

By: Representative Watson

To: Judiciary B

HOUSE BILL NO. 974

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN ASSESSMENT AS A NONADJUDICATION CONDITION TO FUND
3 LOCAL COMMUNITY SERVICE PROGRAMS; 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 or
9 county court shall be empowered, upon the entry of a plea of
10 guilty by a criminal defendant, to withhold acceptance of the plea
11 and sentence thereon pending successful completion of such
12 conditions as may be imposed by the court pursuant to subsection
13 (2) of this section. In all misdemeanor criminal cases, other
14 than crimes against the person, the justice or municipal court
15 shall be empowered, upon the entry of a plea of guilty by a
16 criminal defendant, to withhold acceptance of the plea and
17 sentence thereon pending successful completion of such conditions
18 as may be imposed by the court pursuant to subsection (2) of this
19 section. No person having previously qualified under the
20 provisions of this section or having ever been convicted of a
21 felony shall be eligible to qualify for release in accordance with
22 this section. A person shall not be eligible to qualify for
23 release in accordance with this section if such person has been
24 charged (a) with an offense pertaining to the sale, barter,
25 transfer, manufacture, distribution or dispensing of a controlled
26 substance, or the possession with intent to sell, barter,
27 transfer, manufacture, distribute or dispense a controlled

28 substance, as provided in Section 41-29-139(a)(1), Mississippi
29 Code of 1972, except for a charge under said provision when the
30 controlled substance involved is one (1) ounce or less of
31 marihuana; (b) with an offense pertaining to the possession of one
32 (1) kilogram or more of marihuana as provided in Section
33 41-29-139(c)(2)(D), Mississippi Code of 1972; or (c) with an
34 offense under the Mississippi Implied Consent Law.

35 (2) Conditions which the circuit, county, justice or
36 municipal court may impose under subsection (1) of this section
37 shall consist of:

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

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

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

43 (d) Successful completion of drug, alcohol,
44 psychological or psychiatric treatment or any combination thereof
45 if the court deems such treatment necessary.

46 (e) Assessment of up to Fifty Dollars (\$50.00) per
47 month to pay for supervision of a local community service program.

48 (f) The circuit or county court, in its discretion, may
49 require the defendant to remain in the program subject to good
50 behavior for a period of time not to exceed five (5) years. The
51 justice or municipal court, in its discretion, may require the
52 defendant to remain in the program subject to good behavior for a
53 period of time not to exceed two (2) years.

54 (3) When the court has imposed upon the defendant the
55 conditions set out in this section, the court shall release the
56 bail bond, if any.

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

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

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

66 **SECTION 2.** This act shall take effect and be in force from
67 and after its passage.