

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 929

BY: Committee

**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 any circuit court
17 district may establish a pilot reentry division in the district.
18 Any reentry division of the court and sentencing program shall
19 work in conjunction with the Mississippi Department of Corrections
20 and the Mississippi Intervention Court Commission to establish



21 best practices for the court including standards for suitability.
22 Any person placed in the reentry court shall be counted in
23 determining funding allocations to the court from the
24 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 certain provisions. The court may recommend that a
28 defendant convicted of one or more felony offenses in this state
29 or any other state or federal court participate in the workforce
30 development sentencing program if all of the following criteria
31 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.

**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.

