

By: Senator(s) Smith (By Request)

To: Judiciary

SENATE BILL NO. 2879

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,
2 TO REVISE TIME FOR PLACEMENT IN HOUSE ARREST; AND FOR RELATED
3 PURPOSES.

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

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

7 47-5-1003. (1) An intensive supervision program may be used
8 as an alternative to incarceration for offenders who are low risk
9 and nonviolent as selected by the department or court. Any
10 offender convicted of a sex crime or a felony for the sale or
11 manufacture of a controlled substance under the uniform controlled
12 substances law shall not be placed in the program.

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

24 (3) To protect and to ensure the safety of the state's
25 citizens, any offender who violates an order or condition of the
26 intensive supervision program shall be arrested by the
27 correctional field officer and placed in the actual custody of the

28 Department of Corrections. Such offender is under the full and
29 complete jurisdiction of the department and subject to removal
30 from the program by the classification committee.

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

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

42 SECTION 2. This act shall take effect and be in force from
43 and after its passage.