

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 1190  
(As Passed the House)

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THE DEPARTMENT OF CORRECTIONS CORRECTIONAL FIELD  
3 OFFICERS WITH DISCRETION IN WHETHER TO ARREST OFFENDERS WHO  
4 VIOLATE CONDITIONS OR ORDERS OF THE INTENSIVE SUPERVISION PROGRAM;  
5 TO PROVIDE THAT SUCH SECTION SHALL BE REPEALED FROM AND AFTER JULY  
6 1, 2005; AND FOR RELATED PURPOSES.

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

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

10 47-5-1003. (1) An intensive supervision program may be used  
11 as an alternative to incarceration for offenders who are low risk  
12 and nonviolent as selected by the department or court. Any  
13 offender convicted of a sex crime or a felony violation of Section  
14 41-29-139(a)(1) shall not be placed in the program.

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



30 of Corrections. Such offender is under the full and complete  
31 jurisdiction of the department and subject to removal from the  
32 program by the classification hearing officer.

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

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

44 (5) This section shall be repealed from and after July 1,  
45 2005.

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

