S. B. No. 2569

(As Passed the Senate)

AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PLACEMENT OF CERTAIN OFFENDERS ON HOUSE ARREST OR IN COMMUNITY WORK CENTERS; TO REPEAL SECTION 47-5-1015, MISSISSIPPI CODE OF 1972, WHICH PLACES A REPEALER ON THE HOUSE ARREST AND INTENSIVE SUPERVISION PROGRAM; TO CREATE CODE SECTION 47-7-72, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE DEPARTMENT OF CORRECTIONS FROM ACCEPTING FOR SUPERVISION AN OUT-OF-STATE PAROLEE WHO HAS THREE OR MORE VIOLENT FELONY CONVICTIONS; AND FOR RELATED PURPOSES.

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

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

47-5-1003. (1) An intensive supervision program may be used as an alternative to incarceration for offenders who are low risk and nonviolent as selected by the department or court. Any offender convicted of a sex crime or a felony for the sale or manufacture of a controlled substance under the uniform controlled substances law shall not be placed in the program.

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

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

(4) Notwithstanding Section 47-5-138(5) to the contrary,
from and after July 1, 2001, offenders are eligible for either
house arrest under the electronic home detention program or for
assignment to a residential community work center described in
Section 47-5-401 if:

(a) (i) The offender has served at least fifty percent
(50%) of the sentence imposed upon him; and
(ii) The offender is within one (1) year of
eligibility for parole or release; or

(b) The offender has served at least seventy-five
percent (75%) of the sentence imposed upon him.

(5) When any circuit or county court places an offender in
an intensive supervision program, the court shall give notice to
the Mississippi Department of Corrections within fifteen (15) days
of the court's decision to place the offender in an intensive
supervision program. Notice shall be delivered to the central
office of the Mississippi Department of Corrections and to the
regional office of the department which will be providing
supervision to the offender in an intensive supervision program.
The courts may not require an offender to complete the
intensive supervision program as a condition of probation or
post-release supervision.

SECTION 2. Section 47-5-1015, Mississippi Code of 1972,
Mississippi Code of 1972, shall stand repealed after June 30, 2001, is repealed.

SECTION 3. The following provision shall be codified as Section 47-7-72, Mississippi Code of 1972:

47-7-72. (1) The Department of Corrections shall not accept any person convicted of three (3) or more violent felony offenses placed on probation or released on parole under the Uniform Act for Out-of-State Parolee Suspension.

(2) The Department of Corrections shall not consent to any person convicted of three (3) or more violent felony offenses being sent to reside in Mississippi under Section 47-7-71.

(3) The Department of Corrections shall immediately notify any state having an out-of-state parolee agreement with Mississippi of this condition and take immediate action to modify such agreements, or to renounce such agreement if a contracting state refuses to agree with the restrictions placed on such agreements with the Department of Corrections under this section.

SECTION 4. This act shall take effect and be in force from and after its passage.