

By: Representative Mims

To: Judiciary A

HOUSE BILL NO. 636

1 AN ACT TO AMEND SECTION 99-15-109, MISSISSIPPI CODE OF 1972,
2 TO REVISE CONDITIONS WHEN PRETRIAL INTERVENTION IS APPROPRIATE;
3 AND FOR RELATED PURPOSES.

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

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

7 99-15-109. (1) Intervention shall be appropriate only when:

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

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

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

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

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

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

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

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

25 (i) The court has determined that the office of
26 district attorney or the Department of Corrections has sufficient
27 support staff to administer such intervention program; and

28 (j) In all criminal cases wherein the offender has been
29 held in contempt of court for failure to pay fines or restitution,
30 regardless of any prior criminal convictions of any type
31 whatsoever.

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

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

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