

By: Senator(s) Fillingane

To: Corrections; Judiciary,
Division BSENATE BILL NO. 2584
(As Passed the Senate)

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 and may be cited as the
31 "Reentry Court Act 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) Any Senior Circuit Court Judge of a
42 Circuit Court District in the state may establish a pilot reentry
43 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



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

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

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

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

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

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

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

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



80 (e) The defendant shall not have any prior felony
81 convictions for any offenses defined as a sex offense in Section
82 45-33-23 or for any substantially similar offenses in another
83 state or substantially similar federal offenses;

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

87 (g) The defendant cannot be sentenced in the present
88 charge as a habitual offender pursuant to Section 99-19-81 or
89 99-19-83;

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

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

96 (2) The reentry court shall consider the following factors
97 in determining whether sentencing to the program is in the
98 interest of justice and of benefit to the defendant and the
99 community:

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

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



(c) Whether there is a probability that the defendant will cooperate with and benefit from the program;

(d) Whether the program is appropriate to meet the needs of the defendant;

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

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

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

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

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

(j) Any mitigating circumstances; and

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

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

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

(a) Before sentencing to the program, the defendant shall waive the right to a trial and shall enter a plea of guilty



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

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

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

147 (d) Notwithstanding any provision of law to the
148 contrary, any offender sentenced under this section shall not be
149 eligible for parole pursuant to Section 47-7-3, nor accumulate
150 earned time or trusty time pursuant to Sections 47-5-138,
151 47-5-138.1, 47-5-139 or 47-5-142 while in the program.



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

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

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

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

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

(2) For a technical violation of probation imposed under this act, the court may impose a sentence of not more than ninety (90) days to be served at the Technical Violation Center. The term of the revocation for a technical violation shall begin on



the date the court orders the revocation. Upon completion of the imposed sentence for the technical revocation, the defendant shall return to active supervised probation for a period equal to the remainder of the original period of probation subject to any additional conditions imposed by the court.

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

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

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

SECTION 13. This act shall take effect and be in force from and after July 1, 2022, and shall stand repealed on June 30, 2022.

