

By: Senator(s) Chamberlin

To: Judiciary

SENATE BILL NO. 2871

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE COURT PLACING A DEFENDANT ON HOUSE ARREST  
3 SHALL RETAIN JURISDICTION; TO REPEAL SECTION 47-5-1015,  
4 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT SECTIONS 47-5-1001  
5 THROUGH 47-5-1015, MISSISSIPPI CODE OF 1972, SHALL STAND REPEALED  
6 AFTER JUNE 30, 2001; AND FOR RELATED PURPOSES.

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

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

10 47-5-1003. (1) An intensive supervision program may be used  
11 as an alternative to incarceration for offenders who are low risk  
12 and nonviolent as selected by the department or court. Any  
13 offender convicted of a sex crime or a felony for the sale or  
14 manufacture of a controlled substance under the Uniform Controlled  
15 Substances Law shall not be placed in the program.

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

28 supervision program shall retain continuing jurisdiction over the  
29 defendant until expiration of sentence or final discharge.

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

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

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

48 SECTION 2. Section 47-5-1015, Mississippi Code of 1972,  
49 which provides that Sections 47-5-1001 through 47-5-1015,  
50 Mississippi Code of 1972, shall stand repealed after June 30,  
51 2001, is repealed.

52 SECTION 3. This act shall take effect and be in force from  
53 and after June 30, 2001.