

By: Cameron

To: Judiciary B

HOUSE BILL NO. 138

1 AN ACT TO AMEND SECTION 47-7-33 AND 99-19-25, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE CIRCUIT AND COUNTY COURTS TO REQUIRE
3 THE PERFORMANCE OF LABOR OR INSTITUTE CORPORAL PUNISHMENT AS A
4 SENTENCING ALTERNATIVE; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 47-7-33, Mississippi Code of 1972, is
7 amended as follows:

8 47-7-33. When it appears to the satisfaction of any circuit
9 court or county court in the State of Mississippi, having original
10 jurisdiction over criminal actions, or to the judge thereof, that
11 the ends of justice and the best interest of the public, as well
12 as the defendant, will be served thereby, such court, in termtime
13 or in vacation, shall have the power, after conviction or a plea
14 of guilty, except in a case where a death sentence or life
15 imprisonment is the maximum penalty which may be imposed or where
16 the defendant has been convicted of a felony on a previous
17 occasion in any court or courts of the United States and of any
18 state or territories thereof, to suspend the imposition or
19 execution of sentence, and place the defendant on probation as
20 herein provided or require the defendant to perform labor as
21 determined by the court for the county where the defendant resides
22 or was convicted as well as institute corporal punishment in

23 connection with labor as determined by the sentencing court,
24 except that the court shall not suspend the execution of a
25 sentence of imprisonment after the defendant shall have begun to
26 serve such sentence. In placing any defendant on probation, the
27 court, or judge, shall direct that such defendant be under the
28 supervision of the Department of Corrections and the court may
29 require the defendant to perform labor as determined by the court
30 for the county where the defendant was convicted as well as
31 institute corporal punishment in connection with labor as
32 determined by the sentencing court.

33 When any circuit court or county court places a person on
34 probation in accordance with the provisions of this section and
35 that person is ordered to make any payments to his family, if any
36 member of his family whom he is ordered to support is receiving
37 public assistance through the State Department of Public Welfare,
38 the court shall order him to make such payments to the county
39 welfare officer of the county rendering public assistance to his
40 family, for the sole use and benefit of said family.

41 SECTION 2. Section 99-19-25, Mississippi Code of 1972, is
42 amended as follows:

43 99-19-25. The circuit courts and the county courts, in
44 misdemeanor cases, are hereby authorized to suspend a sentence and
45 to suspend the execution of a sentence, or any part thereof, on
46 such terms as may be imposed by the judge of the court. Such
47 terms may include the performance of labor as determined by the
48 court to be performed in the county where the defendant resides or
49 was convicted as well as institute corporal punishment in
50 connection with labor as determined by the sentencing court.

51 Provided, the suspension of imposition or execution of a sentence
52 hereunder may not be revoked after a period of five (5) years.

53 The justice courts, in misdemeanor cases, are hereby

54 authorized to suspend sentence and to suspend the execution of a
55 sentence, or any part thereof, on such terms as may be imposed by
56 the judge of the court. Provided, the suspension of imposition or
57 execution of a sentence hereunder may not be revoked after a
58 period of two (2) years. Provided, however, the justice courts in
59 cases arising under Sections 49-7-81, 49-7-95 and the Implied
60 Consent Law shall not suspend any fine.

61 SECTION 3. This act shall take effect and be in force from
62 and after July 1, 2000.