4/23 11-519

Chapter No. 524
13/HR40/R47SG
CST / JAB

HOUSE BILL NO. 1231

Originated in House _____ Clerk

HOUSE BILL NO. 1231

AN ACT TO CREATE THE CORRECTIONS AND CRIMINAL JUSTICE 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 hereby created the Corrections and Criminal Justice Task Force to undertake a comprehensive review of the state's corrections system and criminal justice system. The task force shall be comprised of twenty-one (21) members, as follows:

(a) The Chairpersons of the Corrections Committees of the Senate and the House of Representatives or their designees;

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

(c) The Lieutenant Governor or a designee;

(d) The Speaker of the House of Representatives or a designee;

(e) The Commissioner of Corrections or a designee;

(f) The Attorney General or a designee;

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

(h) A state circuit court judge who presides over a certified drug court, appointed by the Chief Justice of the Supreme Court of Mississippi;

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

(j) A state county court judge, appointed by the Chief Justice of the Supreme Court of Mississippi;

(k) A county public defender, appointed by the Governor;

(l) The Director of the Capital Defense Counsel within the Office of the State Public Defender or a designee;

(m) A member of the Mississippi Sheriffs' Association appointed by its executive director;

(n) A district attorney or an assistant district attorney, appointed by the Attorney General;

(o) A member of the Mississippi Association of Supervisors, chosen by the Executive Director of the Mississippi Association of Supervisors;

(p) A member representing the Southern Poverty Law Center appointed by the Managing Attorney for Mississippi;

(q) A member of the Mississippi Association for Justice appointed by its executive committee president;

(r) A member of the Mississippi Association of Chiefs of Police appointed by its executive board president; and

(s) The President of the Mississippi Prosecutors Association or a designee.

(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 Commissioner of Corrections. At the first meeting, the task force shall elect from among its membership a permanent chairperson and any 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.

(3) 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 receive or serve differing sentences for the same crimes, enumerating any discrepancies in sentencing for conviction of 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;

(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; and

(f) Conduct a comprehensive review of the drug court programs, intensive supervision programs and any other alternative incarceration programs utilized in the state and provide detailed recommendations regarding the appropriate funding to support those programs.

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.

(4) 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 and to local and tribal governments by December 31, 2013. 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 the 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 task force 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.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 1, 2013

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 3, 2013

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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