

By: Representative Moak

To: Penitentiary

HOUSE BILL NO. 1229

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT ANY OFFENDER CONVICTED OF A CRIME AGAINST THE
3 PERSON, A CRIME AFFECTING CHILDREN OR A CRIME RELATING TO THE SALE
4 OR POSSESSION WITH INTENT TO SELL, BARTER, TRANSFER, MANUFACTURE,
5 DISTRIBUTE OR DISPENSE A CONTROLLED SUBSTANCE UNDER THE UNIFORM
6 CONTROLLED SUBSTANCES LAW SHALL NOT BE PLACED IN AN INTENSIVE
7 SUPERVISION PROGRAM; AND FOR RELATED PURPOSES.

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

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

11 47-5-1003. (1) An intensive supervision program may be used
12 as an alternative to incarceration for offenders who are low risk
13 and nonviolent as selected by the department or court. Any
14 offender convicted of a * * * crime against the person, a crime
15 affecting children or a crime relating to the sale, barter,
16 transfer, manufacture, distribution or dispensing of a controlled
17 substance or the possession with intent to sell, barter, transfer,
18 manufacture, distribute or dispense a controlled substance under
19 the uniform controlled substances law shall not be placed in the
20 program.

21 (2) The court placing an offender in the intensive
22 supervision program may, acting upon the advice and consent of the
23 commissioner at the time of the initial sentencing only, and not
24 later than one (1) year after the defendant has been delivered to
25 the custody of the department, suspend the further execution of
26 the sentence and place the defendant on intensive supervision,
27 except when a death sentence or life imprisonment is the maximum
28 penalty which may be imposed or if the defendant has been confined

29 for the conviction of a felony on a previous occasion in any court
30 or courts of the United States and of any state or territories
31 thereof or has been convicted of a felony involving the use of a
32 deadly weapon.

33 (3) To protect and to ensure the safety of the state's
34 citizens, any offender who violates an order or condition of the
35 intensive supervision program shall be arrested by the
36 correctional field officer and placed in the actual custody of the
37 Department of Corrections. Such offender is under the full and
38 complete jurisdiction of the department and subject to removal
39 from the program by the classification committee.

40 (4) When any circuit or county court places an offender in
41 an intensive supervision program, the court shall give notice to
42 the Mississippi Department of Corrections within fifteen (15) days
43 of the court's decision to place the offender in an intensive
44 supervision program. Notice shall be delivered to the central
45 office of the Mississippi Department of Corrections and to the
46 regional office of the department which will be providing
47 supervision to the offender in an intensive supervision program.

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

51 SECTION 2. This act shall take effect and be in force from
52 and after July 1, 2001.