MISSISSIPPI LEGISLATURE REGULAR SESSION 2012

By: Representative Snowden

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1237

AN ACT TO CREATE THE TRUTH IN SENTENCING TASK FORCE TO STUDY THE DIVIDE BETWEEN THE STATE'S CORRECTIONS SYSTEM AND CRIMINAL JUSTICE SYSTEM; TO PROVIDE FOR THE MEMBERSHIP OF THE TASK FORCE; TO PRESCRIBE THE DUTIES OF THE TASK FORCE MEMBERS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There is created the Truth in Sentencing Task Force to undertake a comprehensive review of the state's corrections system and criminal justice system. The task force shall be comprised of eighteen (18) members, as follow:

(a) The Chairpersons of the Corrections Committee of the Senate and the House of Representatives;

(b) The Chairpersons of the Judiciary "A" and Judiciary "B" Committees of the Senate and the House of Representatives;

(c) The Commissioner of Corrections;

(d) The Attorney General;

(e) A state Supreme Court justice, appointed by the Chief Justice of the Supreme Court of Mississippi;

(f) A state Court of Appeals judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

(g) A state circuit court judge, appointed by the Governor;

(h) A state chancery court chancellor, appointed by the Governor;

(i) A state justice court judge, appointed by the Governor;

(j) A state county court judge, appointed by the Governor;

(k) A state drug court judge, appointed by the Governor;

(l) One (1) county public defender, appointed by the Governor;

(m) The Indigent Appeals Director of the Office of the State Public Defender; and

(n) The Director of the Capital Defense Counsel within the Office of the State Public Defender.

(2) The appointed members of the task force must be appointed within thirty (30) days of the effective date of this act. The members shall be a part of the task force for the life of the task force. Any vacancy in the task force shall not affect its powers, but shall be filled in the same manner prescribed above. The task force shall hold its first meeting within sixty (60) days of the effective date of this act, on the call of the Governor at a place designated by him. At the first meeting, the task force shall elect from among its membership a chairperson and other officers, if any, determined to be necessary. A majority of the membership of the task force shall constitute a quorum, and shall meet at the call of the chairperson, or upon an affirmative vote of a majority of the task force. All members must be notified in writing of all meetings at least five (5) days before the date on which a meeting of the task force is scheduled.

(4) The task force shall study and make recommendations for improving the relationship between the corrections system and the criminal justice system in Mississippi. In making those recommendations, the task force shall:

(a) Undertake a comprehensive review of all areas of the state's corrections system, including state, local and tribal governments' corrections practices and policies regarding sentencing guidelines;

(b) Review the total number of offender populations in Mississippi correctional facilities to determine which offenders

have differing sentences for the same crimes, enumerating any discrepancies in sentencing between the same crimes and documenting the percentage of offenders whose sentence was a result of mandatory minimum sentencing;

(c) Make findings regarding such review and recommendations for changes in oversight, policies, practices and laws designed to prevent, deter and reduce crime and violence, reduce recidivism, improve cost-effectiveness and ensure the interests of justice at every step of the criminal justice system;

(d) Identify critical problems in the criminal justice system and assess the cost-effectiveness of the use of state and local funds in the criminal justice system; and

(e) Consult with state, local and tribal government and nongovernmental leaders, including law enforcement officials, legislators, judges, court administrators, prosecutors, defense counsel, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals and corrections officials.

The Mississippi Department of Corrections shall provide appropriate staff support to assist the task force in carrying out its duties. The Commissioner of Corrections shall designate an appropriate employee to act as a point of contact for the provision of staff support to the task force. In addition, the task force may consult with employees of any state agency or department necessary to accomplish the task force's responsibilities under this section.

(5) Subject to the appropriation of funds specifically for such purpose, members of the task force, other than the legislative members, shall receive reimbursement for travel expenses incurred while engaged in official business of the task force in accordant with Section 25-3-41. Legislative members of the task force shall receive the compensation authorized for

attending meetings when the Legislature is not in session. Payment of these expenses may be made from funds made available specifically for such purpose by the Legislature or from any other public or private source.

(6) Not later than twelve (12) months after the first meeting of the task force, the task force shall prepare and submit a final report that contains a detailed statement of findings, conclusions and recommendations of the task force to the Legislature, the Governor, state, local and tribal governments. It is the intention of the Legislature that, given the importance of the matters before the task force, the task force should work toward unanimously supported findings and recommendations and the task force shall state the vote total for each recommendation contained in its report to Legislature. The report submitted under this subsection shall be made available to the public.

The recommendations for improving the relationship between the corrections system and the criminal justice system in Mississippi may include proposals for specific statutory changes for improving the effectiveness of the criminal justice system and methods to foster cooperation among state agencies and between the state and local governments. The commission shall be abolished upon submission of the report to the Governor and the Legislature.

SECTION 2. This act shall take effect and be in force from and after its passage.