

# 2020 FINAL REPORT

## CORRECTIONS AND CRIMINAL JUSTICE OVERSIGHT TASK FORCE

January 2021



## Membership

Section 68, H.B. 585, Regular Session 2014, established a committee to be known as the Corrections and Criminal Justice Oversight Task Force, hereinafter referred to as “Oversight Task Force” and “task force,” to review and monitor the implementation of H.B. 585.

The Oversight Task Force is composed of the following members:

- Hon. Prentiss G. Harrell, Circuit Judge, 15th Circuit Court District, Chair;
- Burl Cain, Commissioner, Mississippi Department of Corrections;
- Hon. Ted Booth, Joint Committee on Performance Evaluation and Expenditure Review; \*
- Mark Gardner, Director of Governmental Affairs, Mississippi Association of Supervisors;
- Hon. André de Gruy, State Defender, Office of State Public Defender;
- Macon Moore, Southaven Police Chief, Mississippi Association of Chiefs of Police;
- Travis Patten, Adams County Sheriff, Mississippi Sheriffs Association;
- Troy Peterson, Harrison County Sheriff;
- Steve Pickett, Chair, State Parole Board;
- Hon. Richard Smith Jr., District Attorney 9<sup>th</sup> Circuit Judicial District, Mississippi Prosecutors Association;
- Hon. John Weddle, District Attorney, First District, Lt. Governor’s Office Appointee; and
- Hon. Kyle Williams, Director of Opinion and Policy Division, Attorney General’s Office.

## Authority

The Oversight Task Force is charged with the following responsibilities related to the implementation of H.B. 585, Regular Session 2014 (MISS. CODE ANN. § 47-5-6):

- Track and assess outcomes from the recommendations in the Corrections and Criminal Justice Task Force Final Report of December 2013.
- Prepare and submit to the Legislature, Governor, and Chief Justice, no later than the first day of the second full week of each regular session of the Legislature, an annual report on outcome and performance measures and recommendations for improvements; recommendations on transfers of funding based on the success or failure of implementation of the recommendations and a summary of savings; and any additional recommendations to the Legislature on future legislation and policy options to enhance public safety and control corrections costs.
- Monitor compliance with sentencing standards, assess their impact on the correctional resources of the state, and determine if the standards advance the adopted sentencing policy goals of the state.
- Review the classifications of crimes and sentences and make recommendations for change when supported by information that change is advisable to further the adopted sentencing policy goals of the state.
- Develop a research and analysis system to determine the feasibility, impact on resources, and budget consequences of any proposed or existing legislation affecting sentence length.
- Request, review, and receive data and reports on performance outcome measures as related to this act.
- Undertake such additional studies or evaluations as the Oversight Task Force considers necessary to provide sentencing reform information and analysis.

- Prepare and conduct annual continuing legal education seminars regarding the sentencing guidelines to be presented to judges, prosecuting attorneys and their deputies, and public defenders and their deputies, as so required.
- Additionally, the Oversight Task Force is empowered to
  - use clerical and professional employees of the Department of Corrections for its staff;
  - employ or retain other professional staff upon the determination of the necessity for other staff;
  - employ consultants to assist in the evaluations and, when necessary, the implementation of the recommendations of the Corrections and Criminal Justice Oversight Task Force report of December 2013; and
  - apply for and expend grants, gifts, or federal funds it receives from other sources to carry out its duties and responsibilities.

## Methods and Procedures

The Oversight Task Force met four times since the conclusion of the 2020 Legislative Session. In these meetings the task force was briefed on legislation related to criminal justice from the immediate prior session. Additionally, the task force also received data from the following sources:

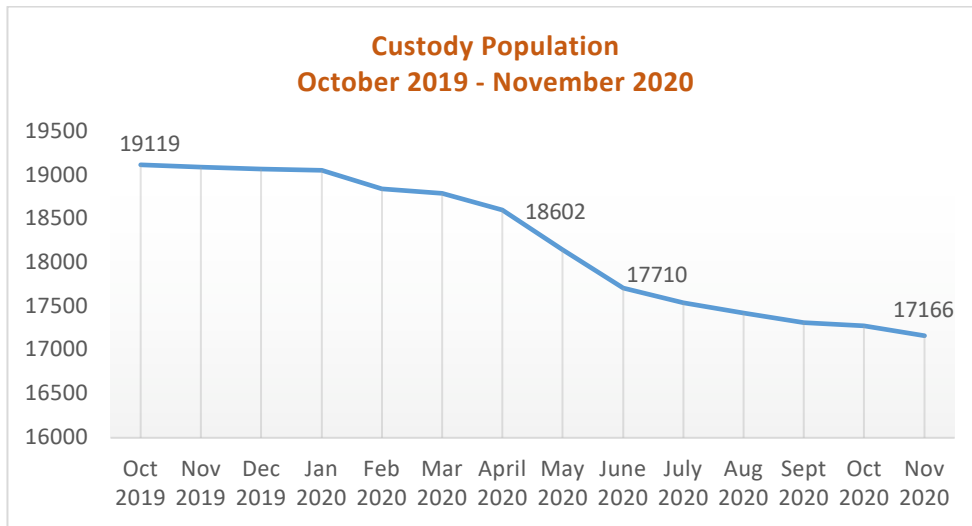
- Burl Cain, Commissioner, Mississippi Department of Corrections, presented an overview of his plans to implement moral rehabilitation programs and build non-denominational churches at Parchman and the other two state-run prison sites. Additionally, Commissioner Cain emphasized the need for mental health programs, in the Department of Corrections reentry model and reentry courts.
- Pam Holmes, Director of Intervention Courts, Administrative Office of Courts, presented data from fiscal year 2020 on funding, results, and recovery from intervention courts operating within the state. The data presented was part of the Intervention Court's first annual data report, required by H.B. 1352 (2019 Regular Session), to allow for an analysis of the effectiveness of the programs.
- André de Gruy, State Defender, Office of State Public Defender, presented information in regards to geriatric parole and additionally conducted an evaluation on issues to consider when creating legislation to mirror Louisiana's reentry law within the Mississippi Code.
- Judge William Knight, 22<sup>nd</sup> Judicial District Court in St. Tammany Parish and Washington Parish, discussed the success of his reentry court and how Mississippi might change its statutes to mirror those of Louisiana. He also provided copies of reentry court best practices.
- Audrey McAfee, Deputy Commissioner of Technology and Program Information at the Department of Corrections, presented updated corrections data relevant to the efforts of H.B. 585;
- Barton Norfleet, Attorney with the Legislative PEER Committee, gave an overview of the task force's prior reports and legislation that had resulted from them; and
- Gary Young, MDOC Deputy Commissioner for Programs, Education, Reentry and Vocational Rehabilitation Services who retired from Angola, discussed how reentry courts operated in conjunction with Angola and outlined how the process of reentry works within the prison system. Additionally, he introduced members of the MDOC reentry staff and discussed current and new programming, including MDOC's plan to use Vivitrol, a drug that aids in treatment for opioid or alcohol abuse, in a grant-funded program with the Mississippi Department of Health.

Data sources for this report were provided by the Administrative Office of the Courts, Office of the State Public Defender, Judge William Knight of the 22<sup>nd</sup> Judicial District Court in St. Tammany Parish and Washington Parish in Louisiana, the Joint Legislative PEER Committee, and the Department of Corrections, including an update report composed by the Department of Corrections and discussed below.

## MDOC Status Report

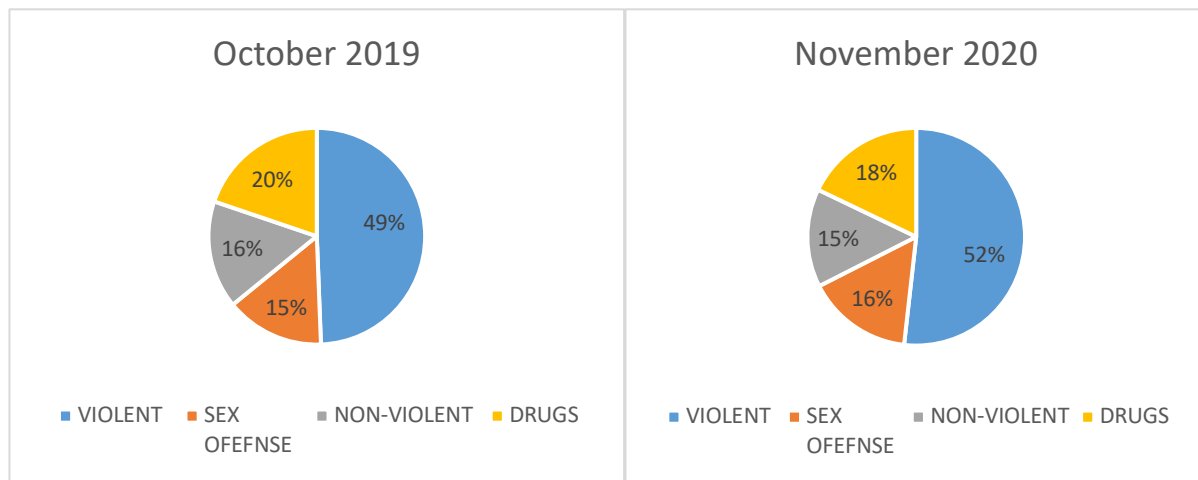
### Review of Custody Population:

In October 2019, the custody population was 19,119. The population has dropped to 17,166 as of November 2020, with a 10.2% decline. In this past 12 months, the custody population declined with an average rate of 0.9% per month, resulting in a decrease of 1,953 incarcerated inmates from October 2019 to November 2020.



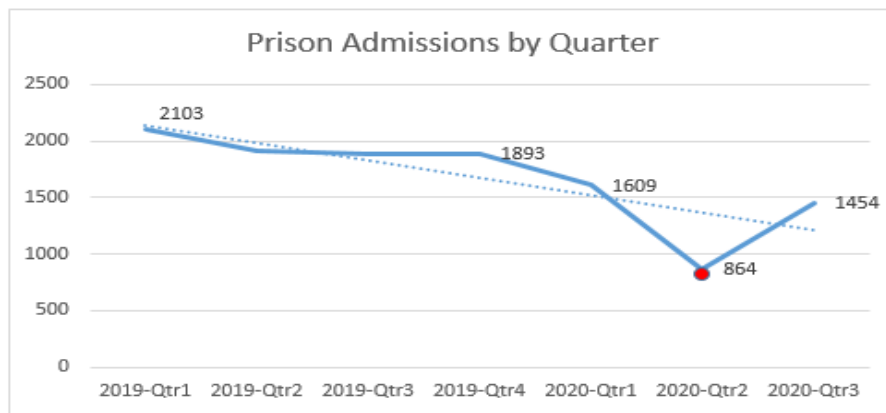
**Custody population by offense type:**

The percentage of violent and sex offenders made up 69% of the custody population in October 2019. In November 2020, the percentage of sex and violent offenders comprised 70%, a slight increase of 1.4%. Incarcerated offender population continues to be comprised of more Violent and Sex offenses compared to Drug and Non-Violent crimes.



**Review of Prison Admissions by Admissions Type:**

From October 2019 through November 2020, inmate admissions declined across all admission types, that is, new commitments, probation revocations, parole revocations and other conditional release violators. After reaching the lowest point in 2020-Qtr2, total admissions have increased but still remain lower than 2019-Qtr1. Chart below represents the prison admissions by each quarter.

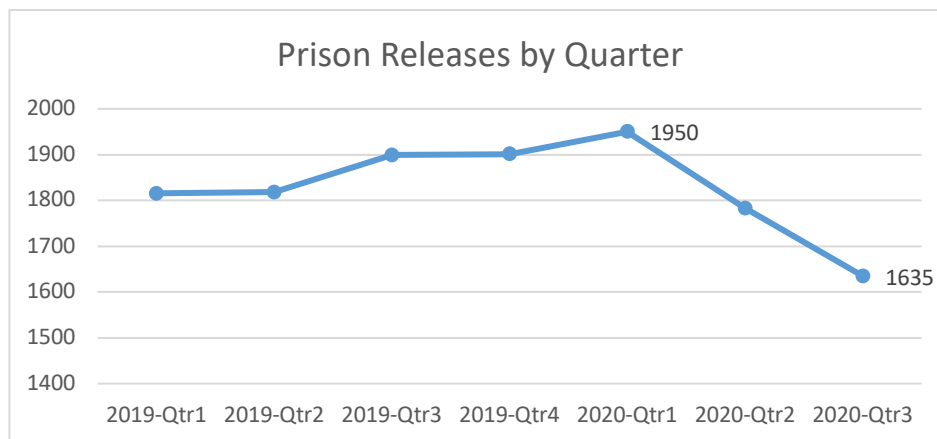


Based on the composition of admissions by admission type, the percent of new commitments coming into prison the first three quarters of 2019, as compared to new commitment numbers for 2020, declined by 38.1%. Probation revocations declined by 24.9% and parole revocations by 30.3%.

**Review of Admissions by Offense Type:**

During the past two years, admissions by offense type has remained about the same for each quarter, with drug convictions making up 35%, non-violent 40%, and violent offenses 25%. While admissions declined consistently across all offense categories at approximately 33%, it is important to note that there was not a surge or significant drop in the rate of any specific admission type entering prison.

**Review of Inmate Releases:**



Period Qtr.	Releases	Admissions	Change
2019-Qtr1	1815	2103	288
2019-Qtr2	1818	1918	100
2019-Qtr3	1899	1855	-44
2019-Qtr4	1901	1893	-8
2020-Qtr1	1950	1609	-341
2020-Qtr2	1783	864	-919
2020-Qtr3	1635	1454	-181

Percent of time served for new court commitments released from incarceration has been consistent since 2019 Qtr1 averaging 49% overall; 38% Drug offenses, 40% property and 62% Violent.

**Table: Term of Sentence and Percent Served for New Court Commitments Released from Incarceration**

\* Term of Sentence and Term Served are in Months

Period and Offense Type	Average Term Month of Sentence	Average Term Served	Percent Term Served
<b>2019-Qtr1</b>	<b>80.06</b>	<b>41.95</b>	<b>51.5%</b>
DRUG	61.51	22.42	40.7%
NON-VIOLENT	53.23	20.92	44.3%
SEX	143.81	112.09	92.2%
VIOLENT	122.34	75.79	63.7%
<b>2019-Qtr2</b>	<b>74.91</b>	<b>35.98</b>	<b>48.0%</b>
DRUG	71.04	25.06	36.8%
NON-VIOLENT	53.32	17.63	38.7%
SEX	112.55	94.21	92.4%
VIOLENT	100.40	60.88	64.2%
<b>2019-Qtr3</b>	<b>79.38</b>	<b>38.14</b>	<b>49.9%</b>
DRUG	76.47	25.36	36.8%
NON-VIOLENT	53.35	19.11	41.7%
SEX	112.16	102.05	97.2%
VIOLENT	113.78	62.96	63.1%
<b>2019-Qtr4</b>	<b>88.20</b>	<b>41.15</b>	<b>48.4%</b>
DRUG	73.27	21.76	36.6%
NON-VIOLENT	61.65	22.24	39.2%
SEX	135.86	113.81	90.0%
VIOLENT	125.20	67.21	61.8%
<b>2020-Qtr1</b>	<b>83.76</b>	<b>39.22</b>	<b>48.1%</b>
DRUG	75.30	25.71	36.7%
NON-VIOLENT	57.40	20.64	40.2%
SEX	86.06	77.74	95.2%
VIOLENT	126.78	69.36	60.0%
<b>2020-Qtr2</b>	<b>88.66</b>	<b>43.56</b>	<b>48.5%</b>
DRUG	82.00	30.52	39.2%
NON-VIOLENT	59.56	20.96	38.6%
SEX	131.38	106.88	90.9%
VIOLENT	126.52	73.81	61.8%
<b>2020-Qtr3</b>	<b>91.97</b>	<b>45.93</b>	<b>49.9%</b>
DRUG	88.83	32.32	38.6%
NON-VIOLENT	63.25	24.32	40.3%
SEX	153.02	118.97	88.2%
VIOLENT	110.67	63.65	61.0%

**Parole Board Grant Rate:**

The parole grant rate was as high as 83% in October 2019, with an average of 74% that calendar year 2019. In 2020, the rate dropped to 60% in October 2020. The average parole grant rate for calendar year 2020 is about 72%.

**Graduated Sanctions:**

In 2019, agents have issued 8642 graduated sanctions, an average of 2256 per quarter. From 2020 Qtr1 - Qtr3, agents have issued 4813 graduated sanctions, an average of 1604 per quarter.

<b>Period</b>	<b>Number of Sanctions</b>
2019-Qtr1	2082
2019-Qtr2	2343
2019-Qtr3	2342
2019-Qtr4	1860
2020-Qtr1	1796
2020-Qtr2	1249
2020-Qtr3	1768



## Administrative Office of Courts Intervention Court Update

The Administrative Office of Courts provided the following information regarding the outcome of participants that participated in intervention court programs during fiscal year 2020.

### FY2020 Intervention Court Program Data - Adult Felony Courts

Adult Felony	Enrolled First Day FY2020 July 1st	Enrolled Last Day FY2020 June 30th	Total New Participants in the Year	Successful Completions in the Year	Number that Left Before Successful Completion	Number Who Committed At Least One Violation	Number Arrested for New Offense	Number Convicted of New Crime
1st Circuit	277	259	62	38	39	377	0	4
2nd Circuit	125	97	38	30	29	201	6	1
3rd Circuit	334	324	88	59	30	469	6	0
4th Circuit	116	100	33	29	18	214	13	0
5th Circuit	62	67	18	1	12	74	0	0
6th Circuit	110	114	20	7	1	80	13	9
7th Circuit	167	166	35	19	14	332	11	3
8th Circuit	330	332	69	40	33	55	0	1
9th Circuit	76	92	47	2	6	40	4	1
10th Circuit	66	44	17	30	6	66	3	0
11th Circuit	71	69	15	7	5	93	2	2
12th Circuit	181	192	38	15	11	134	0	0
13th Circuit	51	52	14	6	9	52	0	0
14th Circuit	223	237	46	0	21	171	1	0
15th Circuit	204	245	77	3 <sup>1</sup>	5	258	3	0
16th Circuit	49	64	29	6	9	23	3	1
17th Circuit	385	407	101	48	31	248	3	0
18th Circuit	72	85	36	10	9	94	0	0
19th Circuit	202	171	34	30	35	209	3	5
20th Circuit	140	166	71	26	16	172	3	1
21st Circuit	40	34	1	9	2	23	0	0
22nd Circuit	32	27	15	18	5	37	0	1
<b>Total</b>	<b>3313</b>	<b>3344</b>	<b>904</b>	<b>433</b>	<b>346</b>	<b>3422</b>	<b>74</b>	<b>29</b>

### Intervention Court Program Data - Adult Misdemeanor Courts

Adult Misdemeanor	Enrolled First Day FY2020 July 1st	Enrolled Last Day FY2020 June 30th	Total New Participants in the Year	Successful Completions in the Year	Number that Left Before Successful Completion	Number Who Committed At Least One Violation	Number Arrested for New Offense	Number Convicted of New Crime
Columbus Mun.	53	40	19	29	4	32	2	0
Greenwood Mun.	34	30	31	19	5	68	0	0
Hinds Co. Justice	27	31	12	4	5	107	0	0
Indianola Mun.	N/A	0	0	0	0	0	0	0
<b>Total</b>	<b>114</b>	<b>101</b>	<b>62</b>	<b>52</b>	<b>14</b>	<b>207</b>	<b>2</b>	<b>0</b>

<sup>1</sup> 15<sup>th</sup> Circuit is reporting 50 successful completions at this time.

### Intervention Court Program Data – Youth Courts

Youth	Enrolled First Day FY2020 July 1st	Enrolled Last Day FY2020 June 30th	Total New Participants in the Year	Successful Completions in the Year	Number that Left Before Successful Completion	Number Who Committed At Least One Violation	Number Arrested for New Offense	Number Convicted of New Crime
3rd Chancery	39	37	26	12	16	240	0	0
6th Chancery	10	3	1	3	6	1	0	1
Adams	24	20	12	3	12	117	1	0
DeSoto	50	41	48	38	16	16	1	0
Forrest	10	8	3	2	2	41	11	0
Harrison	24	19	29	24	10	64	4	0
Hinds	N/A	2	3	0	1	1	1	1
Jackson	16	14	13	6	3	61	0	1
Madison	37	35	24	21	10	59	8	2
Pike	7	3	2	2	2	32	1	1
Rankin	38	24	20	24	10	201	15	2
Walthall	9	7	5	3	3	11	2	1
Washington	6	3	2	1	3	35	2	0
<b>Total</b>	<b>270</b>	<b>216</b>	<b>188</b>	<b>139</b>	<b>94</b>	<b>879</b>	<b>46</b>	<b>9</b>

### Intervention Court Program Data – Family Courts

Family	Enrolled First Day FY2020 July 1st	Enrolled Last Day FY2020 June 30th	Total New Participants in the Year	Successful Completions in the Year	Number that Left Before Successful Completion	Number Who Committed At Least One Violation	Number Arrested for New Offense	Number Convicted of New Crime
Adams Family DC	14	16	13	6	6	51	0	0
Harrison Family DC	7	9	24	12	9	44	0	0
Rankin Family DC	19	7	6	14	4	31	0	0
<b>Total</b>	<b>40</b>	<b>32</b>	<b>43</b>	<b>32</b>	<b>19</b>	<b>126</b>	<b>0</b>	<b>0</b>

### Intervention Court Program Data – All Intervention Courts

All Courts	Enrolled First Day FY2020 July 1st	Enrolled Last Day FY2020 June 30th	Total New Participants in the Year	Successful Completions in the Year	Number that Left Before Successful Completion	Number Who Committed At Least One Violation	Number Arrested for New Offense	Number Convicted of New Crime
<b>Total for All Courts</b>	<b>3737</b>	<b>3693</b>	<b>1197</b>	<b>656</b>	<b>473</b>	<b>4634</b>	<b>122</b>	<b>38</b>

## **Participation in Intervention Court Programs and Fiscal Impacts:**

FY20 Intervention Court Participants in 42 Intervention Courts;

- 3,693 Total Participants
  - 3,344 in 22 Adult Felony courts / average of 152 per court;
  - 101 in 3 Misdemeanor courts / average of 34 per court;
  - 216 in 14 Youth courts / average of 15 per court; and
  - 32 in 3 Family courts / average of 11 per court.

The AOC stated that they were funded at the same level of \$6.5 million as in FY19; and their total net savings in incarceration amounted to \$60.6 million.

### **Summary of Efforts to Date**

Since the passage of H.B. 585, during its 2014 Regular Session, the Legislature approved House Bill 387 in 2018. In summary, H.B. 387 ended “debtor’s prisons” for failure to pay fines and clarified that people sentenced with enhancements prior to July 1, 2014, were eligible for parole. The bill also provided discretion to judges to deviate from the mandatory minimum sentences for non-violent habitual convictions. Furthermore, the bill created the Mississippi Sentencing Disparity Task Force with the purpose of studying and reporting on possible disparity in sentencing in order to promote the interest of uniform justice throughout Mississippi.

Additionally, during its 2019 Regular Session, the Legislature enacted House Bill 1352 (H.B. 1352), known as the Criminal Justice Reform Act. The bill’s primary focus was to rename drug courts, mental health courts, and veterans courts as “intervention courts,” to be under the oversight of the Administrative Office of Courts. Additionally, H.B. 1352 made some technical changes to the administration of intervention courts, such as better data collection, and reconstituted the Drug Court Commission into the Intervention Court Advisory Commission.

During the 2020 Regular Session, the Legislature passed House Bill 851, which added two additional members to the task force an advocate for offenders and families who have been directly affected by the prison justice system, who is to be appointed by the Governor, and a member to be appointed by the Mississippi Chief of Police Association. Additionally, several significant bills with recommendations from the task force died, and S.B. 2123, was vetoed by the governor.

Therefore, as a result of the Legislature acting on the recommendations of the H.B. 585 task force, three pieces of legislation have been passed to help further reduce recidivism.

### **Reentry Courts**

During its 2020 meetings the 585 Task Force focused primarily on the implementation of reentry courts in addition to the intervention courts currently in operation. The task force heard from Commissioner Cain, Deputy Commissioner Young, and Judge Knight regarding the success of reentry courts in Louisiana and how they could be made to work in Mississippi and coincide with the MDOC’s new rehabilitation plan. The task force discussed how LA Rev Stat §13:5401 (Louisiana’s reentry court statute) would need to be modified to achieve a similar reentry court structure in Mississippi. Due to the time limitations arising from the outbreak of the Covid-19 virus, the task force decided the most important recommendation that could be made in the time provided would be to provide draft legislation to the Legislature regarding the best method for implementing reentry courts within Mississippi. The task force additionally makes its usual recommendation that the legislature continue monitoring all intervention programs to ensure their effectiveness.

## Recommendations

1. The Legislature should consider passing legislation creating pilot reentry court programs in the First, Seventh, and Fifteenth Circuit Court Districts. The task force has attached draft legislation, modified to work within the current structure of the state code, for Legislature's consideration.
2. The Legislature should continue to monitor intervention courts to ensure that they follow best practices, implement evidence-based or research-based practices, and are producing positive results.

## Adoption

After due consideration, the Oversight Task Force adopts this report on January 6, 2021, and directs its chair to sign and deliver copies of the report to the Legislature, the Governor, and the Chief Justice.

  
Prentiss G. Harrell, Circuit Judge, Chair

BY:

BILL

AN ACT TO CREATE A PILOT REENTRY COURT; TO ESTABLISH A REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM AT THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO AUTHORIZE THE JUDGE PRESIDING OVER THE PILOT REENTRY COURT TO AT THE TIME OF INITIAL SENTENCING OF ANY SECOND OR SUBSEQUENT OFFENDER RECOMMEND THE OFFENDER BE PLACED IN THE REHABILITATION AND WORKFORCE DEVELOPMENT PROGRAM; AND TO NOT MORE THAN THREE YEARS AFTER THE INITIAL SENTENCING TO RECONSIDER THE SENTENCE AND PLACE THE OFFENDER ON POST-RELEASE SUPERVISION.

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

Section 1. This act shall be known as the Reentry Court Act of 2021.

(a) The Mississippi Department of Corrections shall establish a rehabilitation and workplace development program that can be completed in no more than three years.

(b) The Senior Circuit Court Judge of the First, Seventh, and Fifteenth Circuit Court Districts may establish a pilot reentry division in the district. Any reentry division of the court and sentencing program shall work in conjunction with the Mississippi Department of Corrections and the Mississippi Intervention Court Commission to establish best practices for the court including standards for suitability. Any person placed in the Reentry Court shall be counted in determining funding allocations to the court from the Administrative Office of Courts.

(c) Participation in the workforce development sentencing program as authorized by the provisions of this Section shall be subject to the following provisions:

(i) The court may recommend that a defendant who has been previously convicted of one or more felony offenses in this state or any other state or federal court to participate in the workforce development sentencing program if all of the following criteria are satisfied:

1. The defendant meets the eligibility and suitability requirements for participation in the Offender Rehabilitation and Workforce Development Program.
2. 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 Offender Rehabilitation and Workforce Development Program.
3. The defendant is not sentenced to a term of incarceration which exceeds twenty (20) years.
4. The defendant shall not have any prior felony convictions for any offenses defined as a sex offense in Miss Code Section 45-33-23.
5. The crime before the court shall not be a crime of violence as listed in 97-3-2 except house burglary under 97-17-23(1).
6. The defendant cannot be sentenced in the present charge as a habitual offender pursuant to Mississippi Code Sections 99-19-81 or 99-19-83.

7. Other criminal proceedings alleging commission of a crime of violence as listed in 97-3-2 except house burglary under 97-17-23(1) shall not be pending against the defendant.
8. The crime before the court shall not be a charge of any crime that resulted in the death of a person.
- (d) Upon a determination that the defendant meets the eligibility and suitability criteria provided for in subsection (i) above, the court shall advise the defendant that he may be eligible for enrollment in the workforce development sentencing program.
- (e) Prior to sentence, the court shall contact the Department of Corrections Reentry Services to determine if there is adequate capacity for enrollment or if bed space is available.
- (f) In offering a defendant the opportunity to request the program, the court shall advise the defendant of the following:
- (i) If the defendant is eligible to participate in the workforce development sentencing program, the defendant shall waive the right to a trial. The defendant shall enter a plea of guilty to the charge, with the stipulation that the defendant shall be sentenced to custody of the Department of Corrections to participate in the Offender Rehabilitation and Workforce Development Program and after successful completion of that program, the court shall suspend the remainder of his/her sentence and place him/her on probation under the intensive supervision of the reentry division of court.
- (ii) The court may impose any conditions reasonably related to the rehabilitation of the defendant, including ordering the defendant to participate and complete a substance abuse treatment program.
- (iii) A defendant who is placed under the supervision of the reentry division of court may be ordered to pay the cost of any assessments, substance abuse tests, and treatment programs to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources, as determined by the reentry division of court as guided by Mississippi Code Section 99-19-20.1(1).
- (iv) Notwithstanding any provision of law to the contrary, any offender sentenced under this Section shall not be eligible for parole pursuant to Section 47-7-3, nor earn "good time" pursuant to 47-5-138; 47-5-138.1; 47-5-139 nor 47-5-142 while in the program.
- (g) The defendant shall agree to participation in the workforce development sentencing program.
- (h) The judge shall consider the following factors in determining whether workforce development sentencing is in the interest of justice and of benefit to the defendant and the community:
- (i) The nature of the crime charged and the circumstances surrounding the crime.
- (ii) Any special characteristics or circumstances of the defendant.
- (iii) Whether there is a probability that the defendant will cooperate with and benefit from the workforce development sentencing program.
- (iv) Whether the available workforce development sentencing program is appropriate to meet the needs of the defendant.
- (v) The impact of the defendant's sentencing upon the community.
- (vi) Recommendations, if any, of the district attorney.
- (vii) Recommendations, if any, of the involved law enforcement agency.
- (viii) Recommendations, if any, of the victim.

(ix) Provisions for and the likelihood of obtaining restitution from the defendant.

(x) Any mitigating circumstances.

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

(i) If the judge determines that the defendant shall be enrolled in the workforce development sentencing program, the 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 Offender Rehabilitation and Workforce Development Program under the terms and conditions of the workforce development sentencing program.

(j) If the judge determines that the defendant is not qualified for enrollment, the judge shall state for the record the reasons for that determination.

(k) If the defendant successfully completes the Offender Rehabilitation and Workforce Development Program and successfully completes all other requirements of the workforce development sentencing program, the court, notwithstanding any provision of Miss. Code Sections 47-7-33 or 47-7-47 to the contrary, shall suspend the remainder of his sentence and place the person on probation for not more than three (3) years under the intensive supervision of the reentry division of court. If the defendant fails to complete the Program the court shall order the defendant to serve all or part of the remainder of the sentence. The Department of Corrections shall not grant any "good time credits" for the time served prior to the resentencing nor shall the time in the program be used to calculate a parole eligibility date.

(l) If the defendant violates any condition of his reentry probation, the court may revoke the probation and order the defendant to serve all or part of the sentence previously imposed and suspended, unless the violation is a technical violation and then the court may impose a sentence of not more than ninety 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 2. The Joint Legislative Committee on Performance Evaluation and Expenditure Review shall conduct a review of all reentry court programs active after three years and produce a report to the Legislature on their effectiveness by December 1, 2024. 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 3. This act shall take effect and be in force from and after July 1, 2021 and shall stand repealed June 30, 2024.