

By: Representative Smith (35th)

To: Penitentiary

## HOUSE BILL NO. 526

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,  
2 TO DELETE THE PROHIBITION ON PLACING OFFENDERS IN THE INTENSIVE  
3 SUPERVISION PROGRAM WHO HAVE BEEN CONVICTED OF A FELONY FOR THE  
4 SALE OR MANUFACTURE OF A CONTROLLED SUBSTANCE; AND FOR RELATED  
5 PURPOSES.

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

7 SECTION 1. Section 47-5-1003, Mississippi Code of 1972, is  
8 amended as follows:

9 47-5-1003. (1) An intensive supervision program may be used  
10 as an alternative to incarceration for offenders who are low risk  
11 and nonviolent as selected by the department or court. Any  
12 offender convicted of a sex crime \* \* \* shall not be placed in the  
13 program.

14 (2) The court placing an offender in the intensive  
15 supervision program may, acting upon the advice and consent of the  
16 commissioner at the time of the initial sentencing only, and not  
17 later than one (1) year after the defendant has been delivered to  
18 the custody of the department, suspend the further execution of  
19 the sentence and place the defendant on intensive supervision,  
20 except when a death sentence or life imprisonment is the maximum  
21 penalty which may be imposed or if the defendant has been confined  
22 for the conviction of a felony on a previous occasion in any court  
23 or courts of the United States and of any state or territories  
24 thereof or has been convicted of a felony involving the use of a  
25 deadly weapon.

26 (3) To protect and to ensure the safety of the state's  
27 citizens, any offender who violates an order or condition of the

28 intensive supervision program shall be arrested by the  
29 correctional field officer and placed in the actual custody of the  
30 Department of Corrections. The offender is under the full and  
31 complete jurisdiction of the department and subject to removal  
32 from the program by the classification committee.

33 SECTION 2. This act shall take effect and be in force from  
34 and after July 1, 1999.