

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 368

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

6 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is
7 amended as follows:
8 99-15-26. (1) In all criminal cases, felony and
9 misdemeanor, other than crimes against the person, the circuit or
10 county court shall be empowered, upon the entry of a plea of
11 guilty by a criminal defendant, to withhold acceptance of the plea
12 and sentence thereon pending successful completion of such
13 conditions as may be imposed by the court pursuant to subsection
14 (2) of this section. No person having previously qualified under
15 the provisions of this section or having ever been convicted of a
16 felony shall be eligible to qualify for release in accordance with
17 this section. A person shall not be eligible to qualify for
18 release in accordance with this section if such person has been
19 charged (a) with an offense pertaining to the sale, barter,
20 transfer, manufacture, distribution or dispensing of a controlled
21 substance, or the possession with intent to sell, barter,
22 transfer, manufacture, distribute or dispense a controlled
23 substance, as provided in Section 41-29-139(a)(1), Mississippi
24 Code of 1972, except for a charge under said provision when the
25 controlled substance involved is one (1) ounce or less of

marihuana; (b) with an offense pertaining to the possession of one (1) kilogram or more of marihuana as provided in Section 41-29-139(c)(2)(D), Mississippi Code of 1972; or (c) with an offense under the Mississippi Implied Consent Law.

(2) Conditions which the circuit or county court may impose under subsection (1) of this section shall consist of:

(a) Reasonable restitution to the victim of the crime.

(b) Performance of not more than nine hundred sixty (960) hours of public service work approved by the court.

(c) Payment of a fine not to exceed the statutory limit.

(d) The court may, in its discretion, require the defendant to remain in the program subject to good behavior for a period of time not to exceed five (5) years.

(3) Upon placement of a defendant in the program described in this section, the sureties on the defendant's bond, if applicable, shall be finally discharged.

(4) Upon successful completion of the court-imposed conditions permitted by subsection (2) of this section, the court shall direct that the cause be dismissed and the case be closed, and the record expunged.

(5) The court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case.

(6) This section shall take effect and be in force from and after March 31, 1983.

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

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972, TO CLARIFY EXPUNCTION OF CASES IN WHICH COURT-IMPOSED CONDITIONS ARE COMPLETED AND CASES WHICH ARE DISMISSED; AND FOR RELATED PURPOSES.