

By: Senator(s) Ross

To: Judiciary

SENATE BILL NO. 2991

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE PLACEMENT OF CERTAIN NONVIOLENT OFFENDERS WITHIN  
3 ONE YEAR OF RELEASE TO BE PLACED IN HOUSE ARREST PROGRAM OR  
4 COMMUNITY WORK CENTERS; AND FOR RELATED PURPOSES.

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

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

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

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

26 (3) To protect and to ensure the safety of the state's  
27 citizens, any offender who violates an order or condition of the

28 intensive supervision program shall be arrested by the  
29 correctional field officer and placed in the actual custody of the  
30 Department of Corrections. Such offender is under the full and  
31 complete jurisdiction of the department and subject to removal  
32 from the program by the classification committee.

33 (4) Notwithstanding any law to the contrary, from and after  
34 July 1, 2002, offenders who have served at least six (6) months in  
35 the custody of the Department of Corrections and who are within  
36 one (1) year of eligibility for parole or release may be  
37 considered by the Parole Board for either house arrest under the  
38 electronic home detention program or for assignment to a  
39 residential community work center described in Section 47-5-401.  
40 An offender must be nonviolent and the Department of Corrections  
41 must find that the offender poses no threat to society before  
42 being placed in a program under this subsection. Any offender who  
43 violates an order or condition of the program shall be required to  
44 serve the full term to which sentenced either under the house  
45 arrest or work center placement or while incarcerated, in the  
46 discretion of the Parole Board.

47 (5) When any circuit or county court places an offender in  
48 an intensive supervision program, the court shall give notice to  
49 the Mississippi Department of Corrections within fifteen (15) days  
50 of the court's decision to place the offender in an intensive  
51 supervision program. Notice shall be delivered to the central  
52 office of the Mississippi Department of Corrections and to the  
53 regional office of the department which will be providing  
54 supervision to the offender in an intensive supervision program.

55 The courts may not require an offender to complete the  
56 intensive supervision program as a condition of probation or  
57 post-release supervision.

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