

By: Representative Bomgar

To: Corrections

## HOUSE BILL NO. 942

1 AN ACT TO AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT AFTER CERTAIN NOTICE IS GIVEN TO A PERSON WHO FAILS  
3 TO TIMELY PAY ANY FINES, FEES AND ASSESSMENTS RELATING TO A  
4 TRAFFIC VIOLATION WITHIN 90 DAYS OF RECEIVING THE NOTICE, THEN THE  
5 PERSON SHALL BE SUBJECT TO HAVING THE FINES, FEES AND ASSESSMENTS  
6 COLLECTED BY A COURT RATHER THAN HAVING HIS OR HER LICENSE  
7 SUSPENDED; TO AMEND SECTION 63-1-52, MISSISSIPPI CODE OF 1972, TO  
8 CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 63-1-71,  
9 MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT A  
10 PERSON'S LICENSE BE SUSPENDED FOR A CONTROLLED SUBSTANCE VIOLATION  
11 THAT IS UNRELATED TO OPERATING A MOTOR VEHICLE; TO AMEND SECTION  
12 63-1-51, MISSISSIPPI CODE OF 1972, TO REMOVE THE OFFENSE OF  
13 CONTEMPT FOR FAILURE TO PAY A FINE OR FEE OR FAILURE TO RESPOND TO  
14 A SUMMONS OR CITATION RELATING TO A TRAFFIC VIOLATION AS A GROUNDS  
15 FOR REVOKING A PERSON'S LICENSE; TO BRING FORWARD SECTION 63-1-46,  
16 MISSISSIPPI CODE OF 1972, WHICH RELATES TO FEES FOR THE  
17 REINSTATEMENT OF LICENSES SUBSEQUENT TO SUSPENSION; TO CREATE THE  
18 MISSISSIPPI PARENTAL ACCOUNTABILITY COURT ACT AND TO PROVIDE THE  
19 GOALS OF THE PARENTAL ACCOUNTABILITY COURTS; TO DEFINE CERTAIN  
20 DEFINITIONS UNDER THE ACT; TO PROVIDE THE ADMINISTRATIVE OFFICE OF  
21 COURTS SHALL BE RESPONSIBLE FOR CERTIFICATION AND MONITORING OF  
22 LOCAL PARENTAL ACCOUNTABILITY COURTS; TO ESTABLISH THE STATE  
23 PARENTAL ACCOUNTABILITY COURTS ADVISORY COMMITTEE, WHICH SHALL  
24 DEVELOP AND UPDATE PROPOSED STATEWIDE EVALUATION PLANS FOR  
25 MONITORING CRITICAL ASPECTS OF PARENTAL ACCOUNTABILITY COURTS; TO  
26 PROVIDE ELIGIBILITY CRITERIA FOR ALTERNATIVE SENTENCING THROUGH A  
27 LOCAL PARENTAL ACCOUNTABILITY COURT; TO PROVIDE THE DUTIES OF THE  
28 ADMINISTRATIVE OFFICE OF COURTS AS THEY RELATE TO THE  
29 ESTABLISHMENT OF ANY PARENTAL ACCOUNTABILITY COURT; TO AUTHORIZE  
30 CERTAIN FUNDING FOR SUCH COURT; TO CREATE A SPECIAL FUND IN THE  
31 STATE TREASURY TO BE KNOWN AS THE PARENTAL ACCOUNTABILITY COURT  
32 FUND; TO AMEND SECTION 25-3-35, MISSISSIPPI CODE OF 1972, TO  
33 PROVIDE THAT THE SUPREME COURT JUSTICES AND CIRCUIT AND CHANCERY  
34 JUDGES SHALL PROMOTE JUDICIAL EDUCATION REGARDING PARENTAL



35 ACCOUNTABILITY COURTS; TO AMEND SECTION 9-23-13, MISSISSIPPI CODE  
36 OF 1972, TO REQUIRE ALL DRUG COURTS TO MAKE AVAILABLE THE OPTION  
37 FOR PARTICIPANTS IN A DRUG COURT PROGRAM TO USE MEDICATION  
38 ASSISTED TREATMENT WHILE PARTICIPATING IN A DRUG COURT PROGRAM; TO  
39 AMEND SECTION 9-23-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A  
40 JUDGE MAY AUTHORIZE A PERSON TO BE ELIGIBLE FOR ALTERNATIVE  
41 SENTENCING THROUGH A DRUG COURT IF HE OR SHE HAS BEEN CONVICTED OF  
42 BURGLARY OF AN UNOCCUPIED DWELLING; TO AMEND SECTION 47-7-33,  
43 MISSISSIPPI CODE OF 1972, TO REMOVE THE PROHIBITION AGAINST  
44 CIRCUIT AND COUNTY COURT JUDGES FROM SUSPENDING THE EXECUTION OF A  
45 SENTENCE OF IMPRISONMENT AFTER A DEFENDANT HAS BEGUN SERVING HIS  
46 OR HER SENTENCE FOR A CRIME, AS LONG AS SUCH CRIME DOES NOT IMPOSE  
47 A PENALTY FOR A LIFE SENTENCE OR A DEATH SENTENCE; TO AMEND  
48 SECTION 11-44-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A  
49 PERSON MAY SUBMIT A CLAIM FOR WRONGFUL CONVICTION AND IMPRISONMENT  
50 IF A PERSON WAS DETAINED WITHOUT A HEARING AND/OR TRIAL DATE THAT  
51 WAS SET IN ACCORDANCE WITH THE TIME LIMITS ESTABLISHED BY THE  
52 MISSISSIPPI RULES OF CRIMINAL PROCEDURE; TO AMEND SECTION 47-7-49,  
53 MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN CRITERIA FOR A  
54 DETERMINATION OF INDIGENCE FOR AN OFFENDER WHO IS UNABLE TO PAY  
55 HIS OR HER FIELD SUPERVISION FEES AND TO EXTEND THE DATE OF REPEAL  
56 ON THIS SECTION; TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF  
57 1972, TO PROVIDE THAT AN OFFENDER SHALL NOT BE DENIED EARNED  
58 DISCHARGE CREDITS SOLELY BASED ON NONPAYMENT OF FEES AND/OR FINES  
59 IF A DETERMINATION OF INDIGENCE IS MADE; TO PROHIBIT THE BRINGING  
60 OF A CAUSE OF ACTION AGAINST ANY EMPLOYER, GENERAL CONTRACTOR,  
61 PREMISES OWNER OR OTHER THIRD PARTY SOLELY FOR NEGLIGENT HIRING OR  
62 FAILING TO ADEQUATELY SUPERVISE AN EMPLOYEE, BASED ON EVIDENCE  
63 THAT THE EMPLOYEE WAS PREVIOUSLY CONVICTED; AND FOR RELATED  
64 PURPOSES.

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

66 **SECTION 1.** Section 63-1-53, Mississippi Code of 1972, is  
67 amended as follows:

68 63-1-53. (1) \* \* \* Upon failure of any person to pay timely  
69 any fine, fee or assessment levied as a result of any violation of  
70 this title, the clerk of the court shall give written notice to  
71 such person by United States first-class mail at his last-known  
72 address advising the person that, if within ninety (90) days after  
73 such notice is deposited in the mail, the person has not paid the  
74 entire amount of all fines, fees and assessments levied, then the



75 court will pursue collection as for any other delinquent payment,  
76 and shall be entitled to collection of all additional fees in  
77 accordance with subsection (4) of this section.

78 (2) The commissioner is hereby authorized to suspend the  
79 license of an operator without preliminary hearing upon a showing  
80 by his records or other sufficient evidence that the licensee:

81 (a) Has committed an offense for which mandatory  
82 revocation of license is required upon conviction except under the  
83 provisions of the Mississippi Implied Consent Law;

84 (b) Has been involved as a driver in any accident  
85 resulting in the death or personal injury of another or serious  
86 property damage;

87 (c) Is an habitually reckless or negligent driver of a  
88 motor vehicle;

89 (d) Has been convicted with such frequency of serious  
90 offenses against traffic regulations governing the movement of  
91 vehicles as to indicate a disrespect for traffic laws and a  
92 disregard for the safety of other persons on the highways;

93 (e) Is incompetent to drive a motor vehicle;

94 (f) Has permitted an unlawful or fraudulent use of such  
95 license;

96 (g) Has committed an offense in another state which if  
97 committed in this state would be grounds for suspension or  
98 revocation; or

99 \* \* \*



100 ( \* \* \* h) Has committed a violation for which mandatory  
101 revocation of license is required upon conviction, entering a plea  
102 of nolo contendere to, or adjudication of delinquency, pursuant to  
103 the provisions of subsection (1) of Section 63-1-71.

104 (3) Notice that a person's license is suspended or will be  
105 suspended under subsection (2) of this section shall be given by  
106 the commissioner in the manner and at the time provided for under  
107 Section 63-1-52, and upon such person's request, he shall be  
108 afforded an opportunity for a hearing as early as practicable, but  
109 not to exceed twenty (20) days after receipt of such request in  
110 the county wherein the licensee resides unless the department and  
111 the licensee agree that such hearing may be held in some other  
112 county. Upon such hearing the commissioner, or his duly  
113 authorized agent, may administer oaths and may issue subpoenas for  
114 the attendance of witnesses and the production of relevant books  
115 and papers and may require a reexamination of the licensee. Upon  
116 such hearing the commissioner shall either rescind any order of  
117 suspension or, good cause appearing therefor, may extend any  
118 suspension of such license or revoke such license.

119 (4) If a licensee has not paid all cash appearance bonds  
120 authorized under Section 99-19-3 or all fines, fees or other  
121 assessments levied as a result of a violation of this title within  
122 ninety (90) days \* \* \* of receiving notice of the licensee's  
123 failure to pay all fines, fees or other assessments as provided in  
124 subsection (1) of this section, the court is authorized to pursue



125 collection under Section 21-17-1(6) or 19-3-41(2) as for any other  
126 delinquent payment, and shall be entitled to collection of all  
127 additional fees authorized under those sections.

128         **SECTION 2.** Section 63-1-52, Mississippi Code of 1972, is  
129 amended as follows:

130         63-1-52. (1) Whenever the Commissioner of Public Safety  
131 suspends, cancels or revokes the driver's license or driving  
132 privileges of any person, notice of the suspension, cancellation  
133 or revocation shall be given to such person by the commissioner,  
134 or his duly authorized agent, in the manner provided in subsection  
135 (2) of this section and at the time provided in subsection (3) of  
136 this section or in the manner and at the time provided in  
137 subsection (4) of this section.

138         (2) Notice shall be given in the following manner:

139                 (a) In writing, (i) by United States Certificate of  
140 Mail; or (ii) by personal service at the person's address as it  
141 appears on the driving record maintained by the Department of  
142 Public Safety or at the person's last-known address; or (iii) by  
143 personal notice being given by any law enforcement officer of this  
144 state or any duly authorized agent of the Commissioner of Public  
145 Safety on forms prescribed and furnished by the Commissioner of  
146 Public Safety; whenever a person's driver's license or driving  
147 privileges are suspended, revoked or cancelled in accordance with  
148 the Mississippi Driver License Compact Law, the Mississippi  
149 Implied Consent Law, the Mississippi Motor Vehicle Safety



150 Responsibility Law or \* \* \* subsection (2) (c), (2) (d), (2) (e) or  
151 (2) (f) of Section 63-1-53.

152 (b) In writing, by United States first class mail,  
153 whenever a person's driver's license or driving privileges are  
154 suspended, revoked or cancelled in accordance with the Mississippi  
155 Commercial Driver's License Law, the Youth Court Law, Chapter 23  
156 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section  
157 63-1-51, \* \* \* subsection (2) (g) \* \* \* of Section 63-1-53 or  
158 Section 63-9-25.

159 (3) Notice shall be given at the following time:

160 (a) Before suspension, revocation or cancellation,  
161 whenever a person's driver's license or driving privileges are  
162 suspended, revoked or cancelled in accordance with the Mississippi  
163 Driver License Compact Law, the Mississippi Motor Vehicle Safety  
164 Responsibility Law or \* \* \* subsection (2) (c), (2) (d), (2) (e) or  
165 (2) (f) of Section 63-1-53.

166 (b) Unless otherwise specifically provided for by law,  
167 at the time of suspension, revocation or cancellation, whenever a  
168 person's driver's license or driving privileges are suspended,  
169 revoked or cancelled in accordance with the Mississippi Commercial  
170 Driver's License Law, the Mississippi Implied Consent Law, the  
171 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,  
172 Section 63-1-45, Section 63-1-51, \* \* \* subsection (2) (g) \* \* \* of  
173 Section 63-1-53 or Section 63-9-25.



174 (4) Whenever the Commissioner of Public Safety suspends,  
175 revokes or cancels the driver's license or driving privileges of  
176 any person in accordance with some provision of law other than a  
177 provision of law referred to in subsections (2) and (3) of this  
178 section, and the manner and time for giving notice is not provided  
179 for in such law, then notice of such suspension, revocation or  
180 cancellation shall be given in the manner and at the time provided  
181 for under \* \* \* subsections (2) (b) and (3) (b) of this section.

182 **SECTION 3.** Section 63-1-71, Mississippi Code of 1972, is  
183 amended as follows:

184 63-1-71. (1) \* \* \* Notwithstanding the provisions of  
185 Section 63-11-30(2) (a) and in addition to any penalty authorized  
186 by the Uniform Controlled Substances Law or any other statute  
187 indicating the dispositions that can be ordered for an  
188 adjudication of delinquency, every person convicted of driving  
189 under the influence of a controlled substance, or entering a plea  
190 of nolo contendere thereto, or adjudicated delinquent therefor, in  
191 a court of this state, and every person convicted of driving under  
192 the influence of a controlled substance, or entering a plea of  
193 nolo contendere thereto, or adjudicated delinquent therefor, under  
194 the laws of the United States, another state, a territory or  
195 possession of the United States, the District of Columbia or the  
196 Commonwealth of Puerto Rico, shall forthwith forfeit his right to  
197 operate a motor vehicle over the highways of this state for a  
198 period of not less than six (6) months. In the case of any person



199 who at the time of the imposition of sentence does not have a  
200 driver's license or is less than fifteen (15) years of age, the  
201 period of the suspension of driving privileges authorized herein  
202 shall commence on the day the sentence is imposed and shall run  
203 for a period of not less than six (6) months after the day the  
204 person obtains a driver's license or reaches the age of fifteen  
205 (15) years. If the driving privilege of any person is under  
206 revocation or suspension at the time of any conviction or  
207 adjudication of delinquency for \* \* \* driving under the influence  
208 of a controlled substance, the revocation or suspension period  
209 imposed herein shall commence as of the date of termination of the  
210 existing revocation or suspension.

211 (2) The court in this state before whom any person is  
212 convicted of or adjudicated delinquent for \* \* \* driving under the  
213 influence of a controlled substance shall collect forthwith the  
214 Mississippi driver's license of the person and forward such  
215 license to the Department of Public Safety along with a report  
216 indicating the first and last day of the suspension or revocation  
217 period imposed pursuant to this section. If the court is for any  
218 reason unable to collect the license of the person, the court  
219 shall cause a report of the conviction or adjudication of  
220 delinquency to be filed with the Commissioner of Public Safety.  
221 That report shall include the complete name, address, date of  
222 birth, eye color and sex of the person and shall indicate the  
223 first and last day of the suspension or revocation period imposed





224 by the court pursuant to this section. The court shall inform the  
225 person orally and in writing that if the person is convicted of  
226 personally operating a motor vehicle during the period of license  
227 suspension or revocation imposed pursuant to this section, the  
228 person shall, upon conviction, be subject to the penalties set  
229 forth in Section 63-11-40. A person shall be required to  
230 acknowledge receipt of the written notice in writing. Failure to  
231 receive a written notice or failure to acknowledge in writing the  
232 receipt of a written notice shall not be a defense to a subsequent  
233 charge of a violation of Section 63-11-40. If the person is the  
234 holder of a driver's license from another jurisdiction, the court  
235 shall not collect the license but shall notify forthwith the  
236 Commissioner of Public Safety who shall notify the appropriate  
237 officials in the licensing jurisdiction. The court shall,  
238 however, in accordance with the provisions of this section, revoke  
239 the person's nonresident driving privilege in this state.

240 (3) The county court or circuit court having jurisdiction,  
241 on petition, may reduce the suspension of driving privileges under  
242 this section if the denial of which would constitute a hardship on  
243 the offender. When the petition is filed, such person shall pay  
244 to the circuit clerk of the court where the petition is filed a  
245 fee of Twenty Dollars (\$20.00) for each year, or portion thereof,  
246 of license revocation or suspension remaining under the original  
247 sentence, which shall be deposited into the State General Fund to  
248 the credit of a special fund hereby created in the State Treasury



249 to be used for alcohol or drug abuse treatment and education, upon  
250 appropriation by the Legislature. This fee shall be in addition  
251 to any other court costs or fees required for the filing of  
252 petitions.

253         **SECTION 4.** Section 63-1-51, Mississippi Code of 1972, is  
254 amended as follows:

255             63-1-51. (1) It shall be the duty of the court clerk, upon  
256 conviction of any person holding a license issued pursuant to this  
257 article where the penalty for a traffic violation is as much as  
258 Ten Dollars (\$10.00), to mail a copy of abstract of the court  
259 record or provide an electronically or computer generated copy of  
260 abstract of the court record immediately to the commissioner at  
261 Jackson, Mississippi, showing the date of conviction, penalty,  
262 etc., so that a record of same may be made by the Department of  
263 Public Safety. The commissioner shall forthwith revoke the  
264 license of any person for a period of one (1) year upon receiving  
265 a duly certified record of each person's convictions of any of the  
266 following offenses when such conviction has become final:

267             (a) Manslaughter or negligent homicide resulting from  
268 the operation of a motor vehicle;

269             (b) Any felony in the commission of which a motor  
270 vehicle is used;

271             (c) Failure to stop and render aid as required under  
272 the laws of this state in event of a motor vehicle accident  
273 resulting in the death or personal injury of another;



274 (d) Perjury or the willful making of a false affidavit  
275 or statement under oath to the department under this article or  
276 under any other law relating to the ownership or operation of  
277 motor vehicles;

278 (e) Conviction, or forfeiture of bail not vacated, upon  
279 three (3) charges of reckless driving committed within a period of  
280 twelve (12) months \* \* \* .

281 \* \* \* (2) The commissioner shall revoke the license issued  
282 pursuant to this article of any person convicted of negligent  
283 homicide, in addition to any penalty now provided by law.

284 (3) In addition to the reasons specified in this section,  
285 the commissioner shall be authorized to suspend the license issued  
286 to any person pursuant to this article for being out of compliance  
287 with an order for support, as defined in Section 93-11-153. The  
288 procedure for suspension of a license for being out of compliance  
289 with an order for support, and the procedure for the reissuance or  
290 reinstatement of a license suspended for that purpose, and the  
291 payment of any fees for the reissuance or reinstatement of a  
292 license suspended for that purpose, shall be governed by Section  
293 93-11-157 or 93-11-163, as the case may be. If there is any  
294 conflict between any provision of Section 93-11-157 or 93-11-163  
295 and any provision of this article, the provisions of Section  
296 93-11-157 or 93-11-163, as the case may be, shall control.

297 **SECTION 5.** Section 63-1-46, Mississippi Code of 1972, is  
298 brought forward as follows:



299           63-1-46. (1) (a) Except as otherwise provided in this  
300 section, a fee of One Hundred Dollars (\$100.00) shall be charged  
301 for the reinstatement of a license issued under this article to  
302 every person whose license has been validly suspended, revoked or  
303 cancelled.

304           (b) The funds received under the provisions of this  
305 subsection shall be distributed as follows:

306                   (i) Twenty-five Dollars (\$25.00) shall be  
307 deposited into the State General Fund in accordance with Section  
308 45-1-23;

309                   (ii) Twenty-five Dollars (\$25.00) shall be paid to  
310 the Board of Trustees of the Public Employees' Retirement System  
311 for funding the Mississippi Highway Safety Patrol Retirement  
312 System as provided under Section 25-13-7;

313                   (iii) Twenty-five Dollars (\$25.00) shall be  
314 deposited into the special fund created in Section 63-1-45(3) for  
315 purchases of equipment by the Mississippi Highway Safety Patrol;  
316 and

317                   (iv) Twenty-five Dollars (\$25.00) shall be  
318 deposited into the Interlock Device Fund created in Section  
319 63-11-33.

320           (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)  
321 shall be charged for the reinstatement of a license issued under  
322 this article to every person whose license has been validly  
323 suspended or revoked under the provisions of the Mississippi



324 Implied Consent Law or as a result of a conviction of a violation  
325 of the Uniform Controlled Substances Law under the provisions of  
326 Section 63-1-71.

327 (b) The funds received under the provisions of this  
328 subsection shall be distributed as follows:

329 (i) One Hundred Dollars (\$100.00) shall be  
330 deposited into the State General Fund in accordance with Section  
331 45-1-23;

332 (ii) Twenty-five Dollars (\$25.00) shall be paid to  
333 the Board of Trustees of the Public Employees' Retirement System  
334 for funding the Mississippi Highway Safety Patrol Retirement  
335 System as provided under Section 25-13-7;

336 (iii) Twenty-five Dollars (\$25.00) shall be  
337 deposited into the special fund created in Section 63-1-45(3) for  
338 purchases of equipment by the Mississippi Highway Safety Patrol;  
339 and

340 (iv) Twenty-five Dollars (\$25.00) shall be  
341 deposited into the Interlock Device Fund created in Section  
342 63-11-33.

343 (3) (a) A fee of Twenty-five Dollars (\$25.00) shall be  
344 charged for the reinstatement of a license issued under this  
345 article to every person whose license has been validly suspended  
346 for nonpayment of child support under the provisions of Sections  
347 93-11-151 through 93-11-163. The funds received under the



348 provisions of this subsection shall be deposited into the State  
349 General Fund in accordance with Section 45-1-23.

350 (b) The procedure for the reinstatement of a license  
351 issued under this article that has been suspended for being out of  
352 compliance with an order for support, as defined in Section  
353 93-11-153, and the payment of any fees for the reinstatement of a  
354 license suspended for that purpose, shall be governed by Section  
355 93-11-157 or 93-11-163, as the case may be.

356 (4) A fee of Twenty-five Dollars (\$25.00) will be charged  
357 for the reinstatement of a license that was suspended due to  
358 payment by a draft or other instrument that is dishonored by the  
359 payor.

360 (5) All reinstatement fees charged under this section shall  
361 be in addition to the fees prescribed in Section 63-1-43.

362 **SECTION 6.** This chapter shall be known and may be cited as  
363 the Mississippi Parental Accountability Court Act.

364 **SECTION 7.** (1) The Legislature recognizes the importance of  
365 noncustodial parents continuing to support their children by  
366 remaining current on their child support payments and the need for  
367 judicial intervention to establish court processes and procedures  
368 that are more responsive to the needs of noncustodial parents,  
369 while maintaining public safety and the integrity of the court  
370 process. It is the intent of the Legislature to facilitate local  
371 parental accountability court alternatives that are adaptable to  
372 chancery, circuit, county, youth, municipal and justice courts.



373 (2) The goals of the parental accountability courts under  
374 this chapter include the following:

375 (a) Reducing the number of incarcerated noncustodial  
376 parents that fall behind on their child support payments;

377 (b) Increasing support provided to the children of the  
378 state;

379 (c) Strengthening families by providing noncustodial  
380 parents additional opportunities to support and build  
381 relationships with their children;

382 (d) Maintaining and increasing employment by allowing  
383 these parents to find work to support their families; and

384 (e) Using corrections resources more effectively by  
385 redirecting offenders with child support obligations to the  
386 parental accountability court.

387 **SECTION 8.** For the purposes of this chapter, the following  
388 words and phrases shall have the meanings as defined in this  
389 section unless the context clearly requires otherwise:

390 (a) "Crime of violence" means an offense listed in  
391 Section 97-3-2.

392 (b) "Parental accountability court" means a diversion  
393 program prioritizing job training and placement for defendants who  
394 are noncustodial parents that:

395 (i) Utilizes existing job training resources, job  
396 placement programs, and judicial oversight; and



397 (ii) Adopts the best practices of extant parental  
398 accountability courts in other states, as identified by the  
399 Administrative Office of Courts.

400 (c) "Evidence-based practices" means supervision  
401 policies, procedures and practices that scientific research  
402 demonstrates a reduction in the rate of recidivism.

403 (d) "Risk and needs assessment" means the use of an  
404 actuarial assessment tool validated on a Mississippi corrections  
405 population to determine a person's risk to reoffend and the  
406 characteristics that, if addressed, reduce the risk to reoffend.

407 **SECTION 9.** The Administrative Office of Courts shall be  
408 responsible for certification and monitoring of local parental  
409 accountability courts according to standards promulgated by the  
410 State Parental Accountability Courts Advisory Committee.

411 **SECTION 10.** (1) The State Parental Accountability Courts  
412 Advisory Committee is established to develop and periodically  
413 update proposed statewide evaluation plans and models for  
414 monitoring all critical aspects of parental accountability courts.  
415 The committee shall provide the proposed evaluation plans to the  
416 Chief Justice of the Supreme Court and the Administrative Office  
417 of Courts. The committee shall be chaired by the Director of the  
418 Administrative Office of Courts and shall consist of not less than  
419 seven (7) members nor more than eleven (11) members appointed by  
420 the Supreme Court and shall include members representing the  
421 courts, Department of Human Services, the workforce development





422 community, law enforcement, corrections, and Child Protective  
423 Services.

424 (2) The State Parental Accountability Courts Advisory  
425 Committee may also make recommendations to the Chief Justice of  
426 the Supreme Court, the Director of the Administrative Office of  
427 Courts and state officials concerning improvements to parental  
428 accountability court policies and procedures including the  
429 parental accountability court certification process. The  
430 committee may make suggestions as to the criteria for eligibility  
431 and other procedural and substantive guidelines for parental  
432 accountability court operation.

433 (3) The State Parental Accountability Courts Advisory  
434 Committee shall act as arbiter of disputes arising out of the  
435 operation of parental accountability courts established under this  
436 chapter and make recommendations to improve the parental  
437 accountability courts. The committee shall also make  
438 recommendations to the Supreme Court that are necessary and  
439 incident to comply with established rules.

440 (4) The State Parental Accountability Courts Advisory  
441 Committee shall establish through rules and regulations a viable  
442 and fiscally responsible plan to expand the number of parental  
443 accountability court programs operating in Mississippi. These  
444 rules and regulations shall include plans to increase  
445 participation in existing and future programs.



446 (5) The State Parental Accountability Courts Advisory  
447 Committee shall receive and review the monthly reports submitted  
448 to the Administrative Office of Courts by each certified parental  
449 accountability court and provide comments and make  
450 recommendations, as necessary, to the Chief Justice of Supreme  
451 Court and the Director of the Administrative Office of Courts.

452 **SECTION 11.** (1) The Administrative Office of Courts shall  
453 establish, implement and operate a uniform certification process  
454 for all parental accountability courts to ensure that funding for  
455 parental accountability courts supports effective and proven  
456 practices that reduce recidivism and provide treatment for their  
457 participants.

458 (2) (a) The Administrative Office of Courts shall establish  
459 a certification process that ensures any new or existing parental  
460 accountability court meets minimum standards for parental  
461 accountability court operation.

462 (b) The standards prescribed under this subsection  
463 (2) (a) shall include, but are not limited to:

464 (i) The use of evidence-based practices including,  
465 but not limited to, the use of a valid and reliable risk and needs  
466 assessment tool to identify participants and deliver appropriate  
467 services;

468 (ii) The use of current, evidence-based  
469 interventions proven to provide services;



470 (iii) Coordinated strategy between all parental  
471 accountability court program personnel;

472 (iv) Ongoing judicial interaction with each  
473 participant; and

474 (v) Monitoring and evaluation of parental  
475 accountability court program implementation and outcomes through  
476 data collection and reporting.

477 (c) Parental accountability court certification  
478 applications shall include:

479 (i) A description of the need for the parental  
480 accountability court;

481 (ii) The targeted population for the parental  
482 accountability court;

483 (iii) The eligibility criteria for parental  
484 accountability court participants;

485 (iv) A description of the process for identifying  
486 appropriate participants including the use of a risk and needs  
487 assessment;

488 (v) A description of the parental accountability  
489 court service components including anticipated budget and  
490 implementation plan;

491 (vi) The data collection plan, which shall include  
492 collecting the following data:

493 1. Total number of participants;

494 2. Total number of successful participants;



495                   3. Total number of unsuccessful participants  
496 and the reason why each participant did not complete the program;

497                   4. Total number of participants who were  
498 arrested for a new criminal offense while in the parental  
499 accountability court program;

500                   5. Total number of participants who were  
501 convicted of a new felony or misdemeanor offense while in the  
502 parental accountability court program;

503                   6. Total number of participants who committed  
504 at least one (1) violation while in the parental accountability  
505 court program and the resulting sanction(s);

506                   7. Results of the initial risk and needs  
507 assessment or other clinical assessment conducted on each  
508 participant;

509                   8. The amount of child support payments made  
510 by participants; and

511                   9. Any other data or information as required  
512 by the Administrative Office of Courts.

513                   (d) Every parental accountability court shall be  
514 certified under the following schedule:

515                   (i) A parental accountability court application  
516 submitted on or after July 1, 2018, shall require certification of  
517 the parental accountability court based on the proposed parental  
518 accountability court plan;



519 (ii) A parental accountability court established  
520 on or after July 1, 2018, must be recertified after its second  
521 year of funded operation;

522 (iii) A parental accountability court in existence  
523 by July 1, 2018, must submit a certification petition by July 1,  
524 2019, and be certified under the requirements of this section  
525 before expending parental accountability court resources budgeted  
526 for fiscal year 2020; and

527 (iv) All parental accountability courts shall  
528 submit a re-certification petition every two (2) years to the  
529 Administrative Office of Courts after the initial certification.

530 (3) All certified parental accountability courts shall  
531 measure successful completion of the parental accountability court  
532 based on those participants who complete the program without a new  
533 criminal conviction.

534 (4) (a) All certified parental accountability courts must  
535 collect and submit to the Administrative Office of Courts each  
536 month, the following data:

537 (i) Total number of participants at the beginning  
538 of the month;

539 (ii) Total number of participants at the end of  
540 the month;

541 (iii) Total number of participants who began the  
542 program in the month;



543 (iv) Total number of participants who successfully  
544 completed the parental accountability court in the month;

545 (v) Total number of participants who left the  
546 program in the month;

547 (vi) Total number of participants who were  
548 arrested for a new criminal offense while in the parental  
549 accountability court program in the month;

550 (vii) Total number of participants who were  
551 convicted for a new criminal arrest while in the parental  
552 accountability court program in the month;

553 (viii) Total number of participants who committed  
554 at least one (1) violation while in the parental accountability  
555 court program and any resulting sanction(s); and

556 (ix) Total amount of child support payments made  
557 by participants in the month.

558 (b) By August 1, 2019, and each year thereafter, the  
559 Administrative Office of Courts shall report to the PEER Committee  
560 the information in subsection (4)(a) of this subsection in a  
561 sortable, electronic format.

562 (5) All certified parental accountability courts may  
563 individually establish rules and may make special orders and rules  
564 as necessary that do not conflict with the rules promulgated by  
565 the Supreme Court or the Administrative Office of Courts.

566 (6) A certified parental accountability court may appoint  
567 the full or part-time employees that it deems necessary for the



568 work of the parental accountability court and shall fix the  
569 compensation of those employees. Those employees shall serve at  
570 the will and pleasure of the judge or the judge's designee.

571 (7) The Administrative Office of Courts shall promulgate  
572 rules and regulations to carry out the certification and  
573 recertification process and make any other policies not  
574 inconsistent with this section to carry out this process.

575 (8) A certified parental accountability court established  
576 under this chapter is subject to the regulatory powers of the  
577 Administrative Office of Courts as set forth in this chapter.

578 **SECTION 12.** (1) In order to be eligible for alternative  
579 sentencing through a local parental accountability court, the  
580 participant must satisfy each of the following criteria:

581 (a) The participant cannot have any felony convictions  
582 for any offenses that are crimes of violence as defined in Section  
583 97-3-2 within the previous ten (10) years.

584 (b) The crime before the court cannot be a crime of  
585 violence as defined in Section 97-3-2.

586 (c) Other criminal proceedings alleging commission of a  
587 crime of violence cannot be pending against the participant.

588 (d) The crime before the court cannot be a charge of  
589 driving under the influence of alcohol or any other drug or drugs  
590 that resulted in the death of a person.

591 (2) Participation in the services of a job services  
592 component shall be open only to the individuals over whom the



593 court has jurisdiction, except that the court may agree to provide  
594 the services for individuals referred from another parental  
595 accountability court. In cases transferred from another  
596 jurisdiction, the receiving judge shall act as a special master  
597 and make recommendations to the sentencing judge.

598 (3) A person does not have a right to participate in  
599 parental accountability court under this chapter. The court  
600 having jurisdiction over a person for a matter before the court  
601 shall have the final determination about whether the person may  
602 participate in parental accountability court under this chapter.

603 **SECTION 13.** With regard to any parental accountability court  
604 established under this chapter, the Administrative Office of  
605 Courts shall do the following:

606 (a) Certify and re-certify parental accountability  
607 court applications that meet standards established by the  
608 Administrative Office of Courts in accordance with this chapter.

609 (b) Revoke the authorization of a program upon a  
610 determination that the program does not comply with rules adopted  
611 under this section and applicable federal regulations.

612 (c) Make agreements and contracts to effectuate the  
613 purposes of this chapter with:

614 (i) Another department, authority or agency of the  
615 state;

616 (ii) Another state;

617 (iii) The federal government;





618 (iv) A state-supported or private university; or

619 (v) A public or private agency, foundation,

620 corporation or individual.

621 (d) Directly, or by contract, approve and certify any  
622 treatment component established under this chapter.

623 (e) Require, as a condition of operation, that each  
624 parental accountability court created or funded under this chapter  
625 be certified by the Administrative Office of Courts.

626 (f) Collect monthly data reports submitted by all  
627 certified parental accountability courts, provide those reports to  
628 the State Parental Accountability Courts Advisory Committee,  
629 compile an annual report summarizing the data collected and the  
630 outcomes achieved by all certified parental accountability courts  
631 and submit the annual report to the Supreme Court, the Legislature  
632 and the Governor.

633 (g) Every three (3) years, contract with an external  
634 evaluator to conduct an evaluation of the effectiveness of the  
635 parental accountability court program, both statewide and  
636 individual parental accountability court programs, in complying  
637 with the key components of the parental accountability courts.

638 (h) Adopt rules to implement this chapter.

639 **SECTION 14.** (1) A parental accountability court may apply  
640 for and receive the following:

641 (a) Gifts, bequests and donations from private source.



642 (b) Grant and contract monies from governmental  
643 sources.

644 (c) Other forms of financial assistance approved by the  
645 court to supplement the budget of the parental accountability  
646 court.

647 (2) All monies received from any of these sources by the  
648 parental accountability court shall be deposited in a fund to be  
649 used only for parental accountability court purposes. Any funds  
650 remaining in this fund at the end of a fiscal year shall not lapse  
651 into any general fund, but shall be retained in the parental  
652 accountability court fund for the funding of further activities by  
653 the parental accountability court.

654 (3) The costs of participation in any programs required by  
655 the certified parental accountability court may be paid by the  
656 participant or out of user fees or such other state, federal or  
657 private funds that may, from time to time, be made available.

658 (4) The court shall work with the Department of Human  
659 Services to set up a payment schedule assisting the noncustodial  
660 parent with meeting their child support payment obligations.

661 (5) The court may assess such reasonable and appropriate  
662 fees to be paid to the local parental accountability court fund  
663 for participation in the program. Such fees shall be calculated  
664 based on an individualized inquiry into each participant's  
665 obligations and their income.



666           **SECTION 15.** The director and members of the professional and  
667 administrative staff of the parental accountability court who  
668 perform duties in good faith under this chapter are immune from  
669 civil liability for:

670                   (a) Acts or omissions in providing services under this  
671 chapter; and

672                   (b) The reasonable exercise of discretion in  
673 determining eligibility to participate in the parental  
674 accountability court.

675           **SECTION 16.** If the participant completes all requirements  
676 imposed upon him or her by the parental accountability court,  
677 including the payment of fines and fees assessed, the charge and  
678 prosecution shall be dismissed. If the defendant or participant  
679 was sentenced at the time of entry of a plea of guilty, the  
680 successful completion of the parental accountability court order  
681 and other requirements of probation or suspension of sentence will  
682 result in the record of the criminal conviction or adjudication  
683 being expunged. However, no expunction of any implied consent  
684 violation shall be allowed.

685           **SECTION 17.** There is created in the State Treasury a special  
686 fund to be known as the Parental Accountability Court Fund. The  
687 purpose of the fund shall be to provide supplemental funding to  
688 all parental accountability courts in the state. Monies from the  
689 funds derived from assessments under Section 99-19-73 shall be  
690 expended by the Administrative Office of Courts, upon



691 appropriation by the Legislature, pursuant to procedures set by  
692 the State Parental Accountability Courts Advisory Committee to  
693 assist the parental accountability courts in the state. Funds from  
694 other sources shall be distributed to the parental accountability  
695 courts in the state based on a formula set by the State Parental  
696 Accountability Courts Advisory Committee.

697 The fund shall consist of: (a) monies appropriated by the  
698 Legislature for the purposes of funding parental accountability  
699 courts; (b) the interest accruing to the fund; (c) monies received  
700 under the provisions of Section 99-19-73; (d) monies received from  
701 the federal government; and (e) monies received from such other  
702 sources as may be provided by law. Monies remaining in the fund  
703 at the end of a fiscal year shall not lapse into the State General  
704 Fund.

705 **SECTION 18.** Section 25-3-35, Mississippi Code of 1972, is  
706 amended as follows:

707 25-3-35. (1) The annual salaries of the following judges  
708 are fixed as follows:

709 **From and after January 1, 2013, through December 31, 2013:**

710 Chief Justice of the Supreme Court.....\$126,292.50

711 Presiding Justices of the Supreme Court, each..... 123,600.75

712 Associate Justices of the Supreme Court, each..... 122,460.00

713 **From and after January 1, 2014, through December 31, 2014:**

714 Chief Justice of the Supreme Court.....\$137,195.00

715 Presiding Justices of the Supreme Court, each..... 134,011.50



716 Associate Justices of the Supreme Court, each..... 132,390.00

717 **From and after January 1, 2015, through December 31, 2015:**

718 Chief Justice of the Supreme Court.....\$148,097.50

719 Presiding Justices of the Supreme Court, each..... 144,422.25

720 Associate Justices of the Supreme Court, each..... 142,320.00

721 **From and after January 1, 2016:**

722 Chief Justice of the Supreme Court.....\$159,000.00

723 Presiding Justices of the Supreme Court, each..... 154,833.00

724 Associate Justices of the Supreme Court, each.....152,250.00

725 There are imposed upon the Supreme Court justices the extra  
726 duties of taking all necessary action to promote judicial  
727 education in schools, drug courts, parental accountability courts,  
728 electronic filing and case management systems as developed by the  
729 Administrative Office of Courts, or such other additional duties  
730 as may be assigned by the Chief Justice of the Supreme Court. For  
731 such extra services each justice, from and after January 1, 2013,  
732 shall receive a sum sufficient to aggregate, per annum, the  
733 salaries set forth in this subsection (1).

734 The fixed salaries in this subsection (1) shall be paid from  
735 the State General Fund and from the Judicial System Operation Fund  
736 created under Section 9-21-45. No less than: One Hundred Fifteen  
737 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief  
738 Justice's salary in this subsection (1), One Hundred Thirteen  
739 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of  
740 a presiding justice in this subsection (1), and One Hundred Twelve



741 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary  
742 of an associate justice in this subsection (1) shall be paid from  
743 general fund monies; in addition, the Legislature shall  
744 appropriate annually from the Judicial System Operation Fund a sum  
745 sufficient to increase the salary of the Chief Justice, a  
746 presiding justice and an associate justice to the levels set forth  
747 in this subsection (1).

748 The fixed salaries as specified in this subsection (1) shall  
749 be the exclusive and total compensation which can be reported to  
750 the Public Employees' Retirement System for retirement purposes;  
751 however, any judge in office on December 31, 2003, may continue to  
752 report his expense allowance as part of his compensation for  
753 retirement purposes.

754 (2) The annual salaries of the judges of the Court of  
755 Appeals of Mississippi are fixed as follows:

756 **From and after January 1, 2013, through December 31, 2013:**

757 Chief Judge of the Court of Appeals.....\$117,992.00  
758 Associate Judges of the Court of Appeals, each.... 114,994.25

759 **From and after January 1, 2014, through December 31, 2014:**

760 Chief Judge of the Court of Appeals.....\$127,854.00  
761 Associate Judges of the Court of Appeals, each.... 124,938.50

762 **From and after January 1, 2015, through December 31, 2015:**

763 Chief Judge of the Court of Appeals.....\$137,716.00  
764 Associate Judges of the Court of Appeals, each.... 134,882.75

765 **From and after January 1, 2016:**



766 Chief Judge of the Court of Appeals.....\$147,578.00

767 Associate Judges of the Court of Appeals, each.... 144,827.00

768 From and after January 1, 2013, each judge shall receive a  
769 sum sufficient to aggregate, per annum, the salaries set forth in  
770 this subsection (2).

771 The fixed salaries in this subsection (2) shall be paid from  
772 the State General Fund and from the Judicial System Operation Fund  
773 created under Section 9-21-45. No less than One Hundred Eight  
774 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief  
775 Judge's salary in this subsection (2) shall be paid from general  
776 fund monies; in addition, the Legislature shall appropriate  
777 annually from the Judicial System Operation Fund a sum sufficient  
778 to increase the Chief Judge's salary to the level set forth in  
779 this subsection (2). No less than One Hundred Five Thousand Fifty  
780 Dollars (\$105,050.00) of the salary of an associate judge in this  
781 subsection (2) shall be paid from general fund monies; in  
782 addition, the Legislature shall appropriate annually from the  
783 Judicial System Operation Fund a sum sufficient to increase the  
784 salary of an associate judge to the level set forth in this  
785 subsection (2).

786 The fixed salaries as specified in this subsection (2) shall  
787 be the exclusive and total compensation which can be reported to  
788 the Public Employees' Retirement System for retirement purposes;  
789 however, any judge in office on December 31, 2003, may continue to



790 report his expense allowance as part of his compensation for  
791 retirement purposes.

792 (3) The annual salaries of the chancery and circuit court  
793 judges are fixed as follows:

794 **From and after January 1, 2013, through December 31, 2013:**

795 Chancery Judges, each.....\$112,127.50

796 Circuit Judges, each..... 112,127.50

797 **From and after January 1, 2014, through December 31, 2014:**

798 Chancery Judges, each.....\$120,085.00

799 Circuit Judges, each..... 120,085.00

800 **From and after January 1, 2015, through December 31, 2015:**

801 Chancery Judges, each.....\$128,042.50

802 Circuit Judges, each..... 128,042.50

803 **From and after January 1, 2016:**

804 Chancery Judges, each.....\$136,000.00

805 Circuit Judges, each..... 136,000.00

806 In addition to their present official duties, the circuit and  
807 chancery judges shall take necessary action to promote judicial  
808 education in schools, drug courts, parental accountability courts,  
809 electronic filing and case management systems as developed by the  
810 Administrative Office of Courts, or such other additional duties  
811 as may be assigned by the Chief Justice of the Supreme Court. For  
812 such extra services each judge, from and after January 1, 2013,  
813 shall receive a sum sufficient to aggregate, per annum, the  
814 salaries set forth in this subsection (3).





815           The fixed salaries in this subsection (3) shall be paid from  
816 the State General Fund and from the Judicial System Operation Fund  
817 created under Section 9-21-45. No less than One Hundred Four  
818 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary  
819 of a chancery or circuit Judge in this subsection (3) shall be  
820 paid from general fund monies; in addition, the Legislature shall  
821 appropriate annually from the Judicial System Operation Fund a sum  
822 sufficient to increase the salary of a chancery or circuit judge  
823 to the levels set forth in this subsection (3).

824           (4) From and after January 1, 2019, and every four (4) years  
825 thereafter, the annual salaries of the judges in subsections (1),  
826 (2) and (3) shall be fixed at the level of compensation  
827 recommended by the State Personnel Board according to the board's  
828 most recent report on judicial salaries, as required under Section  
829 25-9-115, to the extent that sufficient funds are available. The  
830 annual salaries fixed in accordance with this subsection (4) shall  
831 not become effective until the commencement of the next  
832 immediately succeeding term of office.

833           (5) The Supreme Court shall prepare a payroll for chancery  
834 judges and circuit judges and submit such payroll to the  
835 Department of Finance and Administration.

836           (6) The annual salary of the full-time district attorneys  
837 shall be:

838           **From and after January 1, 2013, through December 31, 2013:**



839 One Hundred Three Thousand Three Hundred Twenty-two Dollars  
840 (\$103,322.00).

841 **From and after January 1, 2014, through December 31, 2014:**

842 One Hundred Ten Thousand Eight Hundred Forty-eight Dollars  
843 (\$110,848.00).

844 **From and after January 1, 2015, through December 31, 2015:**

845 One Hundred Eighteen Thousand Three Hundred Seventy-four  
846 Dollars (\$118,374.00).

847 **From and after January 1, 2016:**

848 One Hundred Twenty-five Thousand Nine Hundred Dollars  
849 (\$125,900.00).

850 (7) The annual salary of the full-time legal assistants  
851 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor  
852 more than eighty percent (80%) of the salary of the district  
853 attorney for legal assistants who have been licensed to practice  
854 law for five (5) years or less; eighty-five percent (85%) of the  
855 salary of the district attorney for legal assistants who have been  
856 licensed to practice law for at least five (5) years but less than  
857 fifteen (15) years; and ninety percent (90%) of the salary of the  
858 district attorney for legal assistants who have been licensed to  
859 practice law for at least fifteen (15) years or more.

860 **SECTION 19.** Section 9-23-13, Mississippi Code of 1972, is  
861 amended as follows:

862 9-23-13. (1) A drug court's alcohol and drug intervention  
863 component shall provide for eligible individuals, either directly



864 or through referrals, a range of necessary court intervention  
865 services, including, but not limited to, the following:

866 (a) Screening using a valid and reliable assessment  
867 tool effective for identifying alcohol and drug dependent persons  
868 for eligibility and appropriate services;

869 (b) Clinical assessment;

870 (c) Education;

871 (d) Referral;

872 (e) Service coordination and case management; and

873 (f) Counseling and rehabilitative care.

874 (2) Any inpatient treatment or inpatient detoxification  
875 program ordered by the court shall be certified by the Department  
876 of Mental Health, other appropriate state agency or the equivalent  
877 agency of another state.

878 (3) In accordance with the recommendations of the National  
879 Drug Court Institute to combat the opioid epidemic, all drug  
880 courts shall make available the option for participants to use  
881 medication assisted treatment while participating in the drug  
882 court program.

883 **SECTION 20.** Section 9-23-15, Mississippi Code of 1972, is  
884 amended as follows:

885 9-23-15. (1) (a) In order to be eligible for alternative  
886 sentencing through a local drug court, the participant must  
887 satisfy each of the following criteria:



888 ( \* \* \*i) The participant cannot have any felony  
889 convictions for any offenses that are crimes of violence as  
890 defined in Section 97-3-2 within the previous ten (10) years,  
891 except as provided in paragraph (b) of this subsection.

892 ( \* \* \*ii) The crime before the court cannot be a  
893 crime of violence as defined in Section 97-3-2, except as provided  
894 in paragraph (b) of this subsection.

895 ( \* \* \*iii) Other criminal proceedings alleging  
896 commission of a crime of violence cannot be pending against the  
897 participant.

898 ( \* \* \*iv) The participant cannot be currently  
899 charged with burglary of a dwelling under Section 97-17-23(2) or  
900 97-17-37.

901 ( \* \* \*y) The crime before the court cannot be a  
902 charge of driving under the influence of alcohol or any other drug  
903 or drugs that resulted in the death of a person.

904 ( \* \* \*vi) The crime charged cannot be one of  
905 trafficking in controlled substances under Section 41-29-139(f),  
906 nor can the participant have a prior conviction for same.

907 (b) A judge, in his or her discretion, may authorize a  
908 person who has been charged, convicted or who is before the court  
909 for burglary of an unoccupied dwelling under Section 97-17-23(1)  
910 for eligible participation for alternative sentencing through a  
911 local drug court.



912 (2) Participation in the services of an alcohol and drug  
913 intervention component shall be open only to the individuals over  
914 whom the court has jurisdiction, except that the court may agree  
915 to provide the services for individuals referred from another drug  
916 court. In cases transferred from another jurisdiction, the  
917 receiving judge shall act as a special master and make  
918 recommendations to the sentencing judge.

919 (3) (a) As a condition of participation in a drug court, a  
920 participant may be required to undergo a chemical test or a series  
921 of chemical tests as specified by the drug court. A participant  
922 is liable for the costs of all chemical tests required under this  
923 section, regardless of whether the costs are paid to the drug  
924 court or the laboratory; however, if testing is available from  
925 other sources or the program itself, the judge may waive any fees  
926 for testing.

927 (b) A laboratory that performs a chemical test under  
928 this section shall report the results of the test to the drug  
929 court.

930 (4) A person does not have a right to participate in drug  
931 court under this chapter. The court having jurisdiction over a  
932 person for a matter before the court shall have the final  
933 determination about whether the person may participate in drug  
934 court under this chapter.

935 **SECTION 21.** Section 47-7-33, Mississippi Code of 1972, is  
936 amended as follows:



937           47-7-33. (1) When it appears to the satisfaction of any  
938 circuit court or county court in the State of Mississippi having  
939 original jurisdiction over criminal actions, or to the judge  
940 thereof, that the ends of justice and the best interest of the  
941 public, as well as the defendant, will be served thereby, such  
942 court, in termtime or in vacation, shall have the power, after  
943 conviction or a plea of guilty, except in a case where a death  
944 sentence or life imprisonment is the maximum penalty which may be  
945 imposed, to suspend the imposition or execution of sentence, and  
946 place the defendant on probation as herein provided \* \* \*. In  
947 placing any defendant on probation, the court, or judge, shall  
948 direct that such defendant be under the supervision of the  
949 Department of Corrections.

950           (2) When any circuit or county court places an offender on  
951 probation, the court shall give notice to the Mississippi  
952 Department of Corrections within fifteen (15) days of the court's  
953 decision to place the offender on probation. Notice shall be  
954 delivered to the central office of the Mississippi Department of  
955 Corrections and to the regional office of the department which  
956 will be providing supervision to the offender on probation.

957           (3) When any circuit court or county court places a person  
958 on probation in accordance with the provisions of this section and  
959 that person is ordered to make any payments to his family, if any  
960 member of his family whom he is ordered to support is receiving  
961 public assistance through the State Department of Human Services,



962 the court shall order him to make such payments to the county  
963 welfare officer of the county rendering public assistance to his  
964 family, for the sole use and benefit of said family.

965 **SECTION 22.** Section 11-44-3, Mississippi Code of 1972, is  
966 amended as follows:

967 11-44-3. (1) In order to present an actionable claim for  
968 wrongful conviction and imprisonment under this chapter, a  
969 claimant must establish by documentary evidence that:

970 (a) The claimant has been convicted of one or more  
971 felonies and subsequently sentenced to a term of imprisonment and  
972 has served all or any part of the sentence;

973 (b) On grounds not inconsistent with innocence:

974 (i) The claimant was pardoned for the felony or  
975 felonies for which sentenced and which are the grounds for the  
976 complaint and the pardon is based on the innocence of the claimant  
977 which must be affirmatively stated in the pardon; or

978 (ii) The judgment of conviction was vacated and/or  
979 reversed;

980 (c) If there was a vacatur or reversal, either the  
981 accusatory instrument was dismissed or nol prossed; or if a new  
982 trial was held, the defendant was found not guilty;

983 (d) The claimant's claim is not time-barred by the  
984 provisions of this chapter; and



985 (e) The claimant did not intentionally waive any  
986 appellate or post-conviction remedy otherwise available in order  
987 to benefit under this chapter.

988 (2) The claim shall be verified by the claimant.

989 (3) If the court finds after reading the claim that the  
990 claimant has not demonstrated the foregoing, it shall dismiss the  
991 claim, either on its own motion or on the state's motion. This  
992 dismissal shall be without prejudice to allow adequate refileing  
993 within ninety (90) days.

994 A claim may also be submitted under this chapter for  
995 individuals who were detained without a hearing and/or trial date  
996 set in accordance with the time limits established by the  
997 Mississippi Rules of Criminal Procedure, and the jurisdiction  
998 responsible for the wrongful detention shall be liable for  
999 compensation due these claims.

1000 **SECTION 23.** Section 47-7-49, Mississippi Code of 1972, is  
1001 amended as follows:

1002 47-7-49. (1) Any offender on probation, parole,  
1003 earned-release supervision, post-release supervision, earned  
1004 probation or any other offender under the field supervision of the  
1005 Community Services Division of the department shall pay to the  
1006 department the sum of Fifty-five Dollars (\$55.00) per month by  
1007 certified check or money order unless a \* \* \* determination of  
1008 indigence is made. An offender shall make the initial payment  
1009 within thirty (30) days after being released from imprisonment





1010 unless a \* \* \* determination of indigence is made. A \* \* \*  
1011 determination of indigence shall be granted by the sentencing  
1012 court or the Department of Corrections to any individual meeting  
1013 the requirements in subsection (3) of this section. \* \* \* The  
1014 commissioner or his designee shall deposit Fifty Dollars (\$50.00)  
1015 of each payment received into a special fund in the State  
1016 Treasury, which is hereby created, to be known as the Community  
1017 Service Revolving Fund. Expenditures from this fund shall be made  
1018 for: (a) the establishment of restitution and satellite centers;  
1019 and (b) the establishment, administration and operation of the  
1020 department's Drug Identification Program and the intensive and  
1021 field supervision program. The Fifty Dollars (\$50.00) may be used  
1022 for salaries and to purchase equipment, supplies and vehicles to  
1023 be used by the Community Services Division in the performance of  
1024 its duties. Expenditures for the purposes established in this  
1025 section may be made from the fund upon requisition by the  
1026 commissioner, or his designee.

1027 Of the remaining amount, Three Dollars (\$3.00) of each  
1028 payment shall be deposited into the Crime Victims' Compensation  
1029 Fund created in Section 99-41-29, and Two Dollars (\$2.00) shall be  
1030 deposited into the Training Revolving Fund created pursuant to  
1031 Section 47-7-51. When a person is convicted of a felony in this  
1032 state, in addition to any other sentence it may impose, the court  
1033 may, in its discretion, order the offender to pay a state  
1034 assessment not to exceed the greater of One Thousand Dollars



1035 (\$1,000.00) or the maximum fine that may be imposed for the  
1036 offense, into the Crime Victims' Compensation Fund created  
1037 pursuant to Section 99-41-29.

1038 Any federal funds made available to the department for  
1039 training or for training facilities, equipment or services shall  
1040 be deposited into the Correctional Training Revolving Fund created  
1041 in Section 47-7-51. The funds deposited in this account shall be  
1042 used to support an expansion of the department's training program  
1043 to include the renovation of facilities for training purposes,  
1044 purchase of equipment and contracting of training services with  
1045 community colleges in the state.

1046 No offender shall be required to make this payment for a  
1047 period of time longer than ten (10) years.

1048 (2) The offender may be imprisoned until the payments are  
1049 made if the offender is financially able to make the payments and  
1050 the court in the county where the offender resides so finds,  
1051 subject to the limitations hereinafter set out. The offender  
1052 shall not be imprisoned if the offender is financially unable to  
1053 make the payments \* \* \* and a finding of indigence is made by the  
1054 court in writing, under oath, and the court so finds.

1055 (3) When determining whether a person is indigent, the  
1056 Department of Corrections' Community Corrections Division or the  
1057 court shall use the current Federal Poverty Guidelines and there  
1058 shall be a presumption of indigence when a defendant's income is  
1059 at or below one hundred twenty-five percent (125%) of the Federal



1060 Poverty Guidelines, subject to a review of his or her assets. An  
1061 offender at or below one hundred twenty-five percent (125%) of the  
1062 Federal Poverty Guidelines without substantial liquid assets  
1063 available to pay fines, fees, and costs shall be deemed indigent.  
1064 In determining whether an offender has substantial liquid assets,  
1065 up to Ten Thousand Dollars (\$10,000.00) in tangible personal  
1066 property, including motor vehicles, household goods, or any other  
1067 assets exempted from seizure under execution or attachment shall  
1068 not be considered, as provided under Section 85-3-1. If the  
1069 offender is above one hundred twenty-five percent (125%) of the  
1070 Federal Poverty Guidelines, an individualized assessment of his or  
1071 her ability to pay based on the totality of the circumstances  
1072 shall be made, including, but not limited to, the offender's  
1073 disposable income, financial obligations and liquid assets. If a  
1074 determination of indigence is not made, and it is determined that  
1075 the defendant could have made payment but refused to do so, the  
1076 case file shall include a written explanation of the basis for the  
1077 determination. In court, such finding shall be included in the  
1078 court's order.

1079 (4) Absent a finding of willful nonpayment using a  
1080 determination of indigence, a probationer or parolee's failure to  
1081 pay the monthly fees in arrearage shall not be deemed a violation  
1082 of a condition of parole or probation, and the participant shall  
1083 not be revoked for failure to pay the monthly fees in arrearage.



1084 ( \* \* \*5) This section shall stand repealed from and after  
1085 June 30, \* \* \* 2021.

1086 **SECTION 24.** Section 47-7-40, Mississippi Code of 1972, is  
1087 amended as follows:

1088 47-7-40. (1) The commissioner shall establish rules and  
1089 regulations for implementing the earned-discharge program that  
1090 allows offenders on probation and parole to reduce the period of  
1091 supervision for complying with conditions of probation. The  
1092 department shall have the authority to award earned-discharge  
1093 credits to all offenders placed on probation, parole, or  
1094 post-release supervision who are in compliance with the terms and  
1095 conditions of supervision. An offender serving a Mississippi  
1096 sentence for an eligible offense in any jurisdiction under the  
1097 Interstate Compact for Adult Offender Supervision shall be  
1098 eligible for earned-discharge credits under this section.  
1099 Offenders shall not be denied earned-discharge credits solely  
1100 based on nonpayment of fees and/or fines if a determination of  
1101 indigence can be made, according to the guidelines in 47-7-49.

1102 (2) For each full calendar month of compliance with the  
1103 conditions of supervision, earned-discharge credits equal to the  
1104 number of days in that month shall be deducted from the offender's  
1105 sentence discharge date. Credits begin to accrue for eligible  
1106 offenders after the first full calendar month of compliance  
1107 supervision conditions. For the purposes of this section, an  
1108 offender is deemed to be in compliance with the conditions of



1109 supervision if there was no violation of the conditions of  
1110 supervision.

1111 (3) No earned-discharge credits may accrue for a calendar  
1112 month in which a violation report has been submitted, the offender  
1113 has absconded from supervision, the offender is serving a term of  
1114 imprisonment in a technical violation center, or for the months  
1115 between the submission of the violation report and the final  
1116 action on the violation report by the court or the board.

1117 (4) Earned-discharge credits shall be applied to the  
1118 sentence within thirty (30) days of the end of the month in which  
1119 the credits were earned. At least every six (6) months, an  
1120 offender who is serving a sentence eligible for earned-discharge  
1121 credits shall be notified of the current sentence discharge date.

1122 (5) Once the combination of time served on probation, parole  
1123 or post-release supervision, and earned-discharge credits satisfy  
1124 the term of probation, parole, or post-release supervision, the  
1125 board or sentencing court shall order final discharge of the  
1126 offender. No less than sixty (60) days prior to the date of final  
1127 discharge, the department shall notify the sentencing court and  
1128 the board of the impending discharge.

1129 (6) The department shall provide semiannually to the  
1130 Oversight Task Force the number and percentage of offenders who  
1131 qualify for earned discharge in one or more months of the year and  
1132 the average amount of credits earned within the year.



1133           **SECTION 25.** For purposes of this chapter, the following  
1134 words shall have the meanings ascribed herein unless the context  
1135 clearly otherwise requires:

1136           (a) "Employee" means a person other than an independent  
1137 contractor who, for compensation, performs services for an  
1138 employer under a written or oral contract for hire, whether  
1139 express or implied.

1140           (b) "Independent contractor" has the same meaning as  
1141 provided in Section 71-3-3.

1142           **SECTION 26.** (1) A cause of action may not be brought  
1143 against an employer, general contractor, premises owner, or other  
1144 third party solely for negligently hiring or failing to adequately  
1145 supervise an employee, based on evidence that the employee has  
1146 been convicted of an offense.

1147           (2) This section does not preclude a cause of action for  
1148 negligent hiring or the failure of an employer, general  
1149 contractor, premises owner, or other third party to provide  
1150 adequate supervision of an employee, if:

1151           (a) The employer, general contractor, premises owner,  
1152 or other third party knew or should have known of the conviction;  
1153 and

1154           (b) The employee was convicted of:

1155           (i) An offense that was committed while performing  
1156 duties substantially similar to those reasonably expected to be  
1157 performed in the employment, or under conditions substantially



1158 similar to those reasonably expected to be encountered in the  
1159 employment, without regard to whether the occupation requires a  
1160 license;

1161 (ii) Any crime of violence as defined by Section  
1162 97-3-2.

1163 (3) The protections provided to an employer, general  
1164 contractor, premises owner, or third party under this section do  
1165 not apply in a suit concerning the misuse of funds or property of  
1166 a person other than the employer, general contractor, premises  
1167 owner, or third party by an employee if, on the date the employee  
1168 was hired, the employee had been convicted of a crime that  
1169 includes fraud or the misuse of funds or property as an element of  
1170 the offense, and it was foreseeable that the position for which  
1171 the employee was hired would involve discharging a fiduciary  
1172 responsibility in the management of funds or property.

1173 (4) This section does not create a cause of action or expand  
1174 an existing cause of action.

1175 **SECTION 27.** Sections 6 through 17 of this act shall be  
1176 codified as a new chapter in Title 9, Mississippi Code of 1972.

1177 **SECTION 28.** This act shall take effect and be in force from  
1178 and after July 1, 2018.

