

By: Representative Eads

To: Judiciary B

HOUSE BILL NO. 494

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE AUTHORITY OF CONDITIONAL DISMISSAL IN CRIMINAL CASES
3 TO JUSTICE AND MUNICIPAL COURTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is
6 amended as follows:

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



28 Code of 1972; or (c) with an offense under the Mississippi Implied
29 Consent Law.

30 (2) Conditions which the circuit, county, justice or
31 municipal court may impose under subdivision (1) of this section
32 shall consist of:

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

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

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

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

41 (3) Upon successful completion of the court-imposed
42 conditions permitted by subdivision (2) of this section, the court
43 shall direct that the cause be dismissed and the case be closed.

44 (4) The court may expunge the record of any case in which an
45 arrest was made, the person arrested was released and the case was
46 dismissed or the charges were dropped or there was no disposition
47 of such case.

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

50 **SECTION 2.** This act shall take effect and be in force from
51 and after July 1, 2003.

