

By: Representative Moak

To: Judiciary B

HOUSE BILL NO. 345  
(As Passed the House)

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,  
2 TO CORRECT AN INTERNAL REFERENCE IN THE PRETRIAL INTERVENTION LAW;  
3 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)(F) and (G), Mississippi Code of 1972; or (c) with  
34 an offense under the Mississippi Implied Consent Law.

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

38 (i) Reasonable restitution to the victim of the  
39 crime.

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

42 (iii) Payment of a fine not to exceed the  
43 statutory limit.

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

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

53 (b) Conditions which the circuit or county court may  
54 impose under subsection (1) of this section also include  
55 successful completion of a regimented inmate discipline program.

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

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

62           (5) Upon petition therefor, the court shall expunge the  
63 record of any case in which an arrest was made, the person  
64 arrested was released and the case was dismissed or the charges  
65 were dropped or there was no disposition of such case; however, a  
66 nonpublic record thereof shall be retained safely for the purpose  
67 of use in determining whether in subsequent proceedings, such a  
68 person is a first offender.

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

71           **SECTION 2.** This act shall take effect and be in force from  
72 and after July 1, 2007.