 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AUTHORIZE THE JUDGE
158 PRESIDING OVER THE PILOT REENTRY COURT AT THE TIME OF INITIAL
159 SENTENCING OF ANY OFFENDER TO RECOMMEND THE OFFENDER BE PLACED IN
160 THE REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM FOR A PERIOD
161 OF NO MORE THAN THREE YEARS AFTER THE INITIAL SENTENCING; TO



162 RECONSIDER THE SENTENCE AND PLACE THE OFFENDER ON POST-RELEASE
163 SUPERVISION;"

