

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2922

1 AN ACT TO AMEND SECTION 47-7-33, MISSISSIPPI CODE OF 1972, TO
2 ENABLE CIRCUIT AND COUNTY JUDGES TO IMPOSE LONGER OR MORE
3 RESTRICTIVE SENTENCES ON FELONS WHO ARE NOT FIRST-TIME OFFENDERS
4 UNDER CERTAIN CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 47-7-33, Mississippi Code of 1972, is
7 amended as follows:

8 47-7-33. (1) Except in a case where a death sentence or
9 life imprisonment is the maximum penalty which may be imposed,
10 when it appears to the satisfaction of any circuit * * * or county
11 court * * * having original jurisdiction over criminal
12 actions, * * * that the ends of justice and the best interest of
13 the public and the defendant will be served thereby, the
14 court * * * shall have the power, in termtime or in vacation,
15 after conviction or a plea of guilty, * * * to suspend the
16 imposition or execution of sentence and place the defendant on
17 probation as herein provided, except that the court shall not
18 suspend the execution of a sentence of imprisonment after the
19 defendant shall have begun to serve the sentence. In placing any
20 defendant on probation, the court * * * shall direct that the
21 defendant be under the supervision of the Department of
22 Corrections.

23 (2) When any circuit or county court places an offender on
24 probation, the court shall give notice to the Mississippi
25 Department of Corrections within fifteen (15) days of the court's
26 decision to place the offender on probation. Notice shall be
27 delivered to the central office of the Mississippi Department of

28 Corrections and to the regional office of the department which
29 will be providing supervision to the offender on probation.

30 (3) When any circuit court or county court places a person
31 on probation in accordance with the provisions of this section and
32 that person is ordered to make any payments to his family, if any
33 member of his family whom he is ordered to support is receiving
34 public assistance through the State Department of Public Welfare,
35 the court shall order him to make the payments to the county
36 welfare officer of the county rendering public assistance to his
37 family, for the sole use and benefit of said family.

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