

By: Representative Moak

To: Judiciary B

HOUSE BILL NO. 113  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 99-15-109, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE PLACEMENT OF THOSE PREVIOUSLY CONVICTED OF A CRIME OR  
3 CRIMES IN A PRETRIAL INTERVENTION PROGRAM UNDER CERTAIN  
4 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 99-15-109, Mississippi Code of 1972, is  
7 amended as follows:

8 99-15-109. (1) Intervention shall be appropriate only when:

9 (a) The offender is eighteen (18) years of age or  
10 older;

11 (b) There is substantial likelihood that justice will  
12 be served if the offender is placed in an intervention program;

13 (c) It is determined that the needs of the offender and  
14 the state can better be met outside the traditional criminal  
15 justice process;

16 (d) It is apparent that the offender poses no threat to  
17 the community;

18 (e) It appears that the offender is unlikely to be  
19 involved in further criminal activity;

20 (f) The offender, in those cases where it is required,  
21 is likely to respond quickly to rehabilitative treatment;

22 (g) The offender has no significant history of prior  
23 delinquency or criminal activity;

24 (h) The offender has been indicted and is represented  
25 by an attorney; and

26 (i) The court has determined that the office of  
27 district attorney or the department of corrections has sufficient  
28 support staff to administer such intervention program.

29           (2) When jurisdiction in a case involving a child is  
30 acquired by the circuit court pursuant to a transfer from the  
31 youth court, the provision of subsection (1)(a) of this section  
32 shall not be applicable.

33           (3) Notwithstanding any other provision of this section, in  
34 all criminal cases wherein an offender has been held in contempt  
35 of court for failure to pay fines or restitution, the offender may  
36 be placed in pretrial intervention for the purpose of collecting  
37 unpaid restitution and fines regardless of any prior criminal  
38 conviction, whether felony or misdemeanor.

39           **SECTION 2.** This act shall take effect and be in force from  
40 and after July 1, 2006.