

By: Representatives White, Karriem, Taylor,
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To: Judiciary B

HOUSE BILL NO. 1352

1 AN ACT TO CREATE THE CRIMINAL JUSTICE REFORM ACT; TO AMEND
2 SECTIONS 9-23-1, 9-23-3, 9-23-5, 9-23-7, 9-23-9, 9-23-11, 9-23-13,
3 9-23-15, 9-23-17, 9-23-19, 9-23-21 AND 9-23-23, MISSISSIPPI CODE
4 OF 1972, WHICH PROVIDE FOR THE ELIGIBILITY OF DRUG COURTS, TO
5 CHANGE THE REFERENCE OF DRUG COURTS TO "INTERVENTION COURTS"; TO
6 INCLUDE MENTAL HEALTH COURTS, VETERANS COURTS AND OTHER
7 INTERVENTION COURTS UNDER THE AUTHORITY OF THE INTERVENTION COURTS
8 ADVISORY COMMITTEE; TO REVISE THE MEMBERSHIP OF THE INTERVENTION
9 COURTS ADVISORY COMMITTEE; TO AMEND SECTION 9-25-1, MISSISSIPPI
10 CODE OF 1972, WHICH PROVIDES FOR VETERANS COURTS, TO CONFORM TO
11 THE PRECEDING SECTION; TO AMEND SECTIONS 9-27-1, 9-27-3, 9-27-7,
12 9-27-9, 9-27-11, 9-27-15, 9-27-17 AND 9-27-19, MISSISSIPPI CODE OF
13 1972, WHICH PROVIDE FOR THE RIVERS MCGRAW MENTAL HEALTH PROGRAM,
14 TO CONFORM TO THE PRECEDING SECTIONS BY REMOVING THE WORD "PILOT"
15 THROUGHOUT; TO REPEAL SECTIONS 9-27-13 AND 9-27-21, MISSISSIPPI
16 CODE OF 1972, WHICH REGULATE PILOT PROGRAMS FOR MENTAL HEALTH
17 DIVERSION COURTS; TO BRING FORWARD SECTION 9-27-5, MISSISSIPPI
18 CODE OF 1972, WHICH PROVIDES DEFINITIONS FOR MENTAL HEALTH COURTS,
19 FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTIONS 47-5-138,
20 47-7-3.1, 47-7-33.1, 47-7-34 AND 47-7-9, MISSISSIPPI CODE OF 1972,
21 WHICH PROVIDE FOR EARNED TIME ALLOWANCE, INMATE CASE PLANS, INMATE
22 DISCHARGE PLANS AND POST RELEASE SUPERVISION, FOR PURPOSE OF
23 AMENDMENT; TO BRING FORWARD SECTION 63-1-216, MISSISSIPPI CODE OF
24 1972, WHICH PROVIDES FOR SUSPENSION OF DRIVER'S LICENSES UNDER
25 CERTAIN CONDITIONS, FOR PURPOSES OF AMENDMENT; TO AMEND SECTIONS
26 25-3-35, 43-21-357, 63-11-31.1, 99-3-45 AND 99-19-73, MISSISSIPPI
27 CODE OF 1972, TO CONFORM TO THIS ACT; TO AMEND SECTION 63-1-51,
28 MISSISSIPPI CODE OF 1972, TO REMOVE THE OFFENSE OF CONTEMPT FOR
29 FAILURE TO PAY A FINE OR FEE OR FAILURE TO RESPOND TO A SUMMONS OR
30 CITATION RELATING TO A TRAFFIC VIOLATION AS A GROUNDS FOR REVOKING
31 A PERSON'S DRIVER'S LICENSE; TO AMEND SECTION 63-1-53, MISSISSIPPI
32 CODE OF 1972, TO PROVIDE THAT AFTER CERTAIN NOTICE IS GIVEN TO A
33 PERSON WHO FAILS TO TIMELY PAY ANY FINES, FEES OR ASSESSMENTS
34 RELATING TO A TRAFFIC VIOLATION WITHIN 90 DAYS OF RECEIVING THE



35 NOTICE, THE PERSON SHALL BE SUBJECT TO HAVING THE FINES, FEES OR
36 ASSESSMENTS COLLECTED BY A COURT RATHER THAN HAVING HIS OR HER
37 DRIVER'S LICENSE SUSPENDED; TO AMEND SECTION 63-1-52, MISSISSIPPI
38 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND
39 SECTION 63-1-71, MISSISSIPPI CODE OF 1972, TO REMOVE THE
40 REQUIREMENT THAT A PERSON'S DRIVER'S LICENSE BE SUSPENDED FOR A
41 CONTROLLED SUBSTANCE VIOLATION THAT IS UNRELATED TO OPERATING A
42 MOTOR VEHICLE; TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972,
43 TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 99-19-71,
44 MISSISSIPPI CODE OF 1972, TO REVISE THE ELIGIBILITY FOR
45 EXPUNGEMENT; TO AMEND SECTIONS 9-11-15, 9-23-23, 21-23-7 AND
46 63-11-30, MISSISSIPPI CODE OF 1972, WHICH REFER TO THE AUTHORITY
47 TO EXPUNGE, TO CONFORM TO THE PRECEDING SECTION; TO PROVIDE THAT
48 AN OCCUPATIONAL LICENSING BOARD SHALL NOT AUTOMATICALLY BAR AN
49 INDIVIDUAL FROM OBTAINING A LICENSE BECAUSE OF A CONVICTION FOR A
50 NONVIOLENT CRIME THAT OCCURRED MORE THAN THREE YEARS BEFORE THE
51 APPLICATION FOR SUCH LICENSE; TO CREATE THE "PROGRAMS TO REDUCE
52 RECIDIVISM FUND"; AND FOR RELATED PURPOSES.

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

54 **SECTION 1.** This act shall be known and may be cited as the
55 "Criminal Justice Reform Act."

56 **SECTION 2.** Section 9-23-1, Mississippi Code of 1972, is
57 amended as follows:

58 9-23-1. This chapter shall be known and may be cited as the
59 "Alyce Griffin Clarke * * * Intervention Court Act."

60 **SECTION 3.** Section 9-23-3, Mississippi Code of 1972, is
61 amended as follows:

62 9-23-3. (1) The Legislature of Mississippi recognizes the
63 critical need for judicial intervention to reduce the incidence of
64 alcohol and drug use, alcohol and drug addiction, and crimes
65 committed as a result of alcohol and drug use and alcohol and drug
66 addiction. It is the intent of the Legislature to facilitate
67 local * * * intervention court alternative orders adaptable to
68 chancery, circuit, county, youth, municipal and justice courts.



69 (2) The goals of the * * * intervention courts under this
70 chapter include the following:

71 (a) To reduce alcoholism and other drug dependencies
72 among adult and juvenile offenders and defendants and among
73 respondents in juvenile petitions for abuse, neglect or both;

74 (b) To reduce criminal and delinquent recidivism and
75 the incidence of child abuse and neglect;

76 (c) To reduce the alcohol-related and other
77 drug-related court workload;

78 (d) To increase personal, familial and societal
79 accountability of adult and juvenile offenders and defendants and
80 respondents in juvenile petitions for abuse, neglect or both;

81 (e) To promote effective interaction and use of
82 resources among criminal and juvenile justice personnel, child
83 protective services personnel and community agencies; and

84 (f) To use corrections resources more effectively by
85 redirecting prison-bound offenders whose criminal conduct is
86 driven in part by drug and alcohol dependence to intensive
87 supervision and clinical treatment available in the * * *
88 intervention court.

89 **SECTION 4.** Section 9-23-5, Mississippi Code of 1972, is
90 amended as follows:

91 9-23-5. For the purposes of this chapter, the following
92 words and phrases shall have the meanings ascribed unless the
93 context clearly requires otherwise:



94 (a) "Chemical" tests means the analysis of an
95 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
96 saliva, (vi) urine, or (vii) other bodily substance to determine
97 the presence of alcohol or a controlled substance.

98 (b) "Crime of violence" means an offense listed in
99 Section 97-3-2.

100 (c) " * * * Intervention court" means an immediate and
101 highly structured intervention process for substance abuse
102 treatment of eligible defendants or juveniles that:

103 (i) Brings together substance abuse professionals,
104 local social programs and intensive judicial monitoring; and

105 (ii) Follows the key components of * * *
106 intervention courts published by the * * * Intervention Court
107 Program Office of the United States Department of Justice.

108 (d) "Evidence-based practices" means supervision
109 policies, procedures and practices that scientific research
110 demonstrates reduce recidivism.

111 (e) "Risk and needs assessment" means the use of an
112 actuarial assessment tool validated on a Mississippi corrections
113 population to determine a person's risk to reoffend and the
114 characteristics that, if addressed, reduce the risk to reoffend.

115 **SECTION 5.** Section 9-23-7, Mississippi Code of 1972, is
116 amended as follows:

117 9-23-7. The Administrative Office of Courts shall be
118 responsible for certification and monitoring of local * * *



119 intervention courts according to standards promulgated by the
120 State * * * Intervention Courts Advisory Committee.

121 **SECTION 6.** Section 9-23-9, Mississippi Code of 1972, is
122 amended as follows:

123 9-23-9. (1) The State * * * Intervention Courts Advisory
124 Committee is established to develop and periodically update
125 proposed statewide evaluation plans and models for monitoring all
126 critical aspects of * * * intervention courts, mental health
127 courts, veterans courts and other intervention courts that may be
128 created hereafter. The committee must provide the proposed
129 evaluation plans to the Chief Justice and the Administrative
130 Office of Courts, the Governor, Lieutenant Governor and Speaker of
131 the House of Representatives. * * * The committee shall consist
132 of * * * a total of eleven (11) members * * *. The Director of
133 the Administrative Office of Courts shall be the chair. Nine (9)
134 members shall be appointed, with one (1) member appointed by each
135 of the following: Chief Justice of Supreme Court, Commissioner of
136 Corrections, Attorney General, Commissioner of Department of
137 Public Safety, State Public Defender, Director of Department of
138 Human Services, Director of Department of Mental Health, Director
139 of the Veterans Affairs Board and the State Auditor. One (1)
140 additional member shall be a person in recovery or remission from
141 addiction or mental illness appointed by the Governor.

142 (2) The State * * * Intervention Courts Advisory Committee
143 may also make recommendations to the Chief Justice, the Director



144 of the Administrative Office of Courts and state officials
145 concerning improvements to * * * intervention court policies and
146 procedures including the * * * intervention court certification
147 process. The committee may make suggestions as to the criteria
148 for eligibility, and other procedural and substantive guidelines
149 for * * * intervention court operation.

150 (3) The State * * * Intervention Courts Advisory Committee
151 shall act as arbiter of disputes arising out of the operation
152 of * * * intervention courts established under this chapter and
153 make recommendations to improve the * * * intervention courts; it
154 shall also make recommendations to the Supreme Court necessary and
155 incident to compliance with established rules.

156 (4) The State * * * Intervention Courts Advisory Committee
157 shall establish through rules and regulations a viable and
158 fiscally responsible plan to expand the number of adult and
159 juvenile * * * intervention court programs operating in
160 Mississippi. These rules and regulations shall include plans to
161 increase participation in existing and future programs while
162 maintaining their voluntary nature.

163 (5) The State * * * Intervention Courts Advisory Committee
164 shall receive and review the monthly reports submitted to the
165 Administrative Office of Courts by each certified * * *
166 intervention court and provide comments and make recommendations,
167 as necessary, to the Chief Justice and the Director of the
168 Administrative Office of Courts.



169 **SECTION 7.** Section 9-23-11, Mississippi Code of 1972, is
170 amended as follows:

171 9-23-11. (1) The Administrative Office of Courts shall
172 establish, implement and operate a uniform certification process
173 for all * * * intervention courts and other problem-solving courts
174 including juvenile courts, veterans courts or any other court
175 designed to adjudicate criminal actions involving an identified
176 classification of criminal defendant to ensure funding for * * *
177 intervention courts supports effective and proven practices that
178 reduce recidivism and substance dependency among their
179 participants.

180 (2) The Administrative Office of Courts shall establish a
181 certification process that ensures any new or existing * * *
182 intervention court meets minimum standards for * * * intervention
183 court operation.

184 (a) These standards shall include, but are not limited
185 to:

186 (i) The use of evidence-based practices including,
187 but not limited to, the use of a valid and reliable risk and needs
188 assessment tool to identify participants and deliver appropriate
189 interventions;

190 (ii) Targeting medium to high risk offenders for
191 participation;



192 (iii) The use of current, evidence-based
193 interventions proven to reduce dependency on drugs or alcohol, or
194 both;

195 (iv) Frequent testing for alcohol or drugs;

196 (v) Coordinated strategy between all * * *

197 intervention court program personnel involving the use of
198 graduated clinical interventions;

199 (vi) Ongoing judicial interaction with each
200 participant; and

201 (vii) Monitoring and evaluation of * * *

202 intervention court program implementation and outcomes through
203 data collection and reporting.

204 (b) * * * Intervention court certification applications
205 shall include:

206 (i) A description of the need for the * * *

207 intervention court;

208 (ii) The targeted population for the * * *

209 intervention court;

210 (iii) The eligibility criteria for * * *

211 intervention court participants;

212 (iv) A description of the process for identifying
213 appropriate participants including the use of a risk and needs
214 assessment and a clinical assessment;



215 (v) A description of the * * * intervention court
216 intervention components including anticipated budget and
217 implementation plan;

218 (vi) The data collection plan which shall include
219 collecting the following data:

220 1. Total number of participants;
221 2. Total number of successful participants;
222 3. Total number of unsuccessful participants
223 and the reason why each participant did not complete the program;
224 4. Total number of participants who were
225 arrested for a new criminal offense while in the * * *
226 intervention court program;

227 5. Total number of participants who were
228 convicted of a new felony or misdemeanor offense while in
229 the * * * intervention court program;

230 6. Total number of participants who committed
231 at least one (1) violation while in the * * * intervention court
232 program and the resulting sanction(s);

233 7. Results of the initial risk and needs
234 assessment or other clinical assessment conducted on each
235 participant; * * *

236 8. Total number of applications for screening
237 by race, gender, offense(s) charged indigence and if not accepted
238 the reason for nonacceptance; and



239 * * *9. Any other data or information as
240 required by the Administrative Office of Courts.

241 (c) Every * * * intervention court shall be certified
242 under the following schedule:

243 (i) An * * * intervention court application
244 submitted after July 1, 2014, shall require certification of
245 the * * * intervention court based on the proposed * * *
246 intervention court plan;

247 (ii) An * * * intervention court established after
248 July 1, 2014, shall be recertified after its second year of funded
249 operation;

250 (iii) An * * * intervention court in existence on
251 July 1, 2014, must submit a certification petition within one (1)
252 year of July 1, 2014, and be certified pursuant to the
253 requirements of this section prior to expending * * * intervention
254 court resources budgeted for fiscal year 2016; and

255 (iv) All * * * intervention courts shall submit a
256 re-certification petition every two (2) years to the
257 Administrative Office of Courts after the initial certification.

258 (3) All certified * * * intervention courts shall measure
259 successful completion of the * * * intervention court based on
260 those participants who complete the program without a new criminal
261 conviction.



262 (4) (a) All certified * * * intervention courts must
263 collect and submit to the Administrative Office of Courts each
264 month, the following data:

265 (i) Total number of participants at the beginning
266 of the month;

267 (ii) Total number of participants at the end of
268 the month;

269 (iii) Total number of participants who began the
270 program in the month;

271 (iv) Total number of participants who successfully
272 completed the * * * intervention court in the month;

273 (v) Total number of participants who left the
274 program in the month;

275 (vi) Total number of participants who were
276 arrested for a new criminal offense while in the * * *
277 intervention court program in the month;

278 (vii) Total number of participants who were
279 convicted for a new criminal arrest while in the * * *
280 intervention court program in the month; and

281 (viii) Total number of participants who committed
282 at least one (1) violation while in the * * * intervention court
283 program and any resulting sanction(s).

284 (b) By August 1, 2015, and each year thereafter, the
285 Administrative Office of Courts shall report to the PEER Committee



286 the information in subsection (4)(a) of this section in a
287 sortable, electronic format.

288 (5) All certified * * * intervention courts may individually
289 establish rules and may make special orders and rules as necessary
290 that do not conflict with the rules promulgated by the Supreme
291 Court or the Administrative Office of Courts.

292 (6) A certified * * * intervention court may appoint the
293 full- or part-time employees it deems necessary for the work of
294 the * * * intervention court and shall fix the compensation of
295 those employees. Such employees shall serve at the will and
296 pleasure of the judge or the judge's designee.

297 (7) The Administrative Office of Courts shall promulgate
298 rules and regulations to carry out the certification and
299 re-certification process and make any other policies not
300 inconsistent with this section to carry out this process.

301 (8) A certified * * * intervention court established under
302 this chapter is subject to the regulatory powers of the
303 Administrative Office of Courts as set forth in Section 9-23-17.

304 **SECTION 8.** Section 9-23-13, Mississippi Code of 1972, is
305 amended as follows:

306 9-23-13. (1) An * * * intervention court's alcohol and drug
307 intervention component shall provide for eligible individuals,
308 either directly or through referrals, a range of necessary court
309 intervention services, including, but not limited to, the
310 following:



311 (a) Screening using a valid and reliable assessment
312 tool effective for identifying alcohol and drug dependent persons
313 for eligibility and appropriate services;

314 (b) Clinical assessment, for a DUI offense, if the
315 person has two (2) or more DUI convictions, the court shall order
316 the person to undergo an assessment that uses a standardized
317 evidence-based instrument performed by a physician to determine
318 whether he or she has a diagnosis for alcohol dependence and would
319 likely benefit from a medication-assisted treatment indicated and
320 approved for the treatment of alcohol dependence by the United
321 States Food and Drug Administration, as specified in the most
322 recent Diagnostic and Statistical Manual of Mental Disorders
323 published by the American Psychiatric Association. Upon
324 considering the results of the assessment, the court shall refer
325 the person to a rehabilitative program that offers one or more
326 forms of medications approved for the treatment of alcohol
327 dependence by the United States Food and Drug Administration;

328 (c) Education;

329 (d) Referral;

330 (e) Service coordination and case management; and

331 (f) Counseling and rehabilitative care.

332 (2) Any inpatient treatment or inpatient detoxification
333 program ordered by the court shall be certified by the Department
334 of Mental Health, other appropriate state agency or the equivalent
335 agency of another state.



336 (3) All intervention courts shall make available the option
337 for participants to use medication-assisted treatment while
338 participating in the programs of the court in accordance with the
339 recommendations of the National Drug Court Institute to combat the
340 opioid epidemic.

341 **SECTION 9.** Section 9-23-15, Mississippi Code of 1972, is
342 amended as follows:

343 9-23-15. (1) In order to be eligible for alternative
344 sentencing through a local * * * intervention court, the
345 participant must satisfy each of the following criteria:

346 (a) The participant cannot have any felony convictions
347 for any offenses that are crimes of violence as defined in Section
348 97-3-2 within the previous ten (10) years.

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

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

353 (d) The participant cannot be currently charged with
354 burglary of a dwelling under Section 97-17-23(2) or 97-17-37.

355 (e) The crime before the court cannot be a charge of
356 driving under the influence of alcohol or any other drug or drugs
357 that resulted in the death of a person.

358 (f) The crime charged cannot be one of trafficking in
359 controlled substances under Section 41-29-139(f), nor can the
360 participant have a prior conviction for same.



361 (2) Participation in the services of an alcohol and drug
362 intervention component shall be open only to the individuals over
363 whom the court has jurisdiction, except that the court may agree
364 to provide the services for individuals referred from
365 another * * * intervention court. In cases transferred from
366 another jurisdiction, the receiving judge shall act as a special
367 master and make recommendations to the sentencing judge.

368 (3) (a) As a condition of participation in a * * *
369 intervention court, a participant may be required to undergo a
370 chemical test or a series of chemical tests as specified by
371 the * * * intervention court. A participant is liable for the
372 costs of all chemical tests required under this section,
373 regardless of whether the costs are paid to the * * * intervention
374 court or the laboratory; however, if testing is available from
375 other sources or the program itself, the judge may waive any fees
376 for testing. The judge shall waive all fees if the applicant is
377 determined to be indigent.

378 (b) A laboratory that performs a chemical test under
379 this section shall report the results of the test to the * * *
380 intervention court.

381 (4) A person does not have a right to participate in * * *
382 intervention court under this chapter. The court having
383 jurisdiction over a person for a matter before the court shall
384 have the final determination about whether the person may
385 participate in * * * intervention court under this chapter.



386 However, any person meeting the eligibility criteria in subsection
387 (1) of this section shall, upon request, be screened for admission
388 to intervention court.

389 **SECTION 10.** Section 9-23-17, Mississippi Code of 1972, is
390 amended as follows:

391 9-23-17. With regard to any * * * intervention court * * *,
392 the Administrative Office of Courts shall do the following:

393 (a) Certify and re-certify * * * intervention court
394 applications that meet standards established by the Administrative
395 Office of Courts in accordance with this chapter.

396 (b) Ensure that the structure of the intervention
397 component complies with rules adopted under this section and
398 applicable federal regulations.

399 (c) Revoke the authorization of a program upon a
400 determination that the program does not comply with rules adopted
401 under this section and applicable federal regulations.

402 (d) Make agreements and contracts to effectuate the
403 purposes of this chapter with:

404 (i) Another department, authority or agency of the
405 state;

406 (ii) Another state;

407 (iii) The federal government;

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

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

410 corporation or individual.



411 (e) Directly, or by contract, approve and certify any
412 intervention component established under this chapter.

413 (f) Require, as a condition of operation, that
414 each * * * intervention court created or funded under this chapter
415 be certified by the Administrative Office of Courts.

416 (g) Collect monthly data reports submitted by all
417 certified * * * intervention courts, provide those reports to the
418 State * * * Intervention Courts Advisory Committee, compile an
419 annual report summarizing the data collected and the outcomes
420 achieved by all certified * * * intervention courts and submit the
421 annual report to the Oversight Task Force.

422 (h) Every three (3) years contract with an external
423 evaluator to conduct an evaluation of the effectiveness of
424 the * * * intervention court program, both statewide and
425 individual * * * intervention court programs, in complying with
426 the key components of the * * * intervention courts adopted by the
427 National Association of Drug Court Professionals.

428 (i) Adopt rules to implement this chapter.

429 **SECTION 11.** Section 9-23-19, Mississippi Code of 1972, is
430 amended as follows:

431 9-23-19. (1) All monies received from any source by
432 the * * * intervention court shall be accumulated in a fund to be
433 used only for * * * intervention court purposes. Any funds
434 remaining in this fund at the end of a fiscal year shall not lapse
435 into any general fund, but shall be retained in the * * *



436 Intervention Court Fund for the funding of further activities by
437 the * * * intervention court.

438 (2) An * * * intervention court may apply for and receive
439 the following:

440 (a) Gifts, bequests and donations from private sources.

441 (b) Grant and contract money from governmental sources.

442 (c) Other forms of financial assistance approved by the
443 court to supplement the budget of the * * * intervention court.

444 (3) The costs of participation in an alcohol and drug
445 intervention program required by the certified * * * intervention
446 court may be paid by the participant or out of user fees or such
447 other state, federal or private funds that may, from time to time,
448 be made available.

449 (4) The court may assess such reasonable and appropriate
450 fees to be paid to the local * * * Intervention Court Fund for
451 participation in an alcohol or drug intervention program; however
452 all fees shall be waived if the applicant is determined to be
453 indigent.

454 **SECTION 12.** Section 9-23-21, Mississippi Code of 1972, is
455 amended as follows:

456 9-23-21. The director and members of the professional and
457 administrative staff of the * * * intervention court who perform
458 duties in good faith under this chapter are immune from civil
459 liability for:



460 (a) Acts or omissions in providing services under this
461 chapter; and

462 (b) The reasonable exercise of discretion in
463 determining eligibility to participate in the * * * intervention
464 court.

465 **SECTION 13.** Section 9-23-23, Mississippi Code of 1972, is
466 amended as follows:

467 9-23-23. If the participant completes all requirements
468 imposed upon him by the * * * intervention court, * * * the charge
469 and prosecution shall be dismissed. If the defendant or
470 participant was sentenced at the time of entry of plea of guilty,
471 the successful completion of the * * * intervention court order
472 and other requirements of probation or suspension of sentence will
473 result in the record of the criminal conviction or adjudication
474 being expunged. However, no expunction of any implied consent
475 violation shall be allowed.

476 **SECTION 14.** Section 9-25-1, Mississippi Code of 1972, is
477 amended as follows:

478 9-25-1. (1) The Legislature recognizes that our military
479 veterans have provided an invaluable service to our country. In
480 doing so, many may have suffered the effects of, including, but
481 not limited to, post-traumatic stress disorder, traumatic brain
482 injury and depression, and may also suffer drug and alcohol
483 dependency or addiction and co-occurring mental illness and
484 substance abuse problems. As a result of this, some veterans come



485 into contact with the criminal justice system and are charged with
486 felony offenses. There is a critical need for the justice system
487 to recognize these veterans, provide accountability for their
488 wrongdoing, provide for the safety of the public, and provide for
489 the treatment of our veterans. It is the intent of the
490 Legislature to create a framework for which specialized veterans
491 treatment courts may be established at the circuit court level and
492 at the discretion of the circuit court judge.

493 (2) **Authorization.** A circuit court judge may establish a
494 Veterans Treatment Court program. The Veterans Treatment Court
495 may, at the discretion of the circuit court judge, be a separate
496 court program or as a component of an existing * * * intervention
497 court program. At the discretion of the circuit court judge, the
498 Veterans Treatment Court may be operated in one (1) county within
499 the circuit court district, and allow veteran participants from
500 all counties within the circuit court district to participate.

501 (3) **Eligibility.** (a) In order to be eligible to
502 participate in a Veterans Treatment Court program established
503 under this section, the attorney representing the state must
504 consent to the defendant's participation in the program. Further,
505 the court in which the criminal case is pending must have found
506 that the defendant is a veteran of the United States Armed Forces
507 as defined in Title 38 USCS.

508 (b) Participation in the services of an alcohol and
509 drug intervention component shall only be open to the individuals



510 over whom the court has jurisdiction, except that the court may
511 agree to provide the services for individuals referred from
512 another Veterans Treatment Court. In cases transferred from
513 another jurisdiction, the receiving judge shall act as a special
514 master and make recommendations to the sentencing judge.

515 (c) (i) As a condition of participation in a Veterans
516 Treatment Court, a participant may be required to undergo a
517 chemical test or a series of chemical tests as specified by the
518 Veterans Treatment Court program. A participant may be held
519 liable for costs associated with all chemical tests required under
520 this section. However, a judge may waive any fees for testing.

521 (ii) A laboratory that performs chemical tests
522 under this section shall report the results of the tests to the
523 Veterans Treatment Courts.

524 (d) A person does not have the right to participate in
525 a Veterans Treatment Court program under this chapter. The court
526 having jurisdiction over a person for a matter before the court
527 shall have the final determination about whether the person may
528 participate in the Veterans Treatment Court program.

529 (e) A defendant shall be excluded from participating in
530 a Veterans Treatment Court program if any one (1) of the following
531 applies:

532 (i) The crime before the court is a crime of
533 violence as set forth in paragraph (c) of this subsection.



534 (ii) The defendant does not demonstrate a
535 willingness to participate in a treatment program.

536 (iii) The defendant has been previously convicted
537 of a felony crime of violence including, but not limited to:
538 murder, rape, sexual battery, statutory rape of a child under the
539 age of sixteen (16), armed robbery, arson, aggravated kidnapping,
540 aggravated assault, stalking, or any offense involving the
541 discharge of a firearm or where serious bodily injury or death
542 resulted to any person.

543 (f) The court in which the criminal case is pending
544 shall allow an eligible defendant to choose whether to proceed
545 through the Veterans Treatment Court program or otherwise through
546 the justice system.

547 (g) Proof of matters under this section may be
548 submitted to the court in which the criminal case is pending in
549 any form the court determines to be appropriate, including
550 military service and medical records, previous determinations of a
551 disability by a veteran's organization or by the United States
552 Department of Veterans Affairs, testimony or affidavits of other
553 veterans or service members, and prior determinations of
554 eligibility for benefits by any state or county veterans office.

555 (4) **Administrative Office of Courts.** With regard to any
556 Veterans Treatment Court established under this chapter, the
557 Administrative Office of Courts may do the following:



558 (a) Ensure that the structure of the intervention
559 component complies with rules adopted under this chapter and
560 applicable federal regulations.

561 (b) Revoke the authorization of a program upon a
562 determination that the program does not comply with rules adopted
563 under this chapter and applicable federal regulations.

564 (c) Enter into agreements and contracts to effectuate
565 the purposes of this chapter with:

566 (i) Another department, authority, or agency of
567 the state;

568 (ii) Another state;

569 (iii) The federal government;

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

571 (v) A public or private agency, foundation,
572 corporation, or individual.

573 (d) Directly, or by contract, approve and certify any
574 intervention component established under this chapter.

575 (e) Require, as a condition of operation, that each
576 veterans court created or funded under this chapter be certified
577 by the Administrative Office of Courts.

578 (f) Adopt rules to implement this chapter.

579 (5) **State * * * Intervention Court Advisory Committee.** (a)

580 The State * * * Intervention Court Advisory Committee shall be
581 responsible for developing statewide rules and policies as they
582 relate to Veterans Treatment Court programs.



583 (b) The State * * * Intervention Court Advisory
584 Committee may also make recommendations to the Chief Justice, the
585 Director of the Administrative Office of Courts and state
586 officials concerning improvements to Veterans Treatment Court
587 policies and procedures.

588 (c) The State * * * Intervention Court Advisory
589 Committee shall act as an arbiter of disputes arising out of the
590 operation of Veterans Treatment Court programs established under
591 this chapter and make recommendations to improve the Veterans
592 Treatment Court programs.

593 (6) **Funding for Veterans Treatment Courts.** (a) All monies
594 received from any source by the Veterans Treatment Court program
595 shall be accumulated in a fund to be used only for Veterans
596 Treatment Court purposes. Any funds remaining in this fund at the
597 end of the fiscal year shall not lapse into the General Fund, but
598 shall be retained in the Veterans Treatment Court fund for the
599 funding of further activities by the Veterans Treatment Court
600 program.

601 (b) A Veterans Treatment Court program may apply for
602 and receive the following:

603 (i) Gifts, bequests and donations from private
604 sources.

605 (ii) Grant and contract money from governmental
606 sources.



607 (iii) Other forms of financial assistance approved
608 by the court to supplement the budget of the Veterans Treatment
609 Court program.

610 (7) **Immunity.** The coordinator and members of the
611 professional and administrative staff of the Veterans Treatment
612 Court program who perform duties in good faith under this chapter
613 are immune from civil liability for:

614 (a) Acts or omissions in providing services under this
615 chapter; and

616 (b) The reasonable exercise of discretion in
617 determining eligibility to participate in the Veterans Treatment
618 Court program.

619 (8) This section shall be codified as a separate article in
620 Title 9, Mississippi Code of 1972.

621 **SECTION 15.** Section 9-27-1, Mississippi Code of 1972, is
622 amended as follows:

623 9-27-1. This chapter shall be known and may be cited as the
624 Rivers McGraw Mental Health Diversion * * * Program Act.

625 **SECTION 16.** Section 9-27-3, Mississippi Code of 1972, is
626 amended as follows:

627 9-27-3. (1) The Legislature recognizes the critical need
628 for judicial intervention to establish court processes and
629 procedures that are more responsive to the needs of defendants
630 with mental illnesses, while maintaining public safety and the
631 integrity of the court process. * * *



632 (2) The goals of the mental health diversion * * * programs
633 under this chapter include the following:

634 (a) Reduce the number of future criminal justice
635 contacts among offenders with mental illnesses;

636 (b) Reduce the inappropriate institutionalization of
637 people with mental illnesses;

638 (c) Improve the mental health and well-being of
639 defendants who come in contact with the criminal justice system;

640 (d) Improve linkages between the criminal justice
641 system and the mental health system;

642 (e) Expedite case processing;

643 (f) Protect public safety;

644 (g) Establish linkages with other state and local
645 agencies and programs that target people with mental illnesses in
646 order to maximize the delivery of services; and

647 (h) To use corrections resources more effectively by
648 redirecting prison-bound offenders whose criminal conduct is
649 driven in part by mental illnesses to intensive supervision and
650 clinical treatment available in the mental health diversion * * *
651 program.

652 **SECTION 17.** Section 9-27-5, Mississippi Code of 1972, is
653 brought forward as follows:

654 9-27-5. For the purposes of this chapter, the following
655 words and phrases shall have the meanings ascribed unless the
656 context clearly requires otherwise:



657 (a) "Chemical tests" means the analysis of an
658 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
659 saliva, (vi) urine, or (vii) other bodily substance to determine
660 the presence of alcohol or a controlled substance.

661 (b) "Mental health diversion program" means an
662 immediate and highly structured intervention process for mental
663 health treatment of eligible defendants or juveniles that:

664 (i) Brings together mental health professionals,
665 local social programs and intensive judicial monitoring; and

666 (ii) Follows the key components of the mental
667 health court curriculum published by the Bureau of Justice of the
668 United States Department of Justice.

669 (c) "Evidence-based practices" means supervision
670 policies, procedures and practices that scientific research
671 demonstrates reduce recidivism.

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

676 **SECTION 18.** Section 9-27-7, Mississippi Code of 1972, is
677 amended as follows:

678 9-27-7. (1) The Administrative Office of Courts is the
679 repository for reports filed by * * * programs established under
680 this chapter. The goal of the * * * programs is to support



681 effective and proven practices that reduce recidivism and provide
682 treatment for participants.

683 (2) * * * Programs must adhere to the standards established
684 in this chapter.

685 (a) These standards shall include, but are not limited
686 to:

687 (i) The use of evidence-based practices including,
688 but not limited to, the use of a valid and reliable risk and needs
689 assessment tool to identify participants and deliver appropriate
690 treatments;

691 (ii) Targeting medium- to high-risk offenders for
692 participation;

693 (iii) The use of current, evidence-based
694 interventions proven to provide mental health treatment;

695 (iv) Coordinated strategy between all mental
696 health diversion * * * program personnel;

697 (v) Ongoing judicial interaction with each
698 participant; and

699 (vi) Monitoring and evaluation of mental health
700 diversion * * * program implementation and outcomes through data
701 collection and reporting.

702 (b) * * * Programs must implement a data collection
703 plan, which shall include collecting the following data:

704 (i) Total number of participants;

705 (ii) Total number of successful participants;



706 (iii) Total number of unsuccessful participants
707 and the reason why each participant did not complete the program;

708 (iv) Total number of participants who were
709 arrested for a new criminal offense while in the program;

710 (v) Total number of participants who were
711 convicted of a new felony or misdemeanor offense while in the
712 program;

713 (vi) Total number of participants who committed at
714 least one (1) violation while in the program and the resulting
715 sanction(s);

716 (vii) Results of the initial risk and needs
717 assessment or other clinical assessment conducted on each
718 participant; and

719 (viii) Any other data or information as required
720 by the Administrative Office of Courts.

721 (3) All mental health diversion * * * programs must measure
722 successful completion of the program based on those participants
723 who complete the program without a new criminal conviction.

724 (4) (a) * * * Programs must collect and submit to the
725 Administrative Office of Courts each month, the following data:

726 (i) Total number of participants at the beginning
727 of the month;

728 (ii) Total number of participants at the end of
729 the month;



730 (iii) Total number of participants who began the
731 program in the month;

732 (iv) Total number of participants who successfully
733 completed the program in the month;

734 (v) Total number of participants who left the
735 program in the month;

736 (vi) Total number of participants who were
737 arrested for a new criminal offense while in the program in the
738 month;

739 (vii) Total number of participants who were
740 convicted for a new criminal arrest while in the program in the
741 month; and

742 (viii) Total number of participants who committed
743 at least one (1) violation while in the program and any resulting
744 sanction(s).

745 (b) By August 1, 2018, and each year thereafter, the
746 Administrative Office of Courts shall report to the PEER Committee
747 the information in subsection (4)(a) of this section in a
748 sortable, electronic format.

749 (5) Mental health diversion * * * programs may individually
750 establish rules and may make special orders and rules as necessary
751 that do not conflict with rules promulgated by the Supreme Court
752 or the Administrative Office of Courts.

753 (6) A mental health diversion * * * program may appoint the
754 full or part-time employees it deems necessary for the work of the



755 mental health diversion * * * program and shall fix the
756 compensation of those employees, who shall serve at the will and
757 pleasure of the senior circuit court judge.

758 (7) A mental health diversion * * * program established
759 under this chapter is subject to the regulatory powers of the
760 Administrative Office of Courts as set forth in Section 9-27-13.

761 **SECTION 19.** Section 9-27-9, Mississippi Code of 1972, is
762 amended as follows:

763 9-27-9. (1) A mental health diversion * * * program's
764 mental health intervention component shall provide for eligible
765 individuals, either directly or through referrals, a range of
766 necessary court treatment services, including, but not limited to,
767 the following:

768 (a) Screening using a valid and reliable assessment
769 tool effective for identifying persons affected by mental health
770 issues for eligibility and appropriate services;

771 (b) Clinical assessment;

772 (c) Education;

773 (d) Referral;

774 (e) Service coordination and case management; and

775 (f) Counseling and rehabilitative care.

776 (2) Any inpatient treatment ordered by the court shall be
777 certified by the Department of Mental Health, other appropriate
778 state agency or the equivalent agency of another state.



779 **SECTION 20.** Section 9-27-11, Mississippi Code of 1972, is
780 amended as follows:

781 9-27-11. (1) In order to be eligible for alternative
782 sentencing through a local mental health diversion * * * program,
783 the participant must satisfy each of the following criteria:

784 (a) The participant cannot have any felony convictions
785 for any offenses that are crimes of violence as defined in Section
786 97-3-2, other than burglary under Section 97-17-23(1), within the
787 previous ten (10) years.

788 (b) The crime before the court cannot be a crime of
789 violence as defined in Section 97-3-2, other than burglary under
790 Section 97-17-23(1).

791 (c) Other criminal proceedings alleging commission of a
792 crime of violence other than burglary under Section 97-17-23(1)
793 cannot be pending against the participant.

794 (d) The crime before the court cannot be a charge of
795 driving under the influence of alcohol or any other substance that
796 resulted in the death of a person. In addition, persons who are
797 ineligible for nonadjudication under Section 63-11-30 shall be
798 ineligible to participate in a mental health diversion program.

799 (e) The crime charged cannot be one of trafficking in
800 controlled substances under Section 41-29-139(f), nor can the
801 participant have a prior conviction for same.

802 (2) Participation in the services of a mental health
803 treatment component shall be open only to the individuals over



804 whom the court has jurisdiction, except that the court may agree
805 to provide the services for individuals referred from another
806 mental health diversion program. In cases transferred from
807 another jurisdiction, the receiving judge shall act as a special
808 master and make recommendations to the sentencing judge.

809 (3) (a) As a condition of participation in a mental health
810 diversion program, a participant may be required to undergo a
811 chemical test or a series of chemical tests as specified by the
812 program. A participant is liable for the costs of all chemical
813 tests required under this section, regardless of whether the costs
814 are paid to the mental health diversion program or the laboratory;
815 however, if testing is available from other sources or the program
816 itself, the judge may waive any fees for testing. Also, fees
817 shall be waived if the applicant is determined to be indigent.

818 (b) A laboratory that performs a chemical test under
819 this section shall report the results of the test to the mental
820 health diversion program.

821 (4) A person does not have a right to participate in a
822 mental health diversion program under this chapter. The court
823 having jurisdiction over a person for a matter before the court
824 shall have the final determination about whether the person may
825 participate in the mental health diversion program under this
826 chapter. However, any person meeting the eligibility criteria in
827 subsection (1) of this section, shall, upon request, be screened
828 for admission into the program.



829 **SECTION 21.** Section 9-27-15, Mississippi Code of 1972, is
830 amended as follows:

831 9-27-15. (1) All monies received from any source by a
832 mental health diversion * * * program shall be accumulated in a
833 local fund to be used only for mental health diversion * * *
834 program purposes. Any funds remaining in a local fund at the end
835 of a fiscal year shall not lapse into any general fund, but shall
836 be retained in the mental health diversion * * * program fund for
837 the funding of further activities by the mental health
838 diversion * * * program. * * *

839 (2) A mental health diversion * * * program may apply for
840 and receive the following:

841 (a) Gifts, bequests and donations from private sources.

842 (b) Grant and contract monies from governmental
843 sources.

844 (c) Other forms of financial assistance approved by the
845 court to supplement the budget of the mental health
846 diversion * * * program.

847 (3) The costs of participation in a mental health treatment
848 program required by the mental health diversion * * * program may
849 be paid by the participant or out of user fees or such other
850 state, federal or private funds that may, from time to time, be
851 made available.

852 (4) The court may assess reasonable and appropriate fees to
853 be paid to the local mental health diversion * * * program fund



854 for participation in a mental health treatment program; however
855 all fees shall be waived if the applicant is determined to be
856 indigent.

857 **SECTION 22.** Section 9-27-17, Mississippi Code of 1972, is
858 amended as follows:

859 9-27-17. The director and members of the professional and
860 administrative staff of the mental health diversion program who
861 perform duties in good faith under this chapter are immune from
862 civil liability for:

863 (a) Acts or omissions in providing services under this
864 chapter; and

865 (b) The reasonable exercise of discretion in
866 determining eligibility to participate in the mental health
867 diversion * * * program.

868 **SECTION 23.** Section 9-27-19, Mississippi Code of 1972, is
869 amended as follows:

870 9-27-19. If the participant completes all requirements
871 imposed upon him by the mental health diversion * * *
872 program, * * * the charge and prosecution shall be dismissed. If
873 the defendant or participant was sentenced at the time of entry of
874 a plea of guilty, the successful completion of the mental health
875 diversion * * * program order and other requirements of probation
876 or suspension of sentence will result in the record of the
877 criminal conviction or adjudication being expunged.



878 **SECTION 24.** Sections 9-27-13 and 9-27-21, Mississippi Code
879 of 1972, which regulate pilot programs for mental health diversion
880 courts, are repealed.

881 **SECTION 25.** Section 47-5-138, Mississippi Code of 1972, is
882 brought forward as follows:

883 47-5-138. (1) The department may promulgate rules and
884 regulations to carry out an earned time allowance program based on
885 the good conduct and performance of an inmate. An inmate is
886 eligible to receive an earned time allowance of one-half (1/2) of
887 the period of confinement imposed by the court except those
888 inmates excluded by law. When an inmate is committed to the
889 custody of the department, the department shall determine a
890 conditional earned time release date by subtracting the earned
891 time allowance from an inmate's term of sentence. This subsection
892 does not apply to any sentence imposed after June 30, 1995.

893 (2) An inmate may forfeit all or part of his earned time
894 allowance for a serious violation of rules. No forfeiture of the
895 earned time allowance shall be effective except upon approval of
896 the commissioner, or his designee, and forfeited earned time may
897 not be restored.

898 (3) (a) For the purposes of this subsection, "final order"
899 means an order of a state or federal court that dismisses a
900 lawsuit brought by an inmate while the inmate was in the custody
901 of the Department of Corrections as frivolous, malicious or for
902 failure to state a claim upon which relief could be granted.



903 (b) On receipt of a final order, the department shall
904 forfeit:

905 (i) Sixty (60) days of an inmate's accrued earned
906 time if the department has received one (1) final order as defined
907 herein;

908 (ii) One hundred twenty (120) days of an inmate's
909 accrued earned time if the department has received two (2) final
910 orders as defined herein;

911 (iii) One hundred eighty (180) days of an inmate's
912 accrued earned time if the department has received three (3) or
913 more final orders as defined herein.

914 (c) The department may not restore earned time
915 forfeited under this subsection.

916 (4) An inmate who meets the good conduct and performance
917 requirements of the earned time allowance program may be released
918 on his conditional earned time release date.

919 (5) For any sentence imposed after June 30, 1995, an inmate
920 may receive an earned time allowance of four and one-half (4-1/2)
921 days for each thirty (30) days served if the department determines
922 that the inmate has complied with the good conduct and performance
923 requirements of the earned time allowance program. The earned
924 time allowance under this subsection shall not exceed fifteen
925 percent (15%) of an inmate's term of sentence; however, beginning
926 July 1, 2006, no person under the age of twenty-one (21) who has
927 committed a nonviolent offense, and who is under the jurisdiction



928 of the Department of Corrections, shall be subject to the fifteen
929 percent (15%) limitation for earned time allowances as described
930 in this subsection (5).

931 (6) Any inmate, who is released before the expiration of his
932 term of sentence under this section, shall be placed under earned
933 release supervision until the expiration of the term of sentence.
934 The inmate shall retain inmate status and remain under the
935 jurisdiction of the department. The period of earned release
936 supervision shall be conducted in the same manner as a period of
937 supervised parole. The department shall develop rules, terms and
938 conditions for the earned release supervision program. The
939 commissioner shall designate the appropriate hearing officer
940 within the department to conduct revocation hearings for inmates
941 violating the conditions of earned release supervision.

942 (7) If the earned release supervision is revoked, the inmate
943 shall serve the remainder of the sentence, but the time the inmate
944 served on earned release supervision before revocation, shall be
945 applied to reduce his sentence.

946 **SECTION 26.** Section 47-7-3.1, Mississippi Code of 1972, is
947 brought forward as follows:

948 47-7-3.1. (1) In consultation with the Parole Board, the
949 department shall develop a case plan for all parole eligible
950 inmates to guide an inmate's rehabilitation while in the
951 department's custody and to reduce the likelihood of recidivism
952 after release.



953 (2) Within ninety (90) days of admission, the department
954 shall complete a case plan on all inmates which shall include, but
955 not limited to:

956 (a) Programming and treatment requirements based on the
957 results of a risk and needs assessment;

958 (b) Any programming or treatment requirements contained
959 in the sentencing order; and

960 (c) General behavior requirements in accordance with
961 the rules and policies of the department.

962 (3) The department shall provide the inmate with a written
963 copy of the case plan and the inmate's caseworker shall explain
964 the conditions set forth in the case plan.

965 (a) Within ninety (90) days of admission, the
966 caseworker shall notify the inmate of their parole eligibility
967 date as calculated in accordance with Section 47-7-3(3);

968 (b) At the time a parole-eligible inmate receives the
969 case plan, the department shall send the case plan to the Parole
970 Board for approval.

971 (4) The department shall ensure that the case plan is
972 achievable prior to inmate's parole eligibility date.

973 (5) The caseworker shall meet with the inmate every eight
974 (8) weeks from the date the offender received the case plan to
975 review the inmate's case plan progress.

976 (6) Every four (4) months the department shall
977 electronically submit a progress report on each parole-eligible



978 inmate's case plan to the Parole Board. The board may meet to
979 review an inmate's case plan and may provide written input to the
980 caseworker on the inmate's progress toward completion of the case
981 plan.

982 (7) The Parole Board shall provide semiannually to the
983 Oversight Task Force the number of parole hearings held, the
984 number of prisoners released to parole without a hearing and the
985 number of parolees released after a hearing.

986 **SECTION 27.** Section 47-7-33.1, Mississippi Code of 1972, is
987 brought forward as follows:

988 47-7-33.1. (1) The department shall create a discharge plan
989 for any offender returning to the community, regardless of whether
990 the person will discharge from the custody of the department, or
991 is released on parole, pardon, or otherwise. At least ninety (90)
992 days prior to an offender's earliest release date, the
993 commissioner shall conduct a pre-release assessment and complete a
994 written discharge plan based on the assessment results. The
995 discharge plan for parole eligible offenders shall be sent to the
996 parole board at least thirty (30) days prior to the offender's
997 parole eligibility date for approval. The board may suggest
998 changes to the plan that it deems necessary to ensure a successful
999 transition.

1000 (2) The pre-release assessment shall identify whether an
1001 inmate requires assistance obtaining the following basic needs
1002 upon release: transportation, clothing and food, financial



1003 resources, identification documents, housing, employment,
1004 education, health care and support systems. The discharge plan
1005 shall include information necessary to address these needs and the
1006 steps being taken by the department to assist in this process.

1007 Based on the findings of the assessment, the commissioner shall:

1008 (a) Arrange transportation for inmates from the
1009 correctional facility to their release destination;

1010 (b) Ensure inmates have clean, seasonally appropriate
1011 clothing, and provide inmates with a list of food providers and
1012 other basic resources immediately accessible upon release;

1013 (c) Ensure inmates have a driver's license or a
1014 state-issued identification card that is not a Department of
1015 Corrections identification card;

1016 (d) Assist inmates in identifying safe, affordable
1017 housing upon release. If accommodations are not available,
1018 determine whether temporary housing is available for at least ten
1019 (10) days after release. If temporary housing is not available,
1020 the discharge plan shall reflect that satisfactory housing has not
1021 been established and the person may be a candidate for
1022 transitional reentry center placement;

1023 (e) Refer inmates without secured employment to
1024 employment opportunities;

1025 (f) Provide inmates with contact information of a
1026 health care facility/provider in the community in which they plan
1027 to reside;



1028 (g) Notify family members of the release date and
1029 release plan, if inmate agrees; and

1030 (h) Refer inmates to a community or a faith-based
1031 organization that can offer support within the first twenty-four
1032 (24) hours of release;

1033 (3) A written discharge plan shall be provided to the
1034 offender and supervising probation officer or parole officer, if
1035 applicable.

1036 (4) A discharge plan created for a parole-eligible offender
1037 shall also include supervision conditions and the intensity of
1038 supervision based on the assessed risk to recidivate and whether
1039 there is a need for transitional housing. The board shall approve
1040 discharge plans before an offender is released on parole pursuant
1041 to this chapter.

1042 **SECTION 28.** Section 47-7-34, Mississippi Code of 1972, is
1043 brought forward as follows:

1044 47-7-34. (1) When a court imposes a sentence upon a
1045 conviction for any felony committed after June 30, 1995, the
1046 court, in addition to any other punishment imposed if the other
1047 punishment includes a term of incarceration in a state or local
1048 correctional facility, may impose a term of post-release
1049 supervision. However, the total number of years of incarceration
1050 plus the total number of years of post-release supervision shall
1051 not exceed the maximum sentence authorized to be imposed by law
1052 for the felony committed. The defendant shall be placed under



1053 post-release supervision upon release from the term of
1054 incarceration. The period of supervision shall be established by
1055 the court.

1056 (2) The period of post-release supervision shall be
1057 conducted in the same manner as a like period of supervised
1058 probation, including a requirement that the defendant shall abide
1059 by any terms and conditions as the court may establish. Failure
1060 to successfully abide by the terms and conditions shall be grounds
1061 to terminate the period of post-release supervision and to
1062 recommit the defendant to the correctional facility from which he
1063 was previously released. Procedures for termination and
1064 recommitment shall be conducted in the same manner as procedures
1065 for the revocation of probation and imposition of a suspended
1066 sentence as required pursuant to Section 47-7-37.

1067 (3) Post-release supervision programs shall be operated
1068 through the probation and parole unit of the Division of Community
1069 Corrections of the department. The maximum amount of time that
1070 the Mississippi Department of Corrections may supervise an
1071 offender on the post-release supervision program is five (5)
1072 years.

1073 **SECTION 29.** Section 47-7-9, Mississippi Code of 1972, is
1074 brought forward as follows:

1075 47-7-9. (1) The circuit judges and county judges in the
1076 districts to which Division of Community Corrections personnel
1077 have been assigned shall have the power to request of the



1078 department transfer or removal of the division personnel from
1079 their court.

1080 (2) (a) Division personnel shall investigate all cases
1081 referred to them for investigation by the board, the division or
1082 by any court in which they are authorized to serve. They shall
1083 furnish to each person released under their supervision a written
1084 statement of the conditions of probation, parole, earned-release
1085 supervision, post-release supervision or suspension and shall
1086 instruct the person regarding the same. They shall administer a
1087 risk and needs assessment on each person under their supervision
1088 to measure criminal risk factors and individual needs. They shall
1089 use the results of the risk and needs assessment to guide
1090 supervision responses consistent with evidence-based practices as
1091 to the level of supervision and the practices used to reduce
1092 recidivism. They shall develop a supervision plan for each person
1093 assessed as moderate to high risk to reoffend. They shall keep
1094 informed concerning the conduct and conditions of persons under
1095 their supervision and use all suitable methods that are consistent
1096 with evidence-based practices to aid and encourage them and to
1097 bring about improvements in their conduct and condition and to
1098 reduce the risk of recidivism. They shall keep detailed records
1099 of their work and shall make such reports in writing as the court
1100 or the board may require.



1101 (b) Division personnel shall complete annual training
1102 on evidence-based practices and criminal risk factors, as well as
1103 instructions on how to target these factors to reduce recidivism.

1104 (c) The division personnel duly assigned to court
1105 districts are hereby vested with all the powers of police officers
1106 or sheriffs to make arrests or perform any other duties required
1107 of policemen or sheriffs which may be incident to the division
1108 personnel responsibilities. All probation and parole officers
1109 hired on or after July 1, 1994, will be placed in the Law
1110 Enforcement Officers Training Program and will be required to meet
1111 the standards outlined by that program.

1112 (d) It is the intention of the Legislature that insofar
1113 as practicable the case load of each division personnel
1114 supervising offenders in the community (hereinafter field
1115 supervisor) shall not exceed the number of cases that may be
1116 adequately handled.

1117 (3) (a) Division personnel shall be provided to perform
1118 investigation for the court as provided in this subsection.
1119 Division personnel shall conduct presentence investigations on all
1120 persons convicted of a felony in any circuit court of the state,
1121 prior to sentencing and at the request of the circuit court judge
1122 of the court of conviction. The presentence evaluation report
1123 shall consist of a complete record of the offender's criminal
1124 history, educational level, employment history, psychological
1125 condition and such other information as the department or judge



1126 may deem necessary. Division personnel shall also prepare written
1127 victim impact statements at the request of the sentencing judge as
1128 provided in Section 99-19-157.

1129 (b) In order that offenders in the custody of the
1130 department on July 1, 1976, may benefit from the kind of
1131 evaluations authorized in this section, an evaluation report to
1132 consist of the information required hereinabove, supplemented by
1133 an examination of an offender's record while in custody, shall be
1134 compiled by the division upon all offenders in the custody of the
1135 department on July 1, 1976. After a study of such reports by the
1136 State Parole Board those cases which the board believes would
1137 merit some type of executive clemency shall be submitted by the
1138 board to the Governor with its recommendation for the appropriate
1139 executive action.

1140 (c) The department is authorized to accept gifts,
1141 grants and subsidies to conduct this activity.

1142 **SECTION 30.** Section 63-1-216, Mississippi Code of 1972, is
1143 brought forward as follows:

1144 63-1-216. (1) (a) A person shall be disqualified from
1145 driving a commercial motor vehicle for a period of one (1) year if
1146 the person's license or permit to drive has been administratively
1147 suspended under Section 63-11-23 or the person has been convicted
1148 of a first violation of:

1149 (i) Operating, attempting to operate, or being in
1150 actual physical control of a commercial motor vehicle on a highway



1151 with an alcohol concentration of four one-hundredths percent
1152 (0.04%) or more, or under the influence as provided in Section
1153 63-11-30;

1154 (ii) Failure to stop and render aid as required
1155 under the laws of this state in the event of a motor vehicle
1156 accident resulting in the death or personal injury of another;

1157 (iii) Using a motor vehicle in the commission of
1158 any offense under state or federal law that is punishable by
1159 imprisonment for a term exceeding one (1) year;

1160 (iv) Refusal to submit to a test to determine the
1161 operator's alcohol concentration, as provided in Title 63, Chapter
1162 11, Mississippi Code of 1972;

1163 (v) Operating, attempting to operate, or being in
1164 actual physical control of a motor vehicle on a highway with an
1165 alcohol concentration of eight one-hundredths percent (0.08%) or
1166 more, or under the influence of intoxicating liquor or other
1167 substance, as provided in Section 63-11-30;

1168 (vi) Operating, attempting to operate, or being in
1169 actual physical control of a motor vehicle on a highway when the
1170 person is under the influence of any other drug or under the
1171 combined influence of alcohol and any other drug to a degree which
1172 renders the person incapable of driving safely as provided in
1173 Section 63-11-30;



1174 (vii) Operating or attempting to operate a
1175 commercial motor vehicle while the license is revoked, suspended,
1176 cancelled, or disqualified;

1177 (viii) Operating a commercial motor vehicle in a
1178 negligent manner resulting in a fatal injury.

1179 (b) A person shall be disqualified from driving a
1180 commercial motor vehicle for three (3) years if convicted of a
1181 violation listed in subsection (1) of this section, if the
1182 violation occurred while transporting a hazardous material
1183 required to be placarded.

1184 (c) A person shall be disqualified from driving a
1185 commercial motor vehicle for life if convicted of two (2) or more
1186 violations or a combination of them listed in subsection (1) of
1187 this section arising from two (2) or more separate occurrences.

1188 (d) A person shall be disqualified from driving a
1189 commercial motor vehicle for a period of sixty (60) days if
1190 convicted of two (2) serious traffic violations, or one hundred
1191 twenty (120) days if convicted of three (3) serious traffic
1192 violations, arising from separate incidents occurring within a
1193 three-year period. A disqualification for three (3) serious
1194 traffic violations must be imposed consecutively to any other
1195 previous period of disqualification.

1196 (e) A person shall be disqualified from driving a
1197 commercial motor vehicle for life if the person uses a motor
1198 vehicle in the commission of any offense under state or federal



1199 law that is punishable by imprisonment for a term exceeding one
1200 (1) year involving the manufacture, distribution, or dispensing of
1201 a regulated drug, or possession with intent to manufacture,
1202 distribute, or dispense a regulated drug and for which the person
1203 was convicted.

1204 (f) A person who is disqualified from driving a
1205 commercial motor vehicle shall surrender the person's Mississippi
1206 commercial driver's license no later than the effective date of
1207 the disqualification. Upon receipt of the person's commercial
1208 driver's license, that person, if otherwise eligible, may apply
1209 for a non-CDL, and upon payment of sufficient fees receive the
1210 driver's license.

1211 (g) The commissioner shall adopt rules establishing
1212 guidelines, including conditions, under which a disqualification
1213 for life under this section, except for a disqualification issued
1214 pursuant to paragraph (e) of this subsection, may be reduced to a
1215 period of not less than ten (10) years.

1216 (h) A person shall be disqualified from driving a
1217 commercial motor vehicle for a period of sixty (60) days if the
1218 driver is convicted of a first violation of a railroad-highway
1219 grade crossing violation.

1220 (i) A person shall be disqualified from driving a
1221 commercial motor vehicle for a period of one hundred twenty (120)
1222 days if, during any three-year period, the driver is convicted of



1223 a second railroad-highway grade crossing violation in a separate
1224 incident.

1225 (j) A person shall be disqualified from driving a
1226 commercial motor vehicle for a period of one (1) year if, during
1227 any three-year period, the driver is convicted of a third or
1228 subsequent railroad-highway grade crossing violation in separate
1229 incidents.

1230 (k) A person who is simultaneously subject to a
1231 disqualification issued by the administrator of the Federal Motor
1232 Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and
1233 a disqualification under any other provision of this section shall
1234 serve those disqualification periods concurrently.

1235 (2) (a) A person's privilege to operate a commercial motor
1236 vehicle in the State of Mississippi shall be suspended for one (1)
1237 year, if:

1238 (i) The person is convicted of a first violation
1239 of operating, attempting to operate or being in actual physical
1240 control of a commercial motor vehicle on a highway with an alcohol
1241 concentration of four one-hundredths percent (0.04%) or more, or
1242 under the influence, as provided in Section 63-11-30; and

1243 (ii) The person's commercial driver's license is
1244 issued by a state or country that does not issue commercial
1245 driver's licenses and disqualify persons in accordance with 49
1246 CFR, Parts 383 and 384.



1247 (b) A person's privilege to operate a commercial motor
1248 vehicle in the State of Mississippi shall be suspended for three
1249 (3) years if the person is convicted of violating subsection (1)
1250 of this section, and the violation occurred while the person was
1251 transporting a hazardous material required to be placarded.

1252 (c) A person's privilege to operate a commercial motor
1253 vehicle in the State of Mississippi shall be suspended for life if
1254 the person is convicted a second time of violating subsection (1)
1255 of this section, and both convictions arise out of separate
1256 occurrences.

1257 (d) A person's privilege to operate a commercial motor
1258 vehicle in the State of Mississippi shall be suspended for sixty
1259 (60) days if the person is convicted of two (2) serious traffic
1260 violations, or for one hundred twenty (120) days if the person is
1261 convicted of three (3) serious traffic violations, arising from
1262 separate incidents occurring within a three-year period.

1263 (e) A person's privilege to operate a commercial motor
1264 vehicle in the State of Mississippi shall be suspended for life if
1265 the person uses a commercial motor vehicle in the commission of
1266 any offense under state or federal law that is punishable by
1267 imprisonment for a term exceeding one (1) year, involving the
1268 manufacture, distribution, or dispensing of a regulated drug, or
1269 possession with intent to manufacture, distribute, or dispense a
1270 regulated drug, and for which the person was convicted.



1271 (f) In addition to the reasons specified in this
1272 section for suspension of the commercial driver's license, the
1273 commissioner shall be authorized to suspend the commercial
1274 driver's license of any person for being out of compliance with an
1275 order for support, as defined in Section 93-11-153. The procedure
1276 for suspension of a commercial driver's license for being out of
1277 compliance with an order for support, and the procedure for the
1278 reissuance or reinstatement of a commercial driver's license
1279 suspended for that purpose, and the payment of any fees for the
1280 reissuance or reinstatement of a commercial driver's license
1281 suspended for that purpose, shall be governed by Section 93-11-157
1282 or 93-11-163, as the case may be. If there is any conflict
1283 between any provision of Section 93-11-157 or 93-11-163 and any
1284 provision of this article, the provisions of Section 93-11-157 or
1285 93-11-163, as the case may be, shall control.

1286 **SECTION 31.** Section 25-3-35, Mississippi Code of 1972, is
1287 amended as follows:

1288 25-3-35. (1) The annual salaries of the following judges
1289 are fixed as follows:

1290 **From and after January 1, 2013, through December 31, 2013:**

1291 Chief Justice of the Supreme Court.....\$126,292.50
1292 Presiding Justices of the Supreme Court, each..... 123,600.75
1293 Associate Justices of the Supreme Court, each..... 122,460.00

1294 **From and after January 1, 2014, through December 31, 2014:**

1295 Chief Justice of the Supreme Court.....\$137,195.00



1296 Presiding Justices of the Supreme Court, each..... 134,011.50
1297 Associate Justices of the Supreme Court, each..... 132,390.00
1298 **From and after January 1, 2015, through December 31, 2015:**
1299 Chief Justice of the Supreme Court.....\$148,097.50
1300 Presiding Justices of the Supreme Court, each..... 144,422.25
1301 Associate Justices of the Supreme Court, each..... 142,320.00
1302 **From and after January 1, 2016:**
1303 Chief Justice of the Supreme Court.....\$159,000.00
1304 Presiding Justices of the Supreme Court, each..... 154,833.00
1305 Associate Justices of the Supreme Court, each..... 152,250.00
1306 There are imposed upon the Supreme Court justices the extra duties
1307 of taking all necessary action to promote judicial education in
1308 schools, * * * intervention courts, electronic filing and case
1309 management systems as developed by the Administrative Office of
1310 Courts, or such other additional duties as may be assigned by the
1311 Chief Justice of the Supreme Court. For such extra services each
1312 justice, from and after January 1, 2013, shall receive a sum
1313 sufficient to aggregate, per annum, the salaries set forth in this
1314 subsection (1).
1315 The fixed salaries in this subsection (1) shall be paid from
1316 the State General Fund and from the Judicial System Operation Fund
1317 created under Section 9-21-45. No less than: One Hundred Fifteen
1318 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief
1319 Justice's salary in this subsection (1), One Hundred Thirteen
1320 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of



1321 a presiding justice in this subsection (1), and One Hundred Twelve
1322 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary
1323 of an associate justice in this subsection (1) shall be paid from
1324 general fund monies; in addition, the Legislature shall
1325 appropriate annually from the Judicial System Operation Fund a sum
1326 sufficient to increase the salary of the Chief Justice, a
1327 presiding justice and an associate justice to the levels set forth
1328 in this subsection (1).

1329 The fixed salaries as specified in this subsection (1) shall
1330 be the exclusive and total compensation which can be reported to
1331 the Public Employees' Retirement System for retirement purposes;
1332 however, any judge in office on December 31, 2003, may continue to
1333 report his expense allowance as part of his compensation for
1334 retirement purposes.

1335 (2) The annual salaries of the judges of the Court of
1336 Appeals of Mississippi are fixed as follows:

1337 **From and after January 1, 2013, through December 31, 2013:**

1338	Chief Judge of the Court of Appeals.....	\$117,992.00
1339	Associate Judges of the Court of Appeals, each....	114,994.25

1340 **From and after January 1, 2014, through December 31, 2014:**

1341	Chief Judge of the Court of Appeals.....	\$127,854.00
1342	Associate Judges of the Court of Appeals, each....	124,938.50

1343 **From and after January 1, 2015, through December 31, 2015:**

1344	Chief Judge of the Court of Appeals.....	\$137,716.00
1345	Associate Judges of the Court of Appeals, each....	134,882.75



1346 **From and after January 1, 2016:**

1347 Chief Judge of the Court of Appeals.....\$147,578.00

1348 Associate Judges of the Court of Appeals, each.... 144,827.00

1349 From and after January 1, 2013, each judge shall receive a
1350 sum sufficient to aggregate, per annum, the salaries set forth in
1351 this subsection (2).

1352 The fixed salaries in this subsection (2) shall be paid from
1353 the State General Fund and from the Judicial System Operation Fund
1354 created under Section 9-21-45. No less than One Hundred Eight
1355 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief
1356 Judge's salary in this subsection (2) shall be paid from general
1357 fund monies; in addition, the Legislature shall appropriate
1358 annually from the Judicial System Operation Fund a sum sufficient
1359 to increase the Chief Judge's salary to the level set forth in
1360 this subsection (2). No less than One Hundred Five Thousand Fifty
1361 Dollars (\$105,050.00) of the salary of an associate judge in this
1362 subsection (2) shall be paid from general fund monies; in
1363 addition, the Legislature shall appropriate annually from the
1364 Judicial System Operation Fund a sum sufficient to increase the
1365 salary of an associate judge to the level set forth in this
1366 subsection (2).

1367 The fixed salaries as specified in this subsection (2) shall
1368 be the exclusive and total compensation which can be reported to
1369 the Public Employees' Retirement System for retirement purposes;
1370 however, any judge in office on December 31, 2003, may continue to



1371 report his expense allowance as part of his compensation for
1372 retirement purposes.

1373 (3) The annual salaries of the chancery and circuit court
1374 judges are fixed as follows:

1375 **From and after January 1, 2013, through December 31, 2013:**

1376 Chancery Judges, each.....\$112,127.50

1377 Circuit Judges, each..... 112,127.50

1378 **From and after January 1, 2014, through December 31, 2014:**

1379 Chancery Judges, each.....\$120,085.00

1380 Circuit Judges, each..... 120,085.00

1381 **From and after January 1, 2015, through December 31, 2015:**

1382 Chancery Judges, each.....\$128,042.50

1383 Circuit Judges, each..... 128,042.50

1384 **From and after January 1, 2016:**

1385 Chancery Judges, each.....\$136,000.00

1386 Circuit Judges, each..... 136,000.00

1387 In addition to their present official duties, the circuit and
1388 chancery judges shall take necessary action to promote judicial
1389 education in schools, * * * intervention courts, electronic filing
1390 and case management systems as developed by the Administrative
1391 Office of Courts, or such other additional duties as may be
1392 assigned by the Chief Justice of the Supreme Court. For such
1393 extra services each judge, from and after January 1, 2013, shall
1394 receive a sum sufficient to aggregate, per annum, the salaries set
1395 forth in this subsection (3).



1396 The fixed salaries in this subsection (3) shall be paid from
1397 the State General Fund and from the Judicial System Operation Fund
1398 created under Section 9-21-45. No less than One Hundred Four
1399 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary
1400 of a chancery or circuit Judge in this subsection (3) shall be
1401 paid from general fund monies; in addition, the Legislature shall
1402 appropriate annually from the Judicial System Operation Fund a sum
1403 sufficient to increase the salary of a chancery or circuit judge
1404 to the levels set forth in this subsection (3).

1405 (4) From and after January 1, 2019, and every four (4) years
1406 thereafter, the annual salaries of the judges in subsections (1),
1407 (2) and (3) shall be fixed at the level of compensation
1408 recommended by the State Personnel Board according to the board's
1409 most recent report on judicial salaries, as required under Section
1410 25-9-115, to the extent that sufficient funds are available. The
1411 annual salaries fixed in accordance with this subsection (4) shall
1412 not become effective until the commencement of the next
1413 immediately succeeding term of office.

1414 (5) The Supreme Court shall prepare a payroll for chancery
1415 judges and circuit judges and submit such payroll to the
1416 Department of Finance and Administration.

1417 (6) The annual salary of the full-time district attorneys
1418 shall be:

1419 **From and after January 1, 2013, through December 31, 2013:**



1420 One Hundred Three Thousand Three Hundred Twenty-two Dollars
1421 (\$103,322.00).

1422 **From and after January 1, 2014, through December 31, 2014:**

1423 One Hundred Ten Thousand Eight Hundred Forty-eight Dollars
1424 (\$110,848.00).

1425 **From and after January 1, 2015, through December 31, 2015:**

1426 One Hundred Eighteen Thousand Three Hundred Seventy-four
1427 Dollars (\$118,374.00).

1428 **From and after January 1, 2016:**

1429 One Hundred Twenty-five Thousand Nine Hundred Dollars
1430 (\$125,900.00).

1431 (7) The annual salary of the full-time legal assistants
1432 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
1433 more than eighty percent (80%) of the salary of the district
1434 attorney for legal assistants who have been licensed to practice
1435 law for five (5) years or less; eighty-five percent (85%) of the
1436 salary of the district attorney for legal assistants who have been
1437 licensed to practice law for at least five (5) years but less than
1438 fifteen (15) years; and ninety percent (90%) of the salary of the
1439 district attorney for legal assistants who have been licensed to
1440 practice law for at least fifteen (15) years or more.

1441 **SECTION 32.** Section 43-21-357, Mississippi Code of 1972, is
1442 amended as follows:

1443 43-21-357. (1) After receiving a report, the youth court
1444 intake unit shall promptly make a preliminary inquiry to determine



1445 whether the interest of the child, other children in the same
1446 environment or the public requires the youth court to take further
1447 action. As part of the preliminary inquiry, the youth court
1448 intake unit may request or the youth court may order the
1449 Department of Human Services, the Department of Youth Services,
1450 any successor agency or any other qualified public employee to
1451 make an investigation or report concerning the child and any other
1452 children in the same environment, and present the findings thereof
1453 to the youth court intake unit. If the youth court intake unit
1454 receives a neglect or abuse report, the youth court intake unit
1455 shall immediately forward the complaint to the Department of Human
1456 Services to promptly make an investigation or report concerning
1457 the child and any other children in the same environment and
1458 promptly present the findings thereof to the youth court intake
1459 unit. If it appears from the preliminary inquiry that the child
1460 or other children in the same environment are within the
1461 jurisdiction of the court, the youth court intake unit shall
1462 recommend to the youth court:

1463 (a) That the youth court take no action;

1464 (b) That an informal adjustment be made;

1465 (c) The Department of Human Services, Division of
1466 Family and Children Services, monitor the child, family and other
1467 children in the same environment;

1468 (d) That the child is warned or counseled informally;



1469 (e) That the child be referred to the youth court * * *

1470 intervention court; or

1471 (f) That a petition be filed.

1472 (2) The youth court shall then, without a hearing:

1473 (a) Order that no action be taken;

1474 (b) Order that an informal adjustment be made;

1475 (c) Order that the Department of Human Services,
1476 Division of Family and Children Services, monitor the child,
1477 family and other children in the same environment;

1478 (d) Order that the child is warned or counseled
1479 informally;

1480 (e) That the child be referred to the youth * * *

1481 intervention court; or

1482 (f) Order that a petition be filed.

1483 (3) If the preliminary inquiry discloses that a child needs
1484 emergency medical treatment, the judge may order the necessary
1485 treatment.

1486 **SECTION 33.** Section 63-11-31.1, Mississippi Code of 1972, is
1487 amended as follows:

1488 63-11-31.1. (1) The Mississippi Forensics Laboratory shall
1489 promulgate rules and regulations for court-ordered drug testing of
1490 DUI/other drug violators and shall approve which vendors are
1491 eligible to be utilized by the trial courts when ordering
1492 defendants to undergo drug testing as a condition of continuing to
1493 exercise the privilege to drive. The Forensics Laboratory may



1494 assess fees to the vendors, and shall prescribe the maximum costs
1495 to the offender for drug testing. The Forensics Laboratory may
1496 seek the advice of the State * * * Intervention Court Advisory
1497 Committee in fulfilling these duties.

1498 (2) The Forensics Laboratory must evaluate proposals made by
1499 prospective vendors for acceptability, including, without
1500 limitation, the following factors:

1501 (a) A description of the method used for assessment;

1502 (b) The frequency with which the offender will be
1503 tested;

1504 (c) The procedure used by the vendor to ensure the
1505 accuracy of the test results;

1506 (d) The length of time allowed the offender to provide
1507 a biological sample after being given notice;

1508 (e) The frequency with which the vendor will make
1509 reports to the court;

1510 (f) The list of approved sites for the collection of
1511 biological samples for testing.

1512 (3) The Forensics Laboratory must promulgate regulations for
1513 the program and for vendors, including at a minimum:

1514 (a) That the offender must pay the cost of the testing
1515 program or, if the court finds the offender to be indigent, that
1516 the cost be paid from the Interlock Device Fund.

1517 (b) How indigent funds will be accessed by the vendors,
1518 and the maximum cost to the offender or the fund.



1519 (4) The Forensics Laboratory will provide the list of
1520 approved vendors, subject to continuous updating, to the
1521 Mississippi Judicial College for dissemination to the trial
1522 courts.

1523 **SECTION 34.** Section 99-3-45, Mississippi Code of 1972, is
1524 amended as follows:

1525 99-3-45. A person under the age of twenty-one (21) who is
1526 released under either Section 99-3-17 or 99-3-18 following arrest
1527 must be given notice:

1528 (a) That the person is allowed to call a parent,
1529 guardian or custodian in addition to any other opportunity to call
1530 that has been afforded to such person; and

1531 (b) That * * * Intervention Court and other pretrial
1532 diversion programs may be available for many offenses.

1533 **SECTION 35.** Section 99-19-73, Mississippi Code of 1972, is
1534 amended as follows:

1535 99-19-73. (1) **Traffic violations.** In addition to any
1536 monetary penalties and any other penalties imposed by law, there
1537 shall be imposed and collected the following state assessment from
1538 each person upon whom a court imposes a fine or other penalty for
1539 any violation in Title 63, Mississippi Code of 1972, except
1540 offenses relating to the Mississippi Implied Consent Law (Section
1541 63-11-1 et seq.) and offenses relating to vehicular parking or
1542 registration:

1543 FUND AMOUNT



- 1544 State Court Education Fund..... [Deleted]
- 1545 State Prosecutor Education Fund..... [Deleted]
- 1546 Vulnerable Persons Training,
- 1547 Investigation and Prosecution Trust Fund..... [Deleted]
- 1548 Child Support Prosecution Trust Fund..... [Deleted]
- 1549 Driver Training Penalty Assessment Fund..... [Deleted]
- 1550 Law Enforcement Officers Training Fund..... [Deleted]
- 1551 Spinal Cord and Head Injury Trust Fund
- 1552 (for all moving violations)..... [Deleted]
- 1553 Emergency Medical Services Operating Fund..... [Deleted]
- 1554 Mississippi Leadership Council on Aging Fund..... [Deleted]
- 1555 Law Enforcement Officers and Fire Fighters
- 1556 Death Benefits Trust Fund..... [Deleted]
- 1557 Law Enforcement Officers and Fire Fighters
- 1558 Disability Benefits Trust Fund..... [Deleted]
- 1559 State Prosecutor Compensation Fund for the purpose
- 1560 of providing additional compensation for
- 1561 district attorneys and their legal assistants..... [Deleted]
- 1562 Crisis Intervention Mental Health Fund..... [Deleted]
- 1563 * * * Intervention Court Fund..... [Deleted]
- 1564 Judicial Performance Fund..... [Deleted]
- 1565 Capital Defense Counsel Fund..... [Deleted]
- 1566 Indigent Appeals Fund..... [Deleted]
- 1567 Capital Post-Conviction Counsel Fund..... [Deleted]
- 1568 Victims of Domestic Violence Fund..... [Deleted]



1569 Public Defenders Education Fund.....[Deleted]
 1570 Domestic Violence Training Fund.....[Deleted]
 1571 Attorney General's Cyber Crime Unit.....[Deleted]
 1572 Children's Safe Center Fund.....[Deleted]
 1573 DuBard School for Language Disorders Fund.....[Deleted]
 1574 Children's Advocacy Centers Fund.....[Deleted]
 1575 Judicial System Operation Fund.....[Deleted]
 1576 GENERAL FUND.....\$ 90.50

1577 (2) **Implied Consent Law violations.** In addition to any
 1578 monetary penalties and any other penalties imposed by law, there
 1579 shall be imposed and collected the following state assessment from
 1580 each person upon whom a court imposes a fine or any other penalty
 1581 for any violation of the Mississippi Implied Consent Law (Section
 1582 63-11-1 et seq.):

1583 FUND	AMOUNT
1584 Crime Victims' Compensation Fund.....	[Deleted]
1585 State Court Education Fund.....	[Deleted]
1586 State Prosecutor Education Fund.....	[Deleted]
1587 Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
1589 Child Support Prosecution Trust Fund.....	[Deleted]
1590 Driver Training Penalty Assessment Fund.....	[Deleted]
1591 Law Enforcement Officers Training Fund.....	[Deleted]
1592 Emergency Medical Services Operating Fund.....	[Deleted]
1593 Mississippi Alcohol Safety Education Program Fund.....	[Deleted]



1594 Federal-State Alcohol Program Fund.....[Deleted]

1595 Mississippi Forensics Laboratory

1596 Implied Consent Law Fund.....[Deleted]

1597 Spinal Cord and Head Injury Trust Fund.....[Deleted]

1598 Capital Defense Counsel Fund.....[Deleted]

1599 Indigent Appeals Fund.....[Deleted]

1600 Capital Post-Conviction Counsel Fund.....[Deleted]

1601 Victims of Domestic Violence Fund.....[Deleted]

1602 Law Enforcement Officers and Fire Fighters

1603 Death Benefits Trust Fund.....[Deleted]

1604 Law Enforcement Officers and Fire Fighters

1605 Disability Benefits Trust Fund.....[Deleted]

1606 State Prosecutor Compensation Fund for the purpose

1607 of providing additional compensation for

1608 district attorneys and their legal assistants.....[Deleted]

1609 Crisis Intervention Mental Health Fund.....[Deleted]

1610 * * * Intervention Court Fund.....[Deleted]

1611 Statewide Victims' Information and

1612 Notification System Fund.....[Deleted]

1613 Public Defenders Education Fund.....[Deleted]

1614 Domestic Violence Training Fund.....[Deleted]

1615 Attorney General's Cyber Crime Unit.....[Deleted]

1616 GENERAL FUND.....\$ 243.50

1617 (3) **Game and Fish Law violations.** In addition to any

1618 monetary penalties and any other penalties imposed by law, there



1619 shall be imposed and collected the following state assessment from
1620 each person upon whom a court imposes a fine or other penalty for
1621 any violation of the game and fish statutes or regulations of this
1622 state:

1623	FUND	AMOUNT
1624	State Court Education Fund.....	[Deleted]
1625	State Prosecutor Education Fund.....	[Deleted]
1626	Vulnerable Persons Training, 1627 Investigation and Prosecution Trust Fund.....	[Deleted]
1628	Law Enforcement Officers Training Fund.....	[Deleted]
1629	Hunter Education and Training Program Fund.....	[Deleted]
1630	Law Enforcement Officers and Fire Fighters 1631 Death Benefits Trust Fund.....	[Deleted]
1632	Law Enforcement Officers and Fire Fighters 1633 Disability Benefits Trust Fund.....	[Deleted]
1634	State Prosecutor Compensation Fund for the purpose 1635 of providing additional compensation for district 1636 attorneys and their legal assistants.....	[Deleted]
1637	Crisis Intervention Mental Health Fund.....	[Deleted]
1638	* * * <u>Intervention</u> Court Fund.....	[Deleted]
1639	Capital Defense Counsel Fund.....	[Deleted]
1640	Indigent Appeals Fund.....	[Deleted]
1641	Capital Post-Conviction Counsel Fund.....	[Deleted]
1642	Victims of Domestic Violence Fund.....	[Deleted]
1643	Public Defenders Education Fund.....	[Deleted]



1644 Domestic Violence Training Fund.....[Deleted]
1645 Attorney General's Cyber Crime Unit.....[Deleted]
1646 GENERAL FUND.....\$ 89.00

1647 (4) [Deleted]

1648 (5) **Speeding, reckless and careless driving violations.** In
1649 addition to any assessment imposed under subsection (1) or (2) of
1650 this section, there shall be imposed and collected the following
1651 state assessment from each person upon whom a court imposes a fine
1652 or other penalty for driving a vehicle on a road or highway:

1653 (a) At a speed that exceeds the posted speed limit by
1654 at least ten (10) miles per hour but not more than twenty (20)
1655 miles per hour.....\$10.00

1656 (b) At a speed that exceeds the posted speed limit by
1657 at least twenty (20) miles per hour but not more than thirty (30)
1658 miles per hour.....\$20.00

1659 (c) At a speed that exceeds the posted speed limit by
1660 thirty (30) miles per hour or more.....\$30.00

1661 (d) In violation of Section 63-3-1201, which is the
1662 offense of reckless driving.....\$10.00

1663 (e) In violation of Section 63-3-1213, which is the
1664 offense of careless driving.....\$10.00

1665 All assessments collected under this subsection shall be
1666 deposited into the State General Fund.

1667 (6) **Other misdemeanors.** In addition to any monetary
1668 penalties and any other penalties imposed by law, there shall be



1669 imposed and collected the following state assessment from each
1670 person upon whom a court imposes a fine or other penalty for any
1671 misdemeanor violation not specified in subsection (1), (2) or (3)
1672 of this section, except offenses relating to vehicular parking or
1673 registration:

1674	FUND	AMOUNT
1675	Crime Victims' Compensation Fund.....	[\$Deleted]
1676	State Court Education Fund.....	[Deleted]
1677	State Prosecutor Education Fund.....	[Deleted]
1678	Vulnerable Persons Training, Investigation	
1679	and Prosecution Trust Fund.....	[Deleted]
1680	Child Support Prosecution Trust Fund.....	[Deleted]
1681	Law Enforcement Officers Training Fund.....	[Deleted]
1682	Capital Defense Counsel Fund.....	[Deleted]
1683	Indigent Appeals Fund.....	[Deleted]
1684	Capital Post-Conviction Counsel Fund.....	[Deleted]
1685	Victims of Domestic Violence Fund.....	[Deleted]
1686	State Crime Stoppers Fund.....	[Deleted]
1687	Law Enforcement Officers and Fire Fighters	
1688	Death Benefits Trust Fund.....	[Deleted]
1689	Law Enforcement Officers and Fire Fighters	
1690	Disability Benefits Trust Fund.....	[Deleted]
1691	State Prosecutor Compensation Fund for the purpose	
1692	of providing additional compensation for	
1693	district attorneys and their legal assistants.....	[Deleted]



1694 Crisis Intervention Mental Health Fund.....[Deleted]

1695 * * * Intervention Court Fund.....[Deleted]

1696 Judicial Performance Fund.....[Deleted]

1697 Statewide Victims' Information and

1698 Notification System Fund.....[Deleted]

1699 Public Defenders Education Fund.....[Deleted]

1700 Domestic Violence Training Fund.....[Deleted]

1701 Attorney General's Cyber Crime Unit.....[Deleted]

1702 Information Exchange Network Fund.....[Deleted]

1703 Motorcycle Officer Training Fund.....[Deleted]

1704 Civil Legal Assistance Fund.....[Deleted]

1705 Justice Court Collections Fund.....[Deleted]

1706 Municipal Court Collections Fund.....[Deleted]

1707 GENERAL FUND.....\$121.75

1708 (7) **Other felonies.** In addition to any monetary penalties

1709 and any other penalties imposed by law, there shall be imposed and

1710 collected the following state assessment from each person upon

1711 whom a court imposes a fine or other penalty for any felony

1712 violation not specified in subsection (1), (2) or (3) of this

1713 section:

FUND	AMOUNT
Crime Victims' Compensation Fund.....	.\$[Deleted]
State Court Education Fund.....	[Deleted]
State Prosecutor Education Fund.....	[Deleted]
Vulnerable Persons Training, Investigation	



1719 and Prosecution Trust Fund.....[Deleted]

1720 Child Support Prosecution Trust Fund.....[Deleted]

1721 Law Enforcement Officers Training Fund.....[Deleted]

1722 Capital Defense Counsel Fund.....[Deleted]

1723 Indigent Appeals Fund.....[Deleted]

1724 Capital Post-Conviction Counsel Fund.....[Deleted]

1725 Victims of Domestic Violence Fund.....[Deleted]

1726 Criminal Justice Fund.....[Deleted]

1727 Law Enforcement Officers and Fire Fighters

1728 Death Benefits Trust Fund.....[Deleted]

1729 Law Enforcement Officers and Fire Fighters

1730 Disability Benefits Trust Fund.....[Deleted]

1731 State Prosecutor Compensation Fund for the purpose

1732 of providing additional compensation for

1733 district attorneys and their legal assistants.....[Deleted]

1734 Crisis Intervention Mental Health Fund.....[Deleted]

1735 * * * Intervention Court Fund.....[Deleted]

1736 Statewide Victims' Information and

1737 Notification System Fund.....[Deleted]

1738 Public Defenders Education Fund.....[Deleted]

1739 Domestic Violence Training Fund.....[Deleted]

1740 Attorney General's Cyber Crime Unit.....[Deleted]

1741 Forensics Laboratory DNA Identification System Fund.....[Deleted]

1742 GENERAL FUND.....\$280.50

1743 (8) **Additional assessments on certain violations:**



1744 (a) **Railroad crossing violations.** In addition to any
1745 monetary penalties and any other penalties imposed by law, there
1746 shall be imposed and collected the following state assessment in
1747 addition to all other state assessments due under this section
1748 from each person upon whom a court imposes a fine or other penalty
1749 for any violation involving railroad crossings under Section
1750 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

1751 Operation Lifesaver Fund.....\$25.00

1752 (b) **Drug violations.** In addition to any monetary
1753 penalties and any other penalties imposed by law, there shall be
1754 imposed and collected the following state assessment in addition
1755 to all other state assessments due under this section from each
1756 person upon whom a court imposes a fine or other penalty for any
1757 violation of Section 41-29-139:

1758 Drug Evidence Disposition Fund.....\$25.00

1759 (c) **Motor vehicle liability insurance violations.** In
1760 addition to any monetary penalties and any other penalties imposed
1761 by law, there shall be imposed and collected the following state
1762 assessment in addition to all other state assessments due under
1763 this section from each person upon whom a court imposes a fine or
1764 other penalty for any violation of Section 63-15-4(4) or Section
1765 63-16-13(1):

1766 Uninsured Motorist Identification Fund:

1767 First offense.....\$200.00

1768 Second offense.....\$300.00



1769 Third or subsequent offense.....\$400.00

1770 (9) If a fine or other penalty imposed is suspended, in
1771 whole or in part, such suspension shall not affect the state
1772 assessment under this section. No state assessment imposed under
1773 the provisions of this section may be suspended or reduced by the
1774 court.

1775 (10) (a) After a determination by the court of the amount
1776 due, it shall be the duty of the clerk of the court to promptly
1777 collect all state assessments imposed under the provisions of this
1778 section. The state assessments imposed under the provisions of
1779 this section may not be paid by personal check.

1780 (b) It shall be the duty of the chancery clerk of each
1781 county to deposit all state assessments collected in the circuit,
1782 county and justice courts in the county on a monthly basis with
1783 the State Treasurer pursuant to appropriate procedures established
1784 by the State Auditor. The chancery clerk shall make a monthly
1785 lump-sum deposit of the total state assessments collected in the
1786 circuit, county and justice courts in the county under this
1787 section, and shall report to the Department of Finance and
1788 Administration the total number of violations under each
1789 subsection for which state assessments were collected in the
1790 circuit, county and justice courts in the county during that
1791 month.

1792 (c) It shall be the duty of the municipal clerk of each
1793 municipality to deposit all the state assessments collected in the



1794 municipal court in the municipality on a monthly basis with the
1795 State Treasurer pursuant to appropriate procedures established by
1796 the State Auditor. The municipal clerk shall make a monthly
1797 lump-sum deposit of the total state assessments collected in the
1798 municipal court in the municipality under this section, and shall
1799 report to the Department of Finance and Administration the total
1800 number of violations under each subsection for which state
1801 assessments were collected in the municipal court in the
1802 municipality during that month.

1803 (11) It shall be the duty of the Department of Finance and
1804 Administration to deposit on a monthly basis all state assessments
1805 into the State General Fund or proper special fund in the State
1806 Treasury. The Department of Finance and Administration shall
1807 issue regulations providing for the proper allocation of these
1808 funds.

1809 (12) The State Auditor shall establish by regulation
1810 procedures for refunds of state assessments, including refunds
1811 associated with assessments imposed before July 1, 1990, and
1812 refunds after appeals in which the defendant's conviction is
1813 reversed. The Auditor shall provide in the regulations for
1814 certification of eligibility for refunds and may require the
1815 defendant seeking a refund to submit a verified copy of a court
1816 order or abstract by which the defendant is entitled to a refund.
1817 All refunds of state assessments shall be made in accordance with
1818 the procedures established by the Auditor.



1819 **SECTION 36.** Section 63-1-51, Mississippi Code of 1972, is
1820 amended as follows:

1821 63-1-51. (1) It shall be the duty of the court clerk, upon
1822 conviction of any person holding a license issued pursuant to this
1823 article where the penalty for a traffic violation is as much as
1824 Ten Dollars (\$10.00), to mail a copy of abstract of the court
1825 record or provide an electronically or computer generated copy of
1826 abstract of the court record immediately to the commissioner at
1827 Jackson, Mississippi, showing the date of conviction, penalty,
1828 etc., so that a record of same may be made by the Department of
1829 Public Safety. The commissioner shall forthwith revoke the
1830 license of any person for a period of one (1) year upon receiving
1831 a duly certified record of each person's convictions of any of the
1832 following offenses when such conviction has become final:

1833 (a) Manslaughter or negligent homicide resulting from
1834 the operation of a motor vehicle;

1835 (b) Any felony in the commission of which a motor
1836 vehicle is used;

1837 (c) Failure to stop and render aid as required under
1838 the laws of this state in event of a motor vehicle accident
1839 resulting in the death or personal injury of another;

1840 (d) Perjury or the willful making of a false affidavit
1841 or statement under oath to the department under this article or
1842 under any other law relating to the ownership or operation of
1843 motor vehicles; or



1844 (e) Conviction, or forfeiture of bail not vacated, upon
1845 three (3) charges of reckless driving committed within a period of
1846 twelve (12) months * * *.

1847 * * *

1848 (2) The commissioner shall revoke the license issued
1849 pursuant to this article of any person convicted of negligent
1850 homicide, in addition to any penalty now provided by law.

1851 (3) In addition to the reasons specified in this section,
1852 the commissioner shall be authorized to suspend the license issued
1853 to any person pursuant to this article for being out of compliance
1854 with an order for support, as defined in Section 93-11-153. The
1855 procedure for suspension of a license for being out of compliance
1856 with an order for support, and the procedure for the reissuance or
1857 reinstatement of a license suspended for that purpose, and the
1858 payment of any fees for the reissuance or reinstatement of a
1859 license suspended for that purpose, shall be governed by Section
1860 93-11-157 or 93-11-163, as the case may be. If there is any
1861 conflict between any provision of Section 93-11-157 or 93-11-163
1862 and any provision of this article, the provisions of Section
1863 93-11-157 or 93-11-163, as the case may be, shall control.

1864 **SECTION 37.** Section 63-1-53, Mississippi Code of 1972, is
1865 amended as follows:

1866 63-1-53. (1) * * * Upon failure of any person to pay timely
1867 any fine, fee or assessment levied as a result of any violation of
1868 this title, the clerk of the court shall give written notice to



1869 such person by United States first-class mail at his last known
1870 address advising such person that, if within * * * ninety (90)
1871 days after such notice is deposited in the mail, the person * * *
1872 has not paid the entire amount of all fines, fees and assessments
1873 levied, then the court will * * * pursue collection as for any
1874 other delinquent payment, and shall be entitled to collection of
1875 all additional fees in accordance with subsection (4) of this
1876 section.

1877 (2) The commissioner is hereby authorized to suspend the
1878 license of an operator without preliminary hearing upon a showing
1879 by his records or other sufficient evidence that the licensee:

1880 (a) Has committed an offense for which mandatory
1881 revocation of license is required upon conviction except under the
1882 provisions of the Mississippi Implied Consent Law;

1883 (b) Has been involved as a driver in any accident
1884 resulting in the death or personal injury of another or serious
1885 property damage;

1886 (c) Is an habitually reckless or negligent driver of a
1887 motor vehicle;

1888 (d) Has been convicted with such frequency of serious
1889 offenses against traffic regulations governing the movement of
1890 vehicles as to indicate a disrespect for traffic laws and a
1891 disregard for the safety of other persons on the highways;

1892 (e) Is incompetent to drive a motor vehicle;



1893 (f) Has permitted an unlawful or fraudulent use of such
1894 license;

1895 (g) Has committed an offense in another state which if
1896 committed in this state would be grounds for suspension or
1897 revocation; or

1898 (h) * * * Has committed a violation for which mandatory
1899 revocation of license is required upon conviction, entering a plea
1900 of nolo contendere to, or adjudication of delinquency, pursuant to
1901 the provisions of subsection (1) of Section 63-1-71.

1902 (3) Notice that a person's license is suspended or will be
1903 suspended under subsection (2) of this section shall be given by
1904 the commissioner in the manner and at the time provided for under
1905 Section 63-1-52, and upon such person's request, he shall be
1906 afforded an opportunity for a hearing as early as practicable, but
1907 not to exceed twenty (20) days after receipt of such request in
1908 the county wherein the licensee resides unless the department and
1909 the licensee agree that such hearing may be held in some other
1910 county. Upon such hearing the commissioner, or his duly
1911 authorized agent, may administer oaths and may issue subpoenas for
1912 the attendance of witnesses and the production of relevant books
1913 and papers and may require a reexamination of the licensee. Upon
1914 such hearing the commissioner shall either rescind any order of
1915 suspension or, good cause appearing therefor, may extend any
1916 suspension of such license or revoke such license.



1917 (4) If a licensee has not paid all cash appearance bonds
1918 authorized under Section 99-19-3 or all fines, fees or other
1919 assessments levied as a result of a violation of this title within
1920 ninety (90) days * * * of receiving notice of the licensee's
1921 failure to pay all fines, fees or other assessments as provided in
1922 subsection (1) of this section, the court is authorized to pursue
1923 collection under Section 21-17-1(6) or 19-3-41(2) as for any other
1924 delinquent payment, and shall be entitled to collection of all
1925 additional fees authorized under those sections.

1926 **SECTION 38.** Section 63-1-52, Mississippi Code of 1972, is
1927 amended as follows:

1928 63-1-52. (1) Whenever the Commissioner of Public Safety
1929 suspends, cancels or revokes the driver's license or driving
1930 privileges of any person, notice of the suspension, cancellation
1931 or revocation shall be given to such person by the commissioner,
1932 or his duly authorized agent, in the manner provided in subsection
1933 (2) of this section and at the time provided in subsection (3) of
1934 this section or in the manner and at the time provided in
1935 subsection (4) of this section.

1936 (2) Notice shall be given in the following manner:

1937 (a) In writing, (i) by United States Certificate of
1938 Mail; or (ii) by personal service at the person's address as it
1939 appears on the driving record maintained by the Department of
1940 Public Safety or at the person's last-known address; or (iii) by
1941 personal notice being given by any law enforcement officer of this



1942 state or any duly authorized agent of the Commissioner of Public
1943 Safety on forms prescribed and furnished by the Commissioner of
1944 Public Safety; whenever a person's driver's license or driving
1945 privileges are suspended, revoked or cancelled in accordance with
1946 the Mississippi Driver License Compact Law, the Mississippi
1947 Implied Consent Law, the Mississippi Motor Vehicle Safety
1948 Responsibility Law or * * * subsection (2) (c), (2) (d), (2) (e) or
1949 (2) (f) of Section 63-1-53.

1950 (b) In writing, by United States first class mail,
1951 whenever a person's driver's license or driving privileges are
1952 suspended, revoked or cancelled in accordance with the Mississippi
1953 Commercial Driver's License Law, the Youth Court Law, Chapter 23
1954 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
1955 63-1-51, * * * subsection (2) (g), (2) (h) or (2) (i) of Section
1956 63-1-53 or Section 63-9-25.

1957 (3) Notice shall be given at the following time:

1958 (a) Before suspension, revocation or cancellation,
1959 whenever a person's driver's license or driving privileges are
1960 suspended, revoked or cancelled in accordance with the Mississippi
1961 Driver License Compact Law, the Mississippi Motor Vehicle Safety
1962 Responsibility Law or * * * subsection (2) (c), (2) (d), (2) (e) or
1963 (2) (f) of Section 63-1-53.

1964 (b) Unless otherwise specifically provided for by law,
1965 at the time of suspension, revocation or cancellation, whenever a
1966 person's driver's license or driving privileges are suspended,



1967 revoked or cancelled in accordance with the Mississippi Commercial
1968 Driver's License Law, the Mississippi Implied Consent Law, the
1969 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
1970 Section 63-1-45, Section 63-1-51, * * * subsection (2)(g) * * * of
1971 Section 63-1-53 or Section 63-9-25.

1972 (4) Whenever the Commissioner of Public Safety suspends,
1973 revokes or cancels the driver's license or driving privileges of
1974 any person in accordance with some provision of law other than a
1975 provision of law referred to in subsections (2) and (3) of this
1976 section, and the manner and time for giving notice is not provided
1977 for in such law, then notice of such suspension, revocation or
1978 cancellation shall be given in the manner and at the time provided
1979 for under * * * subsections (2)(b) and (3)(b) of this section.

1980 **SECTION 39.** Section 63-1-71, Mississippi Code of 1972, is
1981 amended as follows:

1982 63-1-71. (1) * * * Notwithstanding the provisions of
1983 Section 63-11-30(2)(a) and in addition to any penalty authorized
1984 by the Uniform Controlled Substances Law or any other statute
1985 indicating the dispositions that can be ordered for an
1986 adjudication of delinquency, every person convicted of driving
1987 under the influence of a controlled substance, or entering a plea
1988 of nolo contendere thereto, or adjudicated delinquent therefor, in
1989 a court of this state, and every person convicted of driving under
1990 the influence of a controlled substance, or entering a plea of
1991 nolo contendere thereto, or adjudicated delinquent therefor, under



1992 the laws of the United States, another state, a territory or
1993 possession of the United States, the District of Columbia or the
1994 Commonwealth of Puerto Rico, shall forthwith forfeit his right to
1995 operate a motor vehicle over the highways of this state for a
1996 period of not less than six (6) months. In the case of any person
1997 who at the time of the imposition of sentence does not have a
1998 driver's license or is less than fifteen (15) years of age, the
1999 period of the suspension of driving privileges authorized herein
2000 shall commence on the day the sentence is imposed and shall run
2001 for a period of not less than six (6) months after the day the
2002 person obtains a driver's license or reaches the age of fifteen
2003 (15) years. If the driving privilege of any person is under
2004 revocation or suspension at the time of any conviction or
2005 adjudication of delinquency for * * * driving under the influence
2006 of a controlled substance, the revocation or suspension period
2007 imposed herein shall commence as of the date of termination of the
2008 existing revocation or suspension.

2009 (2) The court in this state before whom any person is
2010 convicted of or adjudicated delinquent for * * * driving under the
2011 influence of a controlled substance shall collect forthwith the
2012 Mississippi driver's license of the person and forward such
2013 license to the Department of Public Safety along with a report
2014 indicating the first and last day of the suspension or revocation
2015 period imposed pursuant to this section. If the court is for any
2016 reason unable to collect the license of the person, the court



2017 shall cause a report of the conviction or adjudication of
2018 delinquency to be filed with the Commissioner of Public Safety.
2019 That report shall include the complete name, address, date of
2020 birth, eye color and sex of the person and shall indicate the
2021 first and last day of the suspension or revocation period imposed
2022 by the court pursuant to this section. The court shall inform the
2023 person orally and in writing that if the person is convicted of
2024 personally operating a motor vehicle during the period of license
2025 suspension or revocation imposed pursuant to this section, the
2026 person shall, upon conviction, be subject to the penalties set
2027 forth in Section 63-11-40. A person shall be required to
2028 acknowledge receipt of the written notice in writing. Failure to
2029 receive a written notice or failure to acknowledge in writing the
2030 receipt of a written notice shall not be a defense to a subsequent
2031 charge of a violation of Section 63-11-40. If the person is the
2032 holder of a driver's license from another jurisdiction, the court
2033 shall not collect the license but shall notify forthwith the
2034 Commissioner of Public Safety who shall notify the appropriate
2035 officials in the licensing jurisdiction. The court shall,
2036 however, in accordance with the provisions of this section, revoke
2037 the person's nonresident driving privilege in this state.

2038 (3) The county court or circuit court having jurisdiction,
2039 on petition, may reduce the suspension of driving privileges under
2040 this section if the denial of which would constitute a hardship on
2041 the offender. When the petition is filed, such person shall pay



2042 to the circuit clerk of the court where the petition is filed a
2043 fee of Twenty Dollars (\$20.00) for each year, or portion thereof,
2044 of license revocation or suspension remaining under the original
2045 sentence, which shall be deposited into the State General Fund to
2046 the credit of a special fund hereby created in the State Treasury
2047 to be used for alcohol or drug abuse treatment and education, upon
2048 appropriation by the Legislature. This fee shall be in addition
2049 to any other court costs or fees required for the filing of
2050 petitions.

2051 **SECTION 40.** Section 63-1-46, Mississippi Code of 1972, is
2052 amended as follows:

2053 63-1-46. (1) (a) Except as otherwise provided in this
2054 section, a fee of One Hundred Dollars (\$100.00) shall be charged
2055 for the reinstatement of a license issued under this article to
2056 every person whose license has been validly suspended, revoked or
2057 cancelled.

2058 (b) The funds received under the provisions of this
2059 subsection shall be distributed as follows:

2060 (i) Twenty-five Dollars (\$25.00) shall be
2061 deposited into the State General Fund in accordance with Section
2062 45-1-23;

2063 (ii) Twenty-five Dollars (\$25.00) shall be paid to
2064 the Board of Trustees of the Public Employees' Retirement System
2065 for funding the Mississippi Highway Safety Patrol Retirement
2066 System as provided under Section 25-13-7;



2067 (iii) Twenty-five Dollars (\$25.00) shall be
2068 deposited into the special fund created in Section 63-1-45(3) for
2069 purchases of equipment by the Mississippi Highway Safety Patrol;
2070 and

2071 (iv) Twenty-five Dollars (\$25.00) shall be
2072 deposited into the Interlock Device Fund created in Section
2073 63-11-33.

2074 (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)
2075 shall be charged for the reinstatement of a license issued under
2076 this article to every person whose license has been validly
2077 suspended or revoked under the provisions of the Mississippi
2078 Implied Consent Law or as a result of a conviction of * * *
2079 driving under the influence of a controlled substance under the
2080 provisions of Section 63-1-71.

2081 (b) The funds received under the provisions of this
2082 subsection shall be distributed as follows:

2083 (i) One Hundred Dollars (\$100.00) shall be
2084 deposited into the State General Fund in accordance with Section
2085 45-1-23;

2086 (ii) Twenty-five Dollars (\$25.00) shall be paid to
2087 the Board of Trustees of the Public Employees' Retirement System
2088 for funding the Mississippi Highway Safety Patrol Retirement
2089 System as provided under Section 25-13-7;

2090 (iii) Twenty-five Dollars (\$25.00) shall be
2091 deposited into the special fund created in Section 63-1-45(3) for



2092 purchases of equipment by the Mississippi Highway Safety Patrol;
2093 and

2094 (iv) Twenty-five Dollars (\$25.00) shall be
2095 deposited into the Interlock Device Fund created in Section
2096 63-11-33.

2097 (3) (a) A fee of Twenty-five Dollars (\$25.00) shall be
2098 charged for the reinstatement of a license issued under this
2099 article to every person whose license has been validly suspended
2100 for nonpayment of child support under the provisions of Sections
2101 93-11-151 through 93-11-163. The funds received under the
2102 provisions of this subsection shall be deposited into the State
2103 General Fund in accordance with Section 45-1-23.

2104 (b) The procedure for the reinstatement of a license
2105 issued under this article that has been suspended for being out of
2106 compliance with an order for support, as defined in Section
2107 93-11-153, and the payment of any fees for the reinstatement of a
2108 license suspended for that purpose, shall be governed by Section
2109 93-11-157 or 93-11-163, as the case may be.

2110 (4) A fee of Twenty-five Dollars (\$25.00) will be charged
2111 for the reinstatement of a license that was suspended due to
2112 payment by a draft or other instrument that is dishonored by the
2113 payor.

2114 (5) All reinstatement fees charged under this section shall
2115 be in addition to the fees prescribed in Section 63-1-43.



2116 **SECTION 41.** Section 99-19-71, Mississippi Code of 1972, is
2117 amended as follows:

2118 99-19-71. (1) Any person who has been convicted of a
2119 misdemeanor * * *, and who is a first offender, may petition the
2120 justice, county, circuit or municipal court in which the
2121 conviction was had for an order to expunge any such conviction
2122 from all public records.

2123 (2) (a) Except as otherwise provided in this
2124 subsection, * * * a person who has been convicted of * * * a
2125 felony may petition the court in which the conviction was had for
2126 an order to expunge one (1) conviction from all public records
2127 five (5) years after the successful completion of all terms and
2128 conditions of the sentence for the conviction * * * upon a hearing
2129 as determined in the discretion of the court; however, eligibility
2130 for expunction shall not apply to a felony classified as a:

2131 (i) Crime of violence as provided in 97-3-2;

2132 (ii) Arson, first degree as provided in Sections
2133 97-17-1 and 97-17-13;

2134 (iii) Trafficking in controlled substances as
2135 provided in Section 41-29-139;

2136 (iv) Third, fourth and subsequent offense DUI as
2137 provided in Section 63-11-30(c) and (4);

2138 (v) Felon in possession of a firearm as provided
2139 in Section 97-35-5;



2140 (vi) Failure to register as a sex offender as
2141 provided in Section 43-33-33;

2142 (vii) Voyeurism as provided in Section 97-29-61;
2143 or

2144 (viii) Witness intimidation as provided in Section
2145 97-9-113.

2146 A person is eligible for only one (1) felony expunction under
2147 this paragraph. For purpose of section, the terms "one (1)
2148 conviction" and "one (1) felony expunction" means and shall
2149 include all convictions that arose from a common nucleus of
2150 operative facts as determined in the discretion of the court.

2151 * * *

2152 (* * *b) The petitioner shall give ten (10) days'
2153 written notice to the district attorney before any hearing on the
2154 petition. In all cases, the court wherein the petition is filed
2155 may grant the petition if the court determines, on the record or
2156 in writing, that the applicant is rehabilitated from the offense
2157 which is the subject of the petition. In those cases where the
2158 court denies the petition, the findings of the court in this
2159 respect shall be identified specifically and not generally.

2160 (3) Upon entering an order of expunction under this section,
2161 a nonpublic record thereof shall be retained by the Mississippi
2162 Criminal Information Center solely for the purpose of determining
2163 whether, in subsequent proceedings, the person is a first
2164 offender. The order of expunction shall not preclude a district



2165 attorney's office from retaining a nonpublic record thereof for
2166 law enforcement purposes only. The existence of an order of
2167 expunction shall not preclude an employer from asking a
2168 prospective employee if the employee has had an order of
2169 expunction entered on his behalf. The effect of the expunction
2170 order shall be to restore the person, in the contemplation of the
2171 law, to the status he occupied before any arrest or indictment for
2172 which convicted. No person as to whom an expunction order has
2173 been entered shall be held thereafter under any provision of law
2174 to be guilty of perjury or to have otherwise given a false
2175 statement by reason of his failure to recite or acknowledge such
2176 arrest, indictment or conviction in response to any inquiry made
2177 of him for any purpose other than the purpose of determining, in
2178 any subsequent proceedings under this section, whether the person
2179 is a first offender. A person as to whom an order has been
2180 entered, upon request, shall be required to advise the court, in
2181 camera, of the previous conviction and expunction in any legal
2182 proceeding wherein the person has been called as a prospective
2183 juror. The court shall thereafter and before the selection of the
2184 jury advise the attorneys representing the parties of the previous
2185 conviction and expunction.

2186 (4) Upon petition therefor, a justice, county, circuit or
2187 municipal court shall expunge the record of any case in which an
2188 arrest was made, the person arrested was released and the case was



2189 dismissed or the charges were dropped or there was no disposition
2190 of such case.

2191 (5) No public official is eligible for expunction under this
2192 section for any conviction related to his official duties.

2193 **SECTION 42.** Section 9-11-15, Mississippi Code of 1972, is
2194 amended as follows:

2195 9-11-15. (1) Justice court judges shall hold regular terms
2196 of their courts, at such times as they may appoint, not exceeding
2197 two (2) and not less than one (1) in every month, at the
2198 appropriate justice court courtroom established by the board of
2199 supervisors; and they may continue to hold their courts from day
2200 to day so long as business may require; and all process shall be
2201 returnable, and all trials shall take place at such regular terms,
2202 except where it is otherwise provided; but where the defendant is
2203 a nonresident or transient person, and it shall be shown by the
2204 oath of either party that a delay of the trial until the regular
2205 term will be of material injury to him, it shall be lawful for the
2206 judge to have the parties brought before him at any reasonable
2207 time and hear the evidence and give judgment or where the
2208 defendant is a nonresident or transient person and the judge and
2209 all parties agree, it shall be lawful for the judge to have the
2210 parties brought before him on the day a citation is made and hear
2211 the evidence and give judgment. Such court shall be a court of
2212 record, with all the power incident to a court of record,
2213 including power to fine in the amount of fine and length of



2214 imprisonment as is authorized for a municipal court in Section
2215 21-23-7(11) for contempt of court.

2216 (2) (a) In counties with a population of less than one
2217 hundred fifty thousand (150,000), each justice court shall
2218 designate at least one-half (1/2) day each month as a traffic
2219 court day, sufficient to handle the traffic violations docket of
2220 that court, and shall notify all appropriate law enforcement
2221 agencies of the date or dates. On the day or days so designated,
2222 the justice court shall give priority to all cases involving
2223 traffic violations.

2224 (b) In counties with a population of one hundred fifty
2225 thousand (150,000) or more, each justice court shall designate at
2226 least one (1) day each month as a traffic court day, sufficient to
2227 handle the traffic violations of that court, and shall notify all
2228 appropriate law enforcement agencies of the date or dates. On the
2229 day or days so designated, the justice court shall give priority
2230 to all cases involving traffic violations. The one (1) day may be
2231 one (1) whole day or it may be divided into half days as long as
2232 one-half (1/2) day is held in the morning and one-half (1/2) day
2233 is held in the afternoon, in the discretion of the court.

2234 (3) The justice court may, in its discretion, upon prior
2235 notice to the county prosecutor and upon a showing in open court
2236 of rehabilitation, good conduct for a period of two (2) years
2237 since the last conviction in any court and that the best interest
2238 of society would be served, order the record of conviction of a



2239 person of any or all misdemeanors in that court expunged, and upon
2240 so doing, such person thereafter legally stands as though he or
2241 she had never been convicted of the misdemeanor(s) and may
2242 lawfully so respond to any query of prior convictions. This order
2243 of expunction does not apply to the confidential records of law
2244 enforcement agencies and has no effect on the driving record of a
2245 person maintained under Title 63, Mississippi Code of 1972, or any
2246 other provision of said Title 63.

2247 (4) Notwithstanding the provisions of subsection (3) of this
2248 section, a person who was convicted in justice court of a
2249 misdemeanor before reaching his twenty-third birthday, * * * and
2250 who is a first offender, may utilize the provisions of Section
2251 99-19-71, to expunge such misdemeanor conviction.

2252 **SECTION 43.** Section 9-23-23, Mississippi Code of 1972, is
2253 amended as follows:

2254 9-23-23. If the participant completes all requirements
2255 imposed upon him by the drug court, including the payment of fines
2256 and fees assessed, the charge and prosecution shall be dismissed.
2257 If the defendant or participant was sentenced at the time of entry
2258 of plea of guilty, the successful completion of the drug court
2259 order and other requirements of probation or suspension of
2260 sentence will result in the record of the criminal conviction or
2261 adjudication being expunged. However, except as otherwise
2262 provided in Section 99-19-71, no expunction of any implied consent
2263 violation shall be allowed.



2264 **SECTION 44.** Section 21-23-7, Mississippi Code of 1972, is
2265 amended as follows:

2266 21-23-7. (1) The municipal judge shall hold court in a
2267 public building designated by the governing authorities of the
2268 municipality and may hold court every day except Sundays and legal
2269 holidays if the business of the municipality so requires;
2270 provided, however, the municipal judge may hold court outside the
2271 boundaries of the municipality but not more than within a
2272 sixty-mile radius of the municipality to handle preliminary
2273 matters and criminal matters such as initial appearances and
2274 felony preliminary hearings. The municipal judge may hold court
2275 outside the boundaries of the municipality but not more than
2276 within a one-mile radius of the municipality for any purpose. The
2277 municipal judge shall have the jurisdiction to hear and determine,
2278 without a jury and without a record of the testimony, all cases
2279 charging violations of the municipal ordinances and state
2280 misdemeanor laws made offenses against the municipality and to
2281 punish offenders therefor as may be prescribed by law. Except as
2282 otherwise provided by law, criminal proceedings shall be brought
2283 by sworn complaint filed in the municipal court. Such complaint
2284 shall state the essential elements of the offense charged and the
2285 statute or ordinance relied upon. Such complaint shall not be
2286 required to conclude with a general averment that the offense is
2287 against the peace and dignity of the state or in violation of the
2288 ordinances of the municipality. He may sit as a committing court



2289 in all felonies committed within the municipality, and he shall
2290 have the power to bind over the accused to the grand jury or to
2291 appear before the proper court having jurisdiction to try the
2292 same, and to set the amount of bail or refuse bail and commit the
2293 accused to jail in cases not bailable. The municipal judge is a
2294 conservator of the peace within his municipality. He may conduct
2295 preliminary hearings in all violations of the criminal laws of
2296 this state occurring within the municipality, and any person
2297 arrested for a violation of law within the municipality may be
2298 brought before him for initial appearance. The municipal court
2299 shall have jurisdiction of any case remanded to it by a circuit
2300 court grand jury. The municipal court shall have civil
2301 jurisdiction over actions filed pursuant to and as provided in
2302 Title 93, Chapter 21, Mississippi Code of 1972, the Protection
2303 from Domestic Abuse Act.

2304 (2) In the discretion of the court, where the objects of
2305 justice would be more likely met, as an alternative to imposition
2306 or payment of fine and/or incarceration, the municipal judge shall
2307 have the power to sentence convicted offenders to work on a public
2308 service project where the court has established such a program of
2309 public service by written guidelines filed with the clerk for
2310 public record. Such programs shall provide for reasonable
2311 supervision of the offender and the work shall be commensurate
2312 with the fine and/or incarceration that would have ordinarily been
2313 imposed. Such program of public service may be utilized in the



2314 implementation of the provisions of Section 99-19-20, and public
2315 service work thereunder may be supervised by persons other than
2316 the sheriff.

2317 (3) The municipal judge may solemnize marriages, take oaths,
2318 affidavits and acknowledgments, and issue orders, subpoenas,
2319 summonses, citations, warrants for search and arrest upon a
2320 finding of probable cause, and other such process under seal of
2321 the court to any county or municipality, in a criminal case, to be
2322 executed by the lawful authority of the county or the municipality
2323 of the respondent, and enforce obedience thereto. The absence of
2324 a seal shall not invalidate the process.

2325 (4) When a person shall be charged with an offense in
2326 municipal court punishable by confinement, the municipal judge,
2327 being satisfied that such person is an indigent person and is
2328 unable to employ counsel, may, in the discretion of the court,
2329 appoint counsel from the membership of The Mississippi Bar
2330 residing in his county who shall represent him. Compensation for
2331 appointed counsel in criminal cases shall be approved and allowed
2332 by the municipal judge and shall be paid by the municipality. The
2333 maximum compensation shall not exceed Two Hundred Dollars
2334 (\$200.00) for any one (1) case. The governing authorities of a
2335 municipality may, in their discretion, appoint a public
2336 defender(s) who must be a licensed attorney and who shall receive
2337 a salary to be fixed by the governing authorities.



2338 (5) The municipal judge of any municipality is hereby
2339 authorized to suspend the sentence and to suspend the execution of
2340 the sentence, or any part thereof, on such terms as may be imposed
2341 by the municipal judge. However, the suspension of imposition or
2342 execution of a sentence hereunder may not be revoked after a
2343 period of two (2) years. The municipal judge shall have the power
2344 to establish and operate a probation program, dispute resolution
2345 program and other practices or procedures appropriate to the
2346 judiciary and designed to aid in the administration of justice.
2347 Any such program shall be established by the court with written
2348 policies and procedures filed with the clerk of the court for
2349 public record. Subsequent to original sentencing, the municipal
2350 judge, in misdemeanor cases, is hereby authorized to suspend
2351 sentence and to suspend the execution of a sentence, or any part
2352 thereof, on such terms as may be imposed by the municipal judge,
2353 if (a) the judge or his or her predecessor was authorized to order
2354 such suspension when the sentence was originally imposed; and (b)
2355 such conviction (i) has not been appealed; or (ii) has been
2356 appealed and the appeal has been voluntarily dismissed.

2357 (6) Upon prior notice to the municipal prosecuting attorney
2358 and upon a showing in open court of rehabilitation, good conduct
2359 for a period of two (2) years since the last conviction in any
2360 court and that the best interest of society would be served, the
2361 court may, in its discretion, order the record of conviction of a
2362 person of any or all misdemeanors in that court expunged, and upon



2363 so doing the said person thereafter legally stands as though he
2364 had never been convicted of the said misdemeanor(s) and may
2365 lawfully so respond to any query of prior convictions. This order
2366 of expunction does not apply to the confidential records of law
2367 enforcement agencies and has no effect on the driving record of a
2368 person maintained under Title 63, Mississippi Code of 1972, or any
2369 other provision of said Title 63.

2370 (7) Notwithstanding the provisions of subsection (6) of this
2371 section, a person who was convicted in municipal court of a
2372 misdemeanor before reaching his twenty-third birthday, * * * and
2373 who is a first offender, may utilize the provisions of Section
2374 99-19-71, to expunge such misdemeanor conviction.

2375 (8) In the discretion of the court, a plea of nolo
2376 contendere may be entered to any charge in municipal court. Upon
2377 the entry of a plea of nolo contendere the court shall convict the
2378 defendant of the offense charged and shall proceed to sentence the
2379 defendant according to law. The judgment of the court shall
2380 reflect that the conviction was on a plea of nolo contendere. An
2381 appeal may be made from a conviction on a plea of nolo contendere
2382 as in other cases.

2383 (9) Upon execution of a sworn complaint charging a
2384 misdemeanor, the municipal court may, in its discretion and in
2385 lieu of an arrest warrant, issue a citation requiring the
2386 appearance of the defendant to answer the charge made against him.
2387 On default of appearance, an arrest warrant may be issued for the



2388 defendant. The clerk of the court or deputy clerk may issue such
2389 citations.

2390 (10) The municipal court shall have the power to make rules
2391 for the administration of the court's business, which rules, if
2392 any, shall be in writing filed with the clerk of the court and
2393 shall include the enactment of rules related to the court's
2394 authority to issue domestic abuse protection orders pursuant to
2395 Section 93-21-1 et seq.

2396 (11) The municipal court shall have the power to impose
2397 punishment of a fine of not more than One Thousand Dollars
2398 (\$1,000.00) or six (6) months imprisonment, or both, for contempt
2399 of court. The municipal court may have the power to impose
2400 reasonable costs of court, not in excess of the following:

2401	Dismissal of any affidavit, complaint or charge	
2402	in municipal court.....	\$ 50.00
2403	Suspension of a minor's driver's license in lieu of	
2404	conviction.....	\$ 50.00
2405	Service of scire facias or return "not found".....	\$ 20.00
2406	Causing search warrant to issue or causing	
2407	prosecution without reasonable cause or refusing to	
2408	cooperate after initiating action.....	\$ 100.00
2409	Certified copy of the court record.....	\$ 5.00
2410	Service of arrest warrant for failure to answer	
2411	citation or traffic summons.....	\$ 25.00



2412 Jail cost per day - actual jail cost paid by the municipality but
2413 not to exceed..... \$ 35.00
2414 Service of court documents related to the filing
2415 of a petition or issuance of a protection from domestic
2416 abuse order under Title 93, Chapter 21, Mississippi
2417 Code of 1972\$ 25.00
2418 Any other item of court cost.....\$ 50.00

2419 No filing fee or such cost shall be imposed for the bringing
2420 of an action in municipal court.

2421 (12) A municipal court judge shall not dismiss a criminal
2422 case but may transfer the case to the justice court of the county
2423 if the municipal court judge is prohibited from presiding over the
2424 case by the Canons of Judicial Conduct and provided that venue and
2425 jurisdiction are proper in the justice court. Upon transfer of
2426 any such case, the municipal court judge shall give the municipal
2427 court clerk a written order to transmit the affidavit or complaint
2428 and all other records and evidence in the court's possession to
2429 the justice court by certified mail or to instruct the arresting
2430 officer to deliver such documents and records to the justice
2431 court. There shall be no court costs charged for the transfer of
2432 the case to the justice court.

2433 (13) A municipal court judge shall expunge the record of any
2434 case in which an arrest was made, the person arrested was released
2435 and the case was dismissed or the charges were dropped or there
2436 was no disposition of such case.



2437 **SECTION 45.** Section 63-11-30, Mississippi Code of 1972, is
2438 amended as follows:

2439 63-11-30. (1) It is unlawful for a person to drive or
2440 otherwise operate a vehicle within this state if the person:

2441 (a) Is under the influence of intoxicating liquor;

2442 (b) Is under the influence of any other substance that
2443 has impaired the person's ability to operate a motor vehicle;

2444 (c) Is under the influence of any drug or controlled
2445 substance, the possession of which is unlawful under the
2446 Mississippi Controlled Substances Law; or

2447 (d) Has an alcohol concentration in the person's blood,
2448 based upon grams of alcohol per one hundred (100) milliliters of
2449 blood, or grams of alcohol per two hundred ten (210) liters of
2450 breath, as shown by a chemical analysis of the person's breath,
2451 blood or urine administered as authorized by this chapter, of:

2452 (i) Eight one-hundredths percent (.08%) or more
2453 for a person who is above the legal age to purchase alcoholic
2454 beverages under state law;

2455 (ii) Two one-hundredths percent (.02%) or more for
2456 a person who is below the legal age to purchase alcoholic
2457 beverages under state law; or

2458 (iii) Four one-hundredths percent (.04%) or more
2459 for a person operating a commercial motor vehicle.

2460 (2) Except as otherwise provided in subsection (3) of this
2461 section (Zero Tolerance for Minors):



2462 (a) **First offense DUI.** (i) Upon conviction of any
2463 person for the first offense of violating subsection (1) of this
2464 section where chemical tests under Section 63-11-5 were given, or
2465 where chemical test results are not available, the person shall be
2466 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more
2467 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
2468 than forty-eight (48) hours in jail, or both; the court shall
2469 order the person to attend and complete an alcohol safety
2470 education program as provided in Section 63-11-32 within six (6)
2471 months of sentencing. The court may substitute attendance at a
2472 victim impact panel instead of forty-eight (48) hours in jail.

2473 (ii) Suspension of commercial driving privileges
2474 is governed by Section 63-1-216.

2475 (iii) A qualifying first offense may be
2476 nonadjudicated by the court under subsection (14) of this section.
2477 The holder of a commercial driver's license or a commercial
2478 learning permit at the time of the offense is ineligible for
2479 nonadjudication.

2480 (iv) Eligibility for an interlock-restricted
2481 license is governed by Section 63-11-31 and suspension of regular
2482 driving privileges is governed by Section 63-11-23.

2483 (b) **Second offense DUI.** (i) Upon any second
2484 conviction of any person violating subsection (1) of this section,
2485 the offenses being committed within a period of five (5) years,
2486 the person shall be guilty of a misdemeanor, fined not less than



2487 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
2488 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
2489 five (5) days nor more than six (6) months and sentenced to
2490 community service work for not less than ten (10) days nor more
2491 than six (6) months. The minimum penalties shall not be suspended
2492 or reduced by the court and no prosecutor shall offer any
2493 suspension or sentence reduction as part of a plea bargain.

2494 (ii) Suspension of commercial driving privileges
2495 is governed by Section 63-1-216.

2496 (iii) Eligibility for an interlock-restricted
2497 license is governed by Section 63-11-31 and suspension of regular
2498 driving privileges is governed by Section 63-11-23.

2499 (c) **Third offense DUI.** (i) For a third conviction of
2500 a person for violating subsection (1) of this section, the
2501 offenses being committed within a period of five (5) years, the
2502 person shall be guilty of a felony and fined not less than Two
2503 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
2504 (\$5,000.00), and shall serve not less than one (1) year nor more
2505 than five (5) years in the custody of the Department of
2506 Corrections. For any offense that does not result in serious
2507 injury or death to any person, the sentence of incarceration may
2508 be served in the county jail rather than in the State Penitentiary
2509 at the discretion of the circuit court judge. The minimum
2510 penalties shall not be suspended or reduced by the court and no



2511 prosecutor shall offer any suspension or sentence reduction as
2512 part of a plea bargain.

2513 (ii) The suspension of commercial driving
2514 privileges is governed by Section 63-1-216.

2515 (iii) The suspension of regular driving privileges
2516 is governed by Section 63-11-23.

2517 (d) **Fourth and subsequent offense DUI.** (i) For any
2518 fourth or subsequent conviction of a violation of subsection (1)
2519 of this section, without regard to the time period within which
2520 the violations occurred, the person shall be guilty of a felony
2521 and fined not less than Three Thousand Dollars (\$3,000.00) nor
2522 more than Ten Thousand Dollars (\$10,000.00), and shall serve not
2523 less than two (2) years nor more than ten (10) years in the
2524 custody of the Department of Corrections.

2525 (ii) The suspension of commercial driving
2526 privileges is governed by Section 63-1-216.

2527 (iii) A person convicted of a fourth or subsequent
2528 offense is ineligible to exercise the privilege to operate a motor
2529 vehicle that is not equipped with an ignition-interlock device for
2530 ten (10) years.

2531 (e) Any person convicted of a second or subsequent
2532 violation of subsection (1) of this section shall receive an
2533 in-depth diagnostic assessment, and if as a result of the
2534 assessment is determined to be in need of treatment for alcohol or
2535 drug abuse, the person must successfully complete treatment at a



2536 program site certified by the Department of Mental Health. Each
2537 person who receives a diagnostic assessment shall pay a fee
2538 representing the cost of the assessment. Each person who
2539 participates in a treatment program shall pay a fee representing
2540 the cost of treatment.

2541 (f) The use of ignition-interlock devices is governed
2542 by Section 63-11-31.

2543 (3) **Zero Tolerance for Minors.** (a) This subsection shall
2544 be known and may be cited as Zero Tolerance for Minors. The
2545 provisions of this subsection shall apply only when a person under
2546 the age of twenty-one (21) years has a blood alcohol concentration
2547 of two one-hundredths percent (.02%) or more, but lower than eight
2548 one-hundredths percent (.08%). If the person's blood alcohol
2549 concentration is eight one-hundredths percent (.08%) or more, the
2550 provisions of subsection (2) shall apply.

2551 (b) (i) A person under the age of twenty-one (21) is
2552 eligible for nonadjudication of a qualifying first offense by the
2553 court pursuant to subsection (14) of this section.

2554 (ii) Upon conviction of any person under the age
2555 of twenty-one (21) years for the first offense of violating
2556 subsection (1) of this section where chemical tests provided for
2557 under Section 63-11-5 were given, or where chemical test results
2558 are not available, the person shall be fined Two Hundred Fifty
2559 Dollars (\$250.00); the court shall order the person to attend and
2560 complete an alcohol safety education program as provided in



2561 Section 63-11-32 within six (6) months. The court may also
2562 require attendance at a victim impact panel.

2563 (c) A person under the age of twenty-one (21) years who
2564 is convicted of a second violation of subsection (1) of this
2565 section, the offenses being committed within a period of five (5)
2566 years, shall be fined not more than Five Hundred Dollars
2567 (\$500.00).

2568 (d) A person under the age of twenty-one (21) years who
2569 is convicted of a third or subsequent violation of subsection (1)
2570 of this section, the offenses being committed within a period of
2571 five (5) years, shall be fined not more than One Thousand Dollars
2572 (\$1,000.00).

2573 (e) License suspension is governed by Section 63-11-23
2574 and ignition interlock is governed by Section 63-11-31.

2575 (f) Any person under the age of twenty-one (21) years
2576 convicted of a third or subsequent violation of subsection (1) of
2577 this section must complete treatment of an alcohol or drug abuse
2578 program at a site certified by the Department of Mental Health.

2579 (4) **DUI test refusal.** In addition to the other penalties
2580 provided in this section, every person refusing a law enforcement
2581 officer's request to submit to a chemical test of the person's
2582 breath as provided in this chapter, or who was unconscious at the
2583 time of a chemical test and refused to consent to the introduction
2584 of the results of the test in any prosecution, shall suffer an



2585 additional administrative suspension of driving privileges as set
2586 forth in Section 63-11-23.

2587 (5) **Aggravated DUI.** (a) Every person who operates any
2588 motor vehicle in violation of the provisions of subsection (1) of
2589 this section and who in a negligent manner causes the death of
2590 another or mutilates, disfigures, permanently disables or destroys
2591 the tongue, eye, lip, nose or any other limb, organ or member of
2592 another shall, upon conviction, be guilty of a separate felony for
2593 each victim who suffers death, mutilation, disfigurement or other
2594 injury and shall be committed to the custody of the State
2595 Department of Corrections for a period of time of not less than
2596 five (5) years and not to exceed twenty-five (25) years for each
2597 death, mutilation, disfigurement or other injury, and the
2598 imprisonment for the second or each subsequent conviction, in the
2599 discretion of the court, shall commence either at the termination
2600 of the imprisonment for the preceding conviction or run
2601 concurrently with the preceding conviction. Any person charged
2602 with causing the death of another as described in this subsection
2603 shall be required to post bail before being released after arrest.

2604 (b) A holder of a commercial driver's license who is
2605 convicted of operating a commercial motor vehicle with an alcohol
2606 concentration of eight one-hundredths percent (.08%) or more shall
2607 be guilty of a felony and shall be committed to the custody of the
2608 Department of Corrections for not less than two (2) years and not
2609 more than ten (10) years.



2610 (c) The court shall order an ignition-interlock
2611 restriction on the offender's privilege to drive as a condition of
2612 probation or post-release supervision not to exceed five (5) years
2613 unless a longer restriction is required under other law. The
2614 ignition-interlock restriction shall not be applied to commercial
2615 license privileges until the driver serves the full
2616 disqualification period required by Section 63-1-216.

2617 (6) **DUI citations.** (a) Upon conviction of a violation of
2618 subsection (1) of this section, the trial judge shall sign in the
2619 place provided on the traffic ticket, citation or affidavit
2620 stating that the person arrested either employed an attorney or
2621 waived his right to an attorney after having been properly
2622 advised. If the person arrested employed an attorney, the name,
2623 address and telephone number of the attorney shall be written on
2624 the ticket, citation or affidavit. The court clerk must
2625 immediately send a copy of the traffic ticket, citation or
2626 affidavit, and any other pertinent documents concerning the
2627 conviction or other order of the court, to the Department of
2628 Public Safety as provided in Section 63-11-37.

2629 (b) A copy of the traffic ticket, citation or affidavit
2630 and any other pertinent documents, having been attested as true
2631 and correct by the Commissioner of Public Safety, or his designee,
2632 shall be sufficient proof of the conviction for purposes of
2633 determining the enhanced penalty for any subsequent convictions of
2634 violations of subsection (1) of this section. The Department of



2635 Public Safety shall maintain a central database for verification
2636 of prior offenses and convictions.

2637 (7) **Out-of-state prior convictions.** Convictions in another
2638 state, territory or possession of the United States, or under the
2639 law of a federally recognized Native American tribe, of violations
2640 for driving or operating a vehicle while under the influence of an
2641 intoxicating liquor or while under the influence of any other
2642 substance that has impaired the person's ability to operate a
2643 motor vehicle occurring within five (5) years before an offense
2644 shall be counted for the purposes of determining if a violation of
2645 subsection (1) of this section is a second, third, fourth or
2646 subsequent offense and the penalty that shall be imposed upon
2647 conviction for a violation of subsection (1) of this section.

2648 (8) **Charging of subsequent offenses.** (a) For the purposes
2649 of determining how to impose the sentence for a second, third,
2650 fourth or subsequent conviction under this section, the affidavit
2651 or indictment shall not be required to enumerate previous
2652 convictions. It shall only be necessary that the affidavit or
2653 indictment states the number of times that the defendant has been
2654 convicted and sentenced within the past five (5) years for a
2655 second or third offense, or without a time limitation for a fourth
2656 or subsequent offense, under this section to determine if an
2657 enhanced penalty shall be imposed. The amount of fine and
2658 imprisonment imposed in previous convictions shall not be



2659 considered in calculating offenses to determine a second, third,
2660 fourth or subsequent offense of this section.

2661 (b) Before a defendant enters a plea of guilty to an
2662 offense under this section, law enforcement must submit
2663 certification to the prosecutor that the defendant's driving
2664 record, the confidential registry and National Crime Information
2665 Center record have been searched for all prior convictions,
2666 nonadjudications, pretrial diversions and arrests for driving or
2667 operating a vehicle while under the influence of an intoxicating
2668 liquor or while under the influence of any other substance that
2669 has impaired the person's ability to operate a motor vehicle. The
2670 results of the search must be included in the certification.

2671 (9) **License eligibility for underage offenders.** A person
2672 who is under the legal age to obtain a license to operate a motor
2673 vehicle at the time of the offense and who is convicted under this
2674 section shall not be eligible to receive a driver's license until
2675 the person reaches the age of eighteen (18) years.

2676 (10) **License suspensions and restrictions to run**
2677 **consecutively.** Suspension or restriction of driving privileges
2678 for any person convicted of or nonadjudicated for violations of
2679 subsection (1) of this section shall run consecutively to and not
2680 concurrently with any other administrative license suspension.

2681 (11) **Ignition interlock.** If the court orders installation
2682 and use of an ignition-interlock device as provided in Section
2683 63-11-31 for every vehicle operated by a person convicted or



2684 nonadjudicated under this section, each device shall be installed,
2685 maintained and removed as provided in Section 63-11-31.

2686 (12) **DUI child endangerment.** A person over the age of
2687 twenty-one (21) who violates subsection (1) of this section while
2688 transporting in a motor vehicle a child under the age of sixteen
2689 (16) years is guilty of the separate offense of endangering a
2690 child by driving under the influence of alcohol or any other
2691 substance which has impaired the person's ability to operate a
2692 motor vehicle. The offense of endangering a child by driving
2693 under the influence of alcohol or any other substance which has
2694 impaired the person's ability to operate a motor vehicle shall not
2695 be merged with an offense of violating subsection (1) of this
2696 section for the purposes of prosecution and sentencing. An
2697 offender who is convicted of a violation of this subsection shall
2698 be punished as follows:

2699 (a) A person who commits a violation of this subsection
2700 which does not result in the serious injury or death of a child
2701 and which is a first conviction shall be guilty of a misdemeanor
2702 and, upon conviction, shall be fined not more than One Thousand
2703 Dollars (\$1,000.00) or shall be imprisoned for not more than
2704 twelve (12) months, or both;

2705 (b) A person who commits a violation of this subsection
2706 which does not result in the serious injury or death of a child
2707 and which is a second conviction shall be guilty of a misdemeanor
2708 and, upon conviction, shall be fined not less than One Thousand



2709 Dollars (\$1,000.00) nor more than Five Thousand Dollars
2710 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

2711 (c) A person who commits a violation of this subsection
2712 which does not result in the serious injury or death of a child
2713 and which is a third or subsequent conviction shall be guilty of a
2714 felony and, upon conviction, shall be fined not less than Ten
2715 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
2716 than one (1) year nor more than five (5) years, or both; and

2717 (d) A person who commits a violation of this subsection
2718 which results in the serious injury or death of a child, without
2719 regard to whether the offense was a first, second, third or
2720 subsequent offense, shall be guilty of a felony and, upon
2721 conviction, shall be punished by a fine of not less than Ten
2722 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
2723 than five (5) years nor more than twenty-five (25) years.

2724 (13) **Expunction.** (a) Any person convicted under subsection
2725 (2) or (3) of this section of a first or second offense of driving
2726 under the influence * * * may petition the circuit court of the
2727 county in which the conviction was had for an order to expunge the
2728 record of the conviction at least five (5) years after successful
2729 completion of all terms and conditions of the sentence imposed for
2730 the conviction. Expunction under this subsection will only be
2731 available to a person:

2732 (i) Who has successfully completed all terms and
2733 conditions of the sentence imposed for the conviction;



2734 (ii) Who did not refuse to submit to a test of his
2735 blood or breath;

2736 (iii) Whose blood alcohol concentration tested
2737 below sixteen one-hundredths percent (.16%) if test results are
2738 available;

2739 (iv) Who has not been convicted of and does not
2740 have pending any other offense of driving under the influence;

2741 (v) Who has provided the court with justification
2742 as to why the conviction should be expunged; and

2743 (vi) Who has not previously had a nonadjudication
2744 or expunction of a violation of this section.

2745 (b) A person is eligible for only one (1) expunction
2746 under this subsection, and the Department of Public Safety shall
2747 maintain a permanent confidential registry of all cases of
2748 expunction under this subsection for the sole purpose of
2749 determining a person's eligibility for expunction, for
2750 nonadjudication, or as a first offender under this section. For
2751 purposes of this section, "one (1) expunction" has the meaning as
2752 defined in Section 99-19-71.

2753 (c) The court in its order of expunction shall state in
2754 writing the justification for which the expunction was granted and
2755 forward the order to the Department of Public Safety within five
2756 (5) days of the entry of the order.

2757 (14) **Nonadjudication.** (a) For the purposes of this
2758 chapter, "nonadjudication" means that the court withholds



2759 adjudication of guilt and sentencing, either at the conclusion of
2760 a trial on the merits or upon the entry of a plea of guilt by a
2761 defendant, and places the defendant in a nonadjudication program
2762 conditioned upon the successful completion of the requirements
2763 imposed by the court under this subsection.

2764 (b) A person is eligible for nonadjudication of an
2765 offense under this Section 63-11-30 only one (1) time under any
2766 provision of a law that authorizes nonadjudication and only for an
2767 offender:

2768 (i) Who has successfully completed all terms and
2769 conditions imposed by the court after placement of the defendant
2770 in a nonadjudication program;

2771 (ii) Who was not the holder of a commercial
2772 driver's license or a commercial learning permit at the time of
2773 the offense;

2774 (iii) Who has not previously been convicted of and
2775 does not have pending any former or subsequent charges under this
2776 section; and

2777 (iv) Who has provided the court with justification
2778 as to why nonadjudication is appropriate.

2779 (c) Nonadjudication may be initiated upon the filing of
2780 a petition for nonadjudication or at any stage of the proceedings
2781 in the discretion of the court; the court may withhold
2782 adjudication of guilt, defer sentencing, and upon the agreement of
2783 the offender to participate in a nonadjudication program, enter an



2784 order imposing requirements on the offender for a period of court
2785 supervision before the order of nonadjudication is entered.
2786 Failure to successfully complete a nonadjudication program
2787 subjects the person to adjudication of the charges against him and
2788 to imposition of all penalties previously withheld due to entrance
2789 into a nonadjudication program. The court shall immediately
2790 inform the commissioner of the conviction as required in Section
2791 63-11-37.

2792 (i) The court shall order the person to:

2793 1. Pay the nonadjudication fee imposed under
2794 Section 63-11-31 if applicable;

2795 2. Pay all fines, penalties and assessments
2796 that would have been imposed for conviction;

2797 3. Attend and complete an alcohol safety
2798 education program as provided in Section 63-11-32 within six (6)
2799 months of the date of the order;

2800 4. a. If the court determines that the
2801 person violated this section with respect to alcohol or
2802 intoxicating liquor, the person must install an ignition-interlock
2803 device on every motor vehicle operated by the person, obtain an
2804 interlock-restricted license, and maintain that license for one
2805 hundred twenty (120) days or suffer a one-hundred-twenty-day
2806 suspension of the person's regular driver's license, during which
2807 time the person must not operate any vehicle.



2808 b. If the court determines that the
2809 person violated this section by operating a vehicle when under the
2810 influence of a substance other than alcohol that has impaired the
2811 person's ability to operate a motor vehicle, including any drug or
2812 controlled substance which is unlawful to possess under the
2813 Mississippi Controlled Substances Law, the person must submit to a
2814 one-hundred-twenty-day period of a nonadjudication program that
2815 includes court-ordered drug testing at the person's own expense
2816 not less often than every thirty (30) days, during which time the
2817 person may drive if compliant with the terms of the program, or
2818 suffer a one-hundred-twenty-day suspension of the person's regular
2819 driver's license, during which time the person will not operate
2820 any vehicle.

2821 (ii) Other conditions that may be imposed by the
2822 court include, but are not limited to, alcohol or drug screening,
2823 or both, proof that the person has not committed any other traffic
2824 violations while under court supervision, proof of immobilization
2825 or impoundment of vehicles owned by the offender if required, and
2826 attendance at a victim-impact panel.

2827 (d) The court may enter an order of nonadjudication
2828 only if the court finds, after a hearing or after ex parte
2829 examination of reliable documentation of compliance, that the
2830 offender has successfully completed all conditions imposed by law
2831 and previous orders of the court. The court shall retain



2832 jurisdiction over cases involving nonadjudication for a period of
2833 not more than two (2) years.

2834 (e) (i) The clerk shall immediately forward a record
2835 of every person placed in a nonadjudication program and of every
2836 nonadjudication order to the Department of Public Safety for
2837 inclusion in the permanent confidential registry of all cases that
2838 are nonadjudicated under this subsection (14).

2839 (ii) Judges, clerks and prosecutors involved in
2840 the trial of implied consent violations and law enforcement
2841 officers involved in the issuance of citations for implied consent
2842 violations shall have secure online access to the confidential
2843 registry for the purpose of determining whether a person has
2844 previously been the subject of a nonadjudicated case and 1. is
2845 therefore ineligible for another nonadjudication; 2. is ineligible
2846 as a first offender for a violation of this section; or 3. is
2847 ineligible for expunction of a conviction of a violation of this
2848 section.

2849 (iii) The Driver Services Bureau of the department
2850 shall have access to the confidential registry for the purpose of
2851 determining whether a person is eligible for a form of license not
2852 restricted to operating a vehicle equipped with an
2853 ignition-interlock device.

2854 (iv) The Mississippi Alcohol Safety Education
2855 Program shall have secure online access to the confidential
2856 registry for research purposes only.



2857 **SECTION 46.** (1) As used in this section, the following
2858 terms shall have the meanings ascribed herein:

2859 (a) "License" means any license (other than a privilege
2860 license), certificate or other evidence of qualification that an
2861 individual is required to obtain before he or she may engage in or
2862 represent himself or herself to be a member of a particular
2863 profession or occupation.

2864 (b) "Nonviolent conviction" means a conviction for any
2865 crime that is not a crime of violence as defined in Section
2866 97-3-2.

2867 (c) "Occupational licensing board" means any state
2868 board, commission, department or other agency in Mississippi that
2869 is established for the primary purpose of regulating the entry of
2870 persons into, and/or the conduct of persons within, a particular
2871 profession or occupation, and which is authorized to issue
2872 licenses.

2873 (2) An occupational licensing board shall not automatically
2874 bar an individual from obtaining a license because of a nonviolent
2875 conviction that occurred more than three (3) years from the date
2876 that such person applied to obtain the license, but shall offer a
2877 process to petition the board for individualized consideration.

2878 (3) An individual with a criminal record may petition an
2879 occupational licensing board at any time, including before
2880 obtaining any required education or training, for a decision of



2881 whether the individual's criminal record will disqualify the
2882 individual from obtaining state recognition.

2883 (4) The individual will include in the petition the
2884 individual's criminal record or authorize the occupational
2885 licensing board to obtain the individual's criminal record.
2886 The individual may include additional information about the
2887 individual's current circumstances, including, but not limited to,
2888 the: (i) time since the offense, (ii) completion of the criminal
2889 sentence, (iii) a certificate of rehabilitation or good conduct,
2890 (iv) completion of, or active participation in, rehabilitative
2891 drug or alcohol treatment, (v) testimonials and recommendations
2892 including a progress report from the individual's probation or
2893 parole officer, (vi) other evidence of rehabilitation, (vii)
2894 training, (viii) employment history, (ix) employment aspirations,
2895 and (x) personal information including the age of the individual
2896 when the individual committed the offense and the individual's
2897 current family responsibilities.

2898 (5) The individual shall not have to provide nor shall the
2899 occupational licensing board consider:

2900 (a) Nonconviction information including information
2901 related to deferred adjudication, participation in a diversion
2902 program, or an arrest not followed by a conviction; or

2903 (b) A conviction that has been sealed, dismissed,
2904 expunged or pardoned.



2905 (6) All occupational licensing boards in Mississippi shall
2906 adopt rules, regulations and/or guidelines to establish a process
2907 for an individual with a criminal record to petition the board at
2908 any time, including before obtaining any required education or
2909 training, for a decision of whether the individual's criminal
2910 record will disqualify the individual from obtaining a license.
2911 However, the occupational licensing board may deny the
2912 individual's petition only if it establishes that issuing a
2913 license to the individual would be an actual threat to health and
2914 safety of the public and the profession.

2915 (7) The provisions of this section shall act to supersede
2916 any other provision of law to the contrary that regulates
2917 occupational licensing boards.

2918 **SECTION 47.** (1) There is hereby created in the State
2919 Treasury, a special fund to be known as "Programs to Reduce
2920 Recidivism Fund." Interest earned on the investment of monies in
2921 the fund shall be deposited in and credited to the fund.
2922 Unexpended and unencumbered monies in the fund at the close of
2923 each fiscal year shall remain in the fund. Monies in the fund
2924 shall be appropriated, administered, and used solely and
2925 exclusively for the purposes provided by this section.

2926 (2) The fund shall be comprised of all monies appropriated,
2927 donated, or otherwise made available to provide funding for the
2928 purposes set forth in this section. Any funds and savings
2929 realized from a reduction in the amount of time a person is



2930 required to spend in prison and from criminal justice reform shall
2931 be appropriated to the fund by the Legislature and shall be used
2932 to defray the additional operational expenses of probation and
2933 parole and reentry initiatives. The Mississippi Department of
2934 Corrections shall measure and document cost savings from the
2935 implementation of criminal justice reform and provide information
2936 to the Legislature regarding the estimated savings annually.

2937 (3) The monies in the fund shall be appropriated and used
2938 for the following purposes:

2939 (a) To defray the operational expenses of probation and
2940 parole and reentry initiatives.

2941 (b) To assist in establishing and reimbursing the
2942 operational expenses of corrections rehabilitative programs that
2943 do the following:

2944 (i) Provide inmates with fundamental resources in
2945 the areas of employment, life skills training, and job placement.

2946 (ii) Provide the inmates with access to as many
2947 support services as possible to appreciably increase the
2948 likelihood of successful reentry into society and to reduce
2949 recidivism.

2950 (4) The fund shall be administered by the Mississippi
2951 Department of Corrections, hereinafter referred to as "the
2952 administrators." Monies in the fund shall be used to support
2953 probation and parole, reentry initiatives, and programs
2954 established by the administrators. The administrators shall



2955 allocate funds as necessary for the purposes provided in this
2956 section. The administrators shall promulgate such rules,
2957 regulations, and procedures as are necessary in administering the
2958 provisions of this section.

2959 **SECTION 48.** This act shall take effect and be in force from
2960 and after July 1, 2019.

