

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 836

By Senator(s) Smith

AMEND after line 43 by inserting the following:

The courts may not require an offender to complete the intensive supervision program as a condition of probation or post-release supervision.

AMEND by inserting the following section after line 133 and renumber succeeding sections accordingly:

SECTION 4. Section 47-7-34, Mississippi Code of 1972, is amended as follows:

47-7-34. (1) When a court imposes a sentence upon a conviction for any felony committed after June 30, 1995, the court, in addition to any other punishment imposed if the other punishment includes a term of incarceration in a state or local correctional facility, may impose a term of post-release supervision. However, the total number of years of incarceration plus the total number of years of post-release supervision shall not exceed the maximum sentence authorized to be imposed by law for the felony committed. The defendant shall be placed under post-release supervision upon release from the term of incarceration. The period of supervision shall be established by the court.

(2) The period of post-release supervision shall be conducted in the same manner as a like period of supervised probation, including a requirement that the defendant shall abide

by any terms and conditions as the court may establish. Failure to successfully abide by the terms and conditions shall be grounds to terminate the period of post-release supervision and to recommit the defendant to the correctional facility from which he was previously released. Procedures for termination and recommitment shall be conducted in the same manner as procedures for the revocation of probation and imposition of a suspended sentence.

(3) Post-release supervision programs shall be operated through the probation and parole unit of the Division of Community Services of the department. The maximum amount of time that the Mississippi Department of Corrections may supervise an offender on the post-release supervision program is five (5) years.

AMEND the title on line 6 after the semicolon by inserting:
TO AMEND SECTION 47-7-34, MISSISSIPPI CODE OF 1972, TO LIMIT THE TIME THAT THE DEPARTMENT OF CORRECTIONS IS REQUIRED TO SUPERVISE AN OFFENDER IN THE POST-RELEASE SUPERVISION PROGRAM.