

By: Representatives White, Karriem, Taylor, Kinkade, Dixon, Baria, Boyd, Willis, Sykes, Gibbs (36th), Mickens, Burnett, Hines, Paden

To: Judiciary B

HOUSE BILL NO. 1352  
(As Sent to Governor)

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 AMEND SECTION 9-25-1, MISSISSIPPI CODE OF  
9 1972, WHICH PROVIDES FOR VETERANS COURTS, TO CONFORM TO THE  
10 PRECEDING SECTION; TO AMEND SECTIONS 9-27-1, 9-27-3, 9-27-7,  
11 9-27-9, 9-27-11, 9-27-15, 9-27-17 AND 9-27-19, MISSISSIPPI CODE OF  
12 1972, WHICH PROVIDE FOR THE RIVERS MCGRAW MENTAL HEALTH PROGRAM,  
13 TO CONFORM TO THE PRECEDING SECTIONS BY REMOVING THE WORD "PILOT"  
14 THROUGHOUT; TO REPEAL SECTIONS 9-27-13 AND 9-27-21, MISSISSIPPI  
15 CODE OF 1972, WHICH REGULATE PILOT PROGRAMS FOR MENTAL HEALTH  
16 DIVERSION COURTS; TO AMEND SECTIONS 25-3-35, 43-21-357,  
17 63-11-31.1, 99-3-45 AND 99-19-73, MISSISSIPPI CODE OF 1972, TO  
18 CONFORM TO THIS ACT; TO AMEND SECTION 63-1-51, MISSISSIPPI CODE OF  
19 1972, TO REMOVE THE OFFENSE OF CONTEMPT FOR FAILURE TO PAY A FINE  
20 OR FEE OR FAILURE TO RESPOND TO A SUMMONS OR CITATION RELATING TO  
21 A TRAFFIC VIOLATION AS A GROUNDS FOR REVOKING A PERSON'S DRIVER'S  
22 LICENSE; TO AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, TO  
23 PROVIDE THAT AFTER CERTAIN NOTICE IS GIVEN TO A PERSON WHO FAILS  
24 TO TIMELY PAY ANY FINES, FEES OR ASSESSMENTS RELATING TO A TRAFFIC  
25 VIOLATION WITHIN 90 DAYS OF RECEIVING THE NOTICE, THE PERSON SHALL  
26 BE SUBJECT TO HAVING THE FINES, FEES OR ASSESSMENTS COLLECTED BY A  
27 COURT RATHER THAN HAVING HIS OR HER DRIVER'S LICENSE SUSPENDED; TO  
28 AMEND SECTION 63-1-52, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
29 PRECEDING SECTION; TO AMEND SECTION 63-1-71, MISSISSIPPI CODE OF  
30 1972, TO REMOVE THE REQUIREMENT THAT A PERSON'S DRIVER'S LICENSE  
31 BE SUSPENDED FOR A CONTROLLED SUBSTANCE VIOLATION THAT IS  
32 UNRELATED TO OPERATING A MOTOR VEHICLE; TO AMEND SECTION 63-1-46,  
33 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
34 AMEND SECTION 99-19-71, MISSISSIPPI CODE OF 1972, TO REVISE THE



35 ELIGIBILITY FOR EXPUNGEMENT; TO AMEND SECTION 47-7-49, MISSISSIPPI  
36 CODE OF 1972, TO REVISE THE INITIAL PERIOD ALLOWED FOR PAYMENT OF  
37 THE SUPERVISION FEE; TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF  
38 1972, TO PROHIBIT DENIAL OF EARNED-DISCHARGE CREDITS SOLELY ON THE  
39 BASIS OF NONPAYMENT OF SUPERVISION FEES; TO AMEND SECTION 99-5-11,  
40 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE RELEASE OF CERTAIN  
41 MISDEMEANANTS ON RECOGNIZANCE; TO OPT OUT OF FEDERAL RESTRICTIONS  
42 ON SNAP ELIGIBILITY FOR DRUG OFFENDERS; TO AMEND SECTIONS 21-23-7,  
43 43-21-159, 99-15-26 AND 99-15-57, MISSISSIPPI CODE OF 1972, TO  
44 AUTHORIZE A COURT TO EXPUNGE THE RECORD OF A CASE IN WHICH THE  
45 PERSON WAS FOUND NOT GUILTY AT TRIAL; AND FOR RELATED PURPOSES.

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

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

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

51 9-23-1. This chapter shall be known and may be cited as the  
52 "Alyce Griffin Clarke \* \* \* Intervention Court Act."

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

55 9-23-3. (1) The Legislature of Mississippi recognizes the  
56 critical need for judicial intervention to reduce the incidence of  
57 alcohol and drug use, alcohol and drug addiction, and crimes  
58 committed as a result of alcohol and drug use and alcohol and drug  
59 addiction. It is the intent of the Legislature to facilitate  
60 local \* \* \* intervention court alternative orders adaptable to  
61 chancery, circuit, county, youth, municipal and justice courts.

62 (2) The goals of the \* \* \* intervention courts under this  
63 chapter include the following:



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

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

69 (c) To reduce the alcohol-related and other  
70 drug-related court workload;

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

74 (e) To promote effective interaction and use of  
75 resources among criminal and juvenile justice personnel, child  
76 protective services personnel and community agencies; and

77 (f) To use corrections resources more effectively by  
78 redirecting prison-bound offenders whose criminal conduct is  
79 driven in part by drug and alcohol dependence to intensive  
80 supervision and clinical treatment available in the \* \* \*  
81 intervention court.

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

84 9-23-5. For the purposes of this chapter, the following  
85 words and phrases shall have the meanings ascribed unless the  
86 context clearly requires otherwise:

87 (a) "Chemical" tests means the analysis of an  
88 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)



89 saliva, (vi) urine, or (vii) other bodily substance to determine  
90 the presence of alcohol or a controlled substance.

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

93 (c) " \* \* \* Intervention court" means \* \* \* a drug  
94 court, mental health court, veterans court or problem-solving  
95 court that utilizes an immediate and highly structured  
96 intervention process for \* \* \* eligible defendants or juveniles  
97 that \* \* \* brings together mental health professionals, substance  
98 abuse professionals, local social programs and intensive judicial  
99 monitoring \* \* \*.

100 (d) "Evidence-based practices" means supervision  
101 policies, procedures and practices that scientific research  
102 demonstrates reduce recidivism.

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

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

109 9-23-7. The Administrative Office of Courts shall be  
110 responsible for certification and monitoring of local \* \* \*  
111 intervention courts according to standards promulgated by the  
112 State \* \* \* Intervention Courts Advisory Committee.



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

115           9-23-9. (1) The State \* \* \* Intervention Courts Advisory  
116 Committee is established to develop and periodically update  
117 proposed statewide evaluation plans and models for monitoring all  
118 critical aspects of \* \* \* intervention courts. The committee must  
119 provide the proposed evaluation plans to the Chief Justice and the  
120 Administrative Office of Courts. The committee shall be chaired  
121 by the Director of the Administrative Office of Courts or a  
122 designee of the director and shall consist of \* \* \* eleven (11)  
123 members all of whom shall be appointed by the Supreme Court \* \* \*.  
124 The members shall be broadly representative of the courts, mental  
125 health, veterans affairs, law enforcement, corrections, criminal  
126 defense bar, prosecutors association, juvenile justice, child  
127 protective services and substance abuse treatment communities.

128           (2) The State \* \* \* Intervention Courts Advisory Committee  
129 may also make recommendations to the Chief Justice, the Director  
130 of the Administrative Office of Courts and state officials  
131 concerning improvements to \* \* \* intervention court policies and  
132 procedures including the \* \* \* intervention court certification  
133 process. The committee may make suggestions as to the criteria  
134 for eligibility, and other procedural and substantive guidelines  
135 for \* \* \* intervention court operation.

136           (3) The State \* \* \* Intervention Courts Advisory Committee  
137 shall act as arbiter of disputes arising out of the operation



138 of \* \* \* intervention courts established under this chapter and  
139 make recommendations to improve the \* \* \* intervention courts; it  
140 shall also make recommendations to the Supreme Court necessary and  
141 incident to compliance with established rules.

142 (4) The State \* \* \* Intervention Courts Advisory Committee  
143 shall establish through rules and regulations a viable and  
144 fiscally responsible plan to expand the number of adult and  
145 juvenile \* \* \* intervention court programs operating in  
146 Mississippi. These rules and regulations shall include plans to  
147 increase participation in existing and future programs while  
148 maintaining their voluntary nature.

149 (5) The State \* \* \* Intervention Courts Advisory Committee  
150 shall receive and review the monthly reports submitted to the  
151 Administrative Office of Courts by each certified \* \* \*  
152 intervention court and provide comments and make recommendations,  
153 as necessary, to the Chief Justice and the Director of the  
154 Administrative Office of Courts.

155 **SECTION 7.** Section 9-23-11, Mississippi Code of 1972, as  
156 amended by Senate Bill No. 2491, 2019 Regular Session, is amended  
157 as follows:

158 9-23-11. (1) The Administrative Office of Courts shall  
159 establish, implement and operate a uniform certification process  
160 for all \* \* \* intervention courts and other problem-solving courts  
161 including juvenile courts, veterans courts or any other court  
162 designed to adjudicate criminal actions involving an identified



163 classification of criminal defendant to ensure funding for \* \* \*  
164 intervention courts supports effective and proven practices that  
165 reduce recidivism and substance dependency among their  
166 participants.

167 (2) The Administrative Office of Courts shall establish a  
168 certification process that ensures any new or existing \* \* \*  
169 intervention court meets minimum standards for \* \* \* intervention  
170 court operation.

171 (a) These standards shall include, but are not limited  
172 to:

173 (i) The use of evidence-based practices including,  
174 but not limited to, the use of a valid and reliable risk and needs  
175 assessment tool to identify participants and deliver appropriate  
176 interventions;

177 (ii) Targeting medium to high-risk offenders for  
178 participation;

179 (iii) The use of current, evidence-based  
180 interventions proven to reduce dependency on drugs or alcohol, or  
181 both;

182 (iv) Frequent testing for alcohol or drugs;

183 (v) Coordinated strategy between all \* \* \*  
184 intervention court program personnel involving the use of  
185 graduated clinical interventions;

186 (vi) Ongoing judicial interaction with each  
187 participant; and



188 (vii) Monitoring and evaluation of \* \* \*  
189 intervention court program implementation and outcomes through  
190 data collection and reporting.

191 (b) \* \* \* Intervention court certification applications  
192 shall include:

193 (i) A description of the need for the \* \* \*  
194 intervention court;

195 (ii) The targeted population for the \* \* \*  
196 intervention court;

197 (iii) The eligibility criteria for \* \* \*  
198 intervention court participants;

199 (iv) A description of the process for identifying  
200 appropriate participants including the use of a risk and needs  
201 assessment and a clinical assessment;

202 (v) A description of the \* \* \* intervention court  
203 intervention components, including anticipated budget and  
204 implementation plan;

205 (vi) The data collection plan which shall include  
206 collecting the following data:

- 207 1. Total number of participants;  
208 2. Total number of successful participants;  
209 3. Total number of unsuccessful participants  
210 and the reason why each participant did not complete the program;





211 4. Total number of participants who were  
212 arrested for a new criminal offense while in the \* \* \*  
213 intervention court program;

214 5. Total number of participants who were  
215 convicted of a new felony or misdemeanor offense while in  
216 the \* \* \* intervention court program;

217 6. Total number of participants who committed  
218 at least one (1) violation while in the \* \* \* intervention court  
219 program and the resulting sanction(s);

220 7. Results of the initial risk and needs  
221 assessment or other clinical assessment conducted on each  
222 participant; and

223 8. \* \* \* Total number of applications for  
224 screening by race, gender, offenses charged, indigence and, if not  
225 accepted, the reason for nonacceptance; and

226 \* \* \* 9. Any other data or information as  
227 required by the Administrative Office of Courts.

228 (c) Every \* \* \* intervention court shall be certified  
229 under the following schedule:

230 (i) \* \* \* An intervention court application  
231 submitted after July 1, 2014, shall require certification of  
232 the \* \* \* intervention court based on the proposed drug court  
233 plan \* \* \*.

234 (ii) \* \* \* An intervention court initially  
235 established and certified after July 1, 2014, shall be recertified



236 after its second year of funded operation \* \* \* on a time frame  
237 consistent with the other certified courts of its type.

238 (iii) A certified adult felony \* \* \* intervention  
239 court in existence on \* \* \* December 31, 2018, must submit a \* \* \*  
240 recertification petition \* \* \* by July 1, 2019, and be \* \* \*  
241 recertified under the requirements of this section \* \* \* on or  
242 before December 31, 2019; after the recertification, all certified  
243 adult felony intervention courts must submit a recertification  
244 petition every two (2) years to the Administrative Office of  
245 Courts. The recertification process must be completed by December  
246 31st of every odd calendar year.

247 (iv) \* \* \* A certified youth, family, misdemeanor  
248 or chancery intervention court in existence on December 31, 2018,  
249 must submit a recertification petition by July 31, 2020, and be  
250 recertified under the requirements of this section by December 31,  
251 2020. After the recertification, all certified youth, family,  
252 misdemeanor and chancery intervention courts must submit a  
253 recertification petition every two (2) years to the Administrative  
254 Office of Courts \* \* \*. The recertification process must be  
255 completed by December 31st of every even calendar year.

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



260 (4) (a) All certified drug courts must collect and submit  
261 to the Administrative Office of Courts each month, the following  
262 data:

263 (i) Total number of participants at the beginning  
264 of the month;

265 (ii) Total number of participants at the end of  
266 the month;

267 (iii) Total number of participants who began the  
268 program in the month;

269 (iv) Total number of participants who successfully  
270 completed the \* \* \* intervention court in the month;

271 (v) Total number of participants who left the  
272 program in the month;

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

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

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

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



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

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

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

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

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

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

304 9-23-13. (1) \* \* \* An intervention court's alcohol and drug  
305 intervention component shall provide for eligible individuals,  
306 either directly or through referrals, a range of necessary court  
307 intervention services, including, but not limited to, the  
308 following:



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

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

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 \* \* \* 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 \* \* \* an  
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 may 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 may 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, including the  
469 payment of fines and fees assessed and not waived by the court,  
470 the charge and prosecution shall be dismissed. If the defendant  
471 or participant was sentenced at the time of entry of plea of  
472 guilty, the successful completion of the \* \* \* intervention court  
473 order and other requirements of probation or suspension of  
474 sentence will result in the record of the criminal conviction or  
475 adjudication being expunged. However, no expunction of any  
476 implied consent violation shall be allowed.

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

479 9-25-1. (1) The Legislature recognizes that our military  
480 veterans have provided an invaluable service to our country. In  
481 doing so, many may have suffered the effects of, including, but  
482 not limited to, post-traumatic stress disorder, traumatic brain



483 injury and depression, and may also suffer drug and alcohol  
484 dependency or addiction and co-occurring mental illness and  
485 substance abuse problems. As a result of this, some veterans come  
486 into contact with the criminal justice system and are charged with  
487 felony offenses. There is a critical need for the justice system  
488 to recognize these veterans, provide accountability for their  
489 wrongdoing, provide for the safety of the public, and provide for  
490 the treatment of our veterans. It is the intent of the  
491 Legislature to create a framework for which specialized veterans  
492 treatment courts may be established at the circuit court level and  
493 at the discretion of the circuit court judge.

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

502       (3) **Eligibility.** (a) In order to be eligible to  
503 participate in a Veterans Treatment Court program established  
504 under this section, the attorney representing the state must  
505 consent to the defendant's participation in the program. Further,  
506 the court in which the criminal case is pending must have found



507 that the defendant is a veteran of the United States Armed Forces  
508 as defined in Title 38 USCS.

509 (b) Participation in the services of an alcohol and  
510 drug intervention component shall only be open to the individuals  
511 over whom the court has jurisdiction, except that the court may  
512 agree to provide the services for individuals referred from  
513 another Veterans Treatment Court. In cases transferred from  
514 another jurisdiction, the receiving judge shall act as a special  
515 master and make recommendations to the sentencing judge.

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

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

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



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

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

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

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

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

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



554 veterans or service members, and prior determinations of  
555 eligibility for benefits by any state or county veterans office.

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

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

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

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

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

569 (ii) Another state;

570 (iii) The federal government;

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

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

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

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



579 (f) Adopt rules to implement this chapter.

580 (5) **State \* \* \* Intervention Court Advisory Committee.** (a)

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

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

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

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

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





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

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

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

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

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

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

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

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

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

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



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

633           (2) The goals of the mental health \* \* \* courts under this  
634 chapter include the following:

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

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

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

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

643                   (e) Expedite case processing;

644                   (f) Protect public safety;

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

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



652           **SECTION 17.** Section 9-27-7, Mississippi Code of 1972, is  
653 amended as follows:

654           9-27-7. (1) The Administrative Office of Courts is the  
655 repository for reports filed by \* \* \* courts established under  
656 this chapter. The goal of the \* \* \* mental health courts is to  
657 support effective and proven practices that reduce recidivism and  
658 provide treatment for participants.

659           (2) \* \* \* Mental health courts must adhere to the standards  
660 established in this chapter.

661           (a) These standards shall include, but are not limited  
662 to:

663                   (i) The use of evidence-based practices including,  
664 but not limited to, the use of a valid and reliable risk and needs  
665 assessment tool to identify participants and deliver appropriate  
666 treatments;

667                   (ii) Targeting medium- to high-risk offenders for  
668 participation;

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

671                   (iv) Coordinated strategy between all mental  
672 health \* \* \* court personnel;

673                   (v) Ongoing judicial interaction with each  
674 participant; and



675 (vi) Monitoring and evaluation of mental  
676 health \* \* \* court implementation and outcomes through data  
677 collection and reporting.

678 (b) \* \* \* Mental health courts must implement a data  
679 collection plan, which shall include collecting the following  
680 data:

681 (i) Total number of participants;

682 (ii) Total number of successful participants;

683 (iii) Total number of unsuccessful participants

684 and the reason why each participant did not complete the program;

685 (iv) Total number of participants who were  
686 arrested for a new criminal offense while in the \* \* \* mental  
687 health court;

688 (v) Total number of participants who were  
689 convicted of a new felony or misdemeanor offense while in  
690 the \* \* \* mental health court;

691 (vi) Total number of participants who committed at  
692 least one (1) violation while in the \* \* \* mental health court and  
693 the resulting sanction(s);

694 (vii) Results of the initial risk and needs  
695 assessment or other clinical assessment conducted on each  
696 participant; and

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



699 (3) All mental health \* \* \* courts must measure successful  
700 completion of the program based on those participants who complete  
701 the program without a new criminal conviction.

702 (4) (a) \* \* \* Mental health courts must collect and submit  
703 to the Administrative Office of Courts each month, the following  
704 data:

705 (i) Total number of participants at the beginning  
706 of the month;

707 (ii) Total number of participants at the end of  
708 the month;

709 (iii) Total number of participants who began the  
710 program in the month;

711 (iv) Total number of participants who successfully  
712 completed the program in the month;

713 (v) Total number of participants who left the  
714 program in the month;

715 (vi) Total number of participants who were  
716 arrested for a new criminal offense while in the program in the  
717 month;

718 (vii) Total number of participants who were  
719 convicted for a new criminal arrest while in the program in the  
720 month; and

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



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

728 (5) Mental health \* \* \* courts may individually establish  
729 rules and may make special orders and rules as necessary that do  
730 not conflict with rules promulgated by the Supreme Court or the  
731 Administrative Office of Courts.

732 (6) A mental health \* \* \* court may appoint the full or  
733 part-time employees it deems necessary for the work of the mental  
734 health \* \* \* court and shall fix the compensation of those  
735 employees, who shall serve at the will and pleasure of the senior  
736 circuit court judge.

737 (7) A mental health \* \* \* court established under this  
738 chapter is subject to the regulatory powers of the Administrative  
739 Office of Courts as set forth in Section 9-27-13.

740 **SECTION 18.** Section 9-27-9, Mississippi Code of 1972, is  
741 amended as follows:

742 9-27-9. (1) A mental health \* \* \* court's mental health  
743 intervention component shall provide for eligible individuals,  
744 either directly or through referrals, a range of necessary court  
745 treatment services, including, but not limited to, the following:

746 (a) Screening using a valid and reliable assessment  
747 tool effective for identifying persons affected by mental health  
748 issues for eligibility and appropriate services;



- 749 (b) Clinical assessment;  
750 (c) Education;  
751 (d) Referral;  
752 (e) Service coordination and case management; and  
753 (f) Counseling and rehabilitative care.

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

757 **SECTION 19.** Section 9-27-11, Mississippi Code of 1972, is  
758 amended as follows:

759 9-27-11. (1) In order to be eligible for alternative  
760 sentencing through a local mental health \* \* \* court, the  
761 participant must satisfy each of the following criteria:

762 (a) The participant cannot have any felony convictions  
763 for any offenses that are crimes of violence as defined in Section  
764 97-3-2, other than burglary under Section 97-17-23(1), within the  
765 previous ten (10) years.

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

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

772 (d) The crime before the court cannot be a charge of  
773 driving under the influence of alcohol or any other substance that



774 resulted in the death of a person. In addition, persons who are  
775 ineligible for nonadjudication under Section 63-11-30 shall be  
776 ineligible to participate in a mental health \* \* \* court.

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

780 (2) Participation in the services of a mental health  
781 treatment component shall be open only to the individuals over  
782 whom the court has jurisdiction, except that the court may agree  
783 to provide the services for individuals referred from another  
784 mental health \* \* \* court. In cases transferred from another  
785 jurisdiction, the receiving judge shall act as a special master  
786 and make recommendations to the sentencing judge.

787 (3) (a) As a condition of participation in a mental  
788 health \* \* \* court, a participant may be required to undergo a  
789 chemical test or a series of chemical tests as specified by the  
790 program. A participant is liable for the costs of all chemical  
791 tests required under this section, regardless of whether the costs  
792 are paid to the mental health \* \* \* court or the laboratory;  
793 however, if testing is available from other sources or the program  
794 itself, the judge may waive any fees for testing. Fees may be  
795 waived if the applicant is determined to be indigent.

796 (b) A laboratory that performs a chemical test under  
797 this section shall report the results of the test to the mental  
798 health \* \* \* court.





799 (4) A person does not have a right to participate in a  
800 mental health \* \* \* under this chapter. The court having  
801 jurisdiction over a person for a matter before the court shall  
802 have the final determination about whether the person may  
803 participate in the mental health \* \* \* court under this chapter.  
804 However, any person meeting the eligibility criteria in subsection  
805 (1) of this section, shall, upon request, be screened for  
806 admission into the court's program.

807 **SECTION 20.** Section 9-27-15, Mississippi Code of 1972, is  
808 amended as follows:

809 9-27-15. (1) All monies received from any source by a  
810 mental health \* \* \* court shall be accumulated in a local fund to  
811 be used only for mental health \* \* \* court purposes. Any funds  
812 remaining in a local fund at the end of a fiscal year shall not  
813 lapse into any general fund, but shall be retained in the mental  
814 health \* \* \* court fund for the funding of further activities by  
815 the mental health \* \* \* court. \* \* \*

816 (2) A mental health \* \* \* court may apply for and receive  
817 the following:

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

819 (b) Grant and contract monies from governmental  
820 sources.

821 (c) Other forms of financial assistance approved by the  
822 court to supplement the budget of the mental health  
823 diversion \* \* \* program.



824 (3) The costs of participation in a mental health treatment  
825 program required by the mental health \* \* \* court may be paid by  
826 the participant or out of user fees or such other state, federal  
827 or private funds that may, from time to time, be made available.

828 (4) The court may assess reasonable and appropriate fees to  
829 be paid to the local mental health \* \* \* court fund for  
830 participation in a mental health treatment program; however, all  
831 fees may be waived by the court if the applicant is determined to  
832 be indigent.

833 **SECTION 21.** Section 9-27-17, Mississippi Code of 1972, is  
834 amended as follows:

835 9-27-17. The director and members of the professional and  
836 administrative staff of the mental health \* \* \* court who perform  
837 duties in good faith under this chapter are immune from civil  
838 liability for:

839 (a) Acts or omissions in providing services under this  
840 chapter; and

841 (b) The reasonable exercise of discretion in  
842 determining eligibility to participate in the mental health \* \* \*  
843 court.

844 **SECTION 22.** Section 9-27-19, Mississippi Code of 1972, is  
845 amended as follows:

846 9-27-19. If the participant completes all requirements  
847 imposed upon him by the mental health \* \* \* court, \* \* \* the  
848 charge and prosecution shall be dismissed. If the defendant or



849 participant was sentenced at the time of entry of a plea of  
850 guilty, the successful completion of the mental health \* \* \* court  
851 order and other requirements of probation or suspension of  
852 sentence will result in the record of the criminal conviction or  
853 adjudication being expunged.

854 **SECTION 23.** Sections 9-27-13 and 9-27-21, Mississippi Code  
855 of 1972, which regulate pilot programs for mental health diversion  
856 courts, are repealed.

857 **SECTION 24.** Section 25-3-35, Mississippi Code of 1972, is  
858 amended as follows:

859 25-3-35. (1) The annual salaries of the following judges  
860 are fixed as follows:

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

862 Chief Justice of the Supreme Court.....\$126,292.50  
863 Presiding Justices of the Supreme Court, each..... 123,600.75  
864 Associate Justices of the Supreme Court, each..... 122,460.00

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

866 Chief Justice of the Supreme Court.....\$137,195.00  
867 Presiding Justices of the Supreme Court, each..... 134,011.50  
868 Associate Justices of the Supreme Court, each..... 132,390.00

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

870 Chief Justice of the Supreme Court.....\$148,097.50  
871 Presiding Justices of the Supreme Court, each..... 144,422.25  
872 Associate Justices of the Supreme Court, each..... 142,320.00

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



874 Chief Justice of the Supreme Court.....\$159,000.00  
875 Presiding Justices of the Supreme Court, each..... 154,833.00  
876 Associate Justices of the Supreme Court, each..... 152,250.00

877 There are imposed upon the Supreme Court justices the extra duties  
878 of taking all necessary action to promote judicial education in  
879 schools, \* \* \* intervention courts, electronic filing and case  
880 management systems as developed by the Administrative Office of  
881 Courts, or such other additional duties as may be assigned by the  
882 Chief Justice of the Supreme Court. For such extra services each  
883 justice, from and after January 1, 2013, shall receive a sum  
884 sufficient to aggregate, per annum, the salaries set forth in this  
885 subsection (1).

886 The fixed salaries in this subsection (1) shall be paid from  
887 the State General Fund and from the Judicial System Operation Fund  
888 created under Section 9-21-45. No less than: One Hundred Fifteen  
889 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief  
890 Justice's salary in this subsection (1), One Hundred Thirteen  
891 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of  
892 a presiding justice in this subsection (1), and One Hundred Twelve  
893 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary  
894 of an associate justice in this subsection (1) shall be paid from  
895 general fund monies; in addition, the Legislature shall  
896 appropriate annually from the Judicial System Operation Fund a sum  
897 sufficient to increase the salary of the Chief Justice, a



898 presiding justice and an associate justice to the levels set forth  
899 in this subsection (1).

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

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

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

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

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

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

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

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

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

918 Chief Judge of the Court of Appeals.....\$147,578.00  
919 Associate Judges of the Court of Appeals, each.... 144,827.00

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



923           The fixed salaries in this subsection (2) shall be paid from  
924 the State General Fund and from the Judicial System Operation Fund  
925 created under Section 9-21-45. No less than One Hundred Eight  
926 Thousand One Hundred Thirty Dollars (\$108,130.00) of the Chief  
927 Judge's salary in this subsection (2) shall be paid from general  
928 fund monies; in addition, the Legislature shall appropriate  
929 annually from the Judicial System Operation Fund a sum sufficient  
930 to increase the Chief Judge's salary to the level set forth in  
931 this subsection (2). No less than One Hundred Five Thousand Fifty  
932 Dollars (\$105,050.00) of the salary of an associate judge in this  
933 subsection (2) shall be paid from general fund monies; in  
934 addition, the Legislature shall appropriate annually from the  
935 Judicial System Operation Fund a sum sufficient to increase the  
936 salary of an associate judge to the level set forth in this  
937 subsection (2).

938           The fixed salaries as specified in this subsection (2) shall  
939 be the exclusive and total compensation which can be reported to  
940 the Public Employees' Retirement System for retirement purposes;  
941 however, any judge in office on December 31, 2003, may continue to  
942 report his expense allowance as part of his compensation for  
943 retirement purposes.

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

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

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



948 Circuit Judges, each..... 112,127.50

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

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

951 Circuit Judges, each..... 120,085.00

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

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

954 Circuit Judges, each..... 128,042.50

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

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

957 Circuit Judges, each..... 136,000.00

958 In addition to their present official duties, the circuit and  
959 chancery judges shall take necessary action to promote judicial  
960 education in schools, \* \* \* intervention courts, electronic filing  
961 and case management systems as developed by the Administrative  
962 Office of Courts, or such other additional duties as may be  
963 assigned by the Chief Justice of the Supreme Court. For such  
964 extra services each judge, from and after January 1, 2013, shall  
965 receive a sum sufficient to aggregate, per annum, the salaries set  
966 forth in this subsection (3).

967 The fixed salaries in this subsection (3) shall be paid from  
968 the State General Fund and from the Judicial System Operation Fund  
969 created under Section 9-21-45. No less than One Hundred Four  
970 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary  
971 of a chancery or circuit Judge in this subsection (3) shall be  
972 paid from general fund monies; in addition, the Legislature shall



973 appropriate annually from the Judicial System Operation Fund a sum  
974 sufficient to increase the salary of a chancery or circuit judge  
975 to the levels set forth in this subsection (3).

976 (4) From and after January 1, 2019, and every four (4) years  
977 thereafter, the annual salaries of the judges in subsections (1),  
978 (2) and (3) shall be fixed at the level of compensation  
979 recommended by the State Personnel Board according to the board's  
980 most recent report on judicial salaries, as required under Section  
981 25-9-115, to the extent that sufficient funds are available. The  
982 annual salaries fixed in accordance with this subsection (4) shall  
983 not become effective until the commencement of the next  
984 immediately succeeding term of office.

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

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

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

991 One Hundred Three Thousand Three Hundred Twenty-two Dollars  
992 (\$103,322.00).

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

994 One Hundred Ten Thousand Eight Hundred Forty-eight Dollars  
995 (\$110,848.00).

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





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

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

1000 One Hundred Twenty-five Thousand Nine Hundred Dollars  
1001 (\$125,900.00).

1002 (7) The annual salary of the full-time legal assistants  
1003 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor  
1004 more than eighty percent (80%) of the salary of the district  
1005 attorney for legal assistants who have been licensed to practice  
1006 law for five (5) years or less; eighty-five percent (85%) of the  
1007 salary of the district attorney for legal assistants who have been  
1008 licensed to practice law for at least five (5) years but less than  
1009 fifteen (15) years; and ninety percent (90%) of the salary of the  
1010 district attorney for legal assistants who have been licensed to  
1011 practice law for at least fifteen (15) years or more.

1012 **SECTION 25.** Section 43-21-357, Mississippi Code of 1972, is  
1013 amended as follows:

1014 43-21-357. (1) After receiving a report, the youth court  
1015 intake unit shall promptly make a preliminary inquiry to determine  
1016 whether the interest of the child, other children in the same  
1017 environment or the public requires the youth court to take further  
1018 action. As part of the preliminary inquiry, the youth court  
1019 intake unit may request or the youth court may order the  
1020 Department of Human Services, the Department of Youth Services,  
1021 any successor agency or any other qualified public employee to



1022 make an investigation or report concerning the child and any other  
1023 children in the same environment, and present the findings thereof  
1024 to the youth court intake unit. If the youth court intake unit  
1025 receives a neglect or abuse report, the youth court intake unit  
1026 shall immediately forward the complaint to the Department of Human  
1027 Services to promptly make an investigation or report concerning  
1028 the child and any other children in the same environment and  
1029 promptly present the findings thereof to the youth court intake  
1030 unit. If it appears from the preliminary inquiry that the child  
1031 or other children in the same environment are within the  
1032 jurisdiction of the court, the youth court intake unit shall  
1033 recommend to the youth court:

1034 (a) That the youth court take no action;

1035 (b) That an informal adjustment be made;

1036 (c) The Department of Human Services, Division of  
1037 Family and Children Services, monitor the child, family and other  
1038 children in the same environment;

1039 (d) That the child is warned or counseled informally;

1040 (e) That the child be referred to the youth court \* \* \*

1041 intervention court; or

1042 (f) That a petition be filed.

1043 (2) The youth court shall then, without a hearing:

1044 (a) Order that no action be taken;

1045 (b) Order that an informal adjustment be made;



1046 (c) Order that the Department of Human Services,  
1047 Division of Family and Children Services, monitor the child,  
1048 family and other children in the same environment;

1049 (d) Order that the child is warned or counseled  
1050 informally;

1051 (e) That the child be referred to the youth \* \* \*  
1052 intervention court; or

1053 (f) Order that a petition be filed.

1054 (3) If the preliminary inquiry discloses that a child needs  
1055 emergency medical treatment, the judge may order the necessary  
1056 treatment.

1057 **SECTION 26.** Section 63-11-31.1, Mississippi Code of 1972, is  
1058 amended as follows:

1059 63-11-31.1. (1) The Mississippi Forensics Laboratory shall  
1060 promulgate rules and regulations for court-ordered drug testing of  
1061 DUI/other drug violators and shall approve which vendors are  
1062 eligible to be utilized by the trial courts when ordering  
1063 defendants to undergo drug testing as a condition of continuing to  
1064 exercise the privilege to drive. The Forensics Laboratory may  
1065 assess fees to the vendors, and shall prescribe the maximum costs  
1066 to the offender for drug testing. The Forensics Laboratory may  
1067 seek the advice of the State \* \* \* Intervention Court Advisory  
1068 Committee in fulfilling these duties.



1069           (2) The Forensics Laboratory must evaluate proposals made by  
1070 prospective vendors for acceptability, including, without  
1071 limitation, the following factors:

1072                   (a) A description of the method used for assessment;

1073                   (b) The frequency with which the offender will be  
1074 tested;

1075                   (c) The procedure used by the vendor to ensure the  
1076 accuracy of the test results;

1077                   (d) The length of time allowed the offender to provide  
1078 a biological sample after being given notice;

1079                   (e) The frequency with which the vendor will make  
1080 reports to the court;

1081                   (f) The list of approved sites for the collection of  
1082 biological samples for testing.

1083           (3) The Forensics Laboratory must promulgate regulations for  
1084 the program and for vendors, including at a minimum:

1085                   (a) That the offender must pay the cost of the testing  
1086 program or, if the court finds the offender to be indigent, that  
1087 the cost be paid from the Interlock Device Fund.

1088                   (b) How indigent funds will be accessed by the vendors,  
1089 and the maximum cost to the offender or the fund.

1090           (4) The Forensics Laboratory will provide the list of  
1091 approved vendors, subject to continuous updating, to the  
1092 Mississippi Judicial College for dissemination to the trial  
1093 courts.



1094           **SECTION 27.** Section 99-3-45, Mississippi Code of 1972, is  
1095 amended as follows:

1096           99-3-45. A person under the age of twenty-one (21) who is  
1097 released under either Section 99-3-17 or 99-3-18 following arrest  
1098 must be given notice:

1099           (a) That the person is allowed to call a parent,  
1100 guardian or custodian in addition to any other opportunity to call  
1101 that has been afforded to such person; and

1102           (b) That \* \* \* Intervention Court and other pretrial  
1103 diversion programs may be available for many offenses.

1104           **SECTION 28.** Section 99-19-73, Mississippi Code of 1972, is  
1105 amended as follows:

1106           99-19-73. (1) **Traffic violations.** In addition to any  
1107 monetary penalties and any other penalties imposed by law, there  
1108 shall be imposed and collected the following state assessment from  
1109 each person upon whom a court imposes a fine or other penalty for  
1110 any violation in Title 63, Mississippi Code of 1972, except  
1111 offenses relating to the Mississippi Implied Consent Law (Section  
1112 63-11-1 et seq.) and offenses relating to vehicular parking or  
1113 registration:

1114	FUND	AMOUNT
1115	State Court Education Fund.....	[Deleted]
1116	State Prosecutor Education Fund.....	[Deleted]
1117	Vulnerable Persons Training,	
1118	Investigation and Prosecution Trust Fund.....	[Deleted]



- 1119 Child Support Prosecution Trust Fund.....[Deleted]
- 1120 Driver Training Penalty Assessment Fund.....[Deleted]
- 1121 Law Enforcement Officers Training Fund.....[Deleted]
- 1122 Spinal Cord and Head Injury Trust Fund
- 1123       (for all moving violations).....[Deleted]
- 1124 Emergency Medical Services Operating Fund.....[Deleted]
- 1125 Mississippi Leadership Council on Aging Fund.....[Deleted]
- 1126 Law Enforcement Officers and Fire Fighters
- 1127       Death Benefits Trust Fund.....[Deleted]
- 1128 Law Enforcement Officers and Fire Fighters
- 1129       Disability Benefits Trust Fund.....[Deleted]
- 1130 State Prosecutor Compensation Fund for the purpose
- 1131       of providing additional compensation for
- 1132       district attorneys and their legal assistants.....[Deleted]
- 1133 Crisis Intervention Mental Health Fund.....[Deleted]
- 1134   \* \* \* Intervention Court Fund.....[Deleted]
- 1135 Judicial Performance Fund.....[Deleted]
- 1136 Capital Defense Counsel Fund.....[Deleted]
- 1137 Indigent Appeals Fund.....[Deleted]
- 1138 Capital Post-Conviction Counsel Fund.....[Deleted]
- 1139 Victims of Domestic Violence Fund.....[Deleted]
- 1140 Public Defenders Education Fund.....[Deleted]
- 1141 Domestic Violence Training Fund.....[Deleted]
- 1142 Attorney General's Cyber Crime Unit.....[Deleted]
- 1143 Children's Safe Center Fund.....[Deleted]



1144 DuBard School for Language Disorders Fund.....[Deleted]  
 1145 Children's Advocacy Centers Fund.....[Deleted]  
 1146 Judicial System Operation Fund.....[Deleted]  
 1147 GENERAL FUND.....\$ 90.50

1148 (2) **Implied Consent Law violations.** In addition to any  
 1149 monetary penalties and any other penalties imposed by law, there  
 1150 shall be imposed and collected the following state assessment from  
 1151 each person upon whom a court imposes a fine or any other penalty  
 1152 for any violation of the Mississippi Implied Consent Law (Section  
 1153 63-11-1 et seq.):

1154 FUND	AMOUNT
1155 Crime Victims' Compensation Fund.....	[Deleted]
1156 State Court Education Fund.....	[Deleted]
1157 State Prosecutor Education Fund.....	[Deleted]
1158 Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
1160 Child Support Prosecution Trust Fund.....	[Deleted]
1161 Driver Training Penalty Assessment Fund.....	[Deleted]
1162 Law Enforcement Officers Training Fund.....	[Deleted]
1163 Emergency Medical Services Operating Fund.....	[Deleted]
1164 Mississippi Alcohol Safety Education Program Fund.....	[Deleted]
1165 Federal-State Alcohol Program Fund.....	[Deleted]
1166 Mississippi Forensics Laboratory Implied Consent Law Fund.....	[Deleted]
1168 Spinal Cord and Head Injury Trust Fund.....	[Deleted]



1169 Capital Defense Counsel Fund.....[Deleted]

1170 Indigent Appeals Fund.....[Deleted]

1171 Capital Post-Conviction Counsel Fund.....[Deleted]

1172 Victims of Domestic Violence Fund.....[Deleted]

1173 Law Enforcement Officers and Fire Fighters

1174       Death Benefits Trust Fund.....[Deleted]

1175 Law Enforcement Officers and Fire Fighters

1176       Disability Benefits Trust Fund.....[Deleted]

1177 State Prosecutor Compensation Fund for the purpose

1178       of providing additional compensation for

1179       district attorneys and their legal assistants.....[Deleted]

1180 Crisis Intervention Mental Health Fund.....[Deleted]

1181   \* \* \* Intervention Court Fund.....[Deleted]

1182 Statewide Victims' Information and

1183       Notification System Fund.....[Deleted]

1184 Public Defenders Education Fund.....[Deleted]

1185 Domestic Violence Training Fund.....[Deleted]

1186 Attorney General's Cyber Crime Unit.....[Deleted]

1187       GENERAL FUND.....\$ 243.50

1188       (3) **Game and Fish Law violations.** In addition to any

1189 monetary penalties and any other penalties imposed by law, there

1190 shall be imposed and collected the following state assessment from

1191 each person upon whom a court imposes a fine or other penalty for

1192 any violation of the game and fish statutes or regulations of this

1193 state:





1194	FUND	AMOUNT
1195	State Court Education Fund.....	[Deleted]
1196	State Prosecutor Education Fund.....	[Deleted]
1197	Vulnerable Persons Training,	
1198	Investigation and Prosecution Trust Fund.....	[Deleted]
1199	Law Enforcement Officers Training Fund.....	[Deleted]
1200	Hunter Education and Training Program Fund.....	[Deleted]
1201	Law Enforcement Officers and Fire Fighters	
1202	Death Benefits Trust Fund.....	[Deleted]
1203	Law Enforcement Officers and Fire Fighters	
1204	Disability Benefits Trust Fund.....	[Deleted]
1205	State Prosecutor Compensation Fund for the purpose	
1206	of providing additional compensation for district	
1207	attorneys and their legal assistants.....	[Deleted]
1208	Crisis Intervention Mental Health Fund.....	[Deleted]
1209	* * * <u>Intervention</u> Court Fund.....	[Deleted]
1210	Capital Defense Counsel Fund.....	[Deleted]
1211	Indigent Appeals Fund.....	[Deleted]
1212	Capital Post-Conviction Counsel Fund.....	[Deleted]
1213	Victims of Domestic Violence Fund.....	[Deleted]
1214	Public Defenders Education Fund.....	[Deleted]
1215	Domestic Violence Training Fund.....	[Deleted]
1216	Attorney General's Cyber Crime Unit.....	[Deleted]
1217	GENERAL FUND.....	\$ 89.00
1218	(4) [Deleted]	



1219 (5) **Speeding, reckless and careless driving violations.** In  
1220 addition to any assessment imposed under subsection (1) or (2) of  
1221 this section, there shall be imposed and collected the following  
1222 state assessment from each person upon whom a court imposes a fine  
1223 or other penalty for driving a vehicle on a road or highway:

1224 (a) At a speed that exceeds the posted speed limit by  
1225 at least ten (10) miles per hour but not more than twenty (20)  
1226 miles per hour.....\$10.00

1227 (b) At a speed that exceeds the posted speed limit by  
1228 at least twenty (20) miles per hour but not more than thirty (30)  
1229 miles per hour.....\$20.00

1230 (c) At a speed that exceeds the posted speed limit by  
1231 thirty (30) miles per hour or more.....\$30.00

1232 (d) In violation of Section 63-3-1201, which is the  
1233 offense of reckless driving.....\$10.00

1234 (e) In violation of Section 63-3-1213, which is the  
1235 offense of careless driving.....\$10.00

1236 All assessments collected under this subsection shall be  
1237 deposited into the State General Fund.

1238 (6) **Other misdemeanors.** In addition to any monetary  
1239 penalties and any other penalties imposed by law, there shall be  
1240 imposed and collected the following state assessment from each  
1241 person upon whom a court imposes a fine or other penalty for any  
1242 misdemeanor violation not specified in subsection (1), (2) or (3)



1243 of this section, except offenses relating to vehicular parking or  
1244 registration:

1245	FUND	AMOUNT
1246	Crime Victims' Compensation Fund.....	[\$ Deleted]
1247	State Court Education Fund.....	[Deleted]
1248	State Prosecutor Education Fund.....	[Deleted]
1249	Vulnerable Persons Training, Investigation	
1250	and Prosecution Trust Fund.....	[Deleted]
1251	Child Support Prosecution Trust Fund.....	[Deleted]
1252	Law Enforcement Officers Training Fund.....	[Deleted]
1253	Capital Defense Counsel Fund.....	[Deleted]
1254	Indigent Appeals Fund.....	[Deleted]
1255	Capital Post-Conviction Counsel Fund.....	[Deleted]
1256	Victims of Domestic Violence Fund.....	[Deleted]
1257	State Crime Stoppers Fund.....	[Deleted]
1258	Law Enforcement Officers and Fire Fighters	
1259	Death Benefits Trust Fund.....	[Deleted]
1260	Law Enforcement Officers and Fire Fighters	
1261	Disability Benefits Trust Fund.....	[Deleted]
1262	State Prosecutor Compensation Fund for the purpose	
1263	of providing additional compensation for	
1264	district attorneys and their legal assistants.....	[Deleted]
1265	Crisis Intervention Mental Health Fund.....	[Deleted]
1266	* * * <u>Intervention</u> Court Fund.....	[Deleted]
1267	Judicial Performance Fund.....	[Deleted]



1268 Statewide Victims' Information and  
1269 Notification System Fund.....[Deleted]  
1270 Public Defenders Education Fund.....[Deleted]  
1271 Domestic Violence Training Fund.....[Deleted]  
1272 Attorney General's Cyber Crime Unit.....[Deleted]  
1273 Information Exchange Network Fund.....[Deleted]  
1274 Motorcycle Officer Training Fund.....[Deleted]  
1275 Civil Legal Assistance Fund.....[Deleted]  
1276 Justice Court Collections Fund.....[Deleted]  
1277 Municipal Court Collections Fund.....[Deleted]  
1278 GENERAL FUND.....\$121.75  
1279 (7) **Other felonies.** In addition to any monetary penalties  
1280 and any other penalties imposed by law, there shall be imposed and  
1281 collected the following state assessment from each person upon  
1282 whom a court imposes a fine or other penalty for any felony  
1283 violation not specified in subsection (1), (2) or (3) of this  
1284 section:

1285 FUND	AMOUNT
1286 Crime Victims' Compensation Fund.....	\$[Deleted]
1287 State Court Education Fund.....	[Deleted]
1288 State Prosecutor Education Fund.....	[Deleted]
1289 Vulnerable Persons Training, Investigation 1290 and Prosecution Trust Fund.....	[Deleted]
1291 Child Support Prosecution Trust Fund.....	[Deleted]
1292 Law Enforcement Officers Training Fund.....	[Deleted]



1293 Capital Defense Counsel Fund.....[Deleted]

1294 Indigent Appeals Fund.....[Deleted]

1295 Capital Post-Conviction Counsel Fund.....[Deleted]

1296 Victims of Domestic Violence Fund.....[Deleted]

1297 Criminal Justice Fund.....[Deleted]

1298 Law Enforcement Officers and Fire Fighters

1299       Death Benefits Trust Fund.....[Deleted]

1300 Law Enforcement Officers and Fire Fighters

1301       Disability Benefits Trust Fund.....[Deleted]

1302 State Prosecutor Compensation Fund for the purpose

1303       of providing additional compensation for

1304       district attorneys and their legal assistants.....[Deleted]

1305 Crisis Intervention Mental Health Fund.....[Deleted]

1306   \* \* \* Intervention Court Fund.....[Deleted]

1307 Statewide Victims' Information and

1308       Notification System Fund.....[Deleted]

1309 Public Defenders Education Fund.....[Deleted]

1310 Domestic Violence Training Fund.....[Deleted]

1311 Attorney General's Cyber Crime Unit.....[Deleted]

1312 Forensics Laboratory DNA Identification System Fund.....[Deleted]

1313       GENERAL FUND.....\$280.50

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

1315       (a) **Railroad crossing violations.** In addition to any

1316 monetary penalties and any other penalties imposed by law, there

1317 shall be imposed and collected the following state assessment in



1318 addition to all other state assessments due under this section  
1319 from each person upon whom a court imposes a fine or other penalty  
1320 for any violation involving railroad crossings under Section  
1321 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

1322       Operation Lifesaver Fund.....\$25.00

1323           (b) **Drug violations.** In addition to any monetary  
1324 penalties and any other penalties imposed by law, there shall be  
1325 imposed and collected the following state assessment in addition  
1326 to all other state assessments due under this section from each  
1327 person upon whom a court imposes a fine or other penalty for any  
1328 violation of Section 41-29-139:

1329       Drug Evidence Disposition Fund.....\$25.00

1330           (c) **Motor vehicle liability insurance violations.** In  
1331 addition to any monetary penalties and any other penalties imposed  
1332 by law, there shall be imposed and collected the following state  
1333 assessment in addition to all other state assessments due under  
1334 this section from each person upon whom a court imposes a fine or  
1335 other penalty for any violation of Section 63-15-4(4) or Section  
1336 63-16-13(1):

1337       Uninsured Motorist Identification Fund:

1338           First offense.....\$200.00

1339           Second offense.....\$300.00

1340           Third or subsequent offense.....\$400.00

1341       (9) If a fine or other penalty imposed is suspended, in  
1342 whole or in part, such suspension shall not affect the state



1343 assessment under this section. No state assessment imposed under  
1344 the provisions of this section may be suspended or reduced by the  
1345 court.

1346 (10) (a) After a determination by the court of the amount  
1347 due, it shall be the duty of the clerk of the court to promptly  
1348 collect all state assessments imposed under the provisions of this  
1349 section. The state assessments imposed under the provisions of  
1350 this section may not be paid by personal check.

1351 (b) It shall be the duty of the chancery clerk of each  
1352 county to deposit all state assessments collected in the circuit,  
1353 county and justice courts in the county on a monthly basis with  
1354 the State Treasurer pursuant to appropriate procedures established  
1355 by the State Auditor. The chancery clerk shall make a monthly  
1356 lump-sum deposit of the total state assessments collected in the  
1357 circuit, county and justice courts in the county under this  
1358 section, and shall report to the Department of Finance and  
1359 Administration the total number of violations under each  
1360 subsection for which state assessments were collected in the  
1361 circuit, county and justice courts in the county during that  
1362 month.

1363 (c) It shall be the duty of the municipal clerk of each  
1364 municipality to deposit all the state assessments collected in the  
1365 municipal court in the municipality on a monthly basis with the  
1366 State Treasurer pursuant to appropriate procedures established by  
1367 the State Auditor. The municipal clerk shall make a monthly



1368 lump-sum deposit of the total state assessments collected in the  
1369 municipal court in the municipality under this section, and shall  
1370 report to the Department of Finance and Administration the total  
1371 number of violations under each subsection for which state  
1372 assessments were collected in the municipal court in the  
1373 municipality during that month.

1374 (11) It shall be the duty of the Department of Finance and  
1375 Administration to deposit on a monthly basis all state assessments  
1376 into the State General Fund or proper special fund in the State  
1377 Treasury. The Department of Finance and Administration shall  
1378 issue regulations providing for the proper allocation of these  
1379 funds.

1380 (12) The State Auditor shall establish by regulation  
1381 procedures for refunds of state assessments, including refunds  
1382 associated with assessments imposed before July 1, 1990, and  
1383 refunds after appeals in which the defendant's conviction is  
1384 reversed. The Auditor shall provide in the regulations for  
1385 certification of eligibility for refunds and may require the  
1386 defendant seeking a refund to submit a verified copy of a court  
1387 order or abstract by which the defendant is entitled to a refund.  
1388 All refunds of state assessments shall be made in accordance with  
1389 the procedures established by the Auditor.

1390 **SECTION 29.** Section 63-1-51, Mississippi Code of 1972, is  
1391 amended as follows:





1392           63-1-51. (1) It shall be the duty of the court clerk, upon  
1393 conviction of any person holding a license issued pursuant to this  
1394 article where the penalty for a traffic violation is as much as  
1395 Ten Dollars (\$10.00), to mail a copy of abstract of the court  
1396 record or provide an electronically or computer generated copy of  
1397 abstract of the court record immediately to the commissioner at  
1398 Jackson, Mississippi, showing the date of conviction, penalty,  
1399 etc., so that a record of same may be made by the Department of  
1400 Public Safety. The commissioner shall forthwith revoke the  
1401 license of any person for a period of one (1) year upon receiving  
1402 a duly certified record of each person's convictions of any of the  
1403 following offenses when such conviction has become final:

1404           (a) Manslaughter or negligent homicide resulting from  
1405 the operation of a motor vehicle;

1406           (b) Any felony in the commission of which a motor  
1407 vehicle is used;

1408           (c) Failure to stop and render aid as required under  
1409 the laws of this state in event of a motor vehicle accident  
1410 resulting in the death or personal injury of another;

1411           (d) Perjury or the willful making of a false affidavit  
1412 or statement under oath to the department under this article or  
1413 under any other law relating to the ownership or operation of  
1414 motor vehicles; or



1415 (e) Conviction, or forfeiture of bail not vacated, upon  
1416 three (3) charges of reckless driving committed within a period of  
1417 twelve (12) months \* \* \*.

1418 \* \* \*

1419 (2) The commissioner shall revoke the license issued  
1420 pursuant to this article of any person convicted of negligent  
1421 homicide, in addition to any penalty now provided by law.

1422 (3) In addition to the reasons specified in this section,  
1423 the commissioner shall be authorized to suspend the license issued  
1424 to any person pursuant to this article for being out of compliance  
1425 with an order for support, as defined in Section 93-11-153. The  
1426 procedure for suspension of a license for being out of compliance  
1427 with an order for support, and the procedure for the reissuance or  
1428 reinstatement of a license suspended for that purpose, and the  
1429 payment of any fees for the reissuance or reinstatement of a  
1430 license suspended for that purpose, shall be governed by Section  
1431 93-11-157 or 93-11-163, as the case may be. If there is any  
1432 conflict between any provision of Section 93-11-157 or 93-11-163  
1433 and any provision of this article, the provisions of Section  
1434 93-11-157 or 93-11-163, as the case may be, shall control.

1435 **SECTION 30.** Section 63-1-53, Mississippi Code of 1972, is  
1436 amended as follows:

1437 63-1-53. (1) \* \* \* Upon failure of any person to pay timely  
1438 any fine, fee or assessment levied as a result of any violation of  
1439 this title, the clerk of the court shall give written notice to



1440 such person by United States first-class mail at his last known  
1441 address advising such person that, if within \* \* \* ninety (90)  
1442 days after such notice is deposited in the mail, the person \* \* \*  
1443 has not paid the entire amount of all fines, fees and assessments  
1444 levied, then the court will \* \* \* pursue collection as for any  
1445 other delinquent payment, and shall be entitled to collection of  
1446 all additional fees in accordance with subsection (4) of this  
1447 section.

1448 (2) The commissioner is hereby authorized to suspend the  
1449 license of an operator without preliminary hearing upon a showing  
1450 by his records or other sufficient evidence that the licensee:

1451 (a) Has committed an offense for which mandatory  
1452 revocation of license is required upon conviction except under the  
1453 provisions of the Mississippi Implied Consent Law;

1454 (b) Has been involved as a driver in any accident  
1455 resulting in the death or personal injury of another or serious  
1456 property damage;

1457 (c) Is an habitually reckless or negligent driver of a  
1458 motor vehicle;

1459 (d) Has been convicted with such frequency of serious  
1460 offenses against traffic regulations governing the movement of  
1461 vehicles as to indicate a disrespect for traffic laws and a  
1462 disregard for the safety of other persons on the highways;

1463 (e) Is incompetent to drive a motor vehicle;



1464 (f) Has permitted an unlawful or fraudulent use of such  
1465 license;

1466 (g) Has committed an offense in another state which if  
1467 committed in this state would be grounds for suspension or  
1468 revocation; or

1469 \* \* \*

1470 ( \* \* \* h) Has committed a violation for which mandatory  
1471 revocation of license is required upon conviction, entering a plea  
1472 of nolo contendere to, or adjudication of delinquency, pursuant to  
1473 the provisions of subsection (1) of Section 63-1-71.

1474 (3) Notice that a person's license is suspended or will be  
1475 suspended under subsection (2) of this section shall be given by  
1476 the commissioner in the manner and at the time provided for under  
1477 Section 63-1-52, and upon such person's request, he shall be  
1478 afforded an opportunity for a hearing as early as practicable, but  
1479 not to exceed twenty (20) days after receipt of such request in  
1480 the county wherein the licensee resides unless the department and  
1481 the licensee agree that such hearing may be held in some other  
1482 county. Upon such hearing the commissioner, or his duly  
1483 authorized agent, may administer oaths and may issue subpoenas for  
1484 the attendance of witnesses and the production of relevant books  
1485 and papers and may require a reexamination of the licensee. Upon  
1486 such hearing the commissioner shall either rescind any order of  
1487 suspension or, good cause appearing therefor, may extend any  
1488 suspension of such license or revoke such license.



1489 (4) If a licensee has not paid all cash appearance bonds  
1490 authorized under Section 99-19-3 or all fines, fees or other  
1491 assessments levied as a result of a violation of this title within  
1492 ninety (90) days \* \* \* after receiving notice of the licensee's  
1493 failure to pay all fines, fees or other assessments as provided in  
1494 subsection (1) of this section, the court is authorized to pursue  
1495 collection under Section 21-17-1(6) or 19-3-41(2) as for any other  
1496 delinquent payment, and shall be entitled to collection of all  
1497 additional fees authorized under those sections.

1498 **SECTION 31.** Section 63-1-52, Mississippi Code of 1972, is  
1499 amended as follows:

1500 63-1-52. (1) Whenever the Commissioner of Public Safety  
1501 suspends, cancels or revokes the driver's license or driving  
1502 privileges of any person, notice of the suspension, cancellation  
1503 or revocation shall be given to such person by the commissioner,  
1504 or his duly authorized agent, in the manner provided in subsection  
1505 (2) of this section and at the time provided in subsection (3) of  
1506 this section or in the manner and at the time provided in  
1507 subsection (4) of this section.

1508 (2) Notice shall be given in the following manner:

1509 (a) In writing, (i) by United States Certificate of  
1510 Mailing; or (ii) by personal service at the person's address as it  
1511 appears on the driving record maintained by the Department of  
1512 Public Safety or at the person's last-known address; or (iii) by  
1513 personal notice being given by any law enforcement officer of this



1514 state or any duly authorized agent of the Commissioner of Public  
1515 Safety on forms prescribed and furnished by the Commissioner of  
1516 Public Safety; whenever a person's driver's license or driving  
1517 privileges are suspended, revoked or cancelled in accordance with  
1518 the Mississippi Driver License Compact Law, the Mississippi  
1519 Implied Consent Law, the Mississippi Motor Vehicle Safety  
1520 Responsibility Law or \* \* \* subsection (2) (c), (2) (d), (2) (e) or  
1521 (2) (f) of Section 63-1-53.

1522 (b) In writing, by United States first class mail,  
1523 whenever a person's driver's license or driving privileges are  
1524 suspended, revoked or cancelled in accordance with the Mississippi  
1525 Commercial Driver's License Law, the Youth Court Law, Chapter 23  
1526 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section  
1527 63-1-51, \* \* \* subsection (2) (g) \* \* \* or (2) (h) \* \* \* of Section  
1528 63-1-53, or Section 63-9-25.

1529 (3) Notice shall be given at the following time:

1530 (a) Before suspension, revocation or cancellation,  
1531 whenever a person's driver's license or driving privileges are  
1532 suspended, revoked or cancelled in accordance with the Mississippi  
1533 Driver License Compact Law, the Mississippi Motor Vehicle Safety  
1534 Responsibility Law or \* \* \* subsection (2) (c), (2) (d), (2) (e) or  
1535 (2) (f) of Section 63-1-53.

1536 (b) Unless otherwise specifically provided for by law,  
1537 at the time of suspension, revocation or cancellation, whenever a  
1538 person's driver's license or driving privileges are suspended,



1539 revoked or cancelled in accordance with the Mississippi Commercial  
1540 Driver's License Law, the Mississippi Implied Consent Law, the  
1541 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,  
1542 Section 63-1-45, Section 63-1-51, \* \* \* subsection (2)(g) \* \* \* or  
1543 (2)(h) \* \* \* of Section 63-1-53, or Section 63-9-25.

1544 (4) Whenever the Commissioner of Public Safety suspends,  
1545 revokes or cancels the driver's license or driving privileges of  
1546 any person in accordance with some provision of law other than a  
1547 provision of law referred to in subsections (2) and (3) of this  
1548 section, and the manner and time for giving notice is not provided  
1549 for in such law, then notice of such suspension, revocation or  
1550 cancellation shall be given in the manner and at the time provided  
1551 for under \* \* \* subsections (2)(b) and (3)(b) of this section.

1552 **SECTION 32.** Section 63-1-71, Mississippi Code of 1972, is  
1553 amended as follows:

1554 63-1-71. (1) \* \* \* Notwithstanding the provisions of  
1555 Section 63-11-30 \* \* \* (3) and in addition to any penalty  
1556 authorized by the Uniform Controlled Substances Law or any other  
1557 statute indicating the dispositions that can be ordered for an  
1558 adjudication of delinquency, every person convicted of driving  
1559 under the influence of a controlled substance, or entering a plea  
1560 of nolo contendere thereto, or adjudicated delinquent therefor, in  
1561 a court of this state, \* \* \* the United States, another state, a  
1562 territory or possession of the United States, the District of  
1563 Columbia or the Commonwealth of Puerto Rico, shall forthwith



1564 forfeit his right to operate a motor vehicle over the highways of  
1565 this state for a period of not less than six (6) months. In the  
1566 case of any person who at the time of the imposition of sentence  
1567 does not have a driver's license or is less than \* \* \* sixteen  
1568 (16) years of age, the period of the suspension of driving  
1569 privileges authorized herein shall commence on the day the  
1570 sentence is imposed and shall run for a period of not less than  
1571 six (6) months after the day the person obtains a driver's license  
1572 or reaches the age of \* \* \* sixteen (16). If the driving  
1573 privilege of any person is under revocation or suspension at the  
1574 time of any conviction or adjudication of delinquency for \* \* \*  
1575 driving under the influence of a controlled substance, the  
1576 revocation or suspension period imposed herein shall commence as  
1577 of the date of termination of the existing revocation or  
1578 suspension.

1579 (2) The court in this state before whom any person is  
1580 convicted of or adjudicated delinquent for \* \* \* driving under the  
1581 influence of a controlled substance shall collect forthwith the  
1582 Mississippi driver's license of the person and forward such  
1583 license to the Department of Public Safety along with a report  
1584 indicating the first and last day of the suspension or revocation  
1585 period imposed pursuant to this section. If the court is for any  
1586 reason unable to collect the license of the person, the court  
1587 shall cause a report of the conviction or adjudication of  
1588 delinquency to be filed with the Commissioner of Public Safety.





1589 That report shall include the complete name, address, date of  
1590 birth, eye color and sex of the person and shall indicate the  
1591 first and last day of the suspension or revocation period imposed  
1592 by the court pursuant to this section. The court shall inform the  
1593 person orally and in writing that if the person is convicted of  
1594 personally operating a motor vehicle during the period of license  
1595 suspension or revocation imposed pursuant to this section, the  
1596 person shall, upon conviction, be subject to the penalties set  
1597 forth in Section 63-11-40. A person shall be required to  
1598 acknowledge receipt of the written notice in writing. Failure to  
1599 receive a written notice or failure to acknowledge in writing the  
1600 receipt of a written notice shall not be a defense to a subsequent  
1601 charge of a violation of Section 63-11-40. If the person is the  
1602 holder of a driver's license from another jurisdiction, the court  
1603 shall not collect the license but shall notify forthwith the  
1604 Commissioner of Public Safety who shall notify the appropriate  
1605 officials in the licensing jurisdiction. The court shall,  
1606 however, in accordance with the provisions of this section, revoke  
1607 the person's nonresident driving privilege in this state.

1608 (3) The county court or circuit court having jurisdiction,  
1609 on petition, may reduce the suspension of driving privileges under  
1610 this section if the \* \* \* suspension would constitute a hardship  
1611 on the offender. When the petition is filed, such person shall  
1612 pay to the circuit clerk of the court where the petition is filed  
1613 a fee of Twenty Dollars (\$20.00) for each year, or portion



1614 thereof, of license revocation or suspension remaining under the  
1615 original sentence, which shall be deposited into the State General  
1616 Fund to the credit of a special fund hereby created in the State  
1617 Treasury to be used for alcohol or drug abuse treatment and  
1618 education, upon appropriation by the Legislature. This fee shall  
1619 be in addition to any other court costs or fees required for the  
1620 filing of petitions.

1621         **SECTION 33.** Section 63-1-46, Mississippi Code of 1972, is  
1622 amended as follows:

1623         63-1-46. (1) (a) Except as otherwise provided in this  
1624 section, a fee of One Hundred Dollars (\$100.00) shall be charged  
1625 for the reinstatement of a license issued under this article to  
1626 every person whose license has been validly suspended, revoked or  
1627 cancelled.

1628                 (b) The funds received under the provisions of this  
1629 subsection shall be distributed as follows:

1630                         (i) Twenty-five Dollars (\$25.00) shall be  
1631 deposited into the State General Fund in accordance with Section  
1632 45-1-23;

1633                         (ii) Twenty-five Dollars (\$25.00) shall be paid to  
1634 the Board of Trustees of the Public Employees' Retirement System  
1635 for funding the Mississippi Highway Safety Patrol Retirement  
1636 System as provided under Section 25-13-7;

1637                         (iii) Twenty-five Dollars (\$25.00) shall be  
1638 deposited into the special fund created in Section 63-1-45(3) for



1639 purchases of equipment by the Mississippi Highway Safety Patrol;  
1640 and

1641 (iv) Twenty-five Dollars (\$25.00) shall be  
1642 deposited into the Interlock Device Fund created in Section  
1643 63-11-33.

1644 (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)  
1645 shall be charged for the reinstatement of a license issued under  
1646 this article to every person whose license has been validly  
1647 suspended or revoked under the provisions of the Mississippi  
1648 Implied Consent Law \* \* \*.

1649 (b) The funds received under the provisions of this  
1650 subsection shall be distributed as follows:

1651 (i) One Hundred Dollars (\$100.00) shall be  
1652 deposited into the State General Fund in accordance with Section  
1653 45-1-23;

1654 (ii) Twenty-five Dollars (\$25.00) shall be paid to  
1655 the Board of Trustees of the Public Employees' Retirement System  
1656 for funding the Mississippi Highway Safety Patrol Retirement  
1657 System as provided under Section 25-13-7;

1658 (iii) Twenty-five Dollars (\$25.00) shall be  
1659 deposited into the special fund created in Section 63-1-45(3) for  
1660 purchases of equipment by the Mississippi Highway Safety Patrol;  
1661 and



1662 (iv) Twenty-five Dollars (\$25.00) shall be  
1663 deposited into the Interlock Device Fund created in Section  
1664 63-11-33.

1665 (3) (a) A fee of Twenty-five Dollars (\$25.00) shall be  
1666 charged for the reinstatement of a license issued under this  
1667 article to every person whose license has been validly suspended  
1668 for nonpayment of child support under the provisions of Sections  
1669 93-11-151 through 93-11-163. The funds received under the  
1670 provisions of this subsection shall be deposited into the State  
1671 General Fund in accordance with Section 45-1-23.

1672 (b) The procedure for the reinstatement of a license  
1673 issued under this article that has been suspended for being out of  
1674 compliance with an order for support, as defined in Section  
1675 93-11-153, and the payment of any fees for the reinstatement of a  
1676 license suspended for that purpose, shall be governed by Section  
1677 93-11-157 or 93-11-163, as the case may be.

1678 (4) A fee of Twenty-five Dollars (\$25.00) will be charged  
1679 for the reinstatement of a license that was suspended due to  
1680 payment by a draft or other instrument that is dishonored by the  
1681 payor.

1682 (5) All reinstatement fees charged under this section shall  
1683 be in addition to the fees prescribed in Section 63-1-43.

1684 **SECTION 34.** Section 99-19-71, Mississippi Code of 1972, as  
1685 amended by House Bill No. 940, 2019 Regular Session, is amended as  
1686 follows:



1687 99-19-71. (1) Any person who has been convicted of a  
1688 misdemeanor that is not a traffic violation, and who is a first  
1689 offender, may petition the justice, county, circuit or municipal  
1690 court in which the conviction was had for an order to expunge any  
1691 such conviction from all public records.

1692 (2) (a) \* \* \* Except as otherwise provided in this  
1693 subsection, a person who has been convicted of \* \* \* a felony and  
1694 who has paid all criminal fines and costs of court imposed in the  
1695 sentence of conviction may petition the court in which the  
1696 conviction was had for an order to expunge one (1) conviction from  
1697 all public records five (5) years after the successful completion  
1698 of all terms and conditions of the sentence for the  
1699 conviction \* \* \* upon a hearing as determined in the discretion of  
1700 the court; however, a person is not eligible to expunge a felony  
1701 classified as:

1702 (i) A crime of violence as provided in Section  
1703 97-3-2;

1704 (ii) Arson, first degree as provided in Sections  
1705 97-17-1 and 97-17-3;

1706 (iii) Trafficking in controlled substances as  
1707 provided in Section 41-29-139;

1708 (iv) A third, fourth or subsequent offense DUI as  
1709 provided in Section 63-11-30(2)(c) and (2)(d);

1710 (v) Felon in possession of a firearm as provided  
1711 in Section 97-37-5;



- 1712                    (vi) Failure to register as a sex offender as  
1713 provided in Section 45-33-33;
- 1714                    (vii) Voyeurism as provided in Section 97-29-61;  
1715                    (viii) Witness intimidation as provided in Section  
1716 97-9-113;
- 1717                    (ix) Abuse, neglect or exploitation of a  
1718 vulnerable person as provided in Section 43-47-19; or
- 1719                    (x) Embezzlement as provided in Sections 97-11-25  
1720 and 97-23-19.

1721            A person is eligible for only one (1) felony expunction under  
1722 this paragraph. For the purposes of this section, the terms "one  
1723 (1) conviction" and "one (1) felony expunction" mean and include  
1724 all convictions that arose from a common nucleus of operative  
1725 facts as determined in the discretion of the court.

1726            \* \* \*

1727                    ( \* \* \*b) The petitioner shall give ten (10) days'  
1728 written notice to the district attorney before any hearing on the  
1729 petition. In all cases, the court wherein the petition is filed  
1730 may grant the petition if the court determines, on the record or  
1731 in writing, that the applicant is rehabilitated from the offense  
1732 which is the subject of the petition. In those cases where the  
1733 court denies the petition, the findings of the court in this  
1734 respect shall be identified specifically and not generally.

1735            (3) Upon entering an order of expunction under this section,  
1736 a nonpublic record thereof shall be retained by the Mississippi



1737 Criminal Information Center solely for the purpose of determining  
1738 whether, in subsequent proceedings, the person is a first  
1739 offender. The order of expunction shall not preclude a district  
1740 attorney's office from retaining a nonpublic record thereof for  
1741 law enforcement purposes only. The existence of an order of  
1742 expunction shall not preclude an employer from asking a  
1743 prospective employee if the employee has had an order of  
1744 expunction entered on his behalf. The effect of the expunction  
1745 order shall be to restore the person, in the contemplation of the  
1746 law, to the status he occupied before any arrest or indictment for  
1747 which convicted. No person as to whom an expunction order has  
1748 been entered shall be held thereafter under any provision of law  
1749 to be guilty of perjury or to have otherwise given a false  
1750 statement by reason of his failure to recite or acknowledge such  
1751 arrest, indictment or conviction in response to any inquiry made  
1752 of him for any purpose other than the purpose of determining, in  
1753 any subsequent proceedings under this section, whether the person  
1754 is a first offender. A person as to whom an order has been  
1755 entered, upon request, shall be required to advise the court, in  
1756 camera, of the previous conviction and expunction in any legal  
1757 proceeding wherein the person has been called as a prospective  
1758 juror. The court shall thereafter and before the selection of the  
1759 jury advise the attorneys representing the parties of the previous  
1760 conviction and expunction.



1761 (4) Upon petition therefor, a justice, county, circuit or  
1762 municipal court shall expunge the record of any case in which an  
1763 arrest was made, the person arrested was released and the case was  
1764 dismissed or the charges were dropped or there was no disposition  
1765 of such case, or the person was found not guilty at trial.

1766 (5) No public official is eligible for expunction under this  
1767 section for any conviction related to his official duties.

1768 **SECTION 35.** Section 47-7-49, Mississippi Code of 1972, is  
1769 amended as follows:

1770 47-7-49. (1) Any offender on probation, parole,  
1771 earned-release supervision, post-release supervision, earned  
1772 probation or any other offender under the field supervision of the  
1773 Community Services Division of the department shall pay to the  
1774 department the sum of Fifty-five Dollars (\$55.00) per month by  
1775 certified check or money order unless a hardship waiver is  
1776 granted. An offender shall make the initial payment within \* \* \*  
1777 sixty (60) days after being released from imprisonment unless a  
1778 hardship waiver is granted. A hardship waiver may be granted by  
1779 the sentencing court or the Department of Corrections. A hardship  
1780 waiver may not be granted for a period of time exceeding ninety  
1781 (90) days. The commissioner or his designee shall deposit Fifty  
1782 Dollars (\$50.00) of each payment received into a special fund in  
1783 the State Treasury, which is hereby created, to be known as the  
1784 Community Service Revolving Fund. Expenditures from this fund  
1785 shall be made for: (a) the establishment of restitution and





1786 satellite centers; and (b) the establishment, administration and  
1787 operation of the department's Drug Identification Program and the  
1788 intensive and field supervision program. The Fifty Dollars  
1789 (\$50.00) may be used for salaries and to purchase equipment,  
1790 supplies and vehicles to be used by the Community Services  
1791 Division in the performance of its duties. Expenditures for the  
1792 purposes established in this section may be made from the fund  
1793 upon requisition by the commissioner, or his designee.

1794       Of the remaining amount, Three Dollars (\$3.00) of each  
1795 payment shall be deposited into the Crime Victims' Compensation  
1796 Fund created in Section 99-41-29, and Two Dollars (\$2.00) shall be  
1797 deposited into the Training Revolving Fund created pursuant to  
1798 Section 47-7-51. When a person is convicted of a felony in this  
1799 state, in addition to any other sentence it may impose, the court  
1800 may, in its discretion, order the offender to pay a state  
1801 assessment not to exceed the greater of One Thousand Dollars  
1802 (\$1,000.00) or the maximum fine that may be imposed for the  
1803 offense, into the Crime Victims' Compensation Fund created  
1804 pursuant to Section 99-41-29.

1805       Any federal funds made available to the department for  
1806 training or for training facilities, equipment or services shall  
1807 be deposited into the Correctional Training Revolving Fund created  
1808 in Section 47-7-51. The funds deposited in this account shall be  
1809 used to support an expansion of the department's training program  
1810 to include the renovation of facilities for training purposes,



1811 purchase of equipment and contracting of training services with  
1812 community colleges in the state.

1813 No offender shall be required to make this payment for a  
1814 period of time longer than ten (10) years.

1815 (2) The offender may be imprisoned until the payments are  
1816 made if the offender is financially able to make the payments and  
1817 the court in the county where the offender resides so finds,  
1818 subject to the limitations hereinafter set out. The offender  
1819 shall not be imprisoned if the offender is financially unable to  
1820 make the payments and so states to the court in writing, under  
1821 oath, and the court so finds.

1822 (3) This section shall stand repealed from and after June  
1823 30, 2022.

1824 **SECTION 36.** Section 47-7-40, Mississippi Code of 1972, is  
1825 amended as follows:

1826 47-7-40. (1) The commissioner shall establish rules and  
1827 regulations for implementing the earned-discharge program that  
1828 allows offenders on probation and parole to reduce the period of  
1829 supervision for complying with conditions of probation. The  
1830 department shall have the authority to award earned-discharge  
1831 credits to all offenders placed on probation, parole, or  
1832 post-release supervision who are in compliance with the terms and  
1833 conditions of supervision. An offender serving a Mississippi  
1834 sentence for an eligible offense in any jurisdiction under the  
1835 Interstate Compact for Adult Offender Supervision shall be



1836 eligible for earned-discharge credits under this section.  
1837 Offenders shall not be denied earned-discharge credits solely  
1838 based on nonpayment of fees or fines if a hardship waiver has been  
1839 granted as provided in Section 47-7-49.

1840 (2) For each full calendar month of compliance with the  
1841 conditions of supervision, earned-discharge credits equal to the  
1842 number of days in that month shall be deducted from the offender's  
1843 sentence discharge date. Credits begin to accrue for eligible  
1844 offenders after the first full calendar month of compliance  
1845 supervision conditions. For the purposes of this section, an  
1846 offender is deemed to be in compliance with the conditions of  
1847 supervision if there was no violation of the conditions of  
1848 supervision.

1849 (3) No earned-discharge credits may accrue for a calendar  
1850 month in which a violation report has been submitted, the offender  
1851 has absconded from supervision, the offender is serving a term of  
1852 imprisonment in a technical violation center, or for the months  
1853 between the submission of the violation report and the final  
1854 action on the violation report by the court or the board.

1855 (4) Earned-discharge credits shall be applied to the  
1856 sentence within thirty (30) days of the end of the month in which  
1857 the credits were earned. At least every six (6) months, an  
1858 offender who is serving a sentence eligible for earned-discharge  
1859 credits shall be notified of the current sentence discharge date.



1860 (5) Once the combination of time served on probation, parole  
1861 or post-release supervision, and earned-discharge credits satisfy  
1862 the term of probation, parole, or post-release supervision, the  
1863 board or sentencing court shall order final discharge of the  
1864 offender. No less than sixty (60) days prior to the date of final  
1865 discharge, the department shall notify the sentencing court and  
1866 the board of the impending discharge.

1867 (6) The department shall provide semiannually to the  
1868 Oversight Task Force the number and percentage of offenders who  
1869 qualify for earned discharge in one or more months of the year and  
1870 the average amount of credits earned within the year.

1871 **SECTION 37.** Section 99-5-11, Mississippi Code of 1972, is  
1872 amended as follows:

1873 99-5-11. **All conservators of the peace may take recognizance**  
1874 **or bond; certificate of default; alias warrant; when protection**  
1875 **order registry must be checked; when bond not required.** (1) All  
1876 justice court judges and all other conservators of the peace are  
1877 authorized, whenever a person is brought before them charged with  
1878 any offense not capital for which bail is allowed by law, to take  
1879 the recognizance or bond of the person, with sufficient sureties,  
1880 in such penalty as the justice court judge or conservator of the  
1881 peace may require, for his appearance before the justice court  
1882 judge or conservator of the peace for an examination of his case  
1883 at some future day. And if the person thus recognized or thus  
1884 giving bond fails to appear at the appointed time, it shall be the



1885 duty of the justice court judge or conservator of the peace to  
1886 return the recognizance or bond, with his certificate of default,  
1887 to the court having jurisdiction of the case, and a recovery may  
1888 be had therein by scire facias, as in other cases of forfeiture.  
1889 The justice court judge or other conservator of the peace shall  
1890 also issue an alias warrant for the defaulter.

1891 (2) In circumstances involving an offense against any of the  
1892 following: (a) a current or former spouse of the accused or child  
1893 of that person; (b) a person living as a spouse or who formerly  
1894 lived as a spouse with the accused or a child of that person; (c)  
1895 a parent, grandparent, child, grandchild or someone similarly  
1896 situated to the accused; (d) a person who has a current or former  
1897 dating relationship with the accused; or (e) a person with whom  
1898 the accused has had a biological or legally adopted child, the  
1899 justice court judge or other conservator of the peace shall check,  
1900 or cause to be made a check, of the status of the person for whom  
1901 recognizance or bond is taken before ordering bail in the  
1902 Mississippi Protection Order Registry authorized under Section  
1903 93-21-25, and the existence of a domestic abuse protection order  
1904 against the accused shall be considered when determining  
1905 appropriate bail.

1906 (3) After the court considers the provisions of subsection  
1907 (2) of this section, a misdemeanor may be released on his or her  
1908 own recognizance unless:

1909 (a) The misdemeanor:



- 1910                    (i) Is on probation or parole;  
1911                    (ii) Has other unresolved charges pending; or  
1912                    (iii) Has a history of nonappearance; or  
1913                    (b) The court finds that:  
1914                    (i) The release of the misdemeanor would  
1915 constitute a special danger to any other person or to the  
1916 community; or  
1917                    (ii) Release of the misdemeanor on his or her own  
1918 recognizance is highly unlikely to assure the appearance of the  
1919 misdemeanant as required.

1920                    **SECTION 38.** As provided in 21 USC Section 862a(d)(1),  
1921 Mississippi opts out of the application of 21 USC Section 862a(a)  
1922 to all individuals domiciled in the state.

1923                    **SECTION 39.** Section 21-23-7, Mississippi Code of 1972, is  
1924 amended as follows:

1925                    21-23-7. (1) The municipal judge shall hold court in a  
1926 public building designated by the governing authorities of the  
1927 municipality and may hold court every day except Sundays and legal  
1928 holidays if the business of the municipality so requires;  
1929 provided, however, the municipal judge may hold court outside the  
1930 boundaries of the municipality but not more than within a  
1931 sixty-mile radius of the municipality to handle preliminary  
1932 matters and criminal matters such as initial appearances and  
1933 felony preliminary hearings. The municipal judge may hold court  
1934 outside the boundaries of the municipality but not more than



1935 within a one-mile radius of the municipality for any purpose. The  
1936 municipal judge shall have the jurisdiction to hear and determine,  
1937 without a jury and without a record of the testimony, all cases  
1938 charging violations of the municipal ordinances and state  
1939 misdemeanor laws made offenses against the municipality and to  
1940 punish offenders therefor as may be prescribed by law. Except as  
1941 otherwise provided by law, criminal proceedings shall be brought  
1942 by sworn complaint filed in the municipal court. Such complaint  
1943 shall state the essential elements of the offense charged and the  
1944 statute or ordinance relied upon. Such complaint shall not be  
1945 required to conclude with a general averment that the offense is  
1946 against the peace and dignity of the state or in violation of the  
1947 ordinances of the municipality. He may sit as a committing court  
1948 in all felonies committed within the municipality, and he shall  
1949 have the power to bind over the accused to the grand jury or to  
1950 appear before the proper court having jurisdiction to try the  
1951 same, and to set the amount of bail or refuse bail and commit the  
1952 accused to jail in cases not bailable. The municipal judge is a  
1953 conservator of the peace within his municipality. He may conduct  
1954 preliminary hearings in all violations of the criminal laws of  
1955 this state occurring within the municipality, and any person  
1956 arrested for a violation of law within the municipality may be  
1957 brought before him for initial appearance. The municipal court  
1958 shall have jurisdiction of any case remanded to it by a circuit  
1959 court grand jury. The municipal court shall have civil



1960 jurisdiction over actions filed pursuant to and as provided in  
1961 Title 93, Chapter 21, Mississippi Code of 1972, the Protection  
1962 from Domestic Abuse Act.

1963 (2) In the discretion of the court, where the objects of  
1964 justice would be more likely met, as an alternative to imposition  
1965 or payment of fine and/or incarceration, the municipal judge shall  
1966 have the power to sentence convicted offenders to work on a public  
1967 service project where the court has established such a program of  
1968 public service by written guidelines filed with the clerk for  
1969 public record. Such programs shall provide for reasonable  
1970 supervision of the offender and the work shall be commensurate  
1971 with the fine and/or incarceration that would have ordinarily been  
1972 imposed. Such program of public service may be utilized in the  
1973 implementation of the provisions of Section 99-19-20, and public  
1974 service work thereunder may be supervised by persons other than  
1975 the sheriff.

1976 (3) The municipal judge may solemnize marriages, take oaths,  
1977 affidavits and acknowledgments, and issue orders, subpoenas,  
1978 summonses, citations, warrants for search and arrest upon a  
1979 finding of probable cause, and other such process under seal of  
1980 the court to any county or municipality, in a criminal case, to be  
1981 executed by the lawful authority of the county or the municipality  
1982 of the respondent, and enforce obedience thereto. The absence of  
1983 a seal shall not invalidate the process.





1984 (4) When a person shall be charged with an offense in  
1985 municipal court punishable by confinement, the municipal judge,  
1986 being satisfied that such person is an indigent person and is  
1987 unable to employ counsel, may, in the discretion of the court,  
1988 appoint counsel from the membership of The Mississippi Bar  
1989 residing in his county who shall represent him. Compensation for  
1990 appointed counsel in criminal cases shall be approved and allowed  
1991 by the municipal judge and shall be paid by the municipality. The  
1992 maximum compensation shall not exceed Two Hundred Dollars  
1993 (\$200.00) for any one (1) case. The governing authorities of a  
1994 municipality may, in their discretion, appoint a public  
1995 defender(s) who must be a licensed attorney and who shall receive  
1996 a salary to be fixed by the governing authorities.

1997 (5) The municipal judge of any municipality is hereby  
1998 authorized to suspend the sentence and to suspend the execution of  
1999 the sentence, or any part thereof, on such terms as may be imposed  
2000 by the municipal judge. However, the suspension of imposition or  
2001 execution of a sentence hereunder may not be revoked after a  
2002 period of two (2) years. The municipal judge shall have the power  
2003 to establish and operate a probation program, dispute resolution  
2004 program and other practices or procedures appropriate to the  
2005 judiciary and designed to aid in the administration of justice.  
2006 Any such program shall be established by the court with written  
2007 policies and procedures filed with the clerk of the court for  
2008 public record. Subsequent to original sentencing, the municipal



2009 judge, in misdemeanor cases, is hereby authorized to suspend  
2010 sentence and to suspend the execution of a sentence, or any part  
2011 thereof, on such terms as may be imposed by the municipal judge,  
2012 if (a) the judge or his or her predecessor was authorized to order  
2013 such suspension when the sentence was originally imposed; and (b)  
2014 such conviction (i) has not been appealed; or (ii) has been  
2015 appealed and the appeal has been voluntarily dismissed.

2016 (6) Upon prior notice to the municipal prosecuting attorney  
2017 and upon a showing in open court of rehabilitation, good conduct  
2018 for a period of two (2) years since the last conviction in any  
2019 court and that the best interest of society would be served, the  
2020 court may, in its discretion, order the record of conviction of a  
2021 person of any or all misdemeanors in that court expunged, and upon  
2022 so doing the said person thereafter legally stands as though he  
2023 had never been convicted of the said misdemeanor(s) and may  
2024 lawfully so respond to any query of prior convictions. This order  
2025 of expunction does not apply to the confidential records of law  
2026 enforcement agencies and has no effect on the driving record of a  
2027 person maintained under Title 63, Mississippi Code of 1972, or any  
2028 other provision of said Title 63.

2029 (7) Notwithstanding the provisions of subsection (6) of this  
2030 section, a person who was convicted in municipal court of a  
2031 misdemeanor before reaching his twenty-third birthday, excluding  
2032 conviction for a traffic violation, and who is a first offender,



2033 may utilize the provisions of Section 99-19-71, to expunge such  
2034 misdemeanor conviction.

2035 (8) In the discretion of the court, a plea of nolo  
2036 contendere may be entered to any charge in municipal court. Upon  
2037 the entry of a plea of nolo contendere the court shall convict the  
2038 defendant of the offense charged and shall proceed to sentence the  
2039 defendant according to law. The judgment of the court shall  
2040 reflect that the conviction was on a plea of nolo contendere. An  
2041 appeal may be made from a conviction on a plea of nolo contendere  
2042 as in other cases.

2043 (9) Upon execution of a sworn complaint charging a  
2044 misdemeanor, the municipal court may, in its discretion and in  
2045 lieu of an arrest warrant, issue a citation requiring the  
2046 appearance of the defendant to answer the charge made against him.  
2047 On default of appearance, an arrest warrant may be issued for the  
2048 defendant. The clerk of the court or deputy clerk may issue such  
2049 citations.

2050 (10) The municipal court shall have the power to make rules  
2051 for the administration of the court's business, which rules, if  
2052 any, shall be in writing filed with the clerk of the court and  
2053 shall include the enactment of rules related to the court's  
2054 authority to issue domestic abuse protection orders pursuant to  
2055 Section 93-21-1 et seq.

2056 (11) The municipal court shall have the power to impose  
2057 punishment of a fine of not more than One Thousand Dollars



2058 (\$1,000.00) or six (6) months imprisonment, or both, for contempt  
2059 of court. The municipal court may have the power to impose  
2060 reasonable costs of court, not in excess of the following:

2061	Dismissal of any affidavit, complaint or charge	
2062	in municipal court.....	\$ 50.00
2063	Suspension of a minor's driver's license in lieu of	
2064	conviction.....	\$ 50.00
2065	Service of scire facias or return "not found".....	\$ 20.00
2066	Causing search warrant to issue or causing	
2067	prosecution without reasonable cause or refusing to	
2068	cooperate after initiating action.....	\$ 100.00
2069	Certified copy of the court record.....	\$ 5.00
2070	Service of arrest warrant for failure to answer	
2071	citation or traffic summons.....	\$ 25.00
2072	Jail cost per day - actual jail cost paid by the municipality but	
2073	not to exceed.....	\$ 35.00
2074	Service of court documents related to the filing	
2075	of a petition or issuance of a protection from domestic	
2076	abuse order under Title 93, Chapter 21, Mississippi	
2077	Code of 1972 .....	\$ 25.00
2078	Any other item of court cost.....	\$ 50.00

2079 No filing fee or such cost shall be imposed for the bringing  
2080 of an action in municipal court.

2081 (12) A municipal court judge shall not dismiss a criminal  
2082 case but may transfer the case to the justice court of the county



2083 if the municipal court judge is prohibited from presiding over the  
2084 case by the Canons of Judicial Conduct and provided that venue and  
2085 jurisdiction are proper in the justice court. Upon transfer of  
2086 any such case, the municipal court judge shall give the municipal  
2087 court clerk a written order to transmit the affidavit or complaint  
2088 and all other records and evidence in the court's possession to  
2089 the justice court by certified mail or to instruct the arresting  
2090 officer to deliver such documents and records to the justice  
2091 court. There shall be no court costs charged for the transfer of  
2092 the case to the justice court.

2093 (13) A municipal court judge shall expunge the record of any  
2094 case in which an arrest was made, the person arrested was released  
2095 and the case was dismissed or the charges were dropped \* \* \*,  
2096 there was no disposition of such case or the person was found not  
2097 guilty at trial.

2098 **SECTION 40.** Section 43-21-159, Mississippi Code of 1972, is  
2099 amended as follows:

2100 43-21-159. (1) When a person appears before a court other  
2101 than the youth court, and it is determined that the person is a  
2102 child under jurisdiction of the youth court, such court shall,  
2103 unless the jurisdiction of the offense has been transferred to  
2104 such court as provided in this chapter, or unless the child has  
2105 previously been the subject of a transfer from the youth court to  
2106 the circuit court for trial as an adult and was convicted,  
2107 immediately dismiss the proceeding without prejudice and forward



2108 all documents pertaining to the cause to the youth court; and all  
2109 entries in permanent records shall be expunged. The youth court  
2110 shall have the power to order and supervise the expunction or the  
2111 destruction of such records in accordance with Section 43-21-265.  
2112 Upon petition therefor, the youth court shall expunge the record  
2113 of any case within its jurisdiction in which an arrest was made,  
2114 the person arrested was released and the case was dismissed or the  
2115 charges were dropped \* \* \*, there was no disposition of such case,  
2116 or the person was found not delinquent.

2117 In cases where the child is charged with a hunting or fishing  
2118 violation or a traffic violation, whether it be any state or  
2119 federal law, a violation of the Mississippi Implied Consent Law,  
2120 or municipal ordinance or county resolution, or where the child is  
2121 charged with a violation of Section 67-3-70, the appropriate  
2122 criminal court shall proceed to dispose of the same in the same  
2123 manner as for other adult offenders and it shall not be necessary  
2124 to transfer the case to the youth court of the county. However,  
2125 unless the cause has been transferred, or unless the child has  
2126 previously been the subject of a transfer from the youth court to  
2127 the circuit court for trial as an adult and was convicted, the  
2128 youth court shall have power on its own motion to remove  
2129 jurisdiction from any criminal court of any offense including a  
2130 hunting or fishing violation, a traffic violation, a violation of  
2131 the Mississippi Implied Consent Law, or a violation of Section  
2132 67-3-70, committed by a child in a matter under the jurisdiction



2133 of the youth court and proceed therewith in accordance with the  
2134 provisions of this chapter.

2135 (2) After conviction and sentence of any child by any other  
2136 court having original jurisdiction on a misdemeanor charge, and  
2137 within the time allowed for an appeal of such conviction and  
2138 sentence, the youth court of the county shall have the full power  
2139 to stay the execution of the sentence and to release the child on  
2140 good behavior or on other order as the youth court may see fit to  
2141 make unless the child has previously been the subject of a  
2142 transfer from the youth court to the circuit court for trial as an  
2143 adult and was convicted. When a child is convicted of a  
2144 misdemeanor and is committed to, incarcerated in or imprisoned in  
2145 a jail or other place of detention by a criminal court having  
2146 proper jurisdiction of such charge, such court shall notify the  
2147 youth court judge or the judge's designee of the conviction and  
2148 sentence prior to the commencement of such incarceration. The  
2149 youth court shall have the power to order and supervise the  
2150 destruction of any records involving children maintained by the  
2151 criminal court in accordance with Section 43-21-265. However, the  
2152 youth court shall have the power to set aside a judgment of any  
2153 other court rendered in any matter over which the youth court has  
2154 exclusive original jurisdiction, to expunge or destroy the records  
2155 thereof in accordance with Section 43-21-265, and to order a  
2156 refund of fines and costs.



2157 (3) Nothing in subsection (1) or (2) shall apply to a youth  
2158 who has a pending charge or a conviction for any crime over which  
2159 circuit court has original jurisdiction.

2160 (4) In any case wherein the defendant is a child as defined  
2161 in this chapter and of which the circuit court has original  
2162 jurisdiction, the circuit judge, upon a finding that it would be  
2163 in the best interest of such child and in the interest of justice,  
2164 may at any stage of the proceedings prior to the attachment of  
2165 jeopardy transfer such proceedings to the youth court for further  
2166 proceedings unless the child has previously been the subject of a  
2167 transfer from the youth court to the circuit court for trial as an  
2168 adult and was convicted or has previously been convicted of a  
2169 crime which was in original circuit court jurisdiction, and the  
2170 youth court shall, upon acquiring jurisdiction, proceed as  
2171 provided in this chapter for the adjudication and disposition of  
2172 delinquent child proceeding proceedings. If the case is not  
2173 transferred to the youth court and the youth is convicted of a  
2174 crime by any circuit court, the trial judge shall sentence the  
2175 youth as though such youth was an adult. The circuit court shall  
2176 not have the authority to commit such child to the custody of the  
2177 Department of Youth Services for placement in a state-supported  
2178 training school.

2179 (5) In no event shall a court sentence an offender over the  
2180 age of eighteen (18) to the custody of the Division of Youth  
2181 Services for placement in a state-supported training school.





2182 (6) When a child's driver's license is suspended by the  
2183 youth court for any reason, the clerk of the youth court shall  
2184 report the suspension, without a court order under Section  
2185 43-21-261, to the Commissioner of Public Safety in the same manner  
2186 as such suspensions are reported in cases involving adults.

2187 (7) No offense involving the use or possession of a firearm  
2188 by a child who has reached his fifteenth birthday and which, if  
2189 committed by an adult would be a felony, shall be transferred to  
2190 the youth court.

2191 **SECTION 41.** Section 99-15-26, Mississippi Code of 1972, is  
2192 amended as follows:

2193 99-15-26. (1) (a) In all criminal cases, felony and  
2194 misdemeanor, other than crimes against the person, a crime of  
2195 violence as defined in Section 97-3-2 or a violation of Section  
2196 97-11-31, the circuit or county court shall be empowered, upon the  
2197 entry of a plea of guilty by a criminal defendant made on or after  
2198 July 1, 2014, to withhold acceptance of the plea and sentence  
2199 thereon pending successful completion of such conditions as may be  
2200 imposed by the court pursuant to subsection (2) of this section.

2201 (b) In all misdemeanor criminal cases, other than  
2202 crimes against the person, the justice or municipal court shall be  
2203 empowered, upon the entry of a plea of guilty by a criminal  
2204 defendant, to withhold acceptance of the plea and sentence thereon  
2205 pending successful completion of such conditions as may be imposed  
2206 by the court pursuant to subsection (2) of this section.



2207 (c) Notwithstanding paragraph (a) of this subsection  
2208 (1), in all criminal cases charging a misdemeanor of domestic  
2209 violence as defined in Section 99-3-7(5), a circuit, county,  
2210 justice or municipal court shall be empowered, upon the entry of a  
2211 plea of guilty by the criminal defendant, to withhold acceptance  
2212 of the plea and sentence thereon pending successful completion of  
2213 such conditions as may be imposed by the court pursuant to  
2214 subsection (2) of this section.

2215 (d) No person having previously qualified under the  
2216 provisions of this section shall be eligible to qualify for  
2217 release in accordance with this section for a repeat offense. A  
2218 person shall not be eligible to qualify for release in accordance  
2219 with this section if charged with the offense of trafficking of a  
2220 controlled substance as provided in Section 41-29-139(f) or if  
2221 charged with an offense under the Mississippi Implied Consent Law.  
2222 Violations under the Mississippi Implied Consent Law can only be  
2223 nonadjudicated under the provisions of Section 63-11-30.

2224 (2) (a) Conditions which the circuit, county, justice or  
2225 municipal court may impose under subsection (1) of this section  
2226 shall consist of:

2227 (i) Reasonable restitution to the victim of the  
2228 crime.

2229 (ii) Performance of not more than nine hundred  
2230 sixty (960) hours of public service work approved by the court.



2231 (iii) Payment of a fine not to exceed the  
2232 statutory limit.

2233 (iv) Successful completion of drug, alcohol,  
2234 psychological or psychiatric treatment, successful completion of a  
2235 program designed to bring about the cessation of domestic abuse,  
2236 or any combination thereof, if the court deems treatment  
2237 necessary.

2238 (v) The circuit or county court, in its  
2239 discretion, may require the defendant to remain in the program  
2240 subject to good behavior for a period of time not to exceed five  
2241 (5) years. The justice or municipal court, in its discretion, may  
2242 require the defendant to remain in the program subject to good  
2243 behavior for a period of time not to exceed two (2) years.

2244 (b) Conditions which the circuit or county court may  
2245 impose under subsection (1) of this section also include  
2246 successful completion of an effective evidence-based program or a  
2247 properly controlled pilot study designed to contribute to the  
2248 evidence-based research literature on programs targeted at  
2249 reducing recidivism. Such program or pilot study may be community  
2250 based or institutionally based and should address risk factors  
2251 identified in a formal assessment of the offender's risks and  
2252 needs.

2253 (3) When the court has imposed upon the defendant the  
2254 conditions set out in this section, the court shall release the  
2255 bail bond, if any.



2256 (4) Upon successful completion of the court-imposed  
2257 conditions permitted by subsection (2) of this section, the court  
2258 shall direct that the cause be dismissed and the case be closed.

2259 (5) Upon petition therefor, the court shall expunge the  
2260 record of any case in which an arrest was made, the person  
2261 arrested was released and the case was dismissed or the charges  
2262 were dropped \* \* \*, there was no disposition of such case, or the  
2263 person was found not guilty at trial.

2264 **SECTION 42.** Section 99-15-57, Mississippi Code of 1972, is  
2265 amended as follows:

2266 99-15-57. (1) Any person who pled guilty within six (6)  
2267 months prior to March 31, 1983, and who would have otherwise been  
2268 eligible for the relief allowed in Section 99-15-26, may apply to  
2269 the court in which such person was sentenced for an order to  
2270 expunge from all official public records all recordation relating  
2271 to his arrest, indictment, trial, finding of guilty and sentence.  
2272 If the court determines, after hearing, that such person has  
2273 satisfactorily served his sentence or period of probation and  
2274 parole, pled guilty within six (6) months prior to March 31, 1983,  
2275 and would have otherwise been eligible for the relief allowed in  
2276 Section 99-15-26, it may enter such order. The effect of such  
2277 order shall be to restore such person, in the contemplation of the  
2278 law, to the status he occupied before such arrest or indictment.  
2279 No person as to whom such order has been entered shall be held  
2280 thereafter under any provision of any law to be guilty of perjury



2281 or otherwise giving a false statement by reason of his failures to  
2282 recite or acknowledge such arrest, or indictment or trial in  
2283 response to any inquiry made of him for any purpose.

2284 (2) Upon petition therefor, the court shall expunge the  
2285 record of any case in which an arrest was made, the person  
2286 arrested was released and the case was dismissed or the charges  
2287 were dropped \* \* \*, there was no disposition of such case, or the  
2288 person was found not guilty at trial.

2289 **SECTION 43.** Section 32 of this act shall take effect and be  
2290 in force from and after October 15, 2019, and the remainder of  
2291 this act shall take effect and be in force from and after July 1,  
2292 2019.

