

By: Representatives Horan, Jackson, Bain,
Lamar, Roberson

To: Judiciary B

HOUSE BILL NO. 786

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,
2 TO REMOVE CRIMES AGAINST THE PERSON AS AN EXCEPTION FROM
3 WITHHOLDING ACCEPTANCE OF GUILTY PLEA AND SENTENCE THEREON PENDING
4 SUCCESSFUL COMPLETION OF CERTAIN COURT IMPOSED CONDITIONS IN ALL
5 CRIMINAL CASES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is
8 amended as follows:

9 99-15-26. (1) (a) In all criminal cases, felony and
10 misdemeanor, other than * * * a crime of violence as defined in
11 Section 97-3-2 or a violation of Section 97-11-31, the circuit or
12 county court shall be empowered, upon the entry of a plea of
13 guilty by a criminal defendant made on or after July 1, 2014, to
14 withhold acceptance of the plea and sentence thereon pending
15 successful completion of such conditions as may be imposed by the
16 court pursuant to subsection (2) of this section.

17 (b) In all misdemeanor criminal cases, other than
18 crimes against the person, the justice or municipal court shall be
19 empowered, upon the entry of a plea of guilty by a criminal



20 defendant, to withhold acceptance of the plea and sentence thereon
21 pending successful completion of such conditions as may be imposed
22 by the court pursuant to subsection (2) of this section.

23 (c) Notwithstanding paragraph (a) of this subsection
24 (1), in all criminal cases charging a misdemeanor of domestic
25 violence as defined in Section 99-3-7(5), a circuit, county,
26 justice or municipal court shall be empowered, upon the entry of a
27 plea of guilty by the criminal defendant, to withhold acceptance
28 of the plea and sentence thereon pending successful completion of
29 such conditions as may be imposed by the court pursuant to
30 subsection (2) of this section.

31 (d) No person having previously qualified under the
32 provisions of this section shall be eligible to qualify for
33 release in accordance with this section for a repeat offense. A
34 person shall not be eligible to qualify for release in accordance
35 with this section if charged with the offense of trafficking of a
36 controlled substance as provided in Section 41-29-139(f) or if
37 charged with an offense under the Mississippi Implied Consent Law.
38 Violations under the Mississippi Implied Consent Law can only be
39 nonadjudicated under the provisions of Section 63-11-30.

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

43 (i) Reasonable restitution to the victim of the
44 crime.



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

47 (iii) Payment of a fine not to exceed the
48 statutory limit.

49 (iv) Successful completion of drug, alcohol,
50 psychological or psychiatric treatment, successful completion of a
51 program designed to bring about the cessation of domestic abuse,
52 or any combination thereof, if the court deems treatment
53 necessary.

54 (v) The circuit or county court, in its
55 discretion, may require the defendant to remain in the program
56 subject to good behavior for a period of time not to exceed five
57 (5) years. The justice or municipal court, in its discretion, may
58 require the defendant to remain in the program subject to good
59 behavior for a period of time not to exceed two (2) years.

60 (b) Conditions which the circuit or county court may
61 impose under subsection (1) of this section also include
62 successful completion of an effective evidence-based program or a
63 properly controlled pilot study designed to contribute to the
64 evidence-based research literature on programs targeted at
65 reducing recidivism. Such program or pilot study may be community
66 based or institutionally based and should address risk factors
67 identified in a formal assessment of the offender's risks and
68 needs.



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

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

75 (5) Upon petition therefor, the court shall expunge the
76 record of any case in which an arrest was made, the person
77 arrested was released and the case was dismissed or the charges
78 were dropped or there was no disposition of such case.

79 **SECTION 2.** This act shall take effect and be in force from
80 and after July 1, 2018.

