

By: Representative Malone

To: Corrections

HOUSE BILL NO. 652

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT CORRECTIONAL FIELD OFFICERS MAY USE DISCRETION IN
3 DETERMINING WHETHER TO ARREST AN OFFENDER WHO IS PARTICIPATING IN
4 THE INTENSIVE SUPERVISION PROGRAM AND WHO VIOLATES PROGRAM
5 CONDITIONS; AND FOR RELATED PURPOSES.

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

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

9 47-5-1003. (1) An intensive supervision program may be used
10 as an alternative to incarceration for offenders who are low risk
11 and nonviolent as selected by the department or court. Any
12 offender convicted of a sex crime or a felony violation of Section
13 41-29-139(a)(1) 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 and not later than one (1) year after the defendant
17 has been delivered to the custody of the department, suspend the
18 further execution of the sentence and place the defendant on
19 intensive supervision, except when a death sentence or life
20 imprisonment is the maximum penalty which may be imposed or if the
21 defendant has been confined for the conviction of a felony on a
22 previous occasion in any court or courts of the United States and
23 of any state or territories thereof or has been convicted of a
24 felony involving the use of a deadly weapon.

25 (3) To protect and to ensure the safety of the state's
26 citizens, any offender who violates an order or condition of the
27 intensive supervision program may be arrested by the correctional
28 field officer and placed in the actual custody of the Department

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

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

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

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2004.