

MISSISSIPPI PUBLIC DEFENDERS SPRING CONFERENCE

Mississippi Department of Corrections

Commissioner Marshall Fisher
Hollywood Casino, Bay St. Louis, Mississippi
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MARSHALL FISHER
COMMISSIONER
MISSISSIPPI DEPARTMENT OF CORRECTIONS

INTRODUCTIONS

- Pelicia Hall – Chief of Staff
- Rick McCarty – Deputy Commissioner of Administration and Finance
- Jerry Williams – Deputy Commissioner of Institutions
- Christy Gutherz – Deputy Commissioner of Community Corrections
- Grace Fisher – Director of Communications
- Sean Smith – Director Corrections Investigation Division
- David Scott – Special Assistant Attorney General
- Anthony Schmidt – Special Assistant Attorney General
- Jeworski Mallett – Director of Records Department
- Kevin Jackson – Director of Constituent Services

HB 585

INTERPRETATION IMPLEMENTATION ISSUES

CRIMES OF VIOLENCE

MISSISSIPPI CODE SECTION 97-3-2

Twenty (20) enumerated crimes defined as crimes of violence

Notables:

Burglary – residential (not commercial), whether occupied or not is now violent

Sale of a Controlled Substance no longer violent

Felonies with Enhanced Penalties no longer violent

Arson no longer violent

50% LAW

MISSISSIPPI CODE SECTION 97-3-2(2)

No person convicted of a crime of violence listed in this section is eligible for parole or for early release from custody of the Department of Corrections until the person has served at least fifty percent (50%) of the sentence imposed by the court.

MANDATORY MINIMUMS

MISSISSIPPI CODE SECTION 47-7-3.2

Inmates convicted of Crimes of Violence (97-3-2) shall serve a minimum of fifty percent (50%) of the sentence.

Inmates convicted of any other crime shall serve a minimum of twenty-five percent (25%) of the sentence.

PAROLE

MISSISSIPPI CODE SECTION 47-7-3

Retroactive Provisions – Applies to inmates who were convicted prior to July 1, 2014

“GERIATRIC PAROLE ELIGIBILITY”

“COURT APPROVED PAROLE ELIGIBILITY”

GERIATRIC PAROLE ELIGIBILITY

A person serving a sentence who has reached the age of sixty (60) or older and who has served no less than ten (10) years of the sentence or sentences imposed by the trial court shall be eligible for parole.

Exclusions:

- Habitual offenders under 99-19-81 through 99-19-87
- Crimes of Violence under 97-3-2
- Any crime that specifically prohibits parole release
- Trafficking in controlled substances under 41-29-139(f)

The inmate must have served at least one-fourth (1/4) of the sentence imposed by the court.

**COURT APPROVED PAROLE
ELIGIBILITY**

Any offender who has not committed a crime of violence under Section 97-3-2 and has served twenty-five percent (25%) or more of his sentence may be paroled by the parole board if, after the sentencing judge or if the sentencing judge is retired, disabled or incapacitated, the senior circuit judge authorizes the offender to be eligible for parole consideration. (Recently amended by HB 1267)

“PRESUMPTIVE” PAROLE

MISSISSIPPI CODE SECTION 47-7-18

Inmates are released to Parole on the parole eligibility date without a hearing if:

- Inmate completes parole case plan
- No victim opposition
- No serious or major RVR in last 6 months
- Inmate agrees to conditions of parole
- Parole Board approves a discharge plan

“PRESUMPTIVE” PAROLE

There is no presumptive parole and a hearing shall be held if local law enforcement from the community to which the inmate will return presents information relevant to public safety risks if the inmate is released

EARNED TIME

Earned Time Allowance (47-5-138/139)

Trusty Earned Time (47-5-138.1)

Meritorious Earned Time (47-5-142)

EARNED TIME ALLOWANCE

For sentences imposed before July 1, 1995, the earned time allowance is equal to 50% of the sentence

For sentences imposed after June 30, 1995, the earned time allowance shall not exceed 15% of the sentence

EARNED TIME ALLOWANCE

The inmate shall be placed on earned release supervision (ERS) for the earned time allowance portion of his sentence. He shall retain inmate status and remain under the jurisdiction of MDOC. His supervision shall be conducted in the same manner as supervised parole.

EARNED TIME ALLOWANCE

An inmate shall not be eligible for earned time allowance if:

- Convicted of a sex crime
- Convicted as a habitual offender
- Convicted of armed robbery/attempted armed robbery
- Convicted of a specific crime which does not allow a reduction in sentence
- There is an out-of-state or federal detainer
- Serving a life sentence

TRUSTY EARNED TIME (TET)

The inmate may earned 30 days of TET for each 30 days of participation in an approved education or instructional program, work program or other special incentive program.

TRUSTY EARNED TIME

An inmate shall not be eligible for TET if:

- Convicted of a sex crime
- Convicted as a habitual offender
- Convicted of armed robbery/attempted armed robbery or armed carjacking or drive-by shooting
- Convicted of trafficking

TRUSTY EARNED TIME

An inmate shall not be eligible for TET if:

- Convicted of a specific crime which does not allow a reduction in sentence
- Convicted of murder or attempted murder
- Serving a life sentence
- Removed from trusty status for disciplinary reasons

MERITORIUOS EARNED TIME (MET)

The inmate may earned 10 days of MET for each 30 days of participation in an approved education or instructional program, work program or other special incentive program for which he is not already earning TET.

MERITORIUOS EARNED TIME

An inmate shall not be eligible for MET if:

- Convicted of a specific crime which does not allow a reduction in sentence
- Convicted of murder or attempted murder
- Convicted of a sex crime
- Serving a habitual sentence
- Serving a life sentence
- Removed from trusty status for disciplinary reasons
- Major/serious RVR last 6 months; minor RVR last 3 mo.

EARNED DISCHARGE PROGRAM

MISSISSIPPI CODE SECTION 47-7-40

Offenders on Probation, Parole or Post-Release Supervision can reduce the period of supervision for complying with the conditions of supervision.

EARNED DISCHARGE CREDITS (EDC)

For each full calendar month of compliance with the conditions of supervision, credits equal to the number of days in that month shall be deducted from the offender's sentence discharge date.

ALTERNATIVES TO REVOCATION

MISSISSIPPI CODE SECTION 47-7-38

Graduated Sanctions shall be imposed for technical violations of the conditions of supervision as an alternative to judicial modification or revocation.

GRADUATED SANCTIONS

Graduated Sanctions include, but are not limited to:

- Verbal warnings
- Increased reporting
- Increased drug and alcohol testing
- Mandatory substance abuse treatment
- Loss of earned discharge credits
- Incarceration in the county jail for no more than 2 days

GRADUATED SANCTIONS

Positive Reinforcement Provisions include, but are not limited to:

- Verbal recognition
- Reduced reporting
- Earned discharge credits

2015 LEGISLATION

HB 1267

Amends 47-7-3 to slightly modify court approved parole eligibility – effective July 1, 2015

Clarifies the authority of a court to revoke probation – effective upon passage

2015 LEGISLATION

HB 1267

If a court finds by a preponderance of the evidence, that a probationer or a person under post-release supervision has committed a felony or absconded, the court may revoke his probation and impose any or all of the sentence

2015 LEGISLATION

HB 906

Repeals the Regimented Inmate Discipline (RID) program as of January 1, 2017. MDOC shall develop evidence-based programs to reduce recidivism.

2015 LEGISLATION

HB 906

As an alternative to RID, the Court may sentence an offender to an evidence-based program targeted at reducing recidivism. The program may be community based or institutionally based.
Effective July 1, 2015

QUESTIONS
