

By: Representative Franks

To: Corrections; Judiciary A

## HOUSE BILL NO. 1187

1 AN ACT TO AMEND SECTION 47-7-33, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE CIRCUIT AND COUNTY COURTS TO SUSPEND A PORTION OF A  
3 SENTENCE FOR A DEFENDANT WITH A PRIOR CONVICTION AND TO PLACE SUCH  
4 DEFENDANT ON POST-RELEASE SUPERVISION AFTER SUCH DEFENDANT SERVES  
5 THE UNSUSPENDED PORTION OF A SENTENCE; AND FOR RELATED PURPOSES.

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

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

9 47-7-33. (1) (a) When it appears to the satisfaction of  
10 any circuit court or county court in the State of Mississippi  
11 having original jurisdiction over criminal actions, or to the  
12 judge thereof, that the ends of justice and the best interest of  
13 the public, as well as the defendant, will be served thereby, such  
14 court, in termtime or in vacation, shall have the power, after  
15 conviction or a plea of guilty, except in a case where a death  
16 sentence or life imprisonment is the maximum penalty which may be  
17 imposed or where the defendant has been convicted of a felony on a  
18 previous occasion in any court or courts of the United States and  
19 of any state or territories thereof, to suspend the imposition or  
20 execution of sentence, and place the defendant on probation as  
21 herein provided, except that the court shall not suspend the  
22 execution of a sentence of imprisonment after the defendant shall  
23 have begun to serve such sentence. In placing any defendant on  
24 probation, the court, or judge, shall direct that such defendant  
25 be under the supervision of the Department of Corrections.

26 (b) Any circuit court or county court, having original  
27 jurisdiction over criminal actions, may suspend a portion of a  
28 sentence imposed on a defendant who has been convicted on a prior

29 occasion in any court or courts of the United States and of any  
30 state or territories thereof, and may place such defendant on  
31 post-release supervision after the defendant has served the  
32 unsuspended portion of such sentence.

33 (2) When any circuit or county court places an offender on  
34 probation or post-release supervision, the court shall give notice  
35 to the Mississippi Department of Corrections within fifteen (15)  
36 days of the court's decision to place the offender on probation or  
37 post-release supervision. Notice shall be delivered to the  
38 central office of the Mississippi Department of Corrections and to  
39 the regional office of the department which shall provide  
40 supervision to the offender on probation or post-release  
41 supervision.

42 (3) When any circuit court or county court places a person  
43 on probation or post-release supervision in accordance with the  
44 provisions of this section and that person is ordered to make any  
45 payments to his or her family, if any member of his or her family  
46 whom he or she is ordered to support is receiving public  
47 assistance through the State Department of Public Welfare, the  
48 court shall order him or her to make such payments to the county  
49 welfare officer of the county rendering public assistance to his  
50 or her family, for the sole use and benefit of the family.

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