

By: Senator(s) Sparks

To: Corrections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2600

1 AN ACT TO ENACT THE COMMUNITY REBOUND ACT OF 2022; TO DEFINE
2 TERMS; TO PROVIDE FOR THE ALLOCATION OF FUNDS; TO REQUIRE THE
3 DIVISION OF COMMUNITY OF CORRECTIONS TO DEFINE AND TRACK SPECIFIC
4 OUTCOME-BASED MEASURES; TO REQUIRE THE DEPARTMENT OF FINANCE AND
5 ADMINISTRATION, IN CONSULTATION WITH THE DIVISION OF COMMUNITY
6 CORRECTIONS TO CALCULATE THE MARGINAL COST OF INCARCERATION FOR
7 PRISON; TO REQUIRE THE DIVISION OF COMMUNITY CORRECTIONS TO GATHER
8 DATA TO CALCULATE CERTAIN PROGRAM RATES; TO REQUIRE THE DEPARTMENT
9 OF FINANCE AND ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT
10 OF CORRECTIONS, TO CALCULATE THE AMOUNT THAT EACH SUPERVISION
11 JURISDICTION IS ELIGIBLE TO RECEIVE AS AN INCENTIVE PAYMENT FOR
12 REDUCING PROBATION AND PAROLE FAILURE RATES IN THE MOST RECENTLY
13 COMPLETED FISCAL YEAR; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO
14 SUBMIT A COMPREHENSIVE REPORT TO CERTAIN ENTITIES; AND FOR RELATED
15 PURPOSES.

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

17 **SECTION 1.** This act shall be known and may be cited as "The
18 Community Rebound Act of 2022."

19 **SECTION 2. Definitions.** As used in this act, the following
20 terms shall have the meaning ascribed herein unless the context
21 clearly requires otherwise:

22 (a) "Baseline probation failure rate" means the average
23 of the felony probation failure rates for fiscal years 2018, 2019
24 and 2020 where each fiscal year's failure rate shall be the



25 quotient of the number of people on felony probation who were
26 incarcerated for violations of the terms of supervision in a
27 supervision jurisdiction divided by the total number of people on
28 felony probation in a supervision jurisdiction.

29 (b) "Baseline parole failure rate" shall mean the
30 average of the parole failure rates for fiscal years 2018, 2019
31 and 2020 where each fiscal year's failure rate shall be the
32 quotient of the number of people on parole who were returned to
33 incarceration for violations of the terms of supervision in a
34 supervision jurisdiction divided by the total number of people on
35 parole in a supervision jurisdiction.

36 (c) "Evidence-based practices" shall mean supervision
37 policies, procedures, programs and practices demonstrated by
38 scientific research to reduce recidivism among individuals under
39 probation, parole or post-release supervision.

40 (d) "Entering to prison" refers to a revocation of
41 probation in which the destination is a state prison, jail or
42 other facility for the purposes of incarceration.

43 (e) "Marginal cost of incarceration" means the sum of
44 all short-term variable costs associated with incarcerating an
45 individual in a state facility. The term includes only those
46 correctional costs that marginally change in proportion to the
47 inmate population of a facility.



48 (f) "Probation and parole programming" means any
49 programs consisting of a system of probation and parole
50 supervision services dedicated to any of the following goals:

51 (i) Improving outcomes for persons placed on
52 probation or parole after an offense, measured by incarceration
53 and re-incarceration rates.

54 (ii) Providing a range of supervision tools,
55 sanctions, and services applied to probationers and parolees based
56 on a risk and/or needs assessment for the purpose of reducing
57 criminal conduct and promoting individualized behavioral change
58 that results in reducing recidivism and promoting successful
59 reintegration into the community;

60 (iii) Maximizing offender restitution,
61 reconciliation, and restorative services to victims of crime, when
62 applicable;

63 (iv) Holding probationers and parolees accountable
64 to ensure successful compliance with applicable court orders and
65 conditions of supervision.

66 (g) "Returning to prison" shall refer to a revocation
67 of parole in which the destination is a state prison, jail, or
68 other facility for the purposes of incarceration.

69 (h) "Supervision jurisdiction" shall mean each local or
70 regional supervision entity, tasked with administering parole or
71 felony probation, which sets or receives a budget for the purposes



72 of supervising people on parole or felony probation in a specific
73 geographic area or judicial district.

74 **SECTION 3.** (1) **Allocation of funds.** All amounts
75 appropriated for purposes of implementing this act will be
76 provided to the Mississippi Department of Corrections' Division of
77 Community Corrections to administer for implementation of
78 probation and parole programming, as specified.

79 (a) Funds will be moved from the General Fund to the
80 Mississippi Department of Corrections' Division of Community
81 Corrections, which after making appropriate calculations under
82 subsection (5) of this section will disburse funding to eligible
83 supervision jurisdictions for their use as follows:

84 (i) Sixty percent (60%) of funds shall be used to
85 improve supervision and rehabilitative services, as described in
86 paragraph (d) of this subsection, at the discretion of the
87 respective regional administrator.

88 (ii) Twenty-five percent (25%) of funds shall be
89 used for performance-based financial bonuses for all staff within
90 a supervision jurisdiction that receives funding for improved
91 performance.

92 (iii) Fifteen percent (15%) of funds will be kept
93 by the Division of Community Corrections for administrative and
94 data-collection purposes.

95 (b) In any fiscal year in which a supervision
96 jurisdiction receives money to be expended for the implementation



97 of this act, the funds, including any interest, shall be made
98 available to the Department of Corrections, within thirty (30)
99 days of the deposit of those monies, for the implementation of
100 probation and parole programming authorized by this act.

101 (c) The Joint Legislative Committee on Performance
102 Evaluation and Expenditure Review shall provide oversight
103 periodically regarding the monetary allocation to each supervision
104 jurisdiction tasked with administering the monies to ensure that
105 disbursed funds are being used in accordance with this section.

106 (d) Funds appropriated pursuant to this act shall be
107 used to improve supervision and rehabilitative services for
108 probationers and parolees, which may include, but are not limited
109 to, the following:

110 (i) Implementing and expanding evidence-based
111 practices for risk and needs assessments for individualized
112 programming;

113 (ii) Implementing and expanding intermediate
114 sanctions that include, but are not limited to, mandatory
115 community service, home detention, day reporting, restorative
116 justice programs, and work furlough programs;

117 (iii) Expanding the availability of evidence-based
118 practices for rehabilitation programs, including, but not limited
119 to, drug and alcohol treatment, mental health treatment, anger
120 management, cognitive behavior programs, and job training and
121 employment services;



122 (iv) Hiring additional officers, associates, or
123 other personnel to supervise and help oversee and implement
124 evidence-based practices for rehabilitative programming;

125 (v) Giving financial bonuses to staff in
126 supervision jurisdictions that are awarded funds under this act;

127 (vi) Purchasing and adopting new technologies or
128 equipment that are relevant and enhancing to the task of
129 supervision or rehabilitation.

130 (vii) Evaluating the effectiveness of
131 rehabilitation and supervision programs and ensuring program
132 fidelity.

133 (e) The Division of Community Corrections shall
134 maintain a complete and accurate accounting of any and all funds
135 received pursuant to this act.

136 (2) **Outcome-based measurements.** The Division of Community
137 Corrections shall define and track specific outcome-based
138 measures, which shall include, but shall not be limited to, all of
139 the following:

140 (a) The number and types of parole and/or probation
141 programs that were eliminated, replaced, or created in each
142 supervision jurisdiction.

143 (b) The percentage of persons on probation and parole
144 who successfully complete the period of supervision in each
145 supervision jurisdiction and statewide, both in absolute terms and
146 as a percentage of the total number of persons on probation in



147 each supervision jurisdiction and statewide in a given fiscal
148 year.

149 (3) **Marginal cost of incarceration.** After the conclusion of
150 each fiscal year following the enactment of this section, the
151 Department of Finance and Administration, in consultation with the
152 Department of Corrections, shall calculate the marginal cost of
153 incarceration for prison for that fiscal year. This calculation
154 shall consider factors, including, but not limited to, the average
155 length of stay in prison for persons either entering or returning
156 to prison from parole or probation and variable costs associated
157 with corrections such as health care services, food and clothing.

158 (4) **Data collection requirements.** After the conclusion of
159 each fiscal year following the enactment of this section, the
160 Division of Community Corrections shall gather the data and
161 calculate the following for that fiscal year:

162 (a) Baseline probation failure rate per supervision
163 jurisdiction. The Division of Community Corrections shall
164 calculate for each supervision jurisdiction a baseline probation
165 failure rate. For purposes of calculating the baseline probation
166 failure rate, the number of adult probationers entering prison
167 shall include those probationers convicted of a new offense, as
168 well as those probationers whose probation has been revoked and
169 who are sent to state prison for any other reason, such as, but
170 not limited to, a technical violation.



171 (b) Baseline parole failure rate per supervision
172 jurisdiction. The Division of Community Corrections shall
173 calculate for each supervision jurisdiction a baseline parole
174 failure rate. For purposes of calculating the baseline parole
175 failure rate, the number of adult parolees returning to prison
176 shall include those parolees convicted of a new offense, as well
177 as those parolees whose parole has been revoked and who are sent
178 to state prison for any other reason, such as, but not limited to,
179 a technical violation.

180 (c) Current probation and parole failure rates per
181 supervision jurisdiction. The Division of Community Corrections
182 shall calculate for each supervision jurisdiction probation and
183 parole failure rates that equal the number of adult felony
184 probationers and parolees in that supervision jurisdiction who
185 entered prison over the last fiscal year as a percentage of the
186 total adult felony probation and parole population in that
187 supervision jurisdiction during the same period. In calculating
188 the probation and parole failure rate for each supervision
189 jurisdiction, the number of adult probationers and parolees in a
190 supervision jurisdiction who failed shall include those
191 probationers and parolees who entered prison due to a conviction
192 of a new offense, as well as those who entered prison for any
193 other reason, such as, but not limited to, a technical violation.

194 (d) Comparative performance calculation. The Division
195 of Community Corrections shall estimate the number of adult



196 probationers and parolees each supervision jurisdiction
197 successfully prevented from entering or returning to prison.

198 (i) For each supervision jurisdiction, this
199 estimate shall be calculated based on the reduction in the
200 supervision jurisdiction's current probation failure rate, as
201 calculated annually pursuant to paragraph (c) of this subsection,
202 compared to the supervision jurisdiction's baseline probation
203 failure rate, as calculated pursuant to paragraph (a) of this
204 subsection.

205 (ii) For each supervision jurisdiction, this
206 estimate shall be calculated based on the reduction in the
207 supervision jurisdiction's current parole failure rate, as
208 calculated annually pursuant to paragraph (c) of this subsection,
209 compared to the supervision jurisdiction's baseline parole failure
210 rate, as calculated pursuant to paragraph (b) of this subsection.

211 (iii) In making this estimate, the Department of
212 Finance and Administration, in consultation with the Division of
213 Community Corrections, shall adjust the calculations to account
214 for changes in each supervision jurisdiction's adult probation and
215 parole caseload in the most recent completed fiscal year as
216 compared to the supervision jurisdiction's adult probation and
217 parole population during the period of 2018-2020, inclusive.

218 (5) **Distributing incentive funding.** The Department of
219 Finance and Administration, in consultation with the Department of
220 Corrections, shall calculate the amount that each supervision



221 jurisdiction is eligible to receive as an incentive payment for
222 reducing probation and parole failure rates in the most recently
223 completed fiscal year, as follows:

224 (a) For each supervision jurisdiction, its probation
225 and parole failure reduction incentive payment shall equal, if
226 any, the supervision jurisdiction-specific historical baselines
227 outlined in subsection (4)(a) and (b) of this section minus the
228 supervision jurisdiction-specific probation and parole failure
229 rates for the most recent completed fiscal year as outlined in
230 subsection (4)(c) of this section, multiplied by the marginal cost
231 of incarceration as outlined in subsection (3) of this section.

232 (b) The incentive funding for both probation and parole
233 will be calculated for each supervision jurisdiction, then
234 combined.

235 (c) The total incentive funding amount for any given
236 year will be held in the General Fund then appropriated to the
237 Division of Community Corrections.

238 (d) The Division of Community Corrections will then
239 proportionately disburse the incentive funds to each supervision
240 jurisdiction based on the specific calculation according to
241 paragraph (a) of this subsection.

242 (e) If data of sufficient quality and of the types
243 required for the implementation of this act are not available,
244 then the Division of Community Corrections shall use the best
245 available data to estimate probation and parole failure reduction



246 rates utilizing a methodology that is as consistent with that
247 described in this act as is reasonably possible.

248 (f) Within sixty (60) days after the effective date of
249 this act, the Department of Finance and Administration shall
250 include an estimate of the total funds to be held and administered
251 under this section in the coming fiscal year as part of the
252 Governor's proposed budget for the Division of Community
253 Corrections.

254 (g) The funds appropriated pursuant to this act shall
255 be used to supplement, not supplant, any other state or other
256 appropriation for a supervision jurisdiction.

257 (h) No supervision jurisdiction may receive incentive
258 funds under paragraph (a) of this subsection if the jurisdiction's
259 rate of revocations based on the commission of a new crime
260 increases.

261 (6) **Reporting requirements.** Commencing no later than
262 eighteen (18) months following the initial receipt of funding from
263 the General Fund pursuant to this act, and annually thereafter,
264 the Department of Corrections shall submit to the Governor and the
265 Legislature a comprehensive report on the implementation of this
266 act. The report shall include, but not be limited to, all the
267 following information:

268 (a) The effectiveness of probation and parole
269 programming based on the reports of outcome-based measures
270 required in subsection (4) of this section.



271 (b) The number and proportion of adult probationers and
272 parolees whose supervision was revoked in each supervision
273 district for the year on which the report is being made.

274 (c) The number and proportion of adult probationers and
275 parolees who were convicted of new crimes during their term of
276 supervision in each supervision jurisdiction for the year on which
277 the report is being made.

278 (d) The total number of adult probationers and parolees
279 in each supervision jurisdiction.

280 (e) Any recommendations regarding resource allocations
281 or additional collaboration with other state, regional, or local
282 entities for improvements to this act.

283 **SECTION 4.** This act shall take effect and be in force from
284 and after July 1, 2022, and shall stand repealed on June 30, 2022.

