

By: Representatives Malone, Scott (80th)

To: Penitentiary

HOUSE BILL NO. 1578

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,
2 TO ALLOW THE DEPARTMENT OF CORRECTIONS TO PLACE EARNED RELEASED
3 INMATES IN THE INTENSIVE SUPERVISION PROGRAM; AND FOR RELATED
4 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 violation of Section
12 41-29-139(a)(1) 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 and 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 * * *. Such offender is under the full and complete



29 jurisdiction of the department and subject to removal from the
30 program by the classification hearing officer.

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 * * * department * * * within fifteen (15) days of the court's
34 decision to place the offender in an intensive supervision
35 program. Notice shall be delivered to the central office of
36 the * * * department * * * and to the regional office of the
37 department which will be providing supervision to the offender in
38 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 (5) The department, through classification, may require as
43 a condition of supervision that an offender participate in the
44 intensive supervision program, including electronic monitoring.
45 Participation does not confer inmate status on the offender. An
46 offender released under this subsection is subject to the monthly
47 fee established in Section 47-5-1007.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2002.

