

Senate Amendments to House Bill No. 929

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, Fourth,
17 Seventh, Fifteenth and Sixteenth Circuit Court Districts may
18 establish a pilot reentry division in the district. Any reentry
19 division of the court and sentencing program shall work in
20 conjunction with the Mississippi Department of Corrections and the
21 Mississippi Intervention Court Commission to establish best
22 practices for the court, including standards for suitability. Any
23 person placed in the reentry court shall be counted in determining
24 funding allocations to the court from the Administrative Office of
25 Courts.

26 (4) Participation in the workforce development sentencing
27 program as authorized by the provisions of this section shall be

28 subject to certain provisions. The court may recommend that a
29 defendant convicted of one or more felony offenses in this state
30 or any other state or federal court participate in the workforce
31 development sentencing program if all of the following criteria
32 are satisfied:

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

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

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

42 (d) The defendant shall not have any prior felony
43 convictions for any offenses defined as a sex offense in Section
44 45-33-23;

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

48 (f) The defendant cannot be sentenced in the present
49 charge as a habitual offender pursuant to Section 99-19-81 or
50 99-19-83;

51 (g) Other criminal proceedings alleging commission of a
52 crime of violence as listed in Section 97-3-2, except house

53 burglary under Section 97-17-23(1), shall not be pending against
54 the defendant; and

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

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

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

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

67 (a) If the defendant is eligible to participate in the
68 workforce development sentencing program, the defendant shall
69 waive the right to a trial. The defendant shall enter a plea of
70 guilty to the charge with the stipulation that the defendant shall
71 be sentenced to custody of the Department of Corrections to
72 participate in the Offender Rehabilitation and Workforce
73 Development Program, and, after successful completion of that
74 program, the court shall suspend the remainder of his or her
75 sentence and place him or her on probation under the intensive
76 supervision of the reentry division of court.

77 (b) The court may impose any conditions reasonably
78 related to the rehabilitation of the defendant, including ordering

79 the defendant to participate and complete a substance abuse
80 treatment program.

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

88 (d) Notwithstanding any provision of law to the
89 contrary, any offender sentenced under this section shall not be
90 eligible for parole pursuant to Section 47-7-3, nor earn "good
91 time" pursuant to Section 47-5-138, 47-5-138.1, 47-5-139 or
92 47-5-142 while in the program.

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

95 (9) The judge shall consider the following factors in
96 determining whether workforce development sentencing is in the
97 interest of justice and of benefit to the defendant and the
98 community:

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

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

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

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

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

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

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

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

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

117 (j) Any mitigating circumstances; and

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

120 (10) If the judge determines that the defendant shall be
121 enrolled in the workforce development sentencing program, the
122 court shall accept the defendant's guilty plea and sentence the
123 defendant to the custody of the Department of Corrections for a
124 term of years subject to participation in the Offender
125 Rehabilitation and Workforce Development Program under the terms
126 and conditions of the workforce development sentencing program.

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

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

143 (13) If the defendant violates any condition of his or her
144 reentry probation, the court may revoke the probation and order
145 the defendant to serve all or part of the sentence previously
146 imposed and suspended, unless the violation is a technical
147 violation and then the court may impose a sentence of not more
148 than ninety (90) days to be served at the Technical Violation
149 Center. The term of the revocation for a technical violation
150 shall begin on the date the court orders the revocation. Upon
151 completion of the imposed sentence for the technical revocation,
152 the defendant shall return to active supervised probation for a

153 period equal to the remainder of the original period of probation
154 subject to any additional conditions imposed by the court.

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 OFFENDER TO RECOMMEND THE OFFENDER BE PLACED IN
6 THE REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM FOR A PERIOD
7 OF NO MORE THAN THREE YEARS AFTER THE INITIAL SENTENCING; TO
8 RECONSIDER THE SENTENCE AND PLACE THE OFFENDER ON POST-RELEASE
9 SUPERVISION; AND FOR RELATED PURPOSES.

SS26\HB929PS.J

Eugene S. Clarke
Secretary of the Senate