

By: Senator(s) Sparks

To: Corrections; Judiciary,
Division B

SENATE BILL NO. 2581

1 AN ACT TO ENACT THE "REENTRY COURT ACT OF 2022"; TO DEFINE
2 TERMS; TO AUTHORIZE PILOT REENTRY COURTS IN CERTAIN COUNTIES; TO
3 GRANT THE NECESSARY JURISDICTION TO REENTRY COURTS TO EFFECTUATE
4 THE PURPOSES OF THIS ACT; TO ESTABLISH A REHABILITATION AND
5 WORKFORCE DEVELOPMENT PROGRAM AT THE MISSISSIPPI DEPARTMENT OF
6 CORRECTIONS; TO REQUIRE REENTRY COURTS TO WORK IN CONJUNCTION WITH
7 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS AND THE MISSISSIPPI
8 INTERVENTION COURT COMMISSION TO ESTABLISH BEST PRACTICES; TO
9 REQUIRE THE REENTRY COURT TO ENSURE THAT A DEFENDANT CONSENTS TO
10 BE SENTENCED TO THE REHABILITATION AND WORKFORCE DEVELOPMENT
11 PROGRAM AFTER CERTAIN DISCLOSURES TO THE DEFENDANT; TO AUTHORIZE
12 THE REENTRY COURT AT THE TIME OF INITIAL SENTENCING OF ANY SECOND
13 OR SUBSEQUENT OFFENDER TO SENTENCE THE DEFENDANT TO THE CUSTODY OF
14 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS SUBJECT TO PARTICIPATION
15 IN THE REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM; TO
16 PROVIDE THAT UPON SUCCESSFUL COMPLETION OF THE PROGRAM AND ANY
17 OTHER TERMS REQUIRED BY THE REENTRY COURT, THE REENTRY COURT SHALL
18 SUSPEND THE REMAINDER OF THE DEFENDANT'S SENTENCE AND PLACE THE
19 DEFENDANT ON INTENSIVE SUPERVISION OF THE REENTRY COURT; TO
20 PROVIDE THAT IN THE EVENT OF A DEFENDANT FAILING TO COMPLETE THE
21 PROGRAM, THE REENTRY COURT SHALL ORDER THE DEFENDANT TO SERVE ALL
22 OR PART OF THE REMAINDER OF THE SENTENCE FOR THE ORIGINAL CHARGE;
23 TO PROVIDE PUNISHMENTS FOR THE VIOLATION OF PROBATION; TO PROHIBIT
24 LAW ENFORCEMENT OFFICERS FROM MENTIONING OR OFFERING PARTICIPATION
25 IN THE PROGRAM AS AN INDUCEMENT TO ANY PERSON ACCUSED OF A CRIME;
26 TO REQUIRE PEER TO FILE A REPORT WITH THE LEGISLATURE; TO PROVIDE
27 THAT THE ACT SHALL REPEAL ON A DATE CERTAIN; AND FOR RELATED
28 PURPOSES.

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

30 **SECTION 1.** This act shall be known as the "Reentry Court Act
31 of 2022."



32 **SECTION 2.** For purposes of this act, the following words
33 shall have the meanings ascribed herein unless the context
34 otherwise requires:

35 (a) "MDOC" means the Mississippi Department of
36 Corrections.

37 (b) "Offender Rehabilitation and Workforce Development
38 Program" or "program" means the Offender Rehabilitation and
39 Workforce Development Program established by MDOC under Section
40 4(1) of this act.

41 **SECTION 3.** (1) (a) The Senior Circuit Court Judge of the
42 First, Seventh and Fifteenth Circuit Court Districts may establish
43 a pilot reentry court in his or her district.

44 (b) Any reentry court shall have the jurisdiction over
45 a defendant necessary to effectuate the purposes of this act.

46 (2) Any defendant placed in the reentry court shall be
47 counted in determining funding allocations to the court from the
48 Administrative Office of Courts.

49 **SECTION 4.** (1) MDOC shall establish the Offender
50 Rehabilitation and Workforce Development Program that can be
51 completed in no more than three (3) years.

52 (2) Notwithstanding any provision of law to the contrary,
53 any defendant sentenced to the program shall not be eligible for
54 parole pursuant to Section 47-7-3, nor accumulate earned time or
55 trusty time pursuant to Section 47-5-138, 47-5-138.1, 47-5-139 or



56 47-5-142 for the duration of his or her participation in the
57 program.

58 (3) In the event that a defendant does not successfully
59 complete the program, MDOC shall not use the time served in the
60 program to calculate the defendant's parole date.

61 **SECTION 5.** Any reentry court shall work in conjunction with
62 MDOC and the Mississippi Intervention Court Commission to
63 establish best practices for the reentry court including standards
64 for eligibility and suitability for sentencing to the program.

65 **SECTION 6.** (1) A defendant is eligible to be sentenced to
66 the program if all of the following criteria are met:

67 (a) The defendant has been previously convicted of one
68 or more felony offenses in this state or any other state or
69 federal court;

70 (b) The defendant meets the eligibility and suitability
71 standards for sentencing to the program established under Section
72 3 of this act;

73 (c) The court determines that it is in the best
74 interest of the community and in the interest of justice that the
75 defendant be sentenced to the program;

76 (d) The defendant's suspended sentence for the charge
77 before the court shall not exceed a term of incarceration of
78 twenty (20) years;

79 (e) The defendant shall not have any prior felony
80 convictions for any offenses defined as a sex offense in Section



81 45-33-23 or for any substantially similar offenses in another
82 state or substantially similar federal offenses;

83 (f) The crime before the court shall not be a crime of
84 violence as listed in Section 97-3-2, except house burglary under
85 Section 97-17-23(1);

86 (g) The defendant cannot be sentenced in the present
87 charge as a habitual offender pursuant to Section 99-19-81 or
88 99-19-83;

89 (h) Other criminal proceedings alleging commission of a
90 crime of violence as listed in Section 97-3-2, except house
91 burglary under Section 97-17-23(1), shall not be pending against
92 the defendant; and

93 (i) The crime before the court shall not be a charge of
94 any crime that resulted in the death of a person.

95 (2) The reentry court shall consider the following factors
96 in determining whether sentencing to the program 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 program;



- 105 (d) Whether the program is appropriate to meet the
106 needs of the defendant;
- 107 (e) The impact of the defendant's sentencing upon the
108 community;
- 109 (f) Recommendations, if any, of the district attorney;
- 110 (g) Recommendations, if any, of the involved law
111 enforcement agency;
- 112 (h) Recommendations, if any, of the victim;
- 113 (i) Provisions for and the likelihood of obtaining
114 restitution from the defendant;
- 115 (j) Any mitigating circumstances; and
- 116 (k) Any other circumstances reasonably related to the
117 defendant's case.

118 (3) If the reentry court determines that the defendant is
119 not eligible or suitable for sentencing in the program, the
120 reentry court shall state the reasons for that determination on
121 the record and return the defendant to the circuit court.

122 **SECTION 7.** (1) If a defendant is eligible for sentencing to
123 the program and the reentry court has confirmed that there is
124 adequate bed space available, the reentry court shall advise the
125 defendant of the following:

126 (a) Before sentencing to the program, the defendant
127 shall waive the right to a trial and shall enter a plea of guilty
128 to the charge and be sentenced for the offense with the
129 stipulation that the defendant shall be sentenced to the program



130 in the custody of the Department of Corrections and after
131 successful completion of the program, the reentry court shall
132 suspend the remainder of the defendant's sentence and place the
133 defendant on probation under the intensive supervision of the
134 reentry court for not more than three (3) years;

135 (b) The reentry court may impose any conditions
136 reasonably related to the rehabilitation of the defendant,
137 including ordering the defendant to participate and complete a
138 substance abuse treatment program;

139 (c) A defendant who is placed under the supervision of
140 the reentry court may be ordered to pay the cost of any
141 assessments, substance abuse tests, and treatment programs to
142 which he or she is assigned and the cost of any additional
143 supervision that may be required, to the extent of his or her
144 financial resources, as determined by the reentry court as guided
145 by Section 99-19-20.1(1); and

146 (d) Notwithstanding any provision of law to the
147 contrary, any offender sentenced under this section shall not be
148 eligible for parole pursuant to Section 47-7-3, nor accumulate
149 earned time or trusty time pursuant to Sections 47-5-138,
150 47-5-138.1, 47-5-139 or 47-5-142 while in the program.

151 (2) Before sentencing a defendant to the program, the court
152 shall determine if the defendant consents to being sentenced to
153 the program.



154 **SECTION 8.** (1) If the reentry court determines that the
155 defendant shall be sentenced to the program, the reentry court
156 shall accept the defendant's guilty plea and sentence the
157 defendant to the custody of the Department of Corrections for a
158 term of years subject to participation in the program.

159 (2) Upon successful completion of the program and all other
160 reentry court requirements, the reentry court shall suspend the
161 remainder of the defendant's sentence and place the person on
162 probation for not more than three (3) years under the intensive
163 supervision of the reentry court, notwithstanding any provision of
164 Section 47-7-33 or 47-7-47 to the contrary.

165 (3) If the defendant fails to complete the program, the
166 reentry court shall order the defendant to serve all or part of
167 the remainder of the sentence for the original charge.

168 **SECTION 9.** (1) For a nontechnical violation of probation
169 imposed pursuant to this act, the court may revoke the probation
170 and order the defendant to serve all or part of the sentence
171 previously imposed and suspended.

172 (2) For a technical violation of probation imposed under
173 this act, the court may impose a sentence of not more than ninety
174 (90) days to be served at the Technical Violation Center. The
175 term of the revocation for a technical violation shall begin on
176 the date the court orders the revocation. Upon completion of the
177 imposed sentence for the technical revocation, the defendant shall
178 return to active supervised probation for a period equal to the



179 remainder of the original period of probation subject to any
180 additional conditions imposed by the court.

181 **SECTION 10.** No law enforcement officer shall refer to,
182 mention and/or offer participation in this program as an
183 inducement to any statement, confession or waiver of any
184 constitutional rights of any person accused of a crime.

185 **SECTION 11.** The Joint Legislative Committee on Performance
186 Evaluation and Expenditure Review shall conduct a review of all
187 reentry courts active after three (3) years and the Offender
188 Rehabilitation and Workforce Development Program and produce a
189 report to the Legislature on the courts' effectiveness and the
190 effectiveness of the program by December 1, 2025. The PEER
191 Committee may seek the assistance of the Administrative Office of
192 Courts or any other criminal justice experts it deems necessary
193 during its review.

194 **SECTION 12.** This act shall stand repealed on July 1, 2025.

195 **SECTION 13.** This act shall take effect and be in force from
196 and after July 1, 2022.

