

April 18, 2017

TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES:

GOVERNOR'S VETO MESSAGE FOR HOUSE BILL 1033

I am returning without my approval House Bill Number 1033: "AN ACT TO PROVIDE THAT INCARCERATION SHALL NOT AUTOMATICALLY FOLLOW THE NONPAYMENT OF A FINE, RESTITUTION, OR COURT COSTS; TO PROVIDE THAT THE AGGREGATE TOTAL OF THE PERIOD OF INCARCERATION IMPOSED PURSUANT TO THIS SECTION AND THE TERM OF THE SENTENCE ORIGINALLY IMPOSED MAY NOT EXCEED THE MAXIMUM TERM OF IMPRISONMENT AUTHORIZED FOR THE OFFENSE; TO AMEND SECTIONS 99-19-20, 99-37-7 AND 47-1-1, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING SECTIONS; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OTHERWISE INELIGIBLE INMATE FOR PAROLE SHALL BE ELIGIBLE FOR PAROLE IF AN INMATE HAS NOT BEEN CONVICTED OF COMMITTING A CRIME OF VIOLENCE, DRUG TRAFFICKING OR AS A HABITUAL OFFENDER AND HE OR SHE HAS SERVED AT LEAST 25% OF HIS OR HER SENTENCE; TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE EVALUATION AND EXPENDITURE REVIEW TO CONDUCT A ONE TIME CENSUS OF JAIL POPULATIONS THROUGHOUT THE STATE; TO CREATE THE MISSISSIPPI SENTENCING DISPARITY TASK FORCE; TO APPOINT THE MEMBERS TO THE TASK FORCE; TO AMEND SECTIONS 47-7-27 and 47-7-37, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE NUMBER OF PRIOR REVOCATIONS RATHER THAN THE NUMBER OF ALLEGED TECHNICAL VIOLATIONS SHALL BE CONSIDERED FOR PURPOSES OF REVOCATION SENTENCING; TO AMEND SECTION 99-19-81, MISSISSIPPI CODE OF 1972, TO REVISE SENTENCING OF CERTAIN OFFENDERS AS HABITUAL OFFENDERS; AND FOR RELATED PURPOSES."

House Bill 1033 began as legislation to adopt the recommendations of the Mississippi Reentry Council, a group of judges, prosecutors, correctional officials, and other stakeholders formed for the purpose of creating effective strategies to assist former inmates in their return to the general population, reduce recidivism rates, increase public safety, and reduce budgetary restraints presently created by prison-related costs. While House Bill 1033 was introduced with good intentions, these good intentions were ultimately spoiled.

Language changed in the bill during conference would allow certain inmates convicted as habitual offenders under Miss. Code Ann. Section 99-19-81 to be eligible for parole after serving 25% of the sentence. The information I received from both the Senate Judiciary A Chair and the House Judiciary B Chair indicated that this change in the bill was made by mistake. Regardless of whether this language was a technical error or not, habitual offenders should not be parole-eligible after only serving a small portion of their sentences.

I am committed to ensuring that Mississippians are safe in their person and property, which is why I must veto House Bill 1033.

Respectfully submitted,

PHIL BRYANT
GOVERNOR