

Senate Amendments to House Bill No. 1352

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

63 9-23-1. This chapter shall be known and may be cited as the
64 "Alyce Griffin Clarke * * * Intervention Court Act."

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

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

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

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

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

81 (c) To reduce the alcohol-related and other
82 drug-related court workload;

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

86 (e) To promote effective interaction and use of
87 resources among criminal and juvenile justice personnel, child
88 protective services personnel and community agencies; and

89 (f) To use corrections resources more effectively by
90 redirecting prison-bound offenders whose criminal conduct is
91 driven in part by drug and alcohol dependence to intensive
92 supervision and clinical treatment available in the * * *
93 intervention court.

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

96 9-23-5. For the purposes of this chapter, the following
97 words and phrases shall have the meanings ascribed unless the
98 context clearly requires otherwise:

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

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

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

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

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

110 (ii) Follows the key components of * * *
111 intervention courts published by the * * * Intervention Court
112 Program Office of the United States Department of Justice.

113 (d) "Evidence-based practices" means supervision
114 policies, procedures and practices that scientific research
115 demonstrates reduce recidivism.

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

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

122 9-23-7. The Administrative Office of Courts shall be
123 responsible for certification and monitoring of local * * *
124 intervention courts according to standards promulgated by the
125 State * * * Intervention Courts Advisory Committee.

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

128 9-23-9. (1) The State * * * Intervention Courts Advisory
129 Committee is established to develop and periodically update
130 proposed statewide evaluation plans and models for monitoring all
131 critical aspects of * * * intervention courts, mental health
132 courts, veterans courts and other intervention courts that may be
133 created hereafter. The committee must provide the proposed
134 evaluation plans to the Chief Justice and the Administrative
135 Office of Courts. The committee shall be chaired by the Director
136 of the Administrative Office of Courts or a designee of the
137 director and shall consist of * * * eleven (11) members all of
138 whom shall be appointed by the Supreme Court * * *. The members
139 shall be broadly representative of the courts, mental health,
140 veterans affairs, law enforcement, corrections, criminal defense
141 bar, prosecutors association, juvenile justice, child protective
142 services and substance abuse treatment communities.

143 (2) The State * * * Intervention Courts Advisory Committee
144 may also make recommendations to the Chief Justice, the Director
145 of the Administrative Office of Courts and state officials
146 concerning improvements to * * * intervention court policies and
147 procedures including the * * * intervention court certification
148 process. The committee may make suggestions as to the criteria
149 for eligibility, and other procedural and substantive guidelines
150 for * * * intervention court operation.

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

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

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

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

172 9-23-11. (1) The Administrative Office of Courts shall
173 establish, implement and operate a uniform certification process
174 for all * * * intervention courts and other problem-solving courts
175 including juvenile courts, veterans courts or any other court
176 designed to adjudicate criminal actions involving an identified

177 classification of criminal defendant to ensure funding for * * *
178 intervention courts supports effective and proven practices that
179 reduce recidivism and substance dependency among their
180 participants.

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

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

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

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

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

196 (iv) Frequent testing for alcohol or drugs;

197 (v) Coordinated strategy between all * * *
198 intervention court program personnel involving the use of
199 graduated clinical interventions;

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

202 (vii) Monitoring and evaluation of * * *
203 intervention court program implementation and outcomes through
204 data collection and reporting.

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

207 (i) A description of the need for the * * *
208 intervention court;

209 (ii) The targeted population for the * * *
210 intervention court;

211 (iii) The eligibility criteria for * * *
212 intervention court participants;

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

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

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

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

227 intervention court program;

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

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

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

237 8. Total number of applications for screening
238 by race, gender, offenses charged, indigence and, if not accepted,
239 the reason for nonacceptance; and

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

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

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

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

251 (iii) * * * An intervention court in existence on
252 July 1, 2014, must submit a certification petition within one (1)
253 year of July 1, 2014, and be certified pursuant to the

254 requirements of this section prior to expending * * * intervention
255 court resources budgeted for fiscal year 2016; and

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

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

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

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

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

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

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

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

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

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

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

285 (b) By August 1, 2015, and each year thereafter, the
286 Administrative Office of Courts shall report to the PEER Committee
287 the information in subsection (4)(a) of this section in a
288 sortable, electronic format.

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

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

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

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

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

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

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

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

330 (c) Education;

331 (d) Referral;
332 (e) Service coordination and case management; and
333 (f) Counseling and rehabilitative care.
334 (2) Any inpatient treatment or inpatient detoxification
335 program ordered by the court shall be certified by the Department
336 of Mental Health, other appropriate state agency or the equivalent
337 agency of another state.

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

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

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

348 (a) The participant cannot have any felony convictions
349 for any offenses that are crimes of violence as defined in Section
350 97-3-2 within the previous ten (10) years.

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

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

355 (d) The participant cannot be * * * charged with
356 burglary of a dwelling under Section 97-17-23(2) or 97-17-37.

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

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

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

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

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

383 (4) A person does not have a right to participate in * * *
384 intervention court under this chapter. The court having
385 jurisdiction over a person for a matter before the court shall
386 have the final determination about whether the person may
387 participate in * * * intervention court under this chapter.
388 However, any person meeting the eligibility criteria in subsection
389 (1) of this section shall, upon request, be screened for admission
390 to intervention court.

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

393 9-23-17. With regard to any * * * intervention court * * *,
394 the Administrative Office of Courts shall do the following:

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

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

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

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

406 (i) Another department, authority or agency of the
407 state;

408 (ii) Another state;

409 (iii) The federal government;
410 (iv) A state-supported or private university; or
411 (v) A public or private agency, foundation,
412 corporation or individual.

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

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

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

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

430 (i) Adopt rules to implement this chapter.

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

433 9-23-19. (1) All monies received from any source by
434 the * * * intervention court shall be accumulated in a fund to be

435 used only for * * * intervention court purposes. Any funds
436 remaining in this fund at the end of a fiscal year shall not lapse
437 into any general fund, but shall be retained in the * * *
438 Intervention Court Fund for the funding of further activities by
439 the * * * intervention court.

440 (2) * * * An intervention court may apply for and receive
441 the following:

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

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

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

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

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

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

458 9-23-21. The director and members of the professional and
459 administrative staff of the * * * intervention court who perform

460 duties in good faith under this chapter are immune from civil
461 liability for:

462 (a) Acts or omissions in providing services under this
463 chapter; and

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

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

469 9-23-23. If the participant completes all requirements
470 imposed upon him by the * * * intervention court, including the
471 payment of fines and fees assessed and not waived by the court,
472 the charge and prosecution shall be dismissed. If the defendant
473 or participant was sentenced at the time of entry of plea of
474 guilty, the successful completion of the * * * intervention court
475 order and other requirements of probation or suspension of
476 sentence will result in the record of the criminal conviction or
477 adjudication being expunged. However, no expunction of any
478 implied consent violation shall be allowed.

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

481 9-25-1. (1) The Legislature recognizes that our military
482 veterans have provided an invaluable service to our country. In
483 doing so, many may have suffered the effects of, including, but
484 not limited to, post-traumatic stress disorder, traumatic brain
485 injury and depression, and may also suffer drug and alcohol

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

569 (i) Another department, authority, or agency of
570 the state;

571 (ii) Another state;

572 (iii) The federal government;

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

574 (v) A public or private agency, foundation,
575 corporation, or individual.

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

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

581 (f) Adopt rules to implement this chapter.

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

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

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

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

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

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

606 (i) Gifts, bequests and donations from private
607 sources.

608 (ii) Grant and contract money from governmental
609 sources.

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

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

617 (a) Acts or omissions in providing services under this
618 chapter; and

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

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

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

626 9-27-1. This chapter shall be known and may be cited as the
627 Rivers McGraw Mental Health Diversion * * * Program Act.

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

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

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

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

639 (b) Reduce the inappropriate institutionalization of
640 people with mental illnesses;

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

643 (d) Improve linkages between the criminal justice
644 system and the mental health system;

645 (e) Expedite case processing;

646 (f) Protect public safety;

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

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

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

657 9-27-7. (1) The Administrative Office of Courts is the
658 repository for reports filed by * * * programs established under
659 this chapter. The goal of the * * * programs is to support

660 effective and proven practices that reduce recidivism and provide
661 treatment for participants.

662 (2) * * * Programs must adhere to the standards established
663 in this chapter.

664 (a) These standards shall include, but are not limited
665 to:

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

670 (ii) Targeting medium- to high-risk offenders for
671 participation;

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

674 (iv) Coordinated strategy between all mental
675 health diversion * * * program personnel;

676 (v) Ongoing judicial interaction with each
677 participant; and

678 (vi) Monitoring and evaluation of mental health
679 diversion * * * program implementation and outcomes through data
680 collection and reporting.

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

683 (i) Total number of participants;

684 (ii) Total number of successful participants;

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

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

689 (v) Total number of participants who were
690 convicted of a new felony or misdemeanor offense while in the
691 program;

692 (vi) Total number of participants who committed at
693 least one (1) violation while in the program and the resulting
694 sanction(s);

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

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

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

703 (4) (a) * * * Programs must collect and submit to the
704 Administrative Office of Courts each month, the following 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 diversion * * * programs may individually
729 establish rules and may make special orders and rules as necessary
730 that do not conflict with rules promulgated by the Supreme Court
731 or the Administrative Office of Courts.

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

737 (7) A mental health diversion * * * program established
738 under this chapter is subject to the regulatory powers of the
739 Administrative 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 diversion * * * program's
743 mental health intervention component shall provide for eligible
744 individuals, either directly or through referrals, a range of
745 necessary court treatment services, including, but not limited to,
746 the following:

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

750 (b) Clinical assessment;

751 (c) Education;

752 (d) Referral;

753 (e) Service coordination and case management; and

754 (f) Counseling and rehabilitative care.

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

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

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

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

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

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

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

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

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

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

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

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

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

810 9-27-15. (1) All monies received from any source by a
811 mental health diversion * * * program shall be accumulated in a
812 local fund to be used only for mental health diversion * * *
813 program purposes. Any funds remaining in a local fund at the end

814 of a fiscal year shall not lapse into any general fund, but shall
815 be retained in the mental health diversion * * * program fund for
816 the funding of further activities by the mental health
817 diversion * * * program. * * *

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

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

821 (b) Grant and contract monies from governmental
822 sources.

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

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

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

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

838 9-27-17. The director and members of the professional and
839 administrative staff of the mental health diversion program who

840 perform duties in good faith under this chapter are immune from
841 civil liability for:

842 (a) Acts or omissions in providing services under this
843 chapter; and

844 (b) The reasonable exercise of discretion in
845 determining eligibility to participate in the mental health
846 diversion * * * program.

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

849 9-27-19. If the participant completes all requirements
850 imposed upon him by the mental health diversion * * *
851 program, * * * the charge and prosecution shall be dismissed. If
852 the defendant or participant was sentenced at the time of entry of
853 a plea of guilty, the successful completion of the mental health
854 diversion * * * program order and other requirements of probation
855 or suspension of sentence will result in the record of the
856 criminal conviction or adjudication being expunged.

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

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

862 25-3-35. (1) The annual salaries of the following judges
863 are fixed as follows:

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

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

866 Presiding Justices of the Supreme Court, each..... 123,600.75
867 Associate Justices of the Supreme Court, each..... 122,460.00
868 **From and after January 1, 2014, through December 31, 2014:**
869 Chief Justice of the Supreme Court.....\$137,195.00
870 Presiding Justices of the Supreme Court, each..... 134,011.50
871 Associate Justices of the Supreme Court, each..... 132,390.00
872 **From and after January 1, 2015, through December 31, 2015:**
873 Chief Justice of the Supreme Court.....\$148,097.50
874 Presiding Justices of the Supreme Court, each..... 144,422.25
875 Associate Justices of the Supreme Court, each..... 142,320.00
876 **From and after January 1, 2016:**
877 Chief Justice of the Supreme Court.....\$159,000.00
878 Presiding Justices of the Supreme Court, each..... 154,833.00
879 Associate Justices of the Supreme Court, each..... 152,250.00
880 There are imposed upon the Supreme Court justices the extra duties
881 of taking all necessary action to promote judicial education in
882 schools, * * * intervention courts, electronic filing and case
883 management systems as developed by the Administrative Office of
884 Courts, or such other additional duties as may be assigned by the
885 Chief Justice of the Supreme Court. For such extra services each
886 justice, from and after January 1, 2013, shall receive a sum
887 sufficient to aggregate, per annum, the salaries set forth in this
888 subsection (1).
889 The fixed salaries in this subsection (1) shall be paid from
890 the State General Fund and from the Judicial System Operation Fund
891 created under Section 9-21-45. No less than: One Hundred Fifteen

892 Thousand Three Hundred Ninety Dollars (\$115,390.00) of the Chief
893 Justice's salary in this subsection (1), One Hundred Thirteen
894 Thousand One Hundred Ninety Dollars (\$113,190.00) of the salary of
895 a presiding justice in this subsection (1), and One Hundred Twelve
896 Thousand Five Hundred Thirty Dollars (\$112,530.00) of the salary
897 of an associate justice in this subsection (1) shall be paid from
898 general fund monies; in addition, the Legislature shall
899 appropriate annually from the Judicial System Operation Fund a sum
900 sufficient to increase the salary of the Chief Justice, a
901 presiding justice and an associate justice to the levels set forth
902 in this subsection (1).

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

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

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

912 Chief Judge of the Court of Appeals.....\$117,992.00

913 Associate Judges of the Court of Appeals, each.... 114,994.25

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

915 Chief Judge of the Court of Appeals.....\$127,854.00

916 Associate Judges of the Court of Appeals, each.... 124,938.50

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

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

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

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

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

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

941 The fixed salaries as specified in this subsection (2) shall
942 be the exclusive and total compensation which can be reported to
943 the Public Employees' Retirement System for retirement purposes;

944 however, any judge in office on December 31, 2003, may continue to
945 report his expense allowance as part of his compensation for
946 retirement purposes.

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

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

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

951 Circuit Judges, each..... 112,127.50

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

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

954 Circuit Judges, each..... 120,085.00

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

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

957 Circuit Judges, each..... 128,042.50

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

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

960 Circuit Judges, each..... 136,000.00

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

970 The fixed salaries in this subsection (3) shall be paid from
971 the State General Fund and from the Judicial System Operation Fund
972 created under Section 9-21-45. No less than One Hundred Four
973 Thousand One Hundred Seventy Dollars (\$104,170.00) of the salary
974 of a chancery or circuit Judge in this subsection (3) shall be
975 paid from general fund monies; in addition, the Legislature shall
976 appropriate annually from the Judicial System Operation Fund a sum
977 sufficient to increase the salary of a chancery or circuit judge
978 to the levels set forth in this subsection (3).

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

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

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

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

994 One Hundred Three Thousand Three Hundred Twenty-two Dollars
995 (\$103,322.00).

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

997 One Hundred Ten Thousand Eight Hundred Forty-eight Dollars
998 (\$110,848.00).

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

1000 One Hundred Eighteen Thousand Three Hundred Seventy-four
1001 Dollars (\$118,374.00).

1002 **From and after January 1, 2016:**

1003 One Hundred Twenty-five Thousand Nine Hundred Dollars
1004 (\$125,900.00).

1005 (7) The annual salary of the full-time legal assistants
1006 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor
1007 more than eighty percent (80%) of the salary of the district
1008 attorney for legal assistants who have been licensed to practice
1009 law for five (5) years or less; eighty-five percent (85%) of the
1010 salary of the district attorney for legal assistants who have been
1011 licensed to practice law for at least five (5) years but less than
1012 fifteen (15) years; and ninety percent (90%) of the salary of the
1013 district attorney for legal assistants who have been licensed to
1014 practice law for at least fifteen (15) years or more.

1015 **SECTION 25.** Section 43-21-357, Mississippi Code of 1972, is
1016 amended as follows:

1017 43-21-357. (1) After receiving a report, the youth court
1018 intake unit shall promptly make a preliminary inquiry to determine
1019 whether the interest of the child, other children in the same
1020 environment or the public requires the youth court to take further
1021 action. As part of the preliminary inquiry, the youth court

1022 intake unit may request or the youth court may order the
1023 Department of Human Services, the Department of Youth Services,
1024 any successor agency or any other qualified public employee to
1025 make an investigation or report concerning the child and any other
1026 children in the same environment, and present the findings thereof
1027 to the youth court intake unit. If the youth court intake unit
1028 receives a neglect or abuse report, the youth court intake unit
1029 shall immediately forward the complaint to the Department of Human
1030 Services to promptly make an investigation or report concerning
1031 the child and any other children in the same environment and
1032 promptly present the findings thereof to the youth court intake
1033 unit. If it appears from the preliminary inquiry that the child
1034 or other children in the same environment are within the
1035 jurisdiction of the court, the youth court intake unit shall
1036 recommend to the youth court:

1037 (a) That the youth court take no action;

1038 (b) That an informal adjustment be made;

1039 (c) The Department of Human Services, Division of
1040 Family and Children Services, monitor the child, family and other
1041 children in the same environment;

1042 (d) That the child is warned or counseled informally;

1043 (e) That the child be referred to the youth court * * *

1044 intervention court; or

1045 (f) That a petition be filed.

1046 (2) The youth court shall then, without a hearing:

1047 (a) Order that no action be taken;

- 1048 (b) Order that an informal adjustment be made;
- 1049 (c) Order that the Department of Human Services,
1050 Division of Family and Children Services, monitor the child,
1051 family and other children in the same environment;
- 1052 (d) Order that the child is warned or counseled
1053 informally;
- 1054 (e) That the child be referred to the youth * * *
1055 intervention court; or
- 1056 (f) Order that a petition be filed.

1057 (3) If the preliminary inquiry discloses that a child needs
1058 emergency medical treatment, the judge may order the necessary
1059 treatment.

1060 **SECTION 26.** Section 63-11-31.1, Mississippi Code of 1972, is
1061 amended as follows:

1062 63-11-31.1. (1) The Mississippi Forensics Laboratory shall
1063 promulgate rules and regulations for court-ordered drug testing of
1064 DUI/other drug violators and shall approve which vendors are
1065 eligible to be utilized by the trial courts when ordering
1066 defendants to undergo drug testing as a condition of continuing to
1067 exercise the privilege to drive. The Forensics Laboratory may
1068 assess fees to the vendors, and shall prescribe the maximum costs
1069 to the offender for drug testing. The Forensics Laboratory may
1070 seek the advice of the State * * * Intervention Court Advisory
1071 Committee in fulfilling these duties.

1072 (2) The Forensics Laboratory must evaluate proposals made by
1073 prospective vendors for acceptability, including, without
1074 limitation, the following factors:

1075 (a) A description of the method used for assessment;

1076 (b) The frequency with which the offender will be
1077 tested;

1078 (c) The procedure used by the vendor to ensure the
1079 accuracy of the test results;

1080 (d) The length of time allowed the offender to provide
1081 a biological sample after being given notice;

1082 (e) The frequency with which the vendor will make
1083 reports to the court;

1084 (f) The list of approved sites for the collection of
1085 biological samples for testing.

1086 (3) The Forensics Laboratory must promulgate regulations for
1087 the program and for vendors, including at a minimum:

1088 (a) That the offender must pay the cost of the testing
1089 program or, if the court finds the offender to be indigent, that
1090 the cost be paid from the Interlock Device Fund.

1091 (b) How indigent funds will be accessed by the vendors,
1092 and the maximum cost to the offender or the fund.

1093 (4) The Forensics Laboratory will provide the list of
1094 approved vendors, subject to continuous updating, to the
1095 Mississippi Judicial College for dissemination to the trial
1096 courts.

1097 **SECTION 27.** Section 99-3-45, Mississippi Code of 1972, is
1098 amended as follows:

1099 99-3-45. A person under the age of twenty-one (21) who is
1100 released under either Section 99-3-17 or 99-3-18 following arrest
1101 must be given notice:

1102 (a) That the person is allowed to call a parent,
1103 guardian or custodian in addition to any other opportunity to call
1104 that has been afforded to such person; and

1105 (b) That * * * Intervention Court and other pretrial
1106 diversion programs may be available for many offenses.

1107 **SECTION 28.** Section 99-19-73, Mississippi Code of 1972, is
1108 amended as follows:

1109 99-19-73. (1) **Traffic violations.** In addition to any
1110 monetary penalties and any other penalties imposed by law, there
1111 shall be imposed and collected the following state assessment from
1112 each person upon whom a court imposes a fine or other penalty for
1113 any violation in Title 63, Mississippi Code of 1972, except
1114 offenses relating to the Mississippi Implied Consent Law (Section
1115 63-11-1 et seq.) and offenses relating to vehicular parking or
1116 registration:

1117	FUND	AMOUNT
1118	State Court Education Fund.....	[Deleted]
1119	State Prosecutor Education Fund.....	[Deleted]
1120	Vulnerable Persons Training,	
1121	Investigation and Prosecution Trust Fund.....	[Deleted]
1122	Child Support Prosecution Trust Fund.....	[Deleted]

- 1123 Driver Training Penalty Assessment Fund.....[Deleted]
- 1124 Law Enforcement Officers Training Fund.....[Deleted]
- 1125 Spinal Cord and Head Injury Trust Fund
- 1126 (for all moving violations).....[Deleted]
- 1127 Emergency Medical Services Operating Fund.....[Deleted]
- 1128 Mississippi Leadership Council on Aging Fund.....[Deleted]
- 1129 Law Enforcement Officers and Fire Fighters
- 1130 Death Benefits Trust Fund.....[Deleted]
- 1131 Law Enforcement Officers and Fire Fighters
- 1132 Disability Benefits Trust Fund.....[Deleted]
- 1133 State Prosecutor Compensation Fund for the purpose
- 1134 of providing additional compensation for
- 1135 district attorneys and their legal assistants.....[Deleted]
- 1136 Crisis Intervention Mental Health Fund.....[Deleted]
- 1137 * * *Intervention Court Fund.....[Deleted]
- 1138 Judicial Performance Fund.....[Deleted]
- 1139 Capital Defense Counsel Fund.....[Deleted]
- 1140 Indigent Appeals Fund.....[Deleted]
- 1141 Capital Post-Conviction Counsel Fund.....[Deleted]
- 1142 Victims of Domestic Violence Fund.....[Deleted]
- 1143 Public Defenders Education Fund.....[Deleted]
- 1144 Domestic Violence Training Fund.....[Deleted]
- 1145 Attorney General's Cyber Crime Unit.....[Deleted]
- 1146 Children's Safe Center Fund.....[Deleted]
- 1147 DuBard School for Language Disorders Fund.....[Deleted]
- 1148 Children's Advocacy Centers Fund.....[Deleted]

1149 Judicial System Operation Fund.....[Deleted]

1150 GENERAL FUND.....\$ 90.50

1151 (2) **Implied Consent Law violations.** In addition to any

1152 monetary penalties and any other penalties imposed by law, there

1153 shall be imposed and collected the following state assessment from

1154 each person upon whom a court imposes a fine or any other penalty

1155 for any violation of the Mississippi Implied Consent Law (Section

1156 63-11-1 et seq.):

FUND	AMOUNT
1158 Crime Victims' Compensation Fund.....	[Deleted]
1159 State Court Education Fund.....	[Deleted]
1160 State Prosecutor Education Fund.....	[Deleted]
1161 Vulnerable Persons Training,	
1162 Investigation and Prosecution Trust Fund.....	[Deleted]
1163 Child Support Prosecution Trust Fund.....	[Deleted]
1164 Driver Training Penalty Assessment Fund.....	[Deleted]
1165 Law Enforcement Officers Training Fund.....	[Deleted]
1166 Emergency Medical Services Operating Fund.....	[Deleted]
1167 Mississippi Alcohol Safety Education Program Fund.....	[Deleted]
1168 Federal-State Alcohol Program Fund.....	[Deleted]
1169 Mississippi Forensics Laboratory	
1170 Implied Consent Law Fund.....	[Deleted]
1171 Spinal Cord and Head Injury Trust Fund.....	[Deleted]
1172 Capital Defense Counsel Fund.....	[Deleted]
1173 Indigent Appeals Fund.....	[Deleted]
1174 Capital Post-Conviction Counsel Fund.....	[Deleted]

1201 Investigation and Prosecution Trust Fund.....[Deleted]

1202 Law Enforcement Officers Training Fund.....[Deleted]

1203 Hunter Education and Training Program Fund.....[Deleted]

1204 Law Enforcement Officers and Fire Fighters

1205 Death Benefits Trust Fund.....[Deleted]

1206 Law Enforcement Officers and Fire Fighters

1207 Disability Benefits Trust Fund.....[Deleted]

1208 State Prosecutor Compensation Fund for the purpose

1209 of providing additional compensation for district

1210 attorneys and their legal assistants.....[Deleted]

1211 Crisis Intervention Mental Health Fund.....[Deleted]

1212 * * *Intervention Court Fund.....[Deleted]

1213 Capital Defense Counsel Fund.....[Deleted]

1214 Indigent Appeals Fund.....[Deleted]

1215 Capital Post-Conviction Counsel Fund.....[Deleted]

1216 Victims of Domestic Violence Fund.....[Deleted]

1217 Public Defenders Education Fund.....[Deleted]

1218 Domestic Violence Training Fund.....[Deleted]

1219 Attorney General's Cyber Crime Unit.....[Deleted]

1220 GENERAL FUND.....\$ 89.00

1221 (4) [Deleted]

1222 (5) **Speeding, reckless and careless driving violations.** In

1223 addition to any assessment imposed under subsection (1) or (2) of

1224 this section, there shall be imposed and collected the following

1225 state assessment from each person upon whom a court imposes a fine

1226 or other penalty for driving a vehicle on a road or highway:

1227 (a) At a speed that exceeds the posted speed limit by
1228 at least ten (10) miles per hour but not more than twenty (20)
1229 miles per hour.....\$10.00

1230 (b) At a speed that exceeds the posted speed limit by
1231 at least twenty (20) miles per hour but not more than thirty (30)
1232 miles per hour.....\$20.00

1233 (c) At a speed that exceeds the posted speed limit by
1234 thirty (30) miles per hour or more.....\$30.00

1235 (d) In violation of Section 63-3-1201, which is the
1236 offense of reckless driving.....\$10.00

1237 (e) In violation of Section 63-3-1213, which is the
1238 offense of careless driving.....\$10.00

1239 All assessments collected under this subsection shall be
1240 deposited into the State General Fund.

1241 (6) **Other misdemeanors.** In addition to any monetary
1242 penalties and any other penalties imposed by law, there shall be
1243 imposed and collected the following state assessment from each
1244 person upon whom a court imposes a fine or other penalty for any
1245 misdemeanor violation not specified in subsection (1), (2) or (3)
1246 of this section, except offenses relating to vehicular parking or
1247 registration:

1248 FUND	AMOUNT
1249 Crime Victims' Compensation Fund.....	[\$Deleted]
1250 State Court Education Fund.....	[Deleted]
1251 State Prosecutor Education Fund.....	[Deleted]
1252 Vulnerable Persons Training, Investigation	

- 1253 and Prosecution Trust Fund..... [Deleted]
- 1254 Child Support Prosecution Trust Fund..... [Deleted]
- 1255 Law Enforcement Officers Training Fund..... [Deleted]
- 1256 Capital Defense Counsel Fund..... [Deleted]
- 1257 Indigent Appeals Fund..... [Deleted]
- 1258 Capital Post-Conviction Counsel Fund..... [Deleted]
- 1259 Victims of Domestic Violence Fund..... [Deleted]
- 1260 State Crime Stoppers Fund..... [Deleted]
- 1261 Law Enforcement Officers and Fire Fighters
- 1262 Death Benefits Trust Fund..... [Deleted]
- 1263 Law Enforcement Officers and Fire Fighters
- 1264 Disability Benefits Trust Fund..... [Deleted]
- 1265 State Prosecutor Compensation Fund for the purpose
- 1266 of providing additional compensation for
- 1267 district attorneys and their legal assistants..... [Deleted]
- 1268 Crisis Intervention Mental Health Fund..... [Deleted]
- 1269 * * *Intervention Court Fund..... [Deleted]
- 1270 Judicial Performance Fund..... [Deleted]
- 1271 Statewide Victims' Information and
- 1272 Notification System Fund..... [Deleted]
- 1273 Public Defenders Education Fund..... [Deleted]
- 1274 Domestic Violence Training Fund..... [Deleted]
- 1275 Attorney General's Cyber Crime Unit..... [Deleted]
- 1276 Information Exchange Network Fund..... [Deleted]
- 1277 Motorcycle Officer Training Fund..... [Deleted]
- 1278 Civil Legal Assistance Fund..... [Deleted]

1279 Justice Court Collections Fund.....[Deleted]
1280 Municipal Court Collections Fund.....[Deleted]
1281 GENERAL FUND.....\$121.75

1282 (7) **Other felonies.** In addition to any monetary penalties
1283 and any other penalties imposed by law, there shall be imposed and
1284 collected the following state assessment from each person upon
1285 whom a court imposes a fine or other penalty for any felony
1286 violation not specified in subsection (1), (2) or (3) of this
1287 section:

1288	FUND	AMOUNT
1289	Crime Victims' Compensation Fund.....	.\$[Deleted]
1290	State Court Education Fund.....	[Deleted]
1291	State Prosecutor Education Fund.....	[Deleted]
1292	Vulnerable Persons Training, Investigation 1293 and Prosecution Trust Fund.....	[Deleted]
1294	Child Support Prosecution Trust Fund.....	[Deleted]
1295	Law Enforcement Officers Training Fund.....	[Deleted]
1296	Capital Defense Counsel Fund.....	[Deleted]
1297	Indigent Appeals Fund.....	[Deleted]
1298	Capital Post-Conviction Counsel Fund.....	[Deleted]
1299	Victims of Domestic Violence Fund.....	[Deleted]
1300	Criminal Justice Fund.....	[Deleted]
1301	Law Enforcement Officers and Fire Fighters 1302 Death Benefits Trust Fund.....	[Deleted]
1303	Law Enforcement Officers and Fire Fighters 1304 Disability Benefits Trust Fund.....	[Deleted]

1305 State Prosecutor Compensation Fund for the purpose
 1306 of providing additional compensation for
 1307 district attorneys and their legal assistants.....[Deleted]
 1308 Crisis Intervention Mental Health Fund.....[Deleted]
 1309 * * *Intervention Court Fund.....[Deleted]
 1310 Statewide Victims' Information and
 1311 Notification System Fund.....[Deleted]
 1312 Public Defenders Education Fund.....[Deleted]
 1313 Domestic Violence Training Fund.....[Deleted]
 1314 Attorney General's Cyber Crime Unit.....[Deleted]
 1315 Forensics Laboratory DNA Identification System Fund.....[Deleted]
 1316 GENERAL FUND.....\$280.50

1317 (8) **Additional assessments on certain violations:**

1318 (a) **Railroad crossing violations.** In addition to any
 1319 monetary penalties and any other penalties imposed by law, there
 1320 shall be imposed and collected the following state assessment in
 1321 addition to all other state assessments due under this section
 1322 from each person upon whom a court imposes a fine or other penalty
 1323 for any violation involving railroad crossings under Section
 1324 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:
 1325 Operation Lifesaver Fund.....\$25.00

1326 (b) **Drug violations.** In addition to any monetary
 1327 penalties and any other penalties imposed by law, there shall be
 1328 imposed and collected the following state assessment in addition
 1329 to all other state assessments due under this section from each

1330 person upon whom a court imposes a fine or other penalty for any
1331 violation of Section 41-29-139:

1332 Drug Evidence Disposition Fund.....\$25.00

1333 (c) **Motor vehicle liability insurance violations.** In
1334 addition to any monetary penalties and any other penalties imposed
1335 by law, there shall be imposed and collected the following state
1336 assessment in addition to all other state assessments due under
1337 this section from each person upon whom a court imposes a fine or
1338 other penalty for any violation of Section 63-15-4(4) or Section
1339 63-16-13(1):

1340 Uninsured Motorist Identification Fund:

1341 First offense.....\$200.00

1342 Second offense.....\$300.00

1343 Third or subsequent offense.....\$400.00

1344 (9) If a fine or other penalty imposed is suspended, in
1345 whole or in part, such suspension shall not affect the state
1346 assessment under this section. No state assessment imposed under
1347 the provisions of this section may be suspended or reduced by the
1348 court.

1349 (10) (a) After a determination by the court of the amount
1350 due, it shall be the duty of the clerk of the court to promptly
1351 collect all state assessments imposed under the provisions of this
1352 section. The state assessments imposed under the provisions of
1353 this section may not be paid by personal check.

1354 (b) It shall be the duty of the chancery clerk of each
1355 county to deposit all state assessments collected in the circuit,

1356 county and justice courts in the county on a monthly basis with
1357 the State Treasurer pursuant to appropriate procedures established
1358 by the State Auditor. The chancery clerk shall make a monthly
1359 lump-sum deposit of the total state assessments collected in the
1360 circuit, county and justice courts in the county under this
1361 section, and shall report to the Department of Finance and
1362 Administration the total number of violations under each
1363 subsection for which state assessments were collected in the
1364 circuit, county and justice courts in the county during that
1365 month.

1366 (c) It shall be the duty of the municipal clerk of each
1367 municipality to deposit all the state assessments collected in the
1368 municipal court in the municipality on a monthly basis with the
1369 State Treasurer pursuant to appropriate procedures established by
1370 the State Auditor. The municipal clerk shall make a monthly
1371 lump-sum deposit of the total state assessments collected in the
1372 municipal court in the municipality under this section, and shall
1373 report to the Department of Finance and Administration the total
1374 number of violations under each subsection for which state
1375 assessments were collected in the municipal court in the
1376 municipality during that month.

1377 (11) It shall be the duty of the Department of Finance and
1378 Administration to deposit on a monthly basis all state assessments
1379 into the State General Fund or proper special fund in the State
1380 Treasury. The Department of Finance and Administration shall

1381 issue regulations providing for the proper allocation of these
1382 funds.

1383 (12) The State Auditor shall establish by regulation
1384 procedures for refunds of state assessments, including refunds
1385 associated with assessments imposed before July 1, 1990, and
1386 refunds after appeals in which the defendant's conviction is
1387 reversed. The Auditor shall provide in the regulations for
1388 certification of eligibility for refunds and may require the
1389 defendant seeking a refund to submit a verified copy of a court
1390 order or abstract by which the defendant is entitled to a refund.
1391 All refunds of state assessments shall be made in accordance with
1392 the procedures established by the Auditor.

1393 **SECTION 29.** Section 63-1-51, Mississippi Code of 1972, is
1394 amended as follows:

1395 63-1-51. (1) It shall be the duty of the court clerk, upon
1396 conviction of any person holding a license issued pursuant to this
1397 article where the penalty for a traffic violation is as much as
1398 Ten Dollars (\$10.00), to mail a copy of abstract of the court
1399 record or provide an electronically or computer generated copy of
1400 abstract of the court record immediately to the commissioner at
1401 Jackson, Mississippi, showing the date of conviction, penalty,
1402 etc., so that a record of same may be made by the Department of
1403 Public Safety. The commissioner shall forthwith revoke the
1404 license of any person for a period of one (1) year upon receiving
1405 a duly certified record of each person's convictions of any of the
1406 following offenses when such conviction has become final:

1407 (a) Manslaughter or negligent homicide resulting from
1408 the operation of a motor vehicle;

1409 (b) Any felony in the commission of which a motor
1410 vehicle is used;

1411 (c) Failure to stop and render aid as required under
1412 the laws of this state in event of a motor vehicle accident
1413 resulting in the death or personal injury of another;

1414 (d) Perjury or the willful making of a false affidavit
1415 or statement under oath to the department under this article or
1416 under any other law relating to the ownership or operation of
1417 motor vehicles; or

1418 (e) Conviction, or forfeiture of bail not vacated, upon
1419 three (3) charges of reckless driving committed within a period of
1420 twelve (12) months * * *.

1421 * * *

1422 (2) The commissioner shall revoke the license issued
1423 pursuant to this article of any person convicted of negligent
1424 homicide, in addition to any penalty now provided by law.

1425 (3) In addition to the reasons specified in this section,
1426 the commissioner shall be authorized to suspend the license issued
1427 to any person pursuant to this article for being out of compliance
1428 with an order for support, as defined in Section 93-11-153. The
1429 procedure for suspension of a license for being out of compliance
1430 with an order for support, and the procedure for the reissuance or
1431 reinstatement of a license suspended for that purpose, and the
1432 payment of any fees for the reissuance or reinstatement of a

1433 license suspended for that purpose, shall be governed by Section
1434 93-11-157 or 93-11-163, as the case may be. If there is any
1435 conflict between any provision of Section 93-11-157 or 93-11-163
1436 and any provision of this article, the provisions of Section
1437 93-11-157 or 93-11-163, as the case may be, shall control.

1438 **SECTION 30.** Section 63-1-53, Mississippi Code of 1972, is
1439 amended as follows:

1440 63-1-53. (1) * * * Upon failure of any person to pay timely
1441 any fine, fee or assessment levied as a result of any violation of
1442 this title, the clerk of the court shall give written notice to
1443 such person by United States first-class mail at his last known
1444 address advising such person that, if within * * * ninety (90)
1445 days after such notice is deposited in the mail, the person * * *
1446 has not paid the entire amount of all fines, fees and assessments
1447 levied, then the court will * * * pursue collection as for any
1448 other delinquent payment, and shall be entitled to collection of
1449 all additional fees in accordance with subsection (4) of this
1450 section.

1451 (2) The commissioner is hereby authorized to suspend the
1452 license of an operator without preliminary hearing upon a showing
1453 by his records or other sufficient evidence that the licensee:

1454 (a) Has committed an offense for which mandatory
1455 revocation of license is required upon conviction except under the
1456 provisions of the Mississippi Implied Consent Law;

1457 (b) Has been involved as a driver in any accident
1458 resulting in the death or personal injury of another or serious
1459 property damage;

1460 (c) Is an habitually reckless or negligent driver of a
1461 motor vehicle;

1462 (d) Has been convicted with such frequency of serious
1463 offenses against traffic regulations governing the movement of
1464 vehicles as to indicate a disrespect for traffic laws and a
1465 disregard for the safety of other persons on the highways;

1466 (e) Is incompetent to drive a motor vehicle;

1467 (f) Has permitted an unlawful or fraudulent use of such
1468 license;

1469 (g) Has committed an offense in another state which if
1470 committed in this state would be grounds for suspension or
1471 revocation; or

1472 * * *

1473 (* * *h) Has committed a violation for which mandatory
1474 revocation of license is required upon conviction, entering a plea
1475 of nolo contendere to, or adjudication of delinquency, pursuant to
1476 the provisions of subsection (1) of Section 63-1-71.

1477 (3) Notice that a person's license is suspended or will be
1478 suspended under subsection (2) of this section shall be given by
1479 the commissioner in the manner and at the time provided for under
1480 Section 63-1-52, and upon such person's request, he shall be
1481 afforded an opportunity for a hearing as early as practicable, but
1482 not to exceed twenty (20) days after receipt of such request in

1483 the county wherein the licensee resides unless the department and
1484 the licensee agree that such hearing may be held in some other
1485 county. Upon such hearing the commissioner, or his duly
1486 authorized agent, may administer oaths and may issue subpoenas for
1487 the attendance of witnesses and the production of relevant books
1488 and papers and may require a reexamination of the licensee. Upon
1489 such hearing the commissioner shall either rescind any order of
1490 suspension or, good cause appearing therefor, may extend any
1491 suspension of such license or revoke such license.

1492 (4) If a licensee has not paid all cash appearance bonds
1493 authorized under Section 99-19-3 or all fines, fees or other
1494 assessments levied as a result of a violation of this title within
1495 ninety (90) days * * * after receiving notice of the licensee's
1496 failure to pay all fines, fees or other assessments as provided in
1497 subsection (1) of this section, the court is authorized to pursue
1498 collection under Section 21-17-1(6) or 19-3-41(2) as for any other
1499 delinquent payment, and shall be entitled to collection of all
1500 additional fees authorized under those sections.

1501 **SECTION 31.** Section 63-1-52, Mississippi Code of 1972, is
1502 amended as follows:

1503 63-1-52. (1) Whenever the Commissioner of Public Safety
1504 suspends, cancels or revokes the driver's license or driving
1505 privileges of any person, notice of the suspension, cancellation
1506 or revocation shall be given to such person by the commissioner,
1507 or his duly authorized agent, in the manner provided in subsection
1508 (2) of this section and at the time provided in subsection (3) of

1509 this section or in the manner and at the time provided in
1510 subsection (4) of this section.

1511 (2) Notice shall be given in the following manner:

1512 (a) In writing, (i) by United States Certificate of
1513 Mailing; or (ii) by personal service at the person's address as it
1514 appears on the driving record maintained by the Department of
1515 Public Safety or at the person's last-known address; or (iii) by
1516 personal notice being given by any law enforcement officer of this
1517 state or any duly authorized agent of the Commissioner of Public
1518 Safety on forms prescribed and furnished by the Commissioner of
1519 Public Safety; whenever a person's driver's license or driving
1520 privileges are suspended, revoked or cancelled in accordance with
1521 the Mississippi Driver License Compact Law, the Mississippi
1522 Implied Consent Law, the Mississippi Motor Vehicle Safety
1523 Responsibility Law or * * * subsection (2) (c), (2) (d), (2) (e) or
1524 (2) (f) of Section 63-1-53.

1525 (b) In writing, by United States first class mail,
1526 whenever a person's driver's license or driving privileges are
1527 suspended, revoked or cancelled in accordance with the Mississippi
1528 Commercial Driver's License Law, the Youth Court Law, Chapter 23
1529 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
1530 63-1-51, * * * subsection (2) (g) * * * or (2) (h) * * * of Section
1531 63-1-53, or Section 63-9-25.

1532 (3) Notice shall be given at the following time:

1533 (a) Before suspension, revocation or cancellation,
1534 whenever a person's driver's license or driving privileges are

1535 suspended, revoked or cancelled in accordance with the Mississippi
1536 Driver License Compact Law, the Mississippi Motor Vehicle Safety
1537 Responsibility Law or * * * subsection (2) (c), (2) (d), (2) (e) or
1538 (2) (f) of Section 63-1-53.

1539 (b) Unless otherwise specifically provided for by law,
1540 at the time of suspension, revocation or cancellation, whenever a
1541 person's driver's license or driving privileges are suspended,
1542 revoked or cancelled in accordance with the Mississippi Commercial
1543 Driver's License Law, the Mississippi Implied Consent Law, the
1544 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
1545 Section 63-1-45, Section 63-1-51, * * * subsection (2) (g) * * * or
1546 (2) (h) * * * of Section 63-1-53, or Section 63-9-25.

1547 (4) Whenever the Commissioner of Public Safety suspends,
1548 revokes or cancels the driver's license or driving privileges of
1549 any person in accordance with some provision of law other than a
1550 provision of law referred to in subsections (2) and (3) of this
1551 section, and the manner and time for giving notice is not provided
1552 for in such law, then notice of such suspension, revocation or
1553 cancellation shall be given in the manner and at the time provided
1554 for under * * * subsections (2) (b) and (3) (b) of this section.

1555 **SECTION 32.** Section 63-1-71, Mississippi Code of 1972, is
1556 amended as follows:

1557 63-1-71. (1) * * * Notwithstanding the provisions of
1558 Section 63-11-30 * * * (3) and in addition to any penalty
1559 authorized by the Uniform Controlled Substances Law or any other
1560 statute indicating the dispositions that can be ordered for an

1561 adjudication of delinquency, every person convicted of driving
1562 under the influence of a controlled substance, or entering a plea
1563 of nolo contendere thereto, or adjudicated delinquent therefor, in
1564 a court of this state, * * * the United States, another state, a
1565 territory or possession of the United States, the District of
1566 Columbia or the Commonwealth of Puerto Rico, shall forthwith
1567 forfeit his right to operate a motor vehicle over the highways of
1568 this state for a period of not less than six (6) months. In the
1569 case of any person who at the time of the imposition of sentence
1570 does not have a driver's license or is less than * * * sixteen
1571 (16) years of age, the period of the suspension of driving
1572 privileges authorized herein shall commence on the day the
1573 sentence is imposed and shall run for a period of not less than
1574 six (6) months after the day the person obtains a driver's license
1575 or reaches the age of * * * sixteen (16). If the driving
1576 privilege of any person is under revocation or suspension at the
1577 time of any conviction or adjudication of delinquency for * * *
1578 driving under the influence of a controlled substance, the
1579 revocation or suspension period imposed herein shall commence as
1580 of the date of termination of the existing revocation or
1581 suspension.

1582 (2) The court in this state before whom any person is
1583 convicted of or adjudicated delinquent for * * * driving under the
1584 influence of a controlled substance shall collect forthwith the
1585 Mississippi driver's license of the person and forward such
1586 license to the Department of Public Safety along with a report

1587 indicating the first and last day of the suspension or revocation
1588 period imposed pursuant to this section. If the court is for any
1589 reason unable to collect the license of the person, the court
1590 shall cause a report of the conviction or adjudication of
1591 delinquency to be filed with the Commissioner of Public Safety.
1592 That report shall include the complete name, address, date of
1593 birth, eye color and sex of the person and shall indicate the
1594 first and last day of the suspension or revocation period imposed
1595 by the court pursuant to this section. The court shall inform the
1596 person orally and in writing that if the person is convicted of
1597 personally operating a motor vehicle during the period of license
1598 suspension or revocation imposed pursuant to this section, the
1599 person shall, upon conviction, be subject to the penalties set
1600 forth in Section 63-11-40. A person shall be required to
1601 acknowledge receipt of the written notice in writing. Failure to
1602 receive a written notice or failure to acknowledge in writing the
1603 receipt of a written notice shall not be a defense to a subsequent
1604 charge of a violation of Section 63-11-40. If the person is the
1605 holder of a driver's license from another jurisdiction, the court
1606 shall not collect the license but shall notify forthwith the
1607 Commissioner of Public Safety who shall notify the appropriate
1608 officials in the licensing jurisdiction. The court shall,
1609 however, in accordance with the provisions of this section, revoke
1610 the person's nonresident driving privilege in this state.

1611 (3) The county court or circuit court having jurisdiction,
1612 on petition, may reduce the suspension of driving privileges under

1613 this section if the * * * suspension would constitute a hardship
1614 on the offender. When the petition is filed, such person shall
1615 pay to the circuit clerk of the court where the petition is filed
1616 a fee of Twenty Dollars (\$20.00) for each year, or portion
1617 thereof, of license revocation or suspension remaining under the
1618 original sentence, which shall be deposited into the State General
1619 Fund to the credit of a special fund hereby created in the State
1620 Treasury to be used for alcohol or drug abuse treatment and
1621 education, upon appropriation by the Legislature. This fee shall
1622 be in addition to any other court costs or fees required for the
1623 filing of petitions.

1624 **SECTION 33.** Section 63-1-46, Mississippi Code of 1972, is
1625 amended as follows:

1626 63-1-46. (1) (a) Except as otherwise provided in this
1627 section, a fee of One Hundred Dollars (\$100.00) shall be charged
1628 for the reinstatement of a license issued under this article to
1629 every person whose license has been validly suspended, revoked or
1630 cancelled.

1631 (b) The funds received under the provisions of this
1632 subsection shall be distributed as follows:

1633 (i) Twenty-five Dollars (\$25.00) shall be
1634 deposited into the State General Fund in accordance with Section
1635 45-1-23;

1636 (ii) Twenty-five Dollars (\$25.00) shall be paid to
1637 the Board of Trustees of the Public Employees' Retirement System

1638 for funding the Mississippi Highway Safety Patrol Retirement
1639 System as provided under Section 25-13-7;

1640 (iii) Twenty-five Dollars (\$25.00) shall be
1641 deposited into the special fund created in Section 63-1-45(3) for
1642 purchases of equipment by the Mississippi Highway Safety Patrol;
1643 and

1644 (iv) Twenty-five Dollars (\$25.00) shall be
1645 deposited into the Interlock Device Fund created in Section
1646 63-11-33.

1647 (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)
1648 shall be charged for the reinstatement of a license issued under
1649 this article to every person whose license has been validly
1650 suspended or revoked under the provisions of the Mississippi
1651 Implied Consent Law * * *.

1652 (b) The funds received under the provisions of this
1653 subsection shall be distributed as follows:

1654 (i) One Hundred Dollars (\$100.00) shall be
1655 deposited into the State General Fund in accordance with Section
1656 45-1-23;

1657 (ii) Twenty-five Dollars (\$25.00) shall be paid to
1658 the Board of Trustees of the Public Employees' Retirement System
1659 for funding the Mississippi Highway Safety Patrol Retirement
1660 System as provided under Section 25-13-7;

1661 (iii) Twenty-five Dollars (\$25.00) shall be
1662 deposited into the special fund created in Section 63-1-45(3) for

1663 purchases of equipment by the Mississippi Highway Safety Patrol;
1664 and

1665 (iv) Twenty-five Dollars (\$25.00) shall be
1666 deposited into the Interlock Device Fund created in Section
1667 63-11-33.

1668 (3) (a) A fee of Twenty-five Dollars (\$25.00) shall be
1669 charged for the reinstatement of a license issued under this
1670 article to every person whose license has been validly suspended
1671 for nonpayment of child support under the provisions of Sections
1672 93-11-151 through 93-11-163. The funds received under the
1673 provisions of this subsection shall be deposited into the State
1674 General Fund in accordance with Section 45-1-23.

1675 (b) The procedure for the reinstatement of a license
1676 issued under this article that has been suspended for being out of
1677 compliance with an order for support, as defined in Section
1678 93-11-153, and the payment of any fees for the reinstatement of a
1679 license suspended for that purpose, shall be governed by Section
1680 93-11-157 or 93-11-163, as the case may be.

1681 (4) A fee of Twenty-five Dollars (\$25.00) will be charged
1682 for the reinstatement of a license that was suspended due to
1683 payment by a draft or other instrument that is dishonored by the
1684 payor.

1685 (5) All reinstatement fees charged under this section shall
1686 be in addition to the fees prescribed in Section 63-1-43.

1687 **SECTION 34.** Section 99-19-71, Mississippi Code of 1972, is
1688 amended as follows:

1689 99-19-71. (1) Any person who has been convicted of a
1690 misdemeanor that is not a traffic violation, and who is a first
1691 offender, may petition the justice, county, circuit or municipal
1692 court in which the conviction was had for an order to expunge any
1693 such conviction from all public records.

1694 (2) (a) * * * Except as otherwise provided in this
1695 subsection, a person who has been convicted of * * * a felony and
1696 who has paid all criminal fines and costs of court imposed in the
1697 sentence of conviction may petition the court in which the
1698 conviction was had for an order to expunge one (1) conviction from
1699 all public records five (5) years after the successful completion
1700 of all terms and conditions of the sentence for the
1701 conviction * * * upon a hearing as determined in the discretion of
1702 the court; however, a person is not eligible to expunge a felony
1703 classified as:

1704 (i) A crime of violence as provided in Section
1705 97-3-2;

1706 (ii) Arson, first degree as provided in Sections
1707 97-17-1 and 97-17-3;

1708 (iii) Trafficking in controlled substances as
1709 provided in Section 41-29-139;

1710 (iv) A third, fourth or subsequent offense DUI as
1711 provided in Section 63-11-30(2)(c) and (2)(d);

1712 (v) Felon in possession of a firearm as provided
1713 in Section 97-35-5;

- 1714 (vi) Failure to register as a sex offender as
1715 provided in Section 43-33-33;
- 1716 (vii) Voyeurism as provided in Section 97-29-61;
1717 (viii) Witness intimidation as provided in Section
1718 97-9-113;
- 1719 (ix) Abuse, neglect or exploitation of a
1720 vulnerable person as provided in Section 43-47-19; or
- 1721 (x) Embezzlement as provided in Section 97-23-19.

1722 A person is eligible for only one (1) felony expunction under
1723 this paragraph. For the purposes of this section, the terms "one
1724 (1) conviction" and "one (1) felony expunction" mean and include
1725 all convictions that arose from a common nucleus of operative
1726 facts as determined in the discretion of the court.

1727 * * *

1728 (* * *b) The petitioner shall give ten (10) days'
1729 written notice to the district attorney before any hearing on the
1730 petition. In all cases, the court wherein the petition is filed
1731 may grant the petition if the court determines, on the record or
1732 in writing, that the applicant is rehabilitated from the offense
1733 which is the subject of the petition. In those cases where the
1734 court denies the petition, the findings of the court in this
1735 respect shall be identified specifically and not generally.

1736 (3) Upon entering an order of expunction under this section,
1737 a nonpublic record thereof shall be retained by the Mississippi
1738 Criminal Information Center solely for the purpose of determining
1739 whether, in subsequent proceedings, the person is a first

1740 offender. The order of expunction shall not preclude a district
1741 attorney's office from retaining a nonpublic record thereof for
1742 law enforcement purposes only. The existence of an order of
1743 expunction shall not preclude an employer from asking a
1744 prospective employee if the employee has had an order of
1745 expunction entered on his behalf. The effect of the expunction
1746 order shall be to restore the person, in the contemplation of the
1747 law, to the status he occupied before any arrest or indictment for
1748 which convicted. No person as to whom an expunction order has
1749 been entered shall be held thereafter under any provision of law
1750 to be guilty of perjury or to have otherwise given a false
1751 statement by reason of his failure to recite or acknowledge such
1752 arrest, indictment or conviction in response to any inquiry made
1753 of him for any purpose other than the purpose of determining, in
1754 any subsequent proceedings under this section, whether the person
1755 is a first offender. A person as to whom an order has been
1756 entered, upon request, shall be required to advise the court, in
1757 camera, of the previous conviction and expunction in any legal
1758 proceeding wherein the person has been called as a prospective
1759 juror. The court shall thereafter and before the selection of the
1760 jury advise the attorneys representing the parties of the previous
1761 conviction and expunction.

1762 (4) Upon petition therefor, a justice, county, circuit or
1763 municipal court shall expunge the record of any case in which an
1764 arrest was made, the person arrested was released and the case was

1765 dismissed or the charges were dropped or there was no disposition
1766 of such case.

1767 (5) No public official is eligible for expunction under this
1768 section for any conviction related to his official duties.

1769 **SECTION 35.** Section 9-21-3, Mississippi Code of 1972, is
1770 amended as follows:

1771 9-21-3. (1) The Administrative Office of Courts shall be
1772 specifically charged with the duty of assisting the Chief Justice
1773 of the Supreme Court of Mississippi with his duties as the chief
1774 administrative officer of all courts of this state, including,
1775 without limitation, the task of insuring that the business of the
1776 courts of the state is attended with proper dispatch, that the
1777 dockets of such courts are not permitted to become congested and
1778 that trials and appeals of cases, civil and criminal, are not
1779 delayed unreasonably.

1780 (2) The office shall also perform the following duties:

1781 (a) To work with the clerks of all youth courts and
1782 civil and criminal trial courts in the state to collect, obtain,
1783 compile, digest and publish information and statistics concerning
1784 the administration of justice in the state.

1785 (b) To serve as an agency to apply for and receive any
1786 grants or other assistance and to coordinate and conduct studies
1787 and projects to improve the administration of justice by the
1788 courts of the state, and it may conduct such studies with or
1789 without the assistance of consultants.

1790 * * *

1791 (* * *c) To promulgate standards, rules and
1792 regulations for computer and/or electronic filing and storage of
1793 all court records and court-related records maintained throughout
1794 the state in courts and in offices of circuit and chancery clerks.

1795 (* * *d) (i) To implement and maintain a publicly
1796 accessible centralized database for the storage and retrieval of
1797 jail census data and to promulgate uniform rules, regulations, and
1798 computer and electronic filing standards and definitions that must
1799 be used uniformly by every sheriff's department within the state.

1800 (ii) To promulgate standards, rules and
1801 regulations for computer and electronic filing and storage of all
1802 records maintained throughout the state under this subsection (2).

1803 (iii) The jail census data must include for each
1804 detainee, at a minimum, the following:

1805 1. Name;

1806 2. Date of arrest or detention;

1807 3. Offense charged;

1808 4. All conditions of any release;

1809 5. Race;

1810 6. Whether the detainee is awaiting mental

1811 health services;

1812 7. Date of indictment;

1813 8. Whether the pending charge is a felony or

1814 misdemeanor;

1815 9. Whether the detainee has been convicted;

1816 10. If convicted, the length of the sentence
1817 imposed by the court;

1818 11. Whether the detainee is a Mississippi
1819 Department of Corrections' inmate;

1820 12. The jurisdiction for which the detainee
1821 is being held.

1822 (e) It shall perform such other duties relating to the
1823 improvement of the administration of justice as may be assigned by
1824 the Supreme Court of Mississippi.

1825 **SECTION 36.** Section 19-25-63, Mississippi Code of 1972, is
1826 amended as follows:

1827 19-25-63. It shall be the duty of every sheriff to keep a
1828 record, to be called the "Jail docket," in which he shall note
1829 each warrant or mittimus by which any person shall be received
1830 into or placed in the jail of his county, entering the nature of
1831 the writ or warrant, by whom issued, the name of the prisoner,
1832 when received, the date of the arrest and commitment, for what
1833 crime or other cause the party is imprisoned, and on what
1834 authority, how long the prisoner was so imprisoned, how released
1835 or discharged, and the warrant therefor or the receipt of the
1836 officer of the Penitentiary when sent there. All of said entries
1837 shall comply with the uniform reporting standards of the
1838 Administrative Office of Courts authorized under Section 9-21-3
1839 and must be full and complete, so as to give a perfect history of
1840 each case, and must use the uniform definitions promulgated by the
1841 Administrative Office of Courts to increase clarity and

1842 transparency. The record shall be kept as a public record, and
1843 turned over to his successor.

1844 **SECTION 37.** Section 47-1-21, Mississippi Code of 1972, is
1845 amended as follows:

1846 47-1-21. The sheriff of each county shall keep a well-bound
1847 alphabetical jail docket that must comply with the uniform
1848 reporting standards and definitions promulgated by the
1849 Administrative Office of Courts under Section 9-21-3. In it he
1850 shall promptly enter under the proper initial the name, age, color
1851 and sex of each convict, the date of his or her commitment, each
1852 day worked on the county farm, time required to be served and
1853 amount of fine and costs and the jail fees charged against the
1854 prisoner and the date of discharge.

1855 The sheriff shall submit his docket to the board of
1856 supervisors at each of their regular meetings, and the same shall
1857 be examined carefully by the president of the board, and by any
1858 other members who desire to examine the same, in the presence of
1859 the board while in session.

1860 **SECTION 38.** (1) There is hereby created an advisory
1861 committee on jail census data collection to promote criminal
1862 justice transparency by facilitating the availability of
1863 comparable and uniform data. The duties of the task force are as
1864 follows:

1865 (a) Research the standards, format, and terminology
1866 used by authorities in other states and by the federal government
1867 to create uniform data-reporting regulations to be used for

1868 recording data on offenders incarcerated throughout the state's
1869 county jails and which will capture the following data:

1870 (i) The number of individuals detained for a new
1871 offense or delinquent act.

1872 (ii) The number of individuals detained pending
1873 trial.

1874 (iii) The number of offenders detained for a
1875 revocation of supervision.

1876 (iv) The average sentence length for new jail
1877 sentences by offense type.

1878 (v) The average sentence length for offenders in
1879 jail for a probation revocation.

1880 (vi) The average sentence length for offenders in
1881 jail for a parole revocation.

1882 (vii) The percentage of sentences in each category
1883 offense type, including whether the offense was violent, property,
1884 drug, or public order. All drug offenses shall include the type
1885 of drug implicated in the offense, as well as type of offense,
1886 such as possession, sale or manufacture.

1887 (viii) The average length of stay by offense type.

1888 (ix) For individuals awaiting trial, the average
1889 length of stay from the time of arrest to the time of indictment,
1890 and from the time of indictment to trial.

1891 (b) Research best practices for implementing a
1892 centralized database for reporting of the prescribed jail census

1893 data by each county authority and recommend a timeline for the
1894 submission of the data.

1895 (c) Recommend computer equipment and acceptable
1896 electronic processes for transmission of the data by each county
1897 to the Administrative Office of Courts.

1898 (d) The commission shall submit its report to the
1899 Legislature no later than December 1, 2019.

1900 (e) The initial meeting date of the task force shall be
1901 on or before July 15, 2019.

1902 (2) (a) The task force shall be composed of (5) members, as
1903 follows:

1904 (i) The Director of the Roderick and Solange
1905 MacArthur Justice Center at the University of Mississippi School
1906 of Law or a designee;

1907 (ii) The State Public Defender or a designee;

1908 (iii) The President of the Mississippi Prosecutors
1909 Association or a designee;

1910 (iv) The President of the Mississippi Sheriffs'
1911 Association or a designee; and

1912 (v) A circuit court judge appointed by the
1913 Executive Director of the Mississippi Commission on Judicial
1914 Performance.

1915 (b) At its first meeting, the task force shall elect a
1916 chair and vice chair from its membership and shall adopt rules for
1917 transacting its business and keeping records.

1918 **SECTION 39.** Section 47-7-49, Mississippi Code of 1972, is
1919 amended as follows:

1920 47-7-49. (1) Any offender on probation, parole,
1921 earned-release supervision, post-release supervision, earned
1922 probation or any other offender under the field supervision of the
1923 Community Services Division of the department shall pay to the
1924 department the sum of Fifty-five Dollars (\$55.00) per month by
1925 certified check or money order unless a hardship waiver is
1926 granted. An offender shall make the initial payment within * * *
1927 sixty (60) days after being released from imprisonment unless a
1928 hardship waiver is granted. A hardship waiver may be granted by
1929 the sentencing court or the Department of Corrections. A hardship
1930 waiver may not be granted for a period of time exceeding ninety
1931 (90) days. The commissioner or his designee shall deposit Fifty
1932 Dollars (\$50.00) of each payment received into a special fund in
1933 the State Treasury, which is hereby created, to be known as the
1934 Community Service Revolving Fund. Expenditures from this fund
1935 shall be made for: (a) the establishment of restitution and
1936 satellite centers; and (b) the establishment, administration and
1937 operation of the department's Drug Identification Program and the
1938 intensive and field supervision program. The Fifty Dollars
1939 (\$50.00) may be used for salaries and to purchase equipment,
1940 supplies and vehicles to be used by the Community Services
1941 Division in the performance of its duties. Expenditures for the
1942 purposes established in this section may be made from the fund
1943 upon requisition by the commissioner, or his designee.

1944 Of the remaining amount, Three Dollars (\$3.00) of each
1945 payment shall be deposited into the Crime Victims' Compensation
1946 Fund created in Section 99-41-29, and Two Dollars (\$2.00) shall be
1947 deposited into the Training Revolving Fund created pursuant to
1948 Section 47-7-51. When a person is convicted of a felony in this
1949 state, in addition to any other sentence it may impose, the court
1950 may, in its discretion, order the offender to pay a state
1951 assessment not to exceed the greater of One Thousand Dollars
1952 (\$1,000.00) or the maximum fine that may be imposed for the
1953 offense, into the Crime Victims' Compensation Fund created
1954 pursuant to Section 99-41-29.

1955 Any federal funds made available to the department for
1956 training or for training facilities, equipment or services shall
1957 be deposited into the Correctional Training Revolving Fund created
1958 in Section 47-7-51. The funds deposited in this account shall be
1959 used to support an expansion of the department's training program
1960 to include the renovation of facilities for training purposes,
1961 purchase of equipment and contracting of training services with
1962 community colleges in the state.

1963 No offender shall be required to make this payment for a
1964 period of time longer than ten (10) years.

1965 (2) The offender may be imprisoned until the payments are
1966 made if the offender is financially able to make the payments and
1967 the court in the county where the offender resides so finds,
1968 subject to the limitations hereinafter set out. The offender
1969 shall not be imprisoned if the offender is financially unable to

1970 make the payments and so states to the court in writing, under
1971 oath, and the court so finds.

1972 (3) This section shall stand repealed from and after June
1973 30, 2022.

1974 **SECTION 40.** Section 47-7-40, Mississippi Code of 1972, is
1975 amended as follows:

1976 47-7-40. (1) The commissioner shall establish rules and
1977 regulations for implementing the earned-discharge program that
1978 allows offenders on probation and parole to reduce the period of
1979 supervision for complying with conditions of probation. The
1980 department shall have the authority to award earned-discharge
1981 credits to all offenders placed on probation, parole, or
1982 post-release supervision who are in compliance with the terms and
1983 conditions of supervision. An offender serving a Mississippi
1984 sentence for an eligible offense in any jurisdiction under the
1985 Interstate Compact for Adult Offender Supervision shall be
1986 eligible for earned-discharge credits under this section.
1987 Offenders shall not be denied earned-discharge credits solely
1988 based on nonpayment of fees or fines if a hardship waiver has been
1989 granted as provided in Section 47-7-49.

1990 (2) For each full calendar month of compliance with the
1991 conditions of supervision, earned-discharge credits equal to the
1992 number of days in that month shall be deducted from the offender's
1993 sentence discharge date. Credits begin to accrue for eligible
1994 offenders after the first full calendar month of compliance
1995 supervision conditions. For the purposes of this section, an

1996 offender is deemed to be in compliance with the conditions of
1997 supervision if there was no violation of the conditions of
1998 supervision.

1999 (3) No earned-discharge credits may accrue for a calendar
2000 month in which a violation report has been submitted, the offender
2001 has absconded from supervision, the offender is serving a term of
2002 imprisonment in a technical violation center, or for the months
2003 between the submission of the violation report and the final
2004 action on the violation report by the court or the board.

2005 (4) Earned-discharge credits shall be applied to the
2006 sentence within thirty (30) days of the end of the month in which
2007 the credits were earned. At least every six (6) months, an
2008 offender who is serving a sentence eligible for earned-discharge
2009 credits shall be notified of the current sentence discharge date.

2010 (5) Once the combination of time served on probation, parole
2011 or post-release supervision, and earned-discharge credits satisfy
2012 the term of probation, parole, or post-release supervision, the
2013 board or sentencing court shall order final discharge of the
2014 offender. No less than sixty (60) days prior to the date of final
2015 discharge, the department shall notify the sentencing court and
2016 the board of the impending discharge.

2017 (6) The department shall provide semiannually to the
2018 Oversight Task Force the number and percentage of offenders who
2019 qualify for earned discharge in one or more months of the year and
2020 the average amount of credits earned within the year.

2021 **SECTION 41.** Section 99-5-11, Mississippi Code of 1972, is
2022 amended as follows:

2023 99-5-11. **All conservators of the peace may take recognizance**
2024 **or bond; certificate of default; alias warrant; when protection**
2025 **order registry must be checked; when bond not required.** (1) All
2026 justice court judges and all other conservators of the peace are
2027 authorized, whenever a person is brought before them charged with
2028 any offense not capital for which bail is allowed by law, to take
2029 the recognizance or bond of the person, with sufficient sureties,
2030 in such penalty as the justice court judge or conservator of the
2031 peace may require, for his appearance before the justice court
2032 judge or conservator of the peace for an examination of his case
2033 at some future day. And if the person thus recognized or thus
2034 giving bond fails to appear at the appointed time, it shall be the
2035 duty of the justice court judge or conservator of the peace to
2036 return the recognizance or bond, with his certificate of default,
2037 to the court having jurisdiction of the case, and a recovery may
2038 be had therein by scire facias, as in other cases of forfeiture.
2039 The justice court judge or other conservator of the peace shall
2040 also issue an alias warrant for the defaulter.

2041 (2) In circumstances involving an offense against any of the
2042 following: (a) a current or former spouse of the accused or child
2043 of that person; (b) a person living as a spouse or who formerly
2044 lived as a spouse with the accused or a child of that person; (c)
2045 a parent, grandparent, child, grandchild or someone similarly
2046 situated to the accused; (d) a person who has a current or former

2047 dating relationship with the accused; or (e) a person with whom
2048 the accused has had a biological or legally adopted child, the
2049 justice court judge or other conservator of the peace shall check,
2050 or cause to be made a check, of the status of the person for whom
2051 recognizance or bond is taken before ordering bail in the
2052 Mississippi Protection Order Registry authorized under Section
2053 93-21-25, and the existence of a domestic abuse protection order
2054 against the accused shall be considered when determining
2055 appropriate bail.

2056 (3) A conservator of the peace may release a misdemeanor on
2057 the misdemeanor's own recognizance and, for all offenses not
2058 described in subsection (2) of this section, a misdemeanor is
2059 entitled to release on recognizance unless: (a) the misdemeanor
2060 is on probation or parole, has other unresolved charges pending,
2061 or has a history of nonappearance; or (b) the court finds that:
2062 (i) the release of the misdemeanor would constitute a special
2063 danger to any other person or to the community; or (ii) release on
2064 recognizance is highly unlikely to assure the appearance of the
2065 misdemeanant as required.

2066 **SECTION 42.** As provided in 21 USC Section 862a(d)(1),
2067 Mississippi opts out of the application of 21 USC Section 862a(a)
2068 to all individuals domiciled in the state.

2069 **SECTION 43.** Section 21-23-7, Mississippi Code of 1972, is
2070 amended as follows:

2071 21-23-7. (1) The municipal judge shall hold court in a
2072 public building designated by the governing authorities of the

2073 municipality and may hold court every day except Sundays and legal
2074 holidays if the business of the municipality so requires;
2075 provided, however, the municipal judge may hold court outside the
2076 boundaries of the municipality but not more than within a
2077 sixty-mile radius of the municipality to handle preliminary
2078 matters and criminal matters such as initial appearances and
2079 felony preliminary hearings. The municipal judge may hold court
2080 outside the boundaries of the municipality but not more than
2081 within a one-mile radius of the municipality for any purpose. The
2082 municipal judge shall have the jurisdiction to hear and determine,
2083 without a jury and without a record of the testimony, all cases
2084 charging violations of the municipal ordinances and state
2085 misdemeanor laws made offenses against the municipality and to
2086 punish offenders therefor as may be prescribed by law. Except as
2087 otherwise provided by law, criminal proceedings shall be brought
2088 by sworn complaint filed in the municipal court. Such complaint
2089 shall state the essential elements of the offense charged and the
2090 statute or ordinance relied upon. Such complaint shall not be
2091 required to conclude with a general averment that the offense is
2092 against the peace and dignity of the state or in violation of the
2093 ordinances of the municipality. He may sit as a committing court
2094 in all felonies committed within the municipality, and he shall
2095 have the power to bind over the accused to the grand jury or to
2096 appear before the proper court having jurisdiction to try the
2097 same, and to set the amount of bail or refuse bail and commit the
2098 accused to jail in cases not bailable. The municipal judge is a

2099 conservator of the peace within his municipality. He may conduct
2100 preliminary hearings in all violations of the criminal laws of
2101 this state occurring within the municipality, and any person
2102 arrested for a violation of law within the municipality may be
2103 brought before him for initial appearance. The municipal court
2104 shall have jurisdiction of any case remanded to it by a circuit
2105 court grand jury. The municipal court shall have civil
2106 jurisdiction over actions filed pursuant to and as provided in
2107 Title 93, Chapter 21, Mississippi Code of 1972, the Protection
2108 from Domestic Abuse Act.

2109 (2) In the discretion of the court, where the objects of
2110 justice would be more likely met, as an alternative to imposition
2111 or payment of fine and/or incarceration, the municipal judge shall
2112 have the power to sentence convicted offenders to work on a public
2113 service project where the court has established such a program of
2114 public service by written guidelines filed with the clerk for
2115 public record. Such programs shall provide for reasonable
2116 supervision of the offender and the work shall be commensurate
2117 with the fine and/or incarceration that would have ordinarily been
2118 imposed. Such program of public service may be utilized in the
2119 implementation of the provisions of Section 99-19-20, and public
2120 service work thereunder may be supervised by persons other than
2121 the sheriff.

2122 (3) The municipal judge may solemnize marriages, take oaths,
2123 affidavits and acknowledgments, and issue orders, subpoenas,
2124 summonses, citations, warrants for search and arrest upon a

2125 finding of probable cause, and other such process under seal of
2126 the court to any county or municipality, in a criminal case, to be
2127 executed by the lawful authority of the county or the municipality
2128 of the respondent, and enforce obedience thereto. The absence of
2129 a seal shall not invalidate the process.

2130 (4) When a person shall be charged with an offense in
2131 municipal court punishable by confinement, the municipal judge,
2132 being satisfied that such person is an indigent person and is
2133 unable to employ counsel, may, in the discretion of the court,
2134 appoint counsel from the membership of The Mississippi Bar
2135 residing in his county who shall represent him. Compensation for
2136 appointed counsel in criminal cases shall be approved and allowed
2137 by the municipal judge and shall be paid by the municipality. The
2138 maximum compensation shall not exceed Two Hundred Dollars
2139 (\$200.00) for any one (1) case. The governing authorities of a
2140 municipality may, in their discretion, appoint a public
2141 defender(s) who must be a licensed attorney and who shall receive
2142 a salary to be fixed by the governing authorities.

2143 (5) The municipal judge of any municipality is hereby
2144 authorized to suspend the sentence and to suspend the execution of
2145 the sentence, or any part thereof, on such terms as may be imposed
2146 by the municipal judge. However, the suspension of imposition or
2147 execution of a sentence hereunder may not be revoked after a
2148 period of two (2) years. The municipal judge shall have the power
2149 to establish and operate a probation program, dispute resolution
2150 program and other practices or procedures appropriate to the

2151 judiciary and designed to aid in the administration of justice.
2152 Any such program shall be established by the court with written
2153 policies and procedures filed with the clerk of the court for
2154 public record. Subsequent to original sentencing, the municipal
2155 judge, in misdemeanor cases, is hereby authorized to suspend
2156 sentence and to suspend the execution of a sentence, or any part
2157 thereof, on such terms as may be imposed by the municipal judge,
2158 if (a) the judge or his or her predecessor was authorized to order
2159 such suspension when the sentence was originally imposed; and (b)
2160 such conviction (i) has not been appealed; or (ii) has been
2161 appealed and the appeal has been voluntarily dismissed.

2162 (6) Upon prior notice to the municipal prosecuting attorney
2163 and upon a showing in open court of rehabilitation, good conduct
2164 for a period of two (2) years since the last conviction in any
2165 court and that the best interest of society would be served, the
2166 court may, in its discretion, order the record of conviction of a
2167 person of any or all misdemeanors in that court expunged, and upon
2168 so doing the said person thereafter legally stands as though he
2169 had never been convicted of the said misdemeanor(s) and may
2170 lawfully so respond to any query of prior convictions. This order
2171 of expunction does not apply to the confidential records of law
2172 enforcement agencies and has no effect on the driving record of a
2173 person maintained under Title 63, Mississippi Code of 1972, or any
2174 other provision of said Title 63.

2175 (7) Notwithstanding the provisions of subsection (6) of this
2176 section, a person who was convicted in municipal court of a

2177 misdemeanor before reaching his twenty-third birthday, excluding
2178 conviction for a traffic violation, and who is a first offender,
2179 may utilize the provisions of Section 99-19-71, to expunge such
2180 misdemeanor conviction.

2181 (8) In the discretion of the court, a plea of nolo
2182 contendere may be entered to any charge in municipal court. Upon
2183 the entry of a plea of nolo contendere the court shall convict the
2184 defendant of the offense charged and shall proceed to sentence the
2185 defendant according to law. The judgment of the court shall
2186 reflect that the conviction was on a plea of nolo contendere. An
2187 appeal may be made from a conviction on a plea of nolo contendere
2188 as in other cases.

2189 (9) Upon execution of a sworn complaint charging a
2190 misdemeanor, the municipal court may, in its discretion and in
2191 lieu of an arrest warrant, issue a citation requiring the
2192 appearance of the defendant to answer the charge made against him.
2193 On default of appearance, an arrest warrant may be issued for the
2194 defendant. The clerk of the court or deputy clerk may issue such
2195 citations.

2196 (10) The municipal court shall have the power to make rules
2197 for the administration of the court's business, which rules, if
2198 any, shall be in writing filed with the clerk of the court and
2199 shall include the enactment of rules related to the court's
2200 authority to issue domestic abuse protection orders pursuant to
2201 Section 93-21-1 et seq.

2202 (11) The municipal court shall have the power to impose
 2203 punishment of a fine of not more than One Thousand Dollars
 2204 (\$1,000.00) or six (6) months imprisonment, or both, for contempt
 2205 of court. The municipal court may have the power to impose
 2206 reasonable costs of court, not in excess of the following:
 2207 Dismissal of any affidavit, complaint or charge
 2208 in municipal court.....\$ 50.00
 2209 Suspension of a minor's driver's license in lieu of
 2210 conviction.....\$ 50.00
 2211 Service of scire facias or return "not found".....\$ 20.00
 2212 Causing search warrant to issue or causing
 2213 prosecution without reasonable cause or refusing to
 2214 cooperate after initiating action.....\$ 100.00
 2215 Certified copy of the court record.....\$ 5.00
 2216 Service of arrest warrant for failure to answer
 2217 citation or traffic summons.....\$ 25.00
 2218 Jail cost per day - actual jail cost paid by the municipality but
 2219 not to exceed..... \$ 35.00
 2220 Service of court documents related to the filing
 2221 of a petition or issuance of a protection from domestic
 2222 abuse order under Title 93, Chapter 21, Mississippi
 2223 Code of 1972\$ 25.00
 2224 Any other item of court cost.....\$ 50.00
 2225 No filing fee or such cost shall be imposed for the bringing
 2226 of an action in municipal court.

2227 (12) A municipal court judge shall not dismiss a criminal
2228 case but may transfer the case to the justice court of the county
2229 if the municipal court judge is prohibited from presiding over the
2230 case by the Canons of Judicial Conduct and provided that venue and
2231 jurisdiction are proper in the justice court. Upon transfer of
2232 any such case, the municipal court judge shall give the municipal
2233 court clerk a written order to transmit the affidavit or complaint
2234 and all other records and evidence in the court's possession to
2235 the justice court by certified mail or to instruct the arresting
2236 officer to deliver such documents and records to the justice
2237 court. There shall be no court costs charged for the transfer of
2238 the case to the justice court.

2239 (13) A municipal court judge shall expunge the record of any
2240 case in which an arrest was made, the person arrested was released
2241 and the case was dismissed or the charges were dropped * * *,
2242 there was no disposition of such case, or the person was acquitted
2243 or found not guilty at trial.

2244 **SECTION 44.** Section 43-21-159, Mississippi Code of 1972, is
2245 amended as follows:

2246 43-21-159. (1) When a person appears before a court other
2247 than the youth court, and it is determined that the person is a
2248 child under jurisdiction of the youth court, such court shall,
2249 unless the jurisdiction of the offense has been transferred to
2250 such court as provided in this chapter, or unless the child has
2251 previously been the subject of a transfer from the youth court to
2252 the circuit court for trial as an adult and was convicted,

2253 immediately dismiss the proceeding without prejudice and forward
2254 all documents pertaining to the cause to the youth court; and all
2255 entries in permanent records shall be expunged. The youth court
2256 shall have the power to order and supervise the expunction or the
2257 destruction of such records in accordance with Section 43-21-265.
2258 Upon petition therefor, the youth court shall expunge the record
2259 of any case within its jurisdiction in which an arrest was made,
2260 the person arrested was released and the case was dismissed or the
2261 charges were dropped * * *, there was no disposition of such case,
2262 or the person was acquitted or found not guilty at trial.

2263 In cases where the child is charged with a hunting or fishing
2264 violation or a traffic violation, whether it be any state or
2265 federal law, a violation of the Mississippi Implied Consent Law,
2266 or municipal ordinance or county resolution, or where the child is
2267 charged with a violation of Section 67-3-70, the appropriate
2268 criminal court shall proceed to dispose of the same in the same
2269 manner as for other adult offenders and it shall not be necessary
2270 to transfer the case to the youth court of the county. However,
2271 unless the cause has been transferred, or unless the child has
2272 previously been the subject of a transfer from the youth court to
2273 the circuit court for trial as an adult and was convicted, the
2274 youth court shall have power on its own motion to remove
2275 jurisdiction from any criminal court of any offense including a
2276 hunting or fishing violation, a traffic violation, a violation of
2277 the Mississippi Implied Consent Law, or a violation of Section
2278 67-3-70, committed by a child in a matter under the jurisdiction

2279 of the youth court and proceed therewith in accordance with the
2280 provisions of this chapter.

2281 (2) After conviction and sentence of any child by any other
2282 court having original jurisdiction on a misdemeanor charge, and
2283 within the time allowed for an appeal of such conviction and
2284 sentence, the youth court of the county shall have the full power
2285 to stay the execution of the sentence and to release the child on
2286 good behavior or on other order as the youth court may see fit to
2287 make unless the child has previously been the subject of a
2288 transfer from the youth court to the circuit court for trial as an
2289 adult and was convicted. When a child is convicted of a
2290 misdemeanor and is committed to, incarcerated in or imprisoned in
2291 a jail or other place of detention by a criminal court having
2292 proper jurisdiction of such charge, such court shall notify the
2293 youth court judge or the judge's designee of the conviction and
2294 sentence prior to the commencement of such incarceration. The
2295 youth court shall have the power to order and supervise the
2296 destruction of any records involving children maintained by the
2297 criminal court in accordance with Section 43-21-265. However, the
2298 youth court shall have the power to set aside a judgment of any
2299 other court rendered in any matter over which the youth court has
2300 exclusive original jurisdiction, to expunge or destroy the records
2301 thereof in accordance with Section 43-21-265, and to order a
2302 refund of fines and costs.

2303 (3) Nothing in subsection (1) or (2) shall apply to a youth
2304 who has a pending charge or a conviction for any crime over which
2305 circuit court has original jurisdiction.

2306 (4) In any case wherein the defendant is a child as defined
2307 in this chapter and of which the circuit court has original
2308 jurisdiction, the circuit judge, upon a finding that it would be
2309 in the best interest of such child and in the interest of justice,
2310 may at any stage of the proceedings prior to the attachment of
2311 jeopardy transfer such proceedings to the youth court for further
2312 proceedings unless the child has previously been the subject of a
2313 transfer from the youth court to the circuit court for trial as an
2314 adult and was convicted or has previously been convicted of a
2315 crime which was in original circuit court jurisdiction, and the
2316 youth court shall, upon acquiring jurisdiction, proceed as
2317 provided in this chapter for the adjudication and disposition of
2318 delinquent child proceeding proceedings. If the case is not
2319 transferred to the youth court and the youth is convicted of a
2320 crime by any circuit court, the trial judge shall sentence the
2321 youth as though such youth was an adult. The circuit court shall
2322 not have the authority to commit such child to the custody of the
2323 Department of Youth Services for placement in a state-supported
2324 training school.

2325 (5) In no event shall a court sentence an offender over the
2326 age of eighteen (18) to the custody of the Division of Youth
2327 Services for placement in a state-supported training school.

2328 (6) When a child's driver's license is suspended by the
2329 youth court for any reason, the clerk of the youth court shall
2330 report the suspension, without a court order under Section
2331 43-21-261, to the Commissioner of Public Safety in the same manner
2332 as such suspensions are reported in cases involving adults.

2333 (7) No offense involving the use or possession of a firearm
2334 by a child who has reached his fifteenth birthday and which, if
2335 committed by an adult would be a felony, shall be transferred to
2336 the youth court.

2337 **SECTION 45.** Section 99-15-26, Mississippi Code of 1972, is
2338 amended as follows:

2339 99-15-26. (1) (a) In all criminal cases, felony and
2340 misdemeanor, other than crimes against the person, a crime of
2341 violence as defined in Section 97-3-2 or a violation of Section
2342 97-11-31, the circuit or county court shall be empowered, upon the
2343 entry of a plea of guilty by a criminal defendant made on or after
2344 July 1, 2014, to withhold acceptance of the plea and sentence
2345 thereon pending successful completion of such conditions as may be
2346 imposed by the court pursuant to subsection (2) of this section.

2347 (b) In all misdemeanor criminal cases, other than
2348 crimes against the person, the justice or municipal court shall be
2349 empowered, upon the entry of a plea of guilty by a criminal
2350 defendant, to withhold acceptance of the plea and sentence thereon
2351 pending successful completion of such conditions as may be imposed
2352 by the court pursuant to subsection (2) of this section.

2353 (c) Notwithstanding paragraph (a) of this subsection
2354 (1), in all criminal cases charging a misdemeanor of domestic
2355 violence as defined in Section 99-3-7(5), a circuit, county,
2356 justice or municipal court shall be empowered, upon the entry of a
2357 plea of guilty by the criminal defendant, to withhold acceptance
2358 of the plea and sentence thereon pending successful completion of
2359 such conditions as may be imposed by the court pursuant to
2360 subsection (2) of this section.

2361 (d) No person having previously qualified under the
2362 provisions of this section shall be eligible to qualify for
2363 release in accordance with this section for a repeat offense. A
2364 person shall not be eligible to qualify for release in accordance
2365 with this section if charged with the offense of trafficking of a
2366 controlled substance as provided in Section 41-29-139(f) or if
2367 charged with an offense under the Mississippi Implied Consent Law.
2368 Violations under the Mississippi Implied Consent Law can only be
2369 nonadjudicated under the provisions of Section 63-11-30.

2370 (2) (a) Conditions which the circuit, county, justice or
2371 municipal court may impose under subsection (1) of this section
2372 shall consist of:

2373 (i) Reasonable restitution to the victim of the
2374 crime.

2375 (ii) Performance of not more than nine hundred
2376 sixty (960) hours of public service work approved by the court.

2377 (iii) Payment of a fine not to exceed the
2378 statutory limit.

2379 (iv) Successful completion of drug, alcohol,
2380 psychological or psychiatric treatment, successful completion of a
2381 program designed to bring about the cessation of domestic abuse,
2382 or any combination thereof, if the court deems treatment
2383 necessary.

2384 (v) The circuit or county court, in its
2385 discretion, may require the defendant to remain in the program
2386 subject to good behavior for a period of time not to exceed five
2387 (5) years. The justice or municipal court, in its discretion, may
2388 require the defendant to remain in the program subject to good
2389 behavior for a period of time not to exceed two (2) years.

2390 (b) Conditions which the circuit or county court may
2391 impose under subsection (1) of this section also include
2392 successful completion of an effective evidence-based program or a
2393 properly controlled pilot study designed to contribute to the
2394 evidence-based research literature on programs targeted at
2395 reducing recidivism. Such program or pilot study may be community
2396 based or institutionally based and should address risk factors
2397 identified in a formal assessment of the offender's risks and
2398 needs.

2399 (3) When the court has imposed upon the defendant the
2400 conditions set out in this section, the court shall release the
2401 bail bond, if any.

2402 (4) Upon successful completion of the court-imposed
2403 conditions permitted by subsection (2) of this section, the court
2404 shall direct that the cause be dismissed and the case be closed.

2405 (5) Upon petition therefor, the court shall expunge the
2406 record of any case in which an arrest was made, the person
2407 arrested was released and the case was dismissed or the charges
2408 were dropped * * *, there was no disposition of such case, or the
2409 person was acquitted or found not guilty at trial.

2410 **SECTION 46.** Section 99-15-57, Mississippi Code of 1972, is
2411 amended as follows:

2412 99-15-57. (1) Any person who pled guilty within six (6)
2413 months prior to March 31, 1983, and who would have otherwise been
2414 eligible for the relief allowed in Section 99-15-26, may apply to
2415 the court in which such person was sentenced for an order to
2416 expunge from all official public records all recordation relating
2417 to his arrest, indictment, trial, finding of guilty and sentence.
2418 If the court determines, after hearing, that such person has
2419 satisfactorily served his sentence or period of probation and
2420 parole, pled guilty within six (6) months prior to March 31, 1983,
2421 and would have otherwise been eligible for the relief allowed in
2422 Section 99-15-26, it may enter such order. The effect of such
2423 order shall be to restore such person, in the contemplation of the
2424 law, to the status he occupied before such arrest or indictment.
2425 No person as to whom such order has been entered shall be held
2426 thereafter under any provision of any law to be guilty of perjury
2427 or otherwise giving a false statement by reason of his failures to
2428 recite or acknowledge such arrest, or indictment or trial in
2429 response to any inquiry made of him for any purpose.

2430 (2) Upon petition therefor, the court shall expunge the
2431 record of any case in which an arrest was made, the person
2432 arrested was released and the case was dismissed or the charges
2433 were dropped * * *, there was no disposition of such case, or the
2434 person was acquitted or found not guilty at trial.

2435 **SECTION 47.** Section 99-19-71, Mississippi Code of 1972, is
2436 amended as follows:

2437 99-19-71. (1) Any person who has been convicted of a
2438 misdemeanor that is not a traffic violation, and who is a first
2439 offender, may petition the justice, county, circuit or municipal
2440 court in which the conviction was had for an order to expunge any
2441 such conviction from all public records.

2442 (2) (a) Any person who has been convicted of one (1) of the
2443 following felonies may petition the court in which the conviction
2444 was had for an order to expunge one (1) conviction from all public
2445 records five (5) years after the successful completion of all
2446 terms and conditions of the sentence for the conviction: a bad
2447 check offense under Section 97-19-55; possession of a controlled
2448 substance or paraphernalia under Section 41-29-139(c) or (d);
2449 false pretense under Section 97-19-39; larceny under Section
2450 97-17-41; malicious mischief under Section 97-17-67; or
2451 shoplifting under Section 97-23-93. A person is eligible for only
2452 one (1) felony expunction under this paragraph.

2453 (b) Any person who was under the age of twenty-one (21)
2454 years when he committed a felony may petition the court in which
2455 the conviction was had for an order to expunge one (1) conviction

2456 from all public records five (5) years after the successful
2457 completion of all terms and conditions of the sentence for the
2458 conviction; however, eligibility for expunction shall not apply to
2459 a felony classified as a crime of violence under Section 97-3-2
2460 and any felony that, in the determination of the circuit court, is
2461 related to the distribution of a controlled substance and in the
2462 court's discretion it should not be expunged. A person is
2463 eligible for only one (1) felony expunction under this paragraph.

2464 (c) The petitioner shall give ten (10) days' written
2465 notice to the district attorney before any hearing on the
2466 petition. In all cases, the court wherein the petition is filed
2467 may grant the petition if the court determines, on the record or
2468 in writing, that the applicant is rehabilitated from the offense
2469 which is the subject of the petition. In those cases where the
2470 court denies the petition, the findings of the court in this
2471 respect shall be identified specifically and not generally.

2472 (3) Upon entering an order of expunction under this section,
2473 a nonpublic record thereof shall be retained by the Mississippi
2474 Criminal Information Center solely for the purpose of determining
2475 whether, in subsequent proceedings, the person is a first
2476 offender. The order of expunction shall not preclude a district
2477 attorney's office from retaining a nonpublic record thereof for
2478 law enforcement purposes only. The existence of an order of
2479 expunction shall not preclude an employer from asking a
2480 prospective employee if the employee has had an order of
2481 expunction entered on his behalf. The effect of the expunction

2482 order shall be to restore the person, in the contemplation of the
2483 law, to the status he occupied before any arrest or indictment for
2484 which convicted. No person as to whom an expunction order has
2485 been entered shall be held thereafter under any provision of law
2486 to be guilty of perjury or to have otherwise given a false
2487 statement by reason of his failure to recite or acknowledge such
2488 arrest, indictment or conviction in response to any inquiry made
2489 of him for any purpose other than the purpose of determining, in
2490 any subsequent proceedings under this section, whether the person
2491 is a first offender. A person as to whom an order has been
2492 entered, upon request, shall be required to advise the court, in
2493 camera, of the previous conviction and expunction in any legal
2494 proceeding wherein the person has been called as a prospective
2495 juror. The court shall thereafter and before the selection of the
2496 jury advise the attorneys representing the parties of the previous
2497 conviction and expunction.

2498 (4) Upon petition therefor, a justice, county, circuit or
2499 municipal court shall expunge the record of any case in which an
2500 arrest was made, the person arrested was released and the case was
2501 dismissed or the charges were dropped * * *, there was no
2502 disposition of such case, or the person was acquitted or found not
2503 guilty at trial.

2504 (5) No public official is eligible for expunction under this
2505 section for any conviction related to his official duties.

2506 **SECTION 48.** Section 32 of this act shall take effect and be
2507 in force from and after October 15, 2019, and the remainder of

2508 this act shall take effect and be in force from and after July 1,
2509 2019, and shall stand repealed from and after June 30, 2019.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 9-21-3, MISSISSIPPI
36 CODE OF 1972, TO REQUIRE THE ADMINISTRATIVE OFFICE OF COURTS TO
37 IMPLEMENT UNIFORM REPORTING STANDARDS FOR JAIL CENSUS DATA BY
38 COUNTY SHERIFF'S DEPARTMENTS AND TO CREATE AND MAINTAIN A
39 CENTRALIZED DATABASE FOR STORING THIS DATA; TO AMEND SECTIONS
40 19-25-63 AND 47-1-21, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT
41 JAIL DOCKETS KEPT BY COUNTY SHERIFFS COMPLY WITH UNIFORM REPORTING
42 STANDARDS IN ORDER TO PROMOTE COMPLIANCE WITH RULE 8 OF THE

43 MISSISSIPPI RULES OF CRIMINAL PROCEDURE; TO AUTHORIZE THE CREATION
44 OF AN ADVISORY COMMITTEE TO PROMOTE TRANSPARENCY BY FACILITATING
45 THE AVAILABILITY OF COMPARABLE AND UNIFORM COUNTY JAIL CENSUS
46 DATA; TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO
47 REVISE THE INITIAL PERIOD ALLOWED FOR PAYMENT OF THE SUPERVISION
48 FEE; TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF 1972, TO
49 PROHIBIT DENIAL OF EARNED-DISCHARGE CREDITS SOLELY ON THE BASIS OF
50 NONPAYMENT OF SUPERVISION FEES; TO AMEND SECTION 99-5-11,
51 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE RELEASE OF CERTAIN
52 MISDEMEANANTS ON RECOGNIZANCE; TO OPT OUT OF FEDERAL RESTRICTIONS
53 ON SNAP ELIGIBILITY FOR DRUG OFFENDERS; TO AMEND SECTIONS 21-23-7,
54 43-21-159, 99-15-26, 99-15-57 AND 99-19-71, MISSISSIPPI CODE OF
55 1972, TO AUTHORIZE A COURT TO EXPUNGE THE RECORD OF A CASE IN
56 WHICH THE PERSON WAS FOUND NOT GUILTY OR ACQUITTED AT TRIAL; AND
57 FOR RELATED PURPOSES.

SS36\HB1352PS.J

Liz Welch
Secretary of the Senate