

By: Representative 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. (1) When it appears to the satisfaction of any
9 circuit court or county court in the State of Mississippi, having
10 original jurisdiction over criminal actions, or to the judge
11 thereof, that the ends of justice and the best interest of the
12 public, as well as the defendant, will be served thereby, such
13 court, in termtime or in vacation, shall have the power, after
14 conviction or a plea of guilty, except in a case where a death
15 sentence or life imprisonment is the maximum penalty which may be
16 imposed or where the defendant has been convicted of a felony on a
17 previous occasion in any court or courts of the United States and
18 of any 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 (2) When any circuit or county court places an offender on
34 probation, the court shall give notice to the Mississippi
35 Department of Corrections within fifteen (15) days of the court's
36 decision to place the offender on probation. Notice shall be
37 delivered to the central office of the Mississippi Department of
38 Corrections and to the regional office of the department which
39 will be providing supervision to the offender on probation.

40 (3) When any circuit court or county court places a person
41 on probation in accordance with the provisions of this section and
42 that person is ordered to make any payments to his family, if any
43 member of his family whom he is ordered to support is receiving
44 public assistance through the State Department of Public Welfare,
45 the court shall order him to make such payments to the county
46 welfare officer of the county rendering public assistance to his
47 family, for the sole use and benefit of said family.

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

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

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

60 The justice courts, in misdemeanor cases, are hereby
61 authorized to suspend sentence and to suspend the execution of a



62 sentence, or any part thereof, on such terms as may be imposed by
63 the judge of the court. Provided, the suspension of imposition or
64 execution of a sentence hereunder may not be revoked after a
65 period of two (2) years. Provided, however, the justice courts in
66 cases arising under Sections 49-7-81, 49-7-95 and the Implied
67 Consent Law shall not suspend any fine.

68 SECTION 3. This act shall take effect and be in force from
69 and after July 1, 2001.

