

**Adopted  
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED  
TO**

**House Bill No. 1352**

**BY: Senator(s) Barnett**

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

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

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

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

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

63        9-23-3. (1) The Legislature of Mississippi recognizes the  
64 critical need for judicial intervention to reduce the incidence of



65 alcohol and drug use, alcohol and drug addiction, and crimes  
66 committed as a result of alcohol and drug use and alcohol and drug  
67 addiction. It is the intent of the Legislature to facilitate  
68 local \* \* \* intervention court alternative orders adaptable to  
69 chancery, circuit, county, youth, municipal and justice courts.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

112           (e) "Risk and needs assessment" means the use of an  
113 actuarial assessment tool validated on a Mississippi corrections



114 population to determine a person's risk to reoffend and the  
115 characteristics that, if addressed, reduce the risk to reoffend.

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

118 9-23-7. The Administrative Office of Courts shall be  
119 responsible for certification and monitoring of local \* \* \*  
120 intervention courts according to standards promulgated by the  
121 State \* \* \* Intervention Courts Advisory Committee.

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

124 9-23-9. (1) The State \* \* \* Intervention Courts Advisory  
125 Committee is established to develop and periodically update  
126 proposed statewide evaluation plans and models for monitoring all  
127 critical aspects of \* \* \* intervention courts, mental health  
128 courts, veterans courts and other intervention courts that may be  
129 created hereafter. The committee must provide the proposed  
130 evaluation plans to the Chief Justice and the Administrative  
131 Office of Courts. The committee shall be chaired by the Director  
132 of the Administrative Office of Courts or a designee of the  
133 director and shall consist of \* \* \* eleven (11) members all of  
134 whom shall be appointed by the Supreme Court \* \* \*. The members  
135 shall be broadly representative of the courts, mental health,  
136 veterans affairs, law enforcement, corrections, criminal defense  
137 bar, prosecutors association, juvenile justice, child protective  
138 services and substance abuse treatment communities.



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

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

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

160           (5) The State \* \* \* Intervention Courts Advisory Committee  
161 shall receive and review the monthly reports submitted to the  
162 Administrative Office of Courts by each certified \* \* \*  
163 intervention court and provide comments and make recommendations,



164 as necessary, to the Chief Justice and the Director of the  
165 Administrative Office of Courts.

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

168 9-23-11. (1) The Administrative Office of Courts shall  
169 establish, implement and operate a uniform certification process  
170 for all \* \* \* intervention courts and other problem-solving courts  
171 including juvenile courts, veterans courts or any other court  
172 designed to adjudicate criminal actions involving an identified  
173 classification of criminal defendant to ensure funding for \* \* \*  
174 intervention courts supports effective and proven practices that  
175 reduce recidivism and substance dependency among their  
176 participants.

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

181 (a) These standards shall include, but are not limited  
182 to:

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

187 (ii) Targeting medium to high risk offenders for  
188 participation;



189 (iii) The use of current, evidence-based  
190 interventions proven to reduce dependency on drugs or alcohol, or  
191 both;

192 (iv) Frequent testing for alcohol or drugs;

193 (v) Coordinated strategy between all \* \* \*  
194 intervention court program personnel involving the use of  
195 graduated clinical interventions;

196 (vi) Ongoing judicial interaction with each  
197 participant; and

198 (vii) Monitoring and evaluation of \* \* \*  
199 intervention court program implementation and outcomes through  
200 data collection and reporting.

201 (b) \* \* \* Intervention court certification applications  
202 shall include:

203 (i) A description of the need for the \* \* \*  
204 intervention court;

205 (ii) The targeted population for the \* \* \*  
206 intervention court;

207 (iii) The eligibility criteria for \* \* \*  
208 intervention court participants;

209 (iv) A description of the process for identifying  
210 appropriate participants, including the use of a risk and needs  
211 assessment and a clinical assessment;



212 (v) A description of the \* \* \* intervention court  
213 intervention components, including anticipated budget and  
214 implementation plan;

215 (vi) The data collection plan which shall include  
216 collecting the following data:

217 1. Total number of participants;

218 2. Total number of successful participants;

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

221 4. Total number of participants who were  
222 arrested for a new criminal offense while in the \* \* \*  
223 intervention court program;

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

227 6. Total number of participants who committed  
228 at least one (1) violation while in the \* \* \* intervention court  
229 program and the resulting sanctions;

230 7. Results of the initial risk and needs  
231 assessment or other clinical assessment conducted on each  
232 participant; \* \* \*

233 8. Total number of applications for screening  
234 by race, gender, offenses charged, indigence and, if not accepted,  
235 the reason for nonacceptance; and





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

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

240                   (i) \* \* \* An intervention court application  
241 submitted after July 1, 2014, shall require certification of  
242 the \* \* \* intervention court based on the proposed \* \* \*  
243 intervention court plan;

244                   (ii) \* \* \* An intervention court established after  
245 July 1, 2014, shall be recertified after its second year of funded  
246 operation;

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

252                   (iv) All \* \* \* intervention courts shall submit a  
253 re-certification petition every two (2) years to the  
254 Administrative Office of Courts after the initial certification.

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

303 9-23-13. (1) \* \* \* An intervention court's alcohol and drug  
304 intervention component shall provide for eligible individuals,  
305 either directly or through referrals, a range of necessary court  
306 intervention services, including, but not limited to, the  
307 following:



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

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

326 (c) Education;

327 (d) Referral;

328 (e) Service coordination and case management; and

329 (f) Counseling and rehabilitative care.

330 (2) Any inpatient treatment or inpatient detoxification  
331 program ordered by the court shall be certified by the Department



332 of Mental Health, other appropriate state agency or the equivalent  
333 agency of another state.

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

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

341 9-23-15. (1) In order to be eligible for alternative  
342 sentencing through a local \* \* \* intervention court, the  
343 participant must satisfy each of the following criteria:

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

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

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

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

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



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

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

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

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

379 (4) A person does not have a right to participate in \* \* \*  
380 intervention court under this chapter. The court having



381 jurisdiction over a person for a matter before the court shall  
382 have the final determination about whether the person may  
383 participate in \* \* \* intervention court under this chapter.  
384 However, any person meeting the eligibility criteria in subsection  
385 (1) of this section shall, upon request, be screened for admission  
386 to intervention court.

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

389 9-23-17. With regard to any \* \* \* intervention court \* \* \*,  
390 the Administrative Office of Courts shall do the following:

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

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

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

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

402 (i) Another department, authority or agency of the  
403 state;

404 (ii) Another state;

405 (iii) The federal government;



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

407 (v) A public or private agency, foundation,  
408 corporation or individual.

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

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

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

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

426 (i) Adopt rules to implement this chapter.

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

429 9-23-19. (1) All monies received from any source by  
430 the \* \* \* intervention court shall be accumulated in a fund to be





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

436 (2) \* \* \* An intervention court may apply for and receive  
437 the following:

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

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

440 (c) Other forms of financial assistance approved by the  
441 court to supplement the budget of the \* \* \* intervention court.

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

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

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

454 9-23-21. The director and members of the professional and  
455 administrative staff of the \* \* \* intervention court who perform



456 duties in good faith under this chapter are immune from civil  
457 liability for:

458 (a) Acts or omissions in providing services under this  
459 chapter; and

460 (b) The reasonable exercise of discretion in  
461 determining eligibility to participate in the \* \* \* intervention  
462 court.

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

465 9-23-23. If the participant completes all requirements  
466 imposed upon him by the \* \* \* intervention court, including the  
467 payment of fines and fees assessed and not waived by the court,  
468 the charge and prosecution shall be dismissed. If the defendant  
469 or participant was sentenced at the time of entry of plea of  
470 guilty, the successful completion of the \* \* \* intervention court  
471 order and other requirements of probation or suspension of  
472 sentence will result in the record of the criminal conviction or  
473 adjudication being expunged. However, no expunction of any  
474 implied consent violation shall be allowed.

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

477 9-25-1. (1) The Legislature recognizes that our military  
478 veterans have provided an invaluable service to our country. In  
479 doing so, many may have suffered the effects of, including, but  
480 not limited to, post-traumatic stress disorder, traumatic brain



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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

567                   (ii) Another state;

568                   (iii) The federal government;

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

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

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

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



577 (f) Adopt rules to implement this chapter.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

622 9-27-1. This chapter shall be known and may be cited as the  
623 Rivers McGraw Mental Health Diversion \* \* \* Program Act.

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





626           9-27-3. (1) The Legislature recognizes the critical need  
627 for judicial intervention to establish court processes and  
628 procedures that are more responsive to the needs of defendants  
629 with mental illnesses, while maintaining public safety and the  
630 integrity of the court process. \* \* \*

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

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

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

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

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

641                   (e) Expedite case processing;

642                   (f) Protect public safety;

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

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



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

653           9-27-7. (1) The Administrative Office of Courts is the  
654 repository for reports filed by \* \* \* programs established under  
655 this chapter. The goal of the \* \* \* programs is to support  
656 effective and proven practices that reduce recidivism and provide  
657 treatment for participants.

658           (2) \* \* \* Programs must adhere to the standards established  
659 in this chapter.

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

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

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

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

670                   (iv) Coordinated strategy between all mental  
671 health diversion \* \* \* program personnel;

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



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

677 (b) \* \* \* Programs must implement a data collection  
678 plan, which shall include collecting the following data:

679 (i) Total number of participants;

680 (ii) Total number of successful participants;

681 (iii) Total number of unsuccessful participants

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

683 (iv) Total number of participants who were

684 arrested for a new criminal offense while in the program;

685 (v) Total number of participants who were

686 convicted of a new felony or misdemeanor offense while in the

687 program;

688 (vi) Total number of participants who committed at

689 least one (1) violation while in the program and the resulting

690 sanction(s);

691 (vii) Results of the initial risk and needs

692 assessment or other clinical assessment conducted on each

693 participant; and

694 (viii) Any other data or information as required

695 by the Administrative Office of Courts.

696 (3) All mental health diversion \* \* \* programs must measure

697 successful completion of the program based on those participants

698 who complete the program without a new criminal conviction.



699           (4)   (a)   \* \* \*   Programs must collect and submit to the  
700   Administrative Office of Courts each month, the following data:  
701                   (i)   Total number of participants at the beginning  
702   of the month;  
703                   (ii)   Total number of participants at the end of  
704   the month;  
705                   (iii)   Total number of participants who began the  
706   program in the month;  
707                   (iv)   Total number of participants who successfully  
708   completed the program in the month;  
709                   (v)   Total number of participants who left the  
710   program in the month;  
711                   (vi)   Total number of participants who were  
712   arrested for a new criminal offense while in the program in the  
713   month;  
714                   (vii)   Total number of participants who were  
715   convicted for a new criminal arrest while in the program in the  
716   month; and  
717                   (viii)   Total number of participants who committed  
718   at least one (1) violation while in the program and any resulting  
719   sanction(s).  
720           (b)   By August 1, 2018, and each year thereafter, the  
721   Administrative Office of Courts shall report to the PEER Committee  
722   the information in subsection (4)(a) of this section in a  
723   sortable, electronic format.



724 (5) Mental health diversion \* \* \* programs may individually  
725 establish rules and may make special orders and rules as necessary  
726 that do not conflict with rules promulgated by the Supreme Court  
727 or the Administrative Office of Courts.

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

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

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

738 9-27-9. (1) A mental health diversion \* \* \* program's  
739 mental health intervention component shall provide for eligible  
740 individuals, either directly or through referrals, a range of  
741 necessary court treatment services, including, but not limited to,  
742 the following:

743 (a) Screening using a valid and reliable assessment  
744 tool effective for identifying persons affected by mental health  
745 issues for eligibility and appropriate services;

746 (b) Clinical assessment;

747 (c) Education;

748 (d) Referral;



749 (e) Service coordination and case management; and

750 (f) Counseling and rehabilitative care.

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

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

756 9-27-11. (1) In order to be eligible for alternative  
757 sentencing through a local mental health diversion \* \* \* program,  
758 the participant must satisfy each of the following criteria:

759 (a) The participant cannot have any felony convictions  
760 for any offenses that are crimes of violence as defined in Section  
761 97-3-2, other than burglary under Section 97-17-23(1), within the  
762 previous ten (10) years.

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

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

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



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

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

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

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

796 (4) A person does not have a right to participate in a  
797 mental health diversion program under this chapter. The court  
798 having jurisdiction over a person for a matter before the court



799 shall have the final determination about whether the person may  
800 participate in the mental health diversion program under this  
801 chapter. However, any person meeting the eligibility criteria in  
802 subsection (1) of this section, shall, upon request, be screened  
803 for admission into the program.

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

806 9-27-15. (1) All monies received from any source by a  
807 mental health diversion \* \* \* program shall be accumulated in a  
808 local fund to be used only for mental health diversion \* \* \*  
809 program purposes. Any funds remaining in a local fund at the end  
810 of a fiscal year shall not lapse into any general fund, but shall  
811 be retained in the mental health diversion \* \* \* program fund for  
812 the funding of further activities by the mental health  
813 diversion \* \* \* program. \* \* \*

814 (2) A mental health diversion \* \* \* program may apply for  
815 and receive the following:

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

817 (b) Grant and contract monies from governmental  
818 sources.

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

822 (3) The costs of participation in a mental health treatment  
823 program required by the mental health diversion \* \* \* program may





824 be paid by the participant or out of user fees or such other  
825 state, federal or private funds that may, from time to time, be  
826 made available.

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

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

834 9-27-17. The director and members of the professional and  
835 administrative staff of the mental health diversion program who  
836 perform duties in good faith under this chapter are immune from  
837 civil liability for:

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

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

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

845 9-27-19. If the participant completes all requirements  
846 imposed upon him by the mental health diversion \* \* \*  
847 program, \* \* \* the charge and prosecution shall be dismissed. If  
848 the defendant or participant was sentenced at the time of entry of



849 a plea of guilty, the successful completion of the mental health  
850 diversion \* \* \* program order and other requirements of probation  
851 or suspension of sentence will result in the record of the  
852 criminal conviction or adjudication being expunged.

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

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

858 25-3-35. (1) The annual salaries of the following judges  
859 are fixed as follows:

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

922           The fixed salaries in this subsection (2) shall be paid from  
923 the State General Fund and from the Judicial System Operation Fund



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

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

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

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

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

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



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

950 Circuit Judges, each..... 120,085.00

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

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

953 Circuit Judges, each..... 128,042.50

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

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

956 Circuit Judges, each..... 136,000.00

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

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



973 sufficient to increase the salary of a chancery or circuit judge  
974 to the levels set forth in this subsection (3).

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

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

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

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

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

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

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

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

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



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

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

1001           (7) The annual salary of the full-time legal assistants  
1002 shall be not less than Fifteen Thousand Dollars (\$15,000.00) nor  
1003 more than eighty percent (80%) of the salary of the district  
1004 attorney for legal assistants who have been licensed to practice  
1005 law for five (5) years or less; eighty-five percent (85%) of the  
1006 salary of the district attorney for legal assistants who have been  
1007 licensed to practice law for at least five (5) years but less than  
1008 fifteen (15) years; and ninety percent (90%) of the salary of the  
1009 district attorney for legal assistants who have been licensed to  
1010 practice law for at least fifteen (15) years or more.

1011           **SECTION 25.** Section 43-21-357, Mississippi Code of 1972, is  
1012 amended as follows:

1013           43-21-357. (1) After receiving a report, the youth court  
1014 intake unit shall promptly make a preliminary inquiry to determine  
1015 whether the interest of the child, other children in the same  
1016 environment or the public requires the youth court to take further  
1017 action. As part of the preliminary inquiry, the youth court  
1018 intake unit may request or the youth court may order the  
1019 Department of Human Services, the Department of Youth Services,  
1020 any successor agency or any other qualified public employee to  
1021 make an investigation or report concerning the child and any other  
1022 children in the same environment, and present the findings thereof





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

1033 (a) That the youth court take no action;

1034 (b) That an informal adjustment be made;

1035 (c) The Department of Human Services, Division of  
1036 Family and Children Services, monitor the child, family and other  
1037 children in the same environment;

1038 (d) That the child is warned or counseled informally;

1039 (e) That the child be referred to the youth court \* \* \*

1040 intervention court; or

1041 (f) That a petition be filed.

1042 (2) The youth court shall then, without a hearing:

1043 (a) Order that no action be taken;

1044 (b) Order that an informal adjustment be made;

1045 (c) Order that the Department of Human Services,  
1046 Division of Family and Children Services, monitor the child,  
1047 family and other children in the same environment;



1048 (d) Order that the child is warned or counseled  
1049 informally;

1050 (e) That the child be referred to the youth \* \* \*  
1051 intervention court; or

1052 (f) Order that a petition be filed.

1053 (3) If the preliminary inquiry discloses that a child needs  
1054 emergency medical treatment, the judge may order the necessary  
1055 treatment.

1056 **SECTION 26.** Section 63-11-31.1, Mississippi Code of 1972, is  
1057 amended as follows:

1058 63-11-31.1. (1) The Mississippi Forensics Laboratory shall  
1059 promulgate rules and regulations for court-ordered drug testing of  
1060 DUI/other drug violators and shall approve which vendors are  
1061 eligible to be utilized by the trial courts when ordering  
1062 defendants to undergo drug testing as a condition of continuing to  
1063 exercise the privilege to drive. The Forensics Laboratory may  
1064 assess fees to the vendors, and shall prescribe the maximum costs  
1065 to the offender for drug testing. The Forensics Laboratory may  
1066 seek the advice of the State \* \* \* Intervention Court Advisory  
1067 Committee in fulfilling these duties.

1068 (2) The Forensics Laboratory must evaluate proposals made by  
1069 prospective vendors for acceptability, including, without  
1070 limitation, the following factors:

1071 (a) A description of the method used for assessment;



1072 (b) The frequency with which the offender will be  
1073 tested;

1074 (c) The procedure used by the vendor to ensure the  
1075 accuracy of the test results;

1076 (d) The length of time allowed the offender to provide  
1077 a biological sample after being given notice;

1078 (e) The frequency with which the vendor will make  
1079 reports to the court;

1080 (f) The list of approved sites for the collection of  
1081 biological samples for testing.

1082 (3) The Forensics Laboratory must promulgate regulations for  
1083 the program and for vendors, including at a minimum:

1084 (a) That the offender must pay the cost of the testing  
1085 program or, if the court finds the offender to be indigent, that  
1086 the cost be paid from the Interlock Device Fund.

1087 (b) How indigent funds will be accessed by the vendors,  
1088 and the maximum cost to the offender or the fund.

1089 (4) The Forensics Laboratory will provide the list of  
1090 approved vendors, subject to continuous updating, to the  
1091 Mississippi Judicial College for dissemination to the trial  
1092 courts.

1093 **SECTION 27.** Section 99-3-45, Mississippi Code of 1972, is  
1094 amended as follows:



1095 99-3-45. A person under the age of twenty-one (21) who is  
1096 released under either Section 99-3-17 or 99-3-18 following arrest  
1097 must be given notice:

1098 (a) That the person is allowed to call a parent,  
1099 guardian or custodian in addition to any other opportunity to call  
1100 that has been afforded to such person; and

1101 (b) That \* \* \* Intervention Court and other pretrial  
1102 diversion programs may be available for many offenses.

1103 **SECTION 28.** Section 99-19-73, Mississippi Code of 1972, is  
1104 amended as follows:

1105 99-19-73. (1) **Traffic violations.** In addition to any  
1106 monetary penalties and any other penalties imposed by law, there  
1107 shall be imposed and collected the following state assessment from  
1108 each person upon whom a court imposes a fine or other penalty for  
1109 any violation in Title 63, Mississippi Code of 1972, except  
1110 offenses relating to the Mississippi Implied Consent Law (Section  
1111 63-11-1 et seq.) and offenses relating to vehicular parking or  
1112 registration:

1113	FUND	AMOUNT
1114	State Court Education Fund.....	[Deleted]
1115	State Prosecutor Education Fund.....	[Deleted]
1116	Vulnerable Persons Training, 1117 Investigation and Prosecution Trust Fund.....	[Deleted]
1118	Child Support Prosecution Trust Fund.....	[Deleted]
1119	Driver Training Penalty Assessment Fund.....	[Deleted]



- 1120 Law Enforcement Officers Training Fund..... [Deleted]
- 1121 Spinal Cord and Head Injury Trust Fund
- 1122       (for all moving violations)..... [Deleted]
- 1123 Emergency Medical Services Operating Fund..... [Deleted]
- 1124 Mississippi Leadership Council on Aging Fund..... [Deleted]
- 1125 Law Enforcement Officers and Fire Fighters
- 1126       Death Benefits Trust Fund..... [Deleted]
- 1127 Law Enforcement Officers and Fire Fighters
- 1128       Disability Benefits Trust Fund..... [Deleted]
- 1129 State Prosecutor Compensation Fund for the purpose
- 1130       of providing additional compensation for
- 1131       district attorneys and their legal assistants..... [Deleted]
- 1132 Crisis Intervention Mental Health Fund..... [Deleted]
- 1133   \* \* \*Intervention Court Fund..... [Deleted]
- 1134 Judicial Performance Fund..... [Deleted]
- 1135 Capital Defense Counsel Fund..... [Deleted]
- 1136 Indigent Appeals Fund..... [Deleted]
- 1137 Capital Post-Conviction Counsel Fund..... [Deleted]
- 1138 Victims of Domestic Violence Fund..... [Deleted]
- 1139 Public Defenders Education Fund..... [Deleted]
- 1140 Domestic Violence Training Fund..... [Deleted]
- 1141 Attorney General's Cyber Crime Unit..... [Deleted]
- 1142 Children's Safe Center Fund..... [Deleted]
- 1143 DuBard School for Language Disorders Fund..... [Deleted]
- 1144 Children's Advocacy Centers Fund..... [Deleted]



1145 Judicial System Operation Fund.....[Deleted]  
1146 GENERAL FUND.....\$ 90.50  
1147 (2) **Implied Consent Law violations.** In addition to any  
1148 monetary penalties and any other penalties imposed by law, there  
1149 shall be imposed and collected the following state assessment from  
1150 each person upon whom a court imposes a fine or any other penalty  
1151 for any violation of the Mississippi Implied Consent Law (Section  
1152 63-11-1 et seq.):

FUND	AMOUNT
1154 Crime Victims' Compensation Fund.....	[Deleted]
1155 State Court Education Fund.....	[Deleted]
1156 State Prosecutor Education Fund.....	[Deleted]
1157 Vulnerable Persons Training, 1158 Investigation and Prosecution Trust Fund.....	[Deleted]
1159 Child Support Prosecution Trust Fund.....	[Deleted]
1160 Driver Training Penalty Assessment Fund.....	[Deleted]
1161 Law Enforcement Officers Training Fund.....	[Deleted]
1162 Emergency Medical Services Operating Fund.....	[Deleted]
1163 Mississippi Alcohol Safety Education Program Fund.....	[Deleted]
1164 Federal-State Alcohol Program Fund.....	[Deleted]
1165 Mississippi Forensics Laboratory 1166 Implied Consent Law Fund.....	[Deleted]
1167 Spinal Cord and Head Injury Trust Fund.....	[Deleted]
1168 Capital Defense Counsel Fund.....	[Deleted]
1169 Indigent Appeals Fund.....	[Deleted]





1195 State Prosecutor Education Fund.....[Deleted]

1196 Vulnerable Persons Training,

1197       Investigation and Prosecution Trust Fund.....[Deleted]

1198 Law Enforcement Officers Training Fund.....[Deleted]

1199 Hunter Education and Training Program Fund.....[Deleted]

1200 Law Enforcement Officers and Fire Fighters

1201       Death Benefits Trust Fund.....[Deleted]

1202 Law Enforcement Officers and Fire Fighters

1203       Disability Benefits Trust Fund.....[Deleted]

1204 State Prosecutor Compensation Fund for the purpose

1205       of providing additional compensation for district

1206       attorneys and their legal assistants.....[Deleted]

1207 Crisis Intervention Mental Health Fund.....[Deleted]

1208   \* \* \*Intervention Court Fund.....[Deleted]

1209 Capital Defense Counsel Fund.....[Deleted]

1210 Indigent Appeals Fund.....[Deleted]

1211 Capital Post-Conviction Counsel Fund.....[Deleted]

1212 Victims of Domestic Violence Fund.....[Deleted]

1213 Public Defenders Education Fund.....[Deleted]

1214 Domestic Violence Training Fund.....[Deleted]

1215 Attorney General's Cyber Crime Unit.....[Deleted]

1216       GENERAL FUND.....\$   89.00

1217       (4) [Deleted]

1218       (5) **Speeding, reckless and careless driving violations.** In

1219 addition to any assessment imposed under subsection (1) or (2) of





1220 this section, there shall be imposed and collected the following  
1221 state assessment from each person upon whom a court imposes a fine  
1222 or other penalty for driving a vehicle on a road or highway:

1223 (a) At a speed that exceeds the posted speed limit by  
1224 at least ten (10) miles per hour but not more than twenty (20)  
1225 miles per hour.....\$10.00

1226 (b) At a speed that exceeds the posted speed limit by  
1227 at least twenty (20) miles per hour but not more than thirty (30)  
1228 miles per hour.....\$20.00

1229 (c) At a speed that exceeds the posted speed limit by  
1230 thirty (30) miles per hour or more.....\$30.00

1231 (d) In violation of Section 63-3-1201, which is the  
1232 offense of reckless driving.....\$10.00

1233 (e) In violation of Section 63-3-1213, which is the  
1234 offense of careless driving.....\$10.00

1235 All assessments collected under this subsection shall be  
1236 deposited into the State General Fund.

1237 (6) **Other misdemeanors.** In addition to any monetary  
1238 penalties and any other penalties imposed by law, there shall be  
1239 imposed and collected the following state assessment from each  
1240 person upon whom a court imposes a fine or other penalty for any  
1241 misdemeanor violation not specified in subsection (1), (2) or (3)  
1242 of this section, except offenses relating to vehicular parking or  
1243 registration:

1244 FUND AMOUNT



1245 Crime Victims' Compensation Fund..... \$[Deleted]

1246 State Court Education Fund..... [Deleted]

1247 State Prosecutor Education Fund..... [Deleted]

1248 Vulnerable Persons Training, Investigation  
and Prosecution Trust Fund..... [Deleted]

1249 Child Support Prosecution Trust Fund..... [Deleted]

1250 Law Enforcement Officers Training Fund..... [Deleted]

1251 Capital Defense Counsel Fund..... [Deleted]

1252 Indigent Appeals Fund..... [Deleted]

1253 Capital Post-Conviction Counsel Fund..... [Deleted]

1254 Victims of Domestic Violence Fund..... [Deleted]

1255 State Crime Stoppers Fund..... [Deleted]

1256 Law Enforcement Officers and Fire Fighters  
Death Benefits Trust Fund..... [Deleted]

1257 Law Enforcement Officers and Fire Fighters  
Disability Benefits Trust Fund..... [Deleted]

1258 State Prosecutor Compensation Fund for the purpose  
of providing additional compensation for  
district attorneys and their legal assistants..... [Deleted]

1259 Crisis Intervention Mental Health Fund..... [Deleted]

1260 \* \* \*Intervention Court Fund..... [Deleted]

1261 Judicial Performance Fund..... [Deleted]

1262 Statewide Victims' Information and  
Notification System Fund..... [Deleted]

1263 Public Defenders Education Fund..... [Deleted]



1270 Domestic Violence Training Fund..... [Deleted]  
 1271 Attorney General's Cyber Crime Unit..... [Deleted]  
 1272 Information Exchange Network Fund..... [Deleted]  
 1273 Motorcycle Officer Training Fund..... [Deleted]  
 1274 Civil Legal Assistance Fund..... [Deleted]  
 1275 Justice Court Collections Fund..... [Deleted]  
 1276 Municipal Court Collections Fund..... [Deleted]  
 1277 GENERAL FUND.....\$121.75

1278 (7) **Other felonies.** In addition to any monetary penalties  
 1279 and any other penalties imposed by law, there shall be imposed and  
 1280 collected the following state assessment from each person upon  
 1281 whom a court imposes a fine or other penalty for any felony  
 1282 violation not specified in subsection (1), (2) or (3) of this  
 1283 section:

1284 FUND	AMOUNT
1285 Crime Victims' Compensation Fund.....	\$[Deleted]
1286 State Court Education Fund.....	[Deleted]
1287 State Prosecutor Education Fund.....	[Deleted]
1288 Vulnerable Persons Training, Investigation 1289 and Prosecution Trust Fund.....	[Deleted]
1290 Child Support Prosecution Trust Fund.....	[Deleted]
1291 Law Enforcement Officers Training Fund.....	[Deleted]
1292 Capital Defense Counsel Fund.....	[Deleted]
1293 Indigent Appeals Fund.....	[Deleted]
1294 Capital Post-Conviction Counsel Fund.....	[Deleted]



1295 Victims of Domestic Violence Fund.....[Deleted]

1296 Criminal Justice Fund.....[Deleted]

1297 Law Enforcement Officers and Fire Fighters

1298       Death Benefits Trust Fund.....[Deleted]

1299 Law Enforcement Officers and Fire Fighters

1300       Disability Benefits Trust Fund.....[Deleted]

1301 State Prosecutor Compensation Fund for the purpose

1302       of providing additional compensation for

1303       district attorneys and their legal assistants.....[Deleted]

1304 Crisis Intervention Mental Health Fund.....[Deleted]

1305   \* \* \*Intervention Court Fund.....[Deleted]

1306 Statewide Victims' Information and

1307       Notification System Fund.....[Deleted]

1308 Public Defenders Education Fund.....[Deleted]

1309 Domestic Violence Training Fund.....[Deleted]

1310 Attorney General's Cyber Crime Unit.....[Deleted]

1311 Forensics Laboratory DNA Identification System Fund.....[Deleted]

1312       GENERAL FUND.....\$280.50

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

1314       (a) **Railroad crossing violations.** In addition to any

1315 monetary penalties and any other penalties imposed by law, there

1316 shall be imposed and collected the following state assessment in

1317 addition to all other state assessments due under this section

1318 from each person upon whom a court imposes a fine or other penalty



1319 for any violation involving railroad crossings under Section  
1320 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:  
1321 Operation Lifesaver Fund.....\$25.00

1322 (b) **Drug violations.** In addition to any monetary  
1323 penalties and any other penalties imposed by law, there shall be  
1324 imposed and collected the following state assessment in addition  
1325 to all other state assessments due under this section from each  
1326 person upon whom a court imposes a fine or other penalty for any  
1327 violation of Section 41-29-139:

1328 Drug Evidence Disposition Fund.....\$25.00

1329 (c) **Motor vehicle liability insurance violations.** In  
1330 addition to any monetary penalties and any other penalties imposed  
1331 by law, there shall be imposed and collected the following state  
1332 assessment in addition to all other state assessments due under  
1333 this section from each person upon whom a court imposes a fine or  
1334 other penalty for any violation of Section 63-15-4(4) or Section  
1335 63-16-13(1):

1336 Uninsured Motorist Identification Fund:  
1337 First offense.....\$200.00  
1338 Second offense.....\$300.00  
1339 Third or subsequent offense.....\$400.00

1340 (9) If a fine or other penalty imposed is suspended, in  
1341 whole or in part, such suspension shall not affect the state  
1342 assessment under this section. No state assessment imposed under



1343 the provisions of this section may be suspended or reduced by the  
1344 court.

1345 (10) (a) After a determination by the court of the amount  
1346 due, it shall be the duty of the clerk of the court to promptly  
1347 collect all state assessments imposed under the provisions of this  
1348 section. The state assessments imposed under the provisions of  
1349 this section may not be paid by personal check.

1350 (b) It shall be the duty of the chancery clerk of each  
1351 county to deposit all state assessments collected in the circuit,  
1352 county and justice courts in the county on a monthly basis with  
1353 the State Treasurer pursuant to appropriate procedures established  
1354 by the State Auditor. The chancery clerk shall make a monthly  
1355 lump-sum deposit of the total state assessments collected in the  
1356 circuit, county and justice courts in the county under this  
1357 section, and shall report to the Department of Finance and  
1358 Administration the total number of violations under each  
1359 subsection for which state assessments were collected in the  
1360 circuit, county and justice courts in the county during that  
1361 month.

1362 (c) It shall be the duty of the municipal clerk of each  
1363 municipality to deposit all the state assessments collected in the  
1364 municipal court in the municipality on a monthly basis with the  
1365 State Treasurer pursuant to appropriate procedures established by  
1366 the State Auditor. The municipal clerk shall make a monthly  
1367 lump-sum deposit of the total state assessments collected in the



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

1373 (11) It shall be the duty of the Department of Finance and  
1374 Administration to deposit on a monthly basis all state assessments  
1375 into the State General Fund or proper special fund in the State  
1376 Treasury. The Department of Finance and Administration shall  
1377 issue regulations providing for the proper allocation of these  
1378 funds.

1379 (12) The State Auditor shall establish by regulation  
1380 procedures for refunds of state assessments, including refunds  
1381 associated with assessments imposed before July 1, 1990, and  
1382 refunds after appeals in which the defendant's conviction is  
1383 reversed. The Auditor shall provide in the regulations for  
1384 certification of eligibility for refunds and may require the  
1385 defendant seeking a refund to submit a verified copy of a court  
1386 order or abstract by which the defendant is entitled to a refund.  
1387 All refunds of state assessments shall be made in accordance with  
1388 the procedures established by the Auditor.

1389 **SECTION 29.** Section 63-1-51, Mississippi Code of 1972, is  
1390 amended as follows:

1391 63-1-51. (1) It shall be the duty of the court clerk, upon  
1392 conviction of any person holding a license issued pursuant to this



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

1403           (a) Manslaughter or negligent homicide resulting from  
1404 the operation of a motor vehicle;

1405           (b) Any felony in the commission of which a motor  
1406 vehicle is used;

1407           (c) Failure to stop and render aid as required under  
1408 the laws of this state in event of a motor vehicle accident  
1409 resulting in the death or personal injury of another;

1410           (d) Perjury or the willful making of a false affidavit  
1411 or statement under oath to the department under this article or  
1412 under any other law relating to the ownership or operation of  
1413 motor vehicles; or

1414           (e) Conviction, or forfeiture of bail not vacated, upon  
1415 three (3) charges of reckless driving committed within a period of  
1416 twelve (12) months \* \* \*.

1417 \* \* \*





1418           (2) The commissioner shall revoke the license issued  
1419 pursuant to this article of any person convicted of negligent  
1420 homicide, in addition to any penalty now provided by law.

1421           (3) In addition to the reasons specified in this section,  
1422 the commissioner shall be authorized to suspend the license issued  
1423 to any person pursuant to this article for being out of compliance  
1424 with an order for support, as defined in Section 93-11-153. The  
1425 procedure for suspension of a license for being out of compliance  
1426 with an order for support, and the procedure for the reissuance or  
1427 reinstatement of a license suspended for that purpose, and the  
1428 payment of any fees for the reissuance or reinstatement of a  
1429 license suspended for that purpose, shall be governed by Section  
1430 93-11-157 or 93-11-163, as the case may be. If there is any  
1431 conflict between any provision of Section 93-11-157 or 93-11-163  
1432 and any provision of this article, the provisions of Section  
1433 93-11-157 or 93-11-163, as the case may be, shall control.

1434           **SECTION 30.** Section 63-1-53, Mississippi Code of 1972, is  
1435 amended as follows:

1436           63-1-53. (1) \* \* \* Upon failure of any person to pay timely  
1437 any fine, fee or assessment levied as a result of any violation of  
1438 this title, the clerk of the court shall give written notice to  
1439 such person by United States first-class mail at his last known  
1440 address advising such person that, if within \* \* \* ninety (90)  
1441 days after such notice is deposited in the mail, the person \* \* \*  
1442 has not paid the entire amount of all fines, fees and assessments



1443 levied, then the court will \* \* \* pursue collection as for any  
1444 other delinquent payment, and shall be entitled to collection of  
1445 all additional fees in accordance with subsection (4) of this  
1446 section.

1447 (2) The commissioner is hereby authorized to suspend the  
1448 license of an operator without preliminary hearing upon a showing  
1449 by his records or other sufficient evidence that the licensee:

1450 (a) Has committed an offense for which mandatory  
1451 revocation of license is required upon conviction except under the  
1452 provisions of the Mississippi Implied Consent Law;

1453 (b) Has been involved as a driver in any accident  
1454 resulting in the death or personal injury of another or serious  
1455 property damage;

1456 (c) Is an habitually reckless or negligent driver of a  
1457 motor vehicle;

1458 (d) Has been convicted with such frequency of serious  
1459 offenses against traffic regulations governing the movement of  
1460 vehicles as to indicate a disrespect for traffic laws and a  
1461 disregard for the safety of other persons on the highways;

1462 (e) Is incompetent to drive a motor vehicle;

1463 (f) Has permitted an unlawful or fraudulent use of such  
1464 license;

1465 (g) Has committed an offense in another state which if  
1466 committed in this state would be grounds for suspension or  
1467 revocation; or



1468 \* \* \*

1469 ( \* \* \*h) Has committed a violation for which mandatory  
1470 revocation of license is required upon conviction, entering a plea  
1471 of nolo contendere to, or adjudication of delinquency, pursuant to  
1472 the provisions of subsection (1) of Section 63-1-71.

1473 (3) Notice that a person's license is suspended or will be  
1474 suspended under subsection (2) of this section shall be given by  
1475 the commissioner in the manner and at the time provided for under  
1476 Section 63-1-52, and upon such person's request, he shall be  
1477 afforded an opportunity for a hearing as early as practicable, but  
1478 not to exceed twenty (20) days after receipt of such request in  
1479 the county wherein the licensee resides unless the department and  
1480 the licensee agree that such hearing may be held in some other  
1481 county. Upon such hearing the commissioner, or his duly  
1482 authorized agent, may administer oaths and may issue subpoenas for  
1483 the attendance of witnesses and the production of relevant books  
1484 and papers and may require a reexamination of the licensee. Upon  
1485 such hearing the commissioner shall either rescind any order of  
1486 suspension or, good cause appearing therefor, may extend any  
1487 suspension of such license or revoke such license.

1488 (4) If a licensee has not paid all cash appearance bonds  
1489 authorized under Section 99-19-3 or all fines, fees or other  
1490 assessments levied as a result of a violation of this title within  
1491 ninety (90) days \* \* \* after receiving notice of the licensee's  
1492 failure to pay all fines, fees or other assessments as provided in



1493 subsection (1) of this section, the court is authorized to pursue  
1494 collection under Section 21-17-1(6) or 19-3-41(2) as for any other  
1495 delinquent payment, and shall be entitled to collection of all  
1496 additional fees authorized under those sections.

1497       **SECTION 31.** Section 63-1-52, Mississippi Code of 1972, is  
1498 amended as follows:

1499       63-1-52. (1) Whenever the Commissioner of Public Safety  
1500 suspends, cancels or revokes the driver's license or driving  
1501 privileges of any person, notice of the suspension, cancellation  
1502 or revocation shall be given to such person by the commissioner,  
1503 or his duly authorized agent, in the manner provided in subsection  
1504 (2) of this section and at the time provided in subsection (3) of  
1505 this section or in the manner and at the time provided in  
1506 subsection (4) of this section.

1507       (2) Notice shall be given in the following manner:

1508       (a) In writing, (i) by United States Certificate of  
1509 Mailing; or (ii) by personal service at the person's address as it  
1510 appears on the driving record maintained by the Department of  
1511 Public Safety or at the person's last-known address; or (iii) by  
1512 personal notice being given by any law enforcement officer of this  
1513 state or any duly authorized agent of the Commissioner of Public  
1514 Safety on forms prescribed and furnished by the Commissioner of  
1515 Public Safety; whenever a person's driver's license or driving  
1516 privileges are suspended, revoked or cancelled in accordance with  
1517 the Mississippi Driver License Compact Law, the Mississippi



1518 Implied Consent Law, the Mississippi Motor Vehicle Safety  
1519 Responsibility Law or \* \* \* subsection (2) (c), (2) (d), (2) (e) or  
1520 (2) (f) of Section 63-1-53.

1521 (b) In writing, by United States first class mail,  
1522 whenever a person's driver's license or driving privileges are  
1523 suspended, revoked or cancelled in accordance with the Mississippi  
1524 Commercial Driver's License Law, the Youth Court Law, Chapter 23  
1525 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section  
1526 63-1-51, \* \* \* subsection (2) (g) \* \* \* or (2) (h) \* \* \* of Section  
1527 63-1-53, or Section 63-9-25.

1528 (3) Notice shall be given at the following time:

1529 (a) Before suspension, revocation or cancellation,  
1530 whenever a person's driver's license or driving privileges are  
1531 suspended, revoked or cancelled in accordance with the Mississippi  
1532 Driver License Compact Law, the Mississippi Motor Vehicle Safety  
1533 Responsibility Law or \* \* \* subsection (2) (c), (2) (d), (2) (e) or  
1534 (2) (f) of Section 63-1-53.

1535 (b) Unless otherwise specifically provided for by law,  
1536 at the time of suspension, revocation or cancellation, whenever a  
1537 person's driver's license or driving privileges are suspended,  
1538 revoked or cancelled in accordance with the Mississippi Commercial  
1539 Driver's License Law, the Mississippi Implied Consent Law, the  
1540 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,  
1541 Section 63-1-45, Section 63-1-51, \* \* \* subsection (2) (g) \* \* \* or  
1542 (2) (h) \* \* \* of Section 63-1-53, or Section 63-9-25.



1543 (4) Whenever the Commissioner of Public Safety suspends,  
1544 revokes or cancels the driver's license or driving privileges of  
1545 any person in accordance with some provision of law other than a  
1546 provision of law referred to in subsections (2) and (3) of this  
1547 section, and the manner and time for giving notice is not provided  
1548 for in such law, then notice of such suspension, revocation or  
1549 cancellation shall be given in the manner and at the time provided  
1550 for under \* \* \* subsections (2) (b) and (3) (b) of this section.

1551 **SECTION 32.** Section 63-1-71, Mississippi Code of 1972, is  
1552 amended as follows:

1553 63-1-71. (1) \* \* \* Notwithstanding the provisions of  
1554 Section 63-11-30 \* \* \* (3) and in addition to any penalty  
1555 authorized by the Uniform Controlled Substances Law or any other  
1556 statute indicating the dispositions that can be ordered for an  
1557 adjudication of delinquency, every person convicted of driving  
1558 under the influence of a controlled substance, or entering a plea  
1559 of nolo contendere thereto, or adjudicated delinquent therefor, in  
1560 a court of this state, \* \* \* the United States, another state, a  
1561 territory or possession of the United States, the District of  
1562 Columbia or the Commonwealth of Puerto Rico, shall forthwith  
1563 forfeit his right to operate a motor vehicle over the highways of  
1564 this state for a period of not less than six (6) months. In the  
1565 case of any person who at the time of the imposition of sentence  
1566 does not have a driver's license or is less than \* \* \* sixteen  
1567 (16) years of age, the period of the suspension of driving



1568 privileges authorized herein shall commence on the day the  
1569 sentence is imposed and shall run for a period of not less than  
1570 six (6) months after the day the person obtains a driver's license  
1571 or reaches the age of \* \* \* sixteen (16). If the driving  
1572 privilege of any person is under revocation or suspension at the  
1573 time of any conviction or adjudication of delinquency for \* \* \*  
1574 driving under the influence of a controlled substance, the  
1575 revocation or suspension period imposed herein shall commence as  
1576 of the date of termination of the existing revocation or  
1577 suspension.

1578 (2) The court in this state before whom any person is  
1579 convicted of or adjudicated delinquent for \* \* \* driving under the  
1580 influence of a controlled substance shall collect forthwith the  
1581 Mississippi driver's license of the person and forward such  
1582 license to the Department of Public Safety along with a report  
1583 indicating the first and last day of the suspension or revocation  
1584 period imposed pursuant to this section. If the court is for any  
1585 reason unable to collect the license of the person, the court  
1586 shall cause a report of the conviction or adjudication of  
1587 delinquency to be filed with the Commissioner of Public Safety.  
1588 That report shall include the complete name, address, date of  
1589 birth, eye color and sex of the person and shall indicate the  
1590 first and last day of the suspension or revocation period imposed  
1591 by the court pursuant to this section. The court shall inform the  
1592 person orally and in writing that if the person is convicted of



1593 personally operating a motor vehicle during the period of license  
1594 suspension or revocation imposed pursuant to this section, the  
1595 person shall, upon conviction, be subject to the penalties set  
1596 forth in Section 63-11-40. A person shall be required to  
1597 acknowledge receipt of the written notice in writing. Failure to  
1598 receive a written notice or failure to acknowledge in writing the  
1599 receipt of a written notice shall not be a defense to a subsequent  
1600 charge of a violation of Section 63-11-40. If the person is the  
1601 holder of a driver's license from another jurisdiction, the court  
1602 shall not collect the license but shall notify forthwith the  
1603 Commissioner of Public Safety who shall notify the appropriate  
1604 officials in the licensing jurisdiction. The court shall,  
1605 however, in accordance with the provisions of this section, revoke  
1606 the person's nonresident driving privilege in this state.

1607 (3) The county court or circuit court having jurisdiction,  
1608 on petition, may reduce the suspension of driving privileges under  
1609 this section if the \* \* \* suspension would constitute a hardship  
1610 on the offender. When the petition is filed, such person shall  
1611 pay to the circuit clerk of the court where the petition is filed  
1612 a fee of Twenty Dollars (\$20.00) for each year, or portion  
1613 thereof, of license revocation or suspension remaining under the  
1614 original sentence, which shall be deposited into the State General  
1615 Fund to the credit of a special fund hereby created in the State  
1616 Treasury to be used for alcohol or drug abuse treatment and  
1617 education, upon appropriation by the Legislature. This fee shall





1618 be in addition to any other court costs or fees required for the  
1619 filing of petitions.

1620           **SECTION 33.** Section 63-1-46, Mississippi Code of 1972, is  
1621 amended as follows:

1622           63-1-46. (1) (a) Except as otherwise provided in this  
1623 section, a fee of One Hundred Dollars (\$100.00) shall be charged  
1624 for the reinstatement of a license issued under this article to  
1625 every person whose license has been validly suspended, revoked or  
1626 cancelled.

1627                   (b) The funds received under the provisions of this  
1628 subsection shall be distributed as follows:

1629                           (i) Twenty-five Dollars (\$25.00) shall be  
1630 deposited into the State General Fund in accordance with Section  
1631 45-1-23;

1632                           (ii) Twenty-five Dollars (\$25.00) shall be paid to  
1633 the Board of Trustees of the Public Employees' Retirement System  
1634 for funding the Mississippi Highway Safety Patrol Retirement  
1635 System as provided under Section 25-13-7;

1636                           (iii) Twenty-five Dollars (\$25.00) shall be  
1637 deposited into the special fund created in Section 63-1-45(3) for  
1638 purchases of equipment by the Mississippi Highway Safety Patrol;  
1639 and

1640                           (iv) Twenty-five Dollars (\$25.00) shall be  
1641 deposited into the Interlock Device Fund created in Section  
1642 63-11-33.



1643           (2)   (a)   A fee of One Hundred Seventy-five Dollars (\$175.00)  
1644 shall be charged for the reinstatement of a license issued under  
1645 this article to every person whose license has been validly  
1646 suspended or revoked under the provisions of the Mississippi  
1647 Implied Consent Law \* \* \*.

1648                   (b)   The funds received under the provisions of this  
1649 subsection shall be distributed as follows:

1650                           (i)   One Hundred Dollars (\$100.00) shall be  
1651 deposited into the State General Fund in accordance with Section  
1652 45-1-23;

1653                           (ii)   Twenty-five Dollars (\$25.00) shall be paid to  
1654 the Board of Trustees of the Public Employees' Retirement System  
1655 for funding the Mississippi Highway Safety Patrol Retirement  
1656 System as provided under Section 25-13-7;

1657                           (iii)   Twenty-five Dollars (\$25.00) shall be  
1658 deposited into the special fund created in Section 63-1-45(3) for  
1659 purchases of equipment by the Mississippi Highway Safety Patrol;  
1660 and

1661                           (iv)   Twenty-five Dollars (\$25.00) shall be  
1662 deposited into the Interlock Device Fund created in Section  
1663 63-11-33.

1664           (3)   (a)   A fee of Twenty-five Dollars (\$25.00) shall be  
1665 charged for the reinstatement of a license issued under this  
1666 article to every person whose license has been validly suspended  
1667 for nonpayment of child support under the provisions of Sections



1668 93-11-151 through 93-11-163. The funds received under the  
1669 provisions of this subsection shall be deposited into the State  
1670 General Fund in accordance with Section 45-1-23.

1671 (b) The procedure for the reinstatement of a license  
1672 issued under this article that has been suspended for being out of  
1673 compliance with an order for support, as defined in Section  
1674 93-11-153, and the payment of any fees for the reinstatement of a  
1675 license suspended for that purpose, shall be governed by Section  
1676 93-11-157 or 93-11-163, as the case may be.

1677 (4) A fee of Twenty-five Dollars (\$25.00) will be charged  
1678 for the reinstatement of a license that was suspended due to  
1679 payment by a draft or other instrument that is dishonored by the  
1680 payor.

1681 (5) All reinstatement fees charged under this section shall  
1682 be in addition to the fees prescribed in Section 63-1-43.

1683 **SECTION 34.** Section 99-19-71, Mississippi Code of 1972, is  
1684 amended as follows:

1685 99-19-71. (1) Any person who has been convicted of a  
1686 misdemeanor that is not a traffic violation, and who is a first  
1687 offender, may petition the justice, county, circuit or municipal  
1688 court in which the conviction was had for an order to expunge any  
1689 such conviction from all public records.

1690 (2) (a) \* \* \* Except as otherwise provided in this  
1691 subsection, a person who has been convicted of \* \* \* a felony and  
1692 who has paid all criminal fines and costs of court imposed in the



1693 sentence of conviction may petition the court in which the  
1694 conviction was had for an order to expunge one (1) conviction from  
1695 all public records five (5) years after the successful completion  
1696 of all terms and conditions of the sentence for the  
1697 conviction \* \* \* upon a hearing as determined in the discretion of  
1698 the court; however, a person is not eligible to expunge a felony  
1699 classified as:

1700 (i) A crime of violence as provided in Section  
1701 97-3-2;

1702 (ii) Arson, first degree as provided in Sections  
1703 97-17-1 and 97-17-3;

1704 (iii) Trafficking in controlled substances as  
1705 provided in Section 41-29-139;

1706 (iv) A third, fourth or subsequent offense DUI as  
1707 provided in Section 63-11-30(2)(c) and (2)(d);

1708 (v) Felon in possession of a firearm as provided  
1709 in Section 97-35-5;

1710 (vi) Failure to register as a sex offender as  
1711 provided in Section 43-33-33;

1712 (vii) Voyeurism as provided in Section 97-29-61;

1713 (viii) Witness intimidation as provided in Section  
1714 97-9-113;

1715 (ix) Abuse, neglect or exploitation of a  
1716 vulnerable person as provided in Section 43-47-19; or

1717 (x) Embezzlement as provided in Section 97-23-19.



1718 A person is eligible for only one (1) felony expunction under  
1719 this paragraph. For the purposes of this section, the terms "one  
1720 (1) conviction" and "one (1) felony expunction" mean and include  
1721 all convictions that arose from a common nucleus of operative  
1722 facts as determined in the discretion of the court.

1723 \* \* \*

1724 ( \* \* \*b) The petitioner shall give ten (10) days'  
1725 written notice to the district attorney before any hearing on the  
1726 petition. In all cases, the court wherein the petition is filed  
1727 may grant the petition if the court determines, on the record or  
1728 in writing, that the applicant is rehabilitated from the offense  
1729 which is the subject of the petition. In those cases where the  
1730 court denies the petition, the findings of the court in this  
1731 respect shall be identified specifically and not generally.

1732 (3) Upon entering an order of expunction under this section,  
1733 a nonpublic record thereof shall be retained by the Mississippi  
1734 Criminal Information Center solely for the purpose of determining  
1735 whether, in subsequent proceedings, the person is a first  
1736 offender. The order of expunction shall not preclude a district  
1737 attorney's office from retaining a nonpublic record thereof for  
1738 law enforcement purposes only. The existence of an order of  
1739 expunction shall not preclude an employer from asking a  
1740 prospective employee if the employee has had an order of  
1741 expunction entered on his behalf. The effect of the expunction  
1742 order shall be to restore the person, in the contemplation of the



1743 law, to the status he occupied before any arrest or indictment for  
1744 which convicted. No person as to whom an expunction order has  
1745 been entered shall be held thereafter under any provision of law  
1746 to be guilty of perjury or to have otherwise given a false  
1747 statement by reason of his failure to recite or acknowledge such  
1748 arrest, indictment or conviction in response to any inquiry made  
1749 of him for any purpose other than the purpose of determining, in  
1750 any subsequent proceedings under this section, whether the person  
1751 is a first offender. A person as to whom an order has been  
1752 entered, upon request, shall be required to advise the court, in  
1753 camera, of the previous conviction and expunction in any legal  
1754 proceeding wherein the person has been called as a prospective  
1755 juror. The court shall thereafter and before the selection of the  
1756 jury advise the attorneys representing the parties of the previous  
1757 conviction and expunction.

1758 (4) Upon petition therefor, a justice, county, circuit or  
1759 municipal court shall expunge the record of any case in which an  
1760 arrest was made, the person arrested was released and the case was  
1761 dismissed or the charges were dropped or there was no disposition  
1762 of such case.

1763 (5) No public official is eligible for expunction under this  
1764 section for any conviction related to his official duties.

1765 **SECTION 35.** Section 9-21-3, Mississippi Code of 1972, is  
1766 amended as follows:



1767           9-21-3. (1) The Administrative Office of Courts shall be  
1768 specifically charged with the duty of assisting the Chief Justice  
1769 of the Supreme Court of Mississippi with his duties as the chief  
1770 administrative officer of all courts of this state, including,  
1771 without limitation, the task of insuring that the business of the  
1772 courts of the state is attended with proper dispatch, that the  
1773 dockets of such courts are not permitted to become congested and  
1774 that trials and appeals of cases, civil and criminal, are not  
1775 delayed unreasonably.

1776           (2) The office shall also perform the following duties:

1777           (a) To work with the clerks of all youth courts and  
1778 civil and criminal trial courts in the state to collect, obtain,  
1779 compile, digest and publish information and statistics concerning  
1780 the administration of justice in the state.

1781           (b) To serve as an agency to apply for and receive any  
1782 grants or other assistance and to coordinate and conduct studies  
1783 and projects to improve the administration of justice by the  
1784 courts of the state, and it may conduct such studies with or  
1785 without the assistance of consultants.

1786           \* \* \*

1787           ( \* \* \*c) To promulgate standards, rules and  
1788 regulations for computer and/or electronic filing and storage of  
1789 all court records and court-related records maintained throughout  
1790 the state in courts and in offices of circuit and chancery clerks.



1791           ( \* \* \*d) (i) To implement and maintain a publicly  
1792 accessible centralized database for the storage and retrieval of  
1793 jail census data and to promulgate uniform rules, regulations, and  
1794 computer and electronic filing standards and definitions that must  
1795 be used uniformly by every sheriff's department within the state.

1796                   (ii) To promulgate standards, rules and  
1797 regulations for computer and electronic filing and storage of all  
1798 records maintained throughout the state under this subsection (2).

1799                   (iii) The jail census data must include for each  
1800 detainee, at a minimum, the following:

- 1801                   1. Name;
- 1802                   2. Date of arrest or detention;
- 1803                   3. Offense charged;
- 1804                   4. All conditions of any release;
- 1805                   5. Race;
- 1806                   6. Whether the detainee is awaiting mental  
1807 health services;
- 1808                   7. Date of indictment;
- 1809                   8. Whether the pending charge is a felony or  
1810 misdemeanor;
- 1811                   9. Whether the detainee has been convicted;
- 1812                   10. If convicted, the length of the sentence  
1813 imposed by the court;
- 1814                   11. Whether the detainee is a Mississippi  
1815 Department of Corrections' inmate;





1816                           12. The jurisdiction for which the detainee  
1817 is being held.

1818                   (e) It shall perform such other duties relating to the  
1819 improvement of the administration of justice as may be assigned by  
1820 the Supreme Court of Mississippi.

1821                   **SECTION 36.** Section 19-25-63, Mississippi Code of 1972, is  
1822 amended as follows:

1823                   19-25-63. It shall be the duty of every sheriff to keep a  
1824 record, to be called the "Jail docket," in which he shall note  
1825 each warrant or mittimus by which any person shall be received  
1826 into or placed in the jail of his county, entering the nature of  
1827 the writ or warrant, by whom issued, the name of the prisoner,  
1828 when received, the date of the arrest and commitment, for what  
1829 crime or other cause the party is imprisoned, and on what  
1830 authority, how long the prisoner was so imprisoned, how released  
1831 or discharged, and the warrant therefor or the receipt of the  
1832 officer of the Penitentiary when sent there. All of said entries  
1833 shall comply with the uniform reporting standards of the  
1834 Administrative Office of Courts authorized under Section 9-21-3  
1835 and must be full and complete, so as to give a perfect history of  
1836 each case, and must use the uniform definitions promulgated by the  
1837 Administrative Office of Courts to increase clarity and  
1838 transparency. The record shall be kept as a public record, and  
1839 turned over to his successor.



1840           **SECTION 37.** Section 47-1-21, Mississippi Code of 1972, is  
1841 amended as follows:

1842           47-1-21. The sheriff of each county shall keep a well-bound  
1843 alphabetical jail docket that must comply with the uniform  
1844 reporting standards and definitions promulgated by the  
1845 Administrative Office of Courts under Section 9-21-3. In it he  
1846 shall promptly enter under the proper initial the name, age, color  
1847 and sex of each convict, the date of his or her commitment, each  
1848 day worked on the county farm, time required to be served and  
1849 amount of fine and costs and the jail fees charged against the  
1850 prisoner and the date of discharge.

1851           The sheriff shall submit his docket to the board of  
1852 supervisors at each of their regular meetings, and the same shall  
1853 be examined carefully by the president of the board, and by any  
1854 other members who desire to examine the same, in the presence of  
1855 the board while in session.

1856           **SECTION 38.** (1) There is hereby created an advisory  
1857 committee on jail census data collection to promote criminal  
1858 justice transparency by facilitating the availability of  
1859 comparable and uniform data. The duties of the task force are as  
1860 follows:

1861           (a) Research the standards, format, and terminology  
1862 used by authorities in other states and by the federal government  
1863 to create uniform data-reporting regulations to be used for



1864 recording data on offenders incarcerated throughout the state's  
1865 county jails and which will capture the following data:

1866 (i) The number of individuals detained for a new  
1867 offense or delinquent act.

1868 (ii) The number of individuals detained pending  
1869 trial.

1870 (iii) The number of offenders detained for a  
1871 revocation of supervision.

1872 (iv) The average sentence length for new jail  
1873 sentences by offense type.

1874 (v) The average sentence length for offenders in  
1875 jail for a probation revocation.

1876 (vi) The average sentence length for offenders in  
1877 jail for a parole revocation.

1878 (vii) The percentage of sentences in each category  
1879 offense type, including whether the offense was violent, property,  
1880 drug, or public order. All drug offenses shall include the type  
1881 of drug implicated in the offense, as well as type of offense,  
1882 such as possession, sale or manufacture.

1883 (viii) The average length of stay by offense type.

1884 (ix) For individuals awaiting trial, the average  
1885 length of stay from the time of arrest to the time of indictment,  
1886 and from the time of indictment to trial.

1887 (b) Research best practices for implementing a  
1888 centralized database for reporting of the prescribed jail census



1889 data by each county authority and recommend a timeline for the  
1890 submission of the data.

1891 (c) Recommend computer equipment and acceptable  
1892 electronic processes for transmission of the data by each county  
1893 to the Administrative Office of Courts.

1894 (d) The commission shall submit its report to the  
1895 Legislature no later than December 1, 2019.

1896 (e) The initial meeting date of the task force shall be  
1897 on or before July 15, 2019.

1898 (2) (a) The task force shall be composed of (5) members, as  
1899 follows:

1900 (i) The Director of the Roderick and Solange  
1901 MacArthur Justice Center at the University of Mississippi School  
1902 of Law or a designee;

1903 (ii) The State Public Defender or a designee;

1904 (iii) The President of the Mississippi Prosecutors  
1905 Association or a designee;

1906 (iv) The President of the Mississippi Sheriffs'  
1907 Association or a designee; and

1908 (v) A circuit court judge appointed by the  
1909 Executive Director of the Mississippi Commission on Judicial  
1910 Performance.

1911 (b) At its first meeting, the task force shall elect a  
1912 chair and vice chair from its membership and shall adopt rules for  
1913 transacting its business and keeping records.



1914           **SECTION 39.** Section 47-7-49, Mississippi Code of 1972, is  
1915 amended as follows:  
1916           47-7-49. (1) Any offender on probation, parole,  
1917 earned-release supervision, post-release supervision, earned  
1918 probation or any other offender under the field supervision of the  
1919 Community Services Division of the department shall pay to the  
1920 department the sum of Fifty-five Dollars (\$55.00) per month by  
1921 certified check or money order unless a hardship waiver is  
1922 granted. An offender shall make the initial payment within \* \* \*  
1923 sixty (60) days after being released from imprisonment unless a  
1924 hardship waiver is granted. A hardship waiver may be granted by  
1925 the sentencing court or the Department of Corrections. A hardship  
1926 waiver may not be granted for a period of time exceeding ninety  
1927 (90) days. The commissioner or his designee shall deposit Fifty  
1928 Dollars (\$50.00) of each payment received into a special fund in  
1929 the State Treasury, which is hereby created, to be known as the  
1930 Community Service Revolving Fund. Expenditures from this fund  
1931 shall be made for: (a) the establishment of restitution and  
1932 satellite centers; and (b) the establishment, administration and  
1933 operation of the department's Drug Identification Program and the  
1934 intensive and field supervision program. The Fifty Dollars  
1935 (\$50.00) may be used for salaries and to purchase equipment,  
1936 supplies and vehicles to be used by the Community Services  
1937 Division in the performance of its duties. Expenditures for the



1938 purposes established in this section may be made from the fund  
1939 upon requisition by the commissioner, or his designee.

1940       Of the remaining amount, Three Dollars (\$3.00) of each  
1941 payment shall be deposited into the Crime Victims' Compensation  
1942 Fund created in Section 99-41-29, and Two Dollars (\$2.00) shall be  
1943 deposited into the Training Revolving Fund created pursuant to  
1944 Section 47-7-51. When a person is convicted of a felony in this  
1945 state, in addition to any other sentence it may impose, the court  
1946 may, in its discretion, order the offender to pay a state  
1947 assessment not to exceed the greater of One Thousand Dollars  
1948 (\$1,000.00) or the maximum fine that may be imposed for the  
1949 offense, into the Crime Victims' Compensation Fund created  
1950 pursuant to Section 99-41-29.

1951       Any federal funds made available to the department for  
1952 training or for training facilities, equipment or services shall  
1953 be deposited into the Correctional Training Revolving Fund created  
1954 in Section 47-7-51. The funds deposited in this account shall be  
1955 used to support an expansion of the department's training program  
1956 to include the renovation of facilities for training purposes,  
1957 purchase of equipment and contracting of training services with  
1958 community colleges in the state.

1959       No offender shall be required to make this payment for a  
1960 period of time longer than ten (10) years.

1961       (2) The offender may be imprisoned until the payments are  
1962 made if the offender is financially able to make the payments and



1963 the court in the county where the offender resides so finds,  
1964 subject to the limitations hereinafter set out. The offender  
1965 shall not be imprisoned if the offender is financially unable to  
1966 make the payments and so states to the court in writing, under  
1967 oath, and the court so finds.

1968 (3) This section shall stand repealed from and after June  
1969 30, 2022.

1970 **SECTION 40.** Section 47-7-40, Mississippi Code of 1972, is  
1971 amended as follows:

1972 47-7-40. (1) The commissioner shall establish rules and  
1973 regulations for implementing the earned-discharge program that  
1974 allows offenders on probation and parole to reduce the period of  
1975 supervision for complying with conditions of probation. The  
1976 department shall have the authority to award earned-discharge  
1977 credits to all offenders placed on probation, parole, or  
1978 post-release supervision who are in compliance with the terms and  
1979 conditions of supervision. An offender serving a Mississippi  
1980 sentence for an eligible offense in any jurisdiction under the  
1981 Interstate Compact for Adult Offender Supervision shall be  
1982 eligible for earned-discharge credits under this section.  
1983 Offenders shall not be denied earned-discharge credits solely  
1984 based on nonpayment of fees or fines if a hardship waiver has been  
1985 granted as provided in Section 47-7-49.

1986 (2) For each full calendar month of compliance with the  
1987 conditions of supervision, earned-discharge credits equal to the



1988 number of days in that month shall be deducted from the offender's  
1989 sentence discharge date. Credits begin to accrue for eligible  
1990 offenders after the first full calendar month of compliance  
1991 supervision conditions. For the purposes of this section, an  
1992 offender is deemed to be in compliance with the conditions of  
1993 supervision if there was no violation of the conditions of  
1994 supervision.

1995 (3) No earned-discharge credits may accrue for a calendar  
1996 month in which a violation report has been submitted, the offender  
1997 has absconded from supervision, the offender is serving a term of  
1998 imprisonment in a technical violation center, or for the months  
1999 between the submission of the violation report and the final  
2000 action on the violation report by the court or the board.

2001 (4) Earned-discharge credits shall be applied to the  
2002 sentence within thirty (30) days of the end of the month in which  
2003 the credits were earned. At least every six (6) months, an  
2004 offender who is serving a sentence eligible for earned-discharge  
2005 credits shall be notified of the current sentence discharge date.

2006 (5) Once the combination of time served on probation, parole  
2007 or post-release supervision, and earned-discharge credits satisfy  
2008 the term of probation, parole, or post-release supervision, the  
2009 board or sentencing court shall order final discharge of the  
2010 offender. No less than sixty (60) days prior to the date of final  
2011 discharge, the department shall notify the sentencing court and  
2012 the board of the impending discharge.





2013 (6) The department shall provide semiannually to the  
2014 Oversight Task Force the number and percentage of offenders who  
2015 qualify for earned discharge in one or more months of the year and  
2016 the average amount of credits earned within the year.

2017 **SECTION 41.** Section 99-5-11, Mississippi Code of 1972, is  
2018 amended as follows:

2019 99-5-11. **All conservators of the peace may take recognizance**  
2020 **or bond; certificate of default; alias warrant; when protection**  
2021 **order registry must be checked; when bond not required.** (1) All  
2022 justice court judges and all other conservators of the peace are  
2023 authorized, whenever a person is brought before them charged with  
2024 any offense not capital for which bail is allowed by law, to take  
2025 the recognizance or bond of the person, with sufficient sureties,  
2026 in such penalty as the justice court judge or conservator of the  
2027 peace may require, for his appearance before the justice court  
2028 judge or conservator of the peace for an examination of his case  
2029 at some future day. And if the person thus recognized or thus  
2030 giving bond fails to appear at the appointed time, it shall be the  
2031 duty of the justice court judge or conservator of the peace to  
2032 return the recognizance or bond, with his certificate of default,  
2033 to the court having jurisdiction of the case, and a recovery may  
2034 be had therein by scire facias, as in other cases of forfeiture.  
2035 The justice court judge or other conservator of the peace shall  
2036 also issue an alias warrant for the defaulter.



2037           (2) In circumstances involving an offense against any of the  
2038 following: (a) a current or former spouse of the accused or child  
2039 of that person; (b) a person living as a spouse or who formerly  
2040 lived as a spouse with the accused or a child of that person; (c)  
2041 a parent, grandparent, child, grandchild or someone similarly  
2042 situated to the accused; (d) a person who has a current or former  
2043 dating relationship with the accused; or (e) a person with whom  
2044 the accused has had a biological or legally adopted child, the  
2045 justice court judge or other conservator of the peace shall check,  
2046 or cause to be made a check, of the status of the person for whom  
2047 recognizance or bond is taken before ordering bail in the  
2048 Mississippi Protection Order Registry authorized under Section  
2049 93-21-25, and the existence of a domestic abuse protection order  
2050 against the accused shall be considered when determining  
2051 appropriate bail.

2052           (3) A conservator of the peace may release a misdemeanor on  
2053 the misdemeanor's own recognizance and, for all offenses not  
2054 described in subsection (2) of this section, a misdemeanor is  
2055 entitled to release on recognizance unless: (a) the misdemeanor  
2056 is on probation or parole, has other unresolved charges pending,  
2057 or has a history of nonappearance; or (b) the court finds that:  
2058 (i) the release of the misdemeanor would constitute a special  
2059 danger to any other person or to the community; or (ii) release on  
2060 recognizance is highly unlikely to assure the appearance of the  
2061 misdemeanant as required.



2062           **SECTION 42.** As provided in 21 USC Section 862a(d)(1),  
2063 Mississippi opts out of the application of 21 USC Section 862a(a)  
2064 to all individuals domiciled in the state.

2065           **SECTION 43.** Section 32 of this act shall take effect and be  
2066 in force from and after October 15, 2019, and the remainder of  
2067 this act shall take effect and be in force from and after July 1,  
2068 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; AND FOR RELATED PURPOSES.

