



**STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
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COMMISSIONER**

Frequently asked questions about House Bill 585

Q: What are the new mandatory minimum times to serve effective July 1, 2014, when the new law takes effect?

A: Offenders convicted on or after July 1, 2014, must serve a minimum 25 percent of their sentence in the case of nonviolent crimes and 50 percent for violent crimes. These minimums must be served before any kind of release. Offenders' earned time credits will not reduce their tentative discharge date below the minimums.

Q: In general, do the mandatory minimum provisions of House Bill 585 apply to inmates convicted before July 1, 2014?

A: No. A majority of the provisions of House Bill 585 are not retroactive and apply to persons convicted on or after July 1, 2014. Therefore, the mandatory minimums apply only to individuals convicted under the new law. Inmates convicted before July 1, 2014, will continue serving their sentences as is. There are some provisions, such as those dealing with re-entry and earned discharge credit that will affect inmates convicted under the old law, and are being released after July 1, 2014.

Q: Are inmates still eligible for earned time or parole under the new law?

A: Yes, but for offenders convicted on or after July 1, 2014, the tentative discharge date and/or parole date will not be reduced below the mandatory minimums.

Q: Is house arrest still an option under the new law?

A: Yes, but only the sentencing judge can place an offender on house arrest under the new law. The Mississippi Department of Corrections no longer has this authority effective July 1, 2014.

Q: How does House Bill 585 affect property crimes, such as larceny, grand larceny, forgery, petit larceny, malicious mischief, and receiving stolen goods?

A: Essentially, the new law creates tiered property value thresholds for felonies beginning at \$1,000 with increasing sentence ranges, including enhanced penalties for higher level thefts and subsequent offenses. Also a criminal enterprise law is established with enhanced penalties to deter organized theft or fraud enterprise.

Q: Are drug sentences affected?

A: Yes, the new law establishes a weight-based tiered system for commercial drug offenses similar to the weight-based system for possession offenses, thereby aligning sentence ranges with the seriousness of the offense.

Q: Aside from requiring violent offenders convicted on or after July, 1 2014, to serve a minimum 50 percent of their sentence, how else does the new law affect violent crime?

A: Violent crimes are specifically spelled out in Miss. Code Ann. §97-3-2 of the new law.

Q: Can a crime be determined violent if not listed in this section?

A: Yes, a judge can declare in the sentencing order whether a crime is violent, if the facts show that the defendant used physical force, or made a credible attempt or threat of physical force against another person as part of the criminal act.

Q: Can an offender convicted of drug possession with intent be eligible to receive trusty time under the new law?

A: Yes, but drug traffickers and habitual offenders still are excluded.

Q: Are parole hearings being eliminated?

A: Yes and no. Inmates will not have a hearing, but will have presumptive parole, if they meet all the conditions of their case plan, do not receive a major or serious violation report within the past six months and have no objection from the victim and/or law enforcement regarding their release. Eligible inmates must participate in a case plan, which includes job training and educational development, or face being denied parole. The department must notify the Parole Board at least 30 days before the inmate's parole eligibility date whether he is complying.

Q: What if the inmate does not meet all the requirements of his case plan, but there is no objection to his release by law enforcement and/or the victim?

A: The Parole Board will hold a hearing to determine if the inmate can complete the case plan while in the community.

Q: Is a person convicted of a residential burglary of an unoccupied dwelling still eligible for parole under House Bill 585?

A: No. Offenders convicted on or after July 1, 2014 of residential burglaries, occupied or not - are ineligible under the new law.

Q: A person convicted before July 1, 2014, of sale of a controlled substance within 1,500 feet of a school, church, park, ballpark youth center or movie theater is ineligible for parole. Is this still true under the new law?

A: No. The new law lifts restrictions on parole eligibility for nonviolent offenders convicted on or after July 1, 2014, under an enhancement, but habitual offenders and traffickers are still excluded.

Q: Is the Mississippi Department of Corrections required to provide an offender about to be released a Mississippi driver's license?

A: Yes, or a state identification card that is not a prison ID card.

Q: What is a technical violation, a technical violation center, (TVC) and where will it be located?

A: A technical violation is an act or omission that violates a condition or conditions of being placed on community supervision (parole, probation or post-release supervision). A center is an existing MDOC facility equipped to address the underlying factors leading to the offenders' violation, including substance abuse. A TVC will be located at each of the three state prisons, (Central Mississippi Correctional Facility, Mississippi State Penitentiary and South Mississippi Correctional Institution), with Central Mississippi having two - one for males and one for females.

Q: How does a technical violation center differ from a transitional center?

A: Unlike a technical violation center, a transitional center houses offenders leaving the physical custody of the Department of Corrections on parole, probation or post-release supervision who need temporary housing and services that reduce their risk to reoffend.

Q: What alternative methods will field officers have to address technical violations, such as missed drug tests or treatment sessions?

A: Field officers will have a standardized, graduated sanction system. The sanctions include verbal warnings, increased reporting, increased drug and alcohol testing, mandatory substance abuse treatment and jail stays up to two days for certain violations, but not exceeding four days in a month. They must notify the sentencing court or the Parole Board anytime a sanction is imposed. They must notify the sentencing court within 48 hours of learning that an offender has been arrested for a new crime.

Q: If a parolee or probationer is arrested for an alleged violation, how soon should he or she have a hearing?

A: The Parole Board (in the case of parolee) and the MDOC (in the case of a probationer/post-release supervision) must hold an informal preliminary hearing within 72 hours to determine whether there is reasonable cause to believe the offender has violated the condition of his supervision.

Q: What if reasonable cause is found that an offender should be revoked?

A: A revocation hearing must be held within 21 days of arrest or a parolee or probationer shall be released from jail and continued on probation or parole.

Q: What happens if the individual is revoked because of a technical violation?

A: The individual will serve his time in a technical violation center (TVC) for up to 90 days for the first revocation, up to 120 days for the second revocation and up to 180 days or the full remaining suspended prison term for the third revocation. For the fourth and subsequent revocation, the judge or Parole Board can impose up to the full remaining prison term.

Q: Where did this new law come from?

A: This new law came from the recommendations of a bipartisan 21-member task force created under House Bill 1231. The Corrections and Criminal Justice Task Force met from June 20 until Dec. 17, 2013.

Q: Why didn't the task force consider the people already in prison?

A: The objective was to halt future prison growth and corrections spending.

Q: What if this new law works in some areas but not in others?

A: The law calls for an Oversight Task Force, which will be getting specific data as spelled out in the law, from MDOC, the Parole Board and the Administrative Office of Courts on key performance measures, including, but not limited to, recidivism rates, percentage of time served, average length of stay, drug court outcomes, and prison population.

Q: Where can I find a copy of the task force report and the new law?

A: Go to http://www.legislature.ms.gov/Documents/MSTaskForce_FinalReport.pdf get a copy of the task force's final report. A copy of the new law is found at <http://billstatus.ls.state.ms.us/2014/pdf/history/HB/HB0585.xml>