

By: Senator(s) Branning, Doty, Boyd, Sparks, To: Judiciary, Division B
Wiggins

SENATE BILL NO. 2527

1 AN ACT TO AMEND SECTIONS 9-23-1 AND 9-23-3, MISSISSIPPI CODE
2 OF 1972, TO STANDARDIZE REFERENCES TO DRUG INTERVENTION COURTS; TO
3 AMEND SECTION 9-23-5, MISSISSIPPI CODE OF 1972, TO REVISE
4 DEFINITIONS RELATING TO VARIOUS TYPES OF INTERVENTION COURTS; TO
5 AMEND SECTION 9-23-9, MISSISSIPPI CODE OF 1972, TO REVISE THE
6 INTERVENTION COURT CERTIFICATION AND RECERTIFICATION PROCESS; TO
7 AMEND SECTION 9-23-11, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
8 COLLECTION OF DATA BY THE ADMINISTRATIVE OFFICE OF COURTS ON
9 PARTICIPANTS IN INTERVENTION PROGRAMS TO ENSURE THAT INTERVENTION
10 PROGRAMS ARE FOLLOWING BEST PRACTICES AND USING EVIDENCE- OR
11 RESEARCH-BASED METHODS AND TO MAKE TECHNICAL CORRECTIONS IN
12 TERMINOLOGY AND DEADLINES FOR RECERTIFICATION; TO AMEND SECTIONS
13 9-23-13 AND 9-23-15, MISSISSIPPI CODE OF 1972, TO STANDARDIZE
14 REFERENCES TO DRUG INTERVENTION COURTS; TO AMEND SECTION 9-23-17,
15 MISSISSIPPI CODE OF 1972, TO PROVIDE EVALUATION STANDARDS; TO
16 AMEND SECTIONS 9-23-19, 9-23-21, 9-23-23, 9-23-51, 9-25-1, 9-27-1,
17 9-27-3, 9-27-5, 9-27-7, 9-27-9 AND 9-27-11, MISSISSIPPI CODE OF
18 1972, TO STANDARDIZE REFERENCES TO VARIOUS TYPES OF INTERVENTION
19 COURTS; TO AMEND SECTIONS 9-27-15, 9-27-17 AND 9-27-19,
20 MISSISSIPPI CODE OF 1972, TO STANDARDIZE REFERENCES TO MENTAL
21 HEALTH INTERVENTION COURTS; TO REPEAL SECTION 9-27-21, MISSISSIPPI
22 CODE OF 1972, WHICH PROVIDES FOR MENTAL HEALTH DIVERSION PILOT
23 PROGRAMS IN CERTAIN CIRCUIT COURT DISTRICTS; AND FOR RELATED
24 PURPOSES.

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

26 **SECTION 1.** Section 9-23-1, Mississippi Code of 1972, is
27 amended as follows:

28 9-23-1. This chapter shall be known and may be cited as the
29 "Alyce Griffin Clarke Drug Intervention Court Act."



30 **SECTION 2.** Section 9-23-3, Mississippi Code of 1972, is
31 amended as follows:

32 9-23-3. (1) The Legislature of Mississippi recognizes the
33 critical need for judicial intervention to reduce the incidence of
34 alcohol and drug use, alcohol and drug addiction, and crimes
35 committed as a result of alcohol and drug use and alcohol and drug
36 addiction. It is the intent of the Legislature to facilitate
37 local drug intervention court alternative orders adaptable to
38 chancery, circuit, county, youth, municipal and justice courts.

39 (2) The goals of the drug intervention courts under this
40 chapter include the following:

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

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

46 (c) To reduce the alcohol-related and other
47 drug-related court workload;

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

51 (e) To promote effective interaction and use of
52 resources among criminal and juvenile justice personnel, child
53 protective services personnel and community agencies; and



54 (f) To use corrections resources more effectively by
55 redirecting prison-bound offenders whose criminal conduct is
56 driven in part by drug and alcohol dependence to intensive
57 supervision and clinical treatment available in the drug
58 intervention court.

59 **SECTION 3.** Section 9-23-5, Mississippi Code of 1972, is
60 amended as follows:

61 9-23-5. For the purposes of this chapter, the following
62 words and phrases shall have the meanings ascribed unless the
63 context clearly requires otherwise:

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

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

70 (c) "Drug intervention court" means a drug court * * *
71 that utilizes an immediate and highly structured intervention
72 process for eligible defendants or juveniles that brings together
73 mental health professionals, substance abuse professionals, local
74 social programs and intensive judicial monitoring.

75 (d) "Evidence-based program" * * * and
76 "researched-based program" have the meanings as those terms are
77 defined in Section 27-103-159.



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

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

84 9-23-9. (1) The State Intervention Courts Advisory
85 Committee is established to develop and periodically update
86 proposed statewide evaluation plans and models for monitoring all
87 critical aspects of intervention courts. The committee must
88 provide the proposed evaluation plans to the Chief Justice and the
89 Administrative Office of Courts. The committee shall be chaired
90 by the Director of the Administrative Office of Courts or a
91 designee of the director and shall consist of eleven (11) members
92 all of whom shall be appointed by the Supreme Court. The members
93 shall be broadly representative of the courts, mental health,
94 veterans affairs, law enforcement, corrections, criminal defense
95 bar, prosecutors association, juvenile justice, child protective
96 services and substance abuse treatment communities.

97 (2) The State Intervention Courts Advisory Committee may
98 also make recommendations to the Chief Justice, the Director of
99 the Administrative Office of Courts and state officials concerning
100 improvements to intervention court policies and procedures
101 including the intervention court certification process. The
102 committee may make suggestions as to the criteria for eligibility,



103 and other procedural and substantive guidelines for intervention
104 court operation.

105 (3) The State Intervention Courts Advisory Committee shall
106 act as arbiter of disputes arising out of the operation of
107 intervention courts established under this chapter and make
108 recommendations to improve the intervention courts; it shall also
109 make recommendations to the Supreme Court necessary and incident
110 to compliance with established rules.

111 (4) The State Intervention Courts Advisory Committee shall
112 establish through rules and regulations a viable and fiscally
113 responsible plan to expand the number of adult and juvenile
114 intervention court programs operating in Mississippi. These rules
115 and regulations shall include plans to increase participation in
116 existing and future programs while maintaining their voluntary
117 nature.

118 (5) The State Intervention Courts Advisory Committee shall
119 receive and review the monthly reports submitted to the
120 Administrative Office of Courts by each certified intervention
121 court and provide comments and make recommendations, as necessary,
122 to the Chief Justice and the Director of the Administrative Office
123 of Courts.

124 (6) The State Intervention Courts Advisory Committee must
125 promulgate administrative best practices for all intervention
126 courts and require compliance with those best practices for any



127 certification or recertification under Section 9-23-11 on or after
128 July 1, 2021.

129 (7) From and after July 1, 2020, an intervention court not
130 certified under Section 9-23-11 when required is barred from
131 expending public funds.

132 **SECTION 5.** Section 9-23-11, Mississippi Code of 1972, is
133 amended as follows:

134 9-23-11. (1) The Administrative Office of Courts shall
135 establish, implement and operate a uniform certification process
136 for all intervention courts and other problem-solving courts
137 including juvenile courts, veterans courts or any other court
138 designed to adjudicate criminal actions involving an identified
139 classification of criminal defendant to ensure funding for
140 intervention courts supports effective and proven practices that
141 reduce recidivism and substance dependency among * * *
142 participants.

143 (2) The Administrative Office of Courts shall establish a
144 certification process that ensures any new or existing
145 intervention court meets minimum standards for intervention court
146 operation.

147 (a) These standards shall include, but are not limited
148 to:

149 (i) The use of evidence-based * * * or
150 research-based programs, including, but not limited to, the use of



151 a valid and reliable risk and needs assessment tool to identify
152 participants and deliver appropriate interventions;

153 (ii) Targeting medium to high-risk offenders for
154 participation;

155 (iii) The use of current, evidence-based * * * or
156 research-based programs, proven to reduce dependency on drugs or
157 alcohol, or both;

158 (iv) Frequent testing for alcohol or drugs;

159 (v) Coordinated strategy between all intervention
160 court program personnel involving the use of graduated clinical
161 interventions;

162 (vi) Ongoing judicial interaction with each
163 participant; * * *

164 (vii) Monitoring and evaluation of intervention
165 court program implementation and outcomes through data collection
166 and reporting * * *; and

167 (viii) The use of administrative best practices
168 promulgated by the State Intervention Courts Advisory Committee.

169 (b) Intervention court certification applications shall
170 include:

171 (i) A description of the need for the intervention
172 court;

173 (ii) The targeted population for the intervention
174 court;



175 (iii) The eligibility criteria for intervention
176 court participants;

177 (iv) A description of the process for identifying
178 appropriate participants including the use of a risk and needs
179 assessment and a clinical assessment;

180 (v) A description of the intervention court
181 intervention components, including anticipated budget * * *,
182 implementation plan, administrative best practices policies, and a
183 list of the evidence-based or research-based programs to be
184 implemented; and

185 (vi) The data collection plan, which shall include
186 collecting the following data:

187 1. Total number of participants;

188 2. Total number of successful participants;

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

191 4. Total number of participants who were
192 arrested for a new criminal offense while in the intervention
193 court program;

194 5. Total number of participants who were
195 convicted of a new felony or misdemeanor offense while in the
196 intervention court program;

197 6. Total number of participants who committed
198 at least one (1) violation while in the intervention court program
199 and the resulting sanction(s);



200 7. Results of the initial risk and needs
201 assessment or other clinical assessment conducted on each
202 participant; * * *

203 8. Total number of applications for screening
204 by race, gender, offenses charged, indigence and, if not accepted,
205 the reason for nonacceptance; * * *

206 9. Identification of any program participant
207 who, after completion of an intervention program, was arrested for
208 a new criminal offense; and

209 * * *10. Any other data or information as
210 required by the Administrative Office of Courts.

211 (c) Every intervention court shall be certified under
212 the following schedule:

213 (i) An intervention court application submitted
214 after July 1, 2014, shall require certification of the
215 intervention court based on the proposed * * * intervention court
216 plan.

217 (ii) An intervention court initially established
218 and certified after July 1, 2014, shall be recertified after its
219 second year of funded operation on a time frame consistent with
220 the other certified courts of its type.

221 (iii) A certified adult felony intervention court
222 in existence on December 31, 2018, must submit a recertification
223 petition by July 1, 2019, and be recertified under the
224 requirements of this section on or before December 31, 2019; after



225 the recertification, all certified adult felony intervention
226 courts must submit a recertification petition every two (2) years
227 to the Administrative Office of Courts. The recertification
228 process must be completed by December 31 * * * of every odd
229 calendar year.

230 (iv) A certified youth, family, misdemeanor or
231 chancery intervention court in existence on December 31, 2018,
232 must submit a recertification petition by July * * * 1, 2020, and
233 be recertified under the requirements of this section by December
234 31, 2020. After the recertification, all certified youth, family,
235 misdemeanor and chancery intervention courts must submit a
236 recertification petition every two (2) years to the Administrative
237 Office of Courts. The recertification process must be completed
238 by December 31 * * * of every even calendar year.

239 (3) All certified intervention courts shall measure
240 successful completion of the * * * intervention court based on
241 those participants who complete the program without a new criminal
242 conviction.

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

246 (i) Total number of participants at the beginning
247 of the month;

248 (ii) Total number of participants at the end of
249 the month;



250 (iii) Total number of participants who began the
251 program in the month;

252 (iv) Total number of participants who successfully
253 completed the intervention court in the month;

254 (v) Total number of participants who left the
255 program in the month;

256 (vi) Total number of participants who were
257 arrested for a new criminal offense while in the intervention
258 court program in the month;

259 (vii) Total number of participants who were
260 convicted for a new criminal arrest while in the intervention
261 court program in the month; and

262 (viii) Total number of participants who committed
263 at least one (1) violation while in the intervention court program
264 and any resulting sanction(s).

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

269 (5) All certified intervention courts may individually
270 establish rules and may make special orders and rules as necessary
271 that do not conflict with the rules promulgated by the Supreme
272 Court or the Administrative Office of Courts.

273 (6) A certified intervention court may appoint the full- or
274 part-time employees it deems necessary for the work of the



275 intervention court and shall fix the compensation of those
276 employees. Such employees shall serve at the will and pleasure of
277 the judge or the judge's designee.

278 (7) The Administrative Office of Courts shall promulgate
279 rules and regulations to carry out the certification and
280 re-certification process, including, but not limited to, requiring
281 third-party providers under contract to provide services that
282 comport with evidence-based or research-based programs, and to
283 make any other policies not inconsistent with this section to
284 carry out this process.

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

288 **SECTION 6.** Section 9-23-13, Mississippi Code of 1972, is
289 amended as follows:

290 9-23-13. (1) * * * A drug intervention court's alcohol and
291 drug intervention component shall provide * * * to eligible
292 individuals, either directly or through referrals, a range of
293 necessary court intervention services, including, but not limited
294 to, the following:

295 (a) Screening using a valid and reliable assessment
296 tool effective for identifying alcohol and drug dependent persons
297 for eligibility and appropriate services;

298 (b) Clinical assessment; for a DUI offense, if the
299 person has two (2) or more DUI convictions, the court shall order



300 the person to undergo an assessment that uses a standardized
301 evidence-based instrument performed by a physician to determine
302 whether the person has a diagnosis for alcohol and/or drug
303 dependence and would likely benefit from a court-approved
304 medication-assisted treatment indicated and approved for the
305 treatment of alcohol and/or drug dependence by the United States
306 Food and Drug Administration, as specified in the most recent
307 Diagnostic and Statistical Manual of Mental Disorders published by
308 the American Psychiatric Association. Upon considering the
309 results of the assessment, the court may refer the person to a
310 rehabilitative program that offers one or more forms of
311 court-approved medications that are approved for the treatment of
312 alcohol and/or drug dependence by the United States Food and Drug
313 Administration;

314 (c) Education;

315 (d) Referral;

316 (e) Service coordination and case management; and

317 (f) Counseling and rehabilitative care.

318 (2) Any inpatient treatment or inpatient detoxification
319 program ordered by the court shall be certified by the Department
320 of Mental Health, other appropriate state agency or the equivalent
321 agency of another state.

322 (3) All drug intervention courts shall make available the
323 option for participants to use court-approved medication-assisted
324 treatment while participating in the programs of the court in



325 accordance with the recommendations of the National Drug Court
326 Institute.

327 **SECTION 7.** Section 9-23-15, Mississippi Code of 1972, is
328 amended as follows:

329 9-23-15. (1) In order to be eligible for alternative
330 sentencing through a local drug intervention court, the
331 participant must satisfy each of the following criteria:

332 (a) The participant cannot have any felony convictions
333 for any offenses that are crimes of violence as defined in Section
334 97-3-2 within the previous ten (10) years.

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

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

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

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

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

347 (2) Participation in the services of an alcohol and drug
348 intervention component shall be open only to the individuals over
349 whom the court has jurisdiction, except that the court may agree



350 to provide the services for individuals referred from another
351 intervention court. In cases transferred from another
352 jurisdiction, the receiving judge shall act as a special master
353 and make recommendations to the sentencing judge.

354 (3) (a) As a condition of participation in * * * a drug
355 intervention court, a participant may be required to undergo a
356 chemical test or a series of chemical tests as specified by the
357 drug intervention court. A participant is liable for the costs of
358 all chemical tests required under this section, regardless of
359 whether the costs are paid to the drug intervention court or the
360 laboratory; however, if testing is available from other sources or
361 the program itself, the judge may waive any fees for testing. The
362 judge may waive all fees if the applicant is determined to be
363 indigent.

364 (b) A laboratory that performs a chemical test under
365 this section shall report the results of the test to the drug
366 intervention court.

367 (4) A person does not have a right to participate in a drug
368 intervention court under this chapter. The court having
369 jurisdiction over a person for a matter before the court shall
370 have the final determination about whether the person may
371 participate in drug intervention court under this chapter.
372 However, any person meeting the eligibility criteria in subsection
373 (1) of this section shall, upon request, be screened for admission
374 to drug intervention court.



375 **SECTION 8.** Section 9-23-17, Mississippi Code of 1972, is
376 amended as follows:

377 9-23-17. With regard to any drug intervention court, the
378 Administrative Office of Courts shall do the following:

379 (a) Certify and re-certify drug intervention court
380 applications that meet standards established by the Administrative
381 Office of Courts in accordance with this chapter.

382 (b) Ensure that the structure of the intervention
383 component complies with rules adopted under this section and
384 applicable federal regulations.

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

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

390 (i) Another department, authority or agency of the
391 state;

392 (ii) Another state;

393 (iii) The federal government;

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

395 (v) A public or private agency, foundation,
396 corporation or individual.

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



399 (f) Require, as a condition of operation, that each
400 drug intervention court created or funded under this chapter be
401 certified by the Administrative Office of Courts.

402 (g) Collect monthly data reports submitted by all
403 certified drug intervention courts, provide those reports to the
404 State Intervention Courts Advisory Committee, compile an annual
405 report summarizing the data collected and the outcomes achieved by
406 all certified intervention courts and submit the annual report to
407 the Oversight Task Force.

408 (h) As funding is available or every * * * five (5)
409 years, the Administrative Office of Courts will contract with an
410 external evaluator to conduct an evaluation of the effectiveness
411 of the statewide drug intervention court program * * * and
412 individual drug intervention courts * * *. Adult drug
413 intervention courts will be evaluated based on the Key Components
414 of Drug Courts adopted by the National Association of Drug Court
415 Professionals and the Adult Drug Court Best Practice Standards
416 adopted by the National Drug Court Institute. Juvenile drug
417 intervention courts will be evaluated based on the strategies
418 adopted by the United States Department of Justice, Bureau of
419 Justice Assistance. Family drug intervention courts will be
420 evaluated based on the recommendations adopted by the Office of
421 Juvenile Justice and Delinquency Prevention, Office of Justice
422 Programs and the Family Treatment Court Best Practice Standards
423 adopted by the National Association of Drug Court Professionals.



424 (i) Adopt rules to implement this chapter.

425 **SECTION 9.** Section 9-23-19, Mississippi Code of 1972, is
426 amended as follows:

427 9-23-19. (1) All monies received from any source by * * * a
428 drug intervention court shall be accumulated in a fund to be used
429 only for drug intervention court purposes. Any funds remaining in
430 this fund at the end of a fiscal year shall not lapse into any
431 general fund, but shall be retained in the Drug Intervention Court
432 Fund for the funding of further activities by the drug
433 intervention court.

434 (2) * * * A drug intervention court may apply for and
435 receive the following:

- 436 (a) Gifts, bequests and donations from private sources.
437 (b) Grant and contract money from governmental sources.
438 (c) Other forms of financial assistance approved by the
439 court to supplement the budget of the drug intervention court.

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

445 (4) The court may assess such reasonable and appropriate
446 fees to be paid to the local Drug Intervention Court Fund for
447 participation in an alcohol or drug intervention program; however,



448 all fees may be waived if the applicant is determined to be
449 indigent.

450 **SECTION 10.** Section 9-23-21, Mississippi Code of 1972, is
451 amended as follows:

452 9-23-21. The director and members of the professional and
453 administrative staff of the drug intervention court who perform
454 duties in good faith under this chapter are immune from civil
455 liability for:

456 (a) Acts or omissions in providing services under this
457 chapter; and

458 (b) The reasonable exercise of discretion in
459 determining eligibility to participate in the drug intervention
460 court.

461 **SECTION 11.** Section 9-23-23, Mississippi Code of 1972, is
462 amended as follows:

463 9-23-23. If the participant completes all requirements
464 imposed upon him by the drug intervention court, including the
465 payment of fines and fees assessed and not waived by the court,
466 the charge and prosecution shall be dismissed. If the defendant
467 or participant was sentenced at the time of entry of plea of
468 guilty, the successful completion of the drug intervention court
469 order and other requirements of probation or suspension of
470 sentence will result in the record of the criminal conviction or
471 adjudication being expunged. However, no expunction of any
472 implied consent violation shall be allowed.



473 **SECTION 12.** Section 9-23-51, Mississippi Code of 1972, is
474 amended as follows:

475 9-23-51. There is created in the State Treasury a special
476 interest-bearing fund to be known as the Drug Intervention Court
477 Fund. The purpose of the fund shall be to provide supplemental
478 funding to all drug intervention courts in the state. Monies from
479 the funds derived from assessments under Section 99-19-73 shall be
480 distributed by the State Treasurer upon warrants issued by the
481 Administrative Office of Courts, pursuant to procedures set by the
482 State * * * Intervention Courts Advisory Committee to assist both
483 juvenile drug intervention courts and adult drug intervention
484 courts. Funds from other sources shall be distributed to the drug
485 intervention courts in the state based on a formula set by the
486 State * * * Intervention Courts Advisory Committee. The fund
487 shall be a continuing fund, not subject to fiscal-year
488 limitations, and shall consist of: (a) monies appropriated by the
489 Legislature for the purposes of funding drug intervention courts;
490 (b) the interest accruing to the fund; (c) monies received under
491 the provisions of Section 99-19-73; (d) monies received from the
492 federal government; and (e) monies received from such other
493 sources as may be provided by law.

494 **SECTION 13.** Section 9-25-1, Mississippi Code of 1972, is
495 amended as follows:

496 9-25-1. (1) The Legislature recognizes that our military
497 veterans have provided an invaluable service to our country. In



498 doing so, many may have suffered the effects of, including, but
499 not limited to, post-traumatic stress disorder, traumatic brain
500 injury and depression, and may also suffer drug and alcohol
501 dependency or addiction and co-occurring mental illness and
502 substance abuse problems. As a result of this, some veterans come
503 into contact with the criminal justice system and are charged with
504 felony offenses. There is a critical need for the justice system
505 to recognize these veterans, provide accountability for their
506 wrongdoing, provide for the safety of the public, and provide for
507 the treatment of our veterans. It is the intent of the
508 Legislature to create a framework for which specialized
509 veterans * * * intervention courts may be established at the
510 circuit court level and at the discretion of the circuit court
511 judge.

512 (2) **Authorization.** A circuit court judge may establish a
513 Veterans * * * Intervention Court program. The Veterans * * *
514 Intervention Court may, at the discretion of the circuit court
515 judge, be a separate court program or as a component of an
516 existing intervention court program. At the discretion of the
517 circuit court judge, the Veterans * * * Intervention Court may be
518 operated in one (1) county within the circuit court district, and
519 allow veteran participants from all counties within the circuit
520 court district to participate.

521 (3) **Eligibility.** (a) In order to be eligible to
522 participate in a Veterans * * * Intervention Court program



523 established under this section, the attorney representing the
524 state must consent to the defendant's participation in the
525 program. Further, the court in which the criminal case is pending
526 must have found that the defendant is a veteran of the United
527 States Armed Forces as defined in Title 38 USCS.

528 (b) Participation in the services of an alcohol and
529 drug intervention component shall only be open to the individuals
530 over whom the court has jurisdiction, except that the court may
531 agree to provide the services for individuals referred from
532 another Veterans * * * Intervention Court. In cases transferred
533 from another jurisdiction, the receiving judge shall act as a
534 special master and make recommendations to the sentencing judge.

535 (c) (i) As a condition of participation in a
536 Veterans * * * Intervention Court, a participant may be required
537 to undergo a chemical test or a series of chemical tests as
538 specified by the Veterans * * * Intervention Court program. A
539 participant may be held liable for costs associated with all
540 chemical tests required under this section. However, a judge may
541 waive any fees for testing.

542 (ii) A laboratory that performs chemical tests
543 under this section shall report the results of the tests to the
544 Veterans * * * Intervention Courts.

545 (d) A person does not have the right to participate in
546 a Veterans * * * Intervention Court program under this chapter.
547 The court having jurisdiction over a person for a matter before



548 the court shall have the final determination about whether the
549 person may participate in the Veterans * * * Intervention Court
550 program.

551 (e) A defendant shall be excluded from participating in
552 a Veterans * * * Intervention Court program if any one (1) of the
553 following applies:

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

556 (ii) The defendant does not demonstrate a
557 willingness to participate in * * * an intervention program.

558 (iii) The defendant has been previously convicted
559 of a felony crime of violence including, but not limited to:
560 murder, rape, sexual battery, statutory rape of a child under the
561 age of sixteen (16), armed robbery, arson, aggravated kidnapping,
562 aggravated assault, stalking, or any offense involving the
563 discharge of a firearm or where serious bodily injury or death
564 resulted to any person.

565 (f) The court in which the criminal case is pending
566 shall allow an eligible defendant to choose whether to proceed
567 through the Veterans * * * Intervention Court program or otherwise
568 through the justice system.

569 (g) Proof of matters under this section may be
570 submitted to the court in which the criminal case is pending in
571 any form the court determines to be appropriate, including
572 military service and medical records, previous determinations of a



573 disability by a veteran's organization or by the United States
574 Department of Veterans Affairs, testimony or affidavits of other
575 veterans or service members, and prior determinations of
576 eligibility for benefits by any state or county veterans office.

577 (4) **Administrative Office of Courts.** With regard to any
578 Veterans * * * Intervention Court established under this chapter,
579 the Administrative Office of Courts may do the following:

580 (a) Ensure that the structure of the intervention
581 component complies with rules adopted under this chapter and
582 applicable federal regulations.

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

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

588 (i) Another department, authority, or agency of
589 the state;

590 (ii) Another state;

591 (iii) The federal government;

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

593 (v) A public or private agency, foundation,
594 corporation, or individual.

595 (d) Directly, or by contract, approve and certify any
596 veterans intervention component established under this chapter.



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

600 (f) Adopt rules to implement this chapter.

601 (5) **State Intervention Courtsu Advisory Committee.** (a) The
602 State Intervention Court Advisory Committee shall be responsible
603 for developing statewide rules and policies as they relate to
604 Veterans * * * Intervention Court programs.

605 (b) The State Intervention Courtsu Advisory Committee
606 may also make recommendations to the Chief Justice, the Director
607 of the Administrative Office of Courts and state officials
608 concerning improvements to Veterans * * * Intervention Court
609 policies and procedures.

610 (c) The State Intervention Courtsu Advisory Committee
611 shall act as an arbiter of disputes arising out of the operation
612 of Veterans * * * Intervention Court programs established under
613 this chapter and make recommendations to improve the
614 Veterans * * * Intervention Court programs.

615 (6) **Funding for Veterans * * * Intervention Courts.** (a)
616 All monies received from any source by the Veterans * * *
617 Intervention Court program shall be accumulated in a fund to be
618 used only for Veterans * * * Intervention Court purposes. Any
619 funds remaining in this fund at the end of the fiscal year shall
620 not lapse into the General Fund, but shall be retained in the



621 Veterans * * * Intervention Court fund for the funding of further
622 activities by the Veterans * * * Intervention Court program.

623 (b) A Veterans * * * Intervention Court program may
624 apply for and receive the following:

625 (i) Gifts, bequests and donations from private
626 sources.

627 (ii) Grant and contract money from governmental
628 sources.

629 (iii) Other forms of financial assistance approved
630 by the court to supplement the budget of the Veterans * * *
631 Intervention Court program.

632 (7) **Immunity.** The coordinator and members of the
633 professional and administrative staff of the Veterans * * *
634 Intervention Court program who perform duties in good faith under
635 this chapter are immune from civil liability for:

636 (a) Acts or omissions in providing services under this
637 chapter; and

638 (b) The reasonable exercise of discretion in
639 determining eligibility to participate in the Veterans * * *
640 Intervention Court program.

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

643 **SECTION 14.** Section 9-27-1, Mississippi Code of 1972, is
644 amended as follows:



645 9-27-1. This chapter shall be known and may be cited as the
646 "Rivers McGraw Mental Health * * * Intervention Court Act."

647 **SECTION 15.** Section 9-27-3, Mississippi Code of 1972, is
648 amended as follows:

649 9-27-3. (1) The Legislature recognizes the critical need
650 for judicial intervention to establish court processes and
651 procedures that are more responsive to the needs of defendants
652 with mental illnesses, while maintaining public safety and the
653 integrity of the court process.

654 (2) The goals of the mental health intervention courts under
655 this chapter include the following:

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

658 (b) Reduce the inappropriate institutionalization of
659 people with mental illnesses;

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

662 (d) Improve linkages between the criminal justice
663 system and the mental health system;

664 (e) Expedite case processing;

665 (f) Protect public safety;

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



669 (h) To use corrections resources more effectively by
670 redirecting prison-bound offenders whose criminal conduct is
671 driven in part by mental illnesses to intensive supervision and
672 clinical treatment available in the mental health intervention
673 court.

674 **SECTION 16.** Section 9-27-5, Mississippi Code of 1972, is
675 amended as follows:

676 9-27-5. For the purposes of this chapter, the following
677 words and phrases shall have the meanings ascribed unless the
678 context clearly requires otherwise:

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

683 (b) "Mental health * * * intervention court" means an
684 immediate and highly structured intervention process for mental
685 health treatment of eligible defendants or juveniles that:

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

688 (ii) Follows the * * * essential elements of the
689 mental health intervention court curriculum published by the
690 Bureau of Justice Assistance of the United States Department of
691 Justice.



692 (c) "Evidence-based * * * program" * * * and
693 "research-based program" have the meanings as those terms are
694 defined in Section 27-103-159.

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

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

701 9-27-7. (1) The Administrative Office of Courts is the
702 repository for reports filed by courts established under this
703 chapter. The goal of the mental health intervention courts is to
704 support effective and proven practices that reduce recidivism and
705 provide treatment for participants.

706 (2) Mental health intervention courts must adhere to the
707 standards established in this chapter.

708 (a) These standards shall include, but are not limited
709 to:

710 (i) The use of evidence-based practices including,
711 but not limited to, the use of a valid and reliable risk and needs
712 assessment tool to identify participants and deliver appropriate
713 treatments;

714 (ii) Targeting medium- to high-risk offenders for
715 participation;



716 (iii) The use of current, evidence-based
717 interventions proven to provide mental health treatment;
718 (iv) Coordinated strategy between all mental
719 health intervention court personnel;
720 (v) Ongoing judicial interaction with each
721 participant; and
722 (vi) Monitoring and evaluation of mental health
723 intervention court implementation and outcomes through data
724 collection and reporting.

725 (b) Mental health intervention courts must implement a
726 data collection plan, which shall include collecting the following
727 data:

728 (i) Total number of participants;
729 (ii) Total number of successful participants;
730 (iii) Total number of unsuccessful participants
731 and the reason why each participant did not complete the program;
732 (iv) Total number of participants who were
733 arrested for a new criminal offense while in the mental health
734 intervention court;
735 (v) Total number of participants who were
736 convicted of a new felony or misdemeanor offense while in the
737 mental health intervention court;
738 (vi) Total number of participants who committed at
739 least one (1) violation while in the mental health intervention
740 court and the resulting sanction(s);



741 (vii) Results of the initial risk and needs
742 assessment or other clinical assessment conducted on each
743 participant; and

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

746 (3) All mental health intervention courts must measure
747 successful completion of the program based on those participants
748 who complete the program without a new criminal conviction.

749 (4) (a) Mental health intervention courts must collect and
750 submit to the Administrative Office of Courts each month, the
751 following data:

752 (i) Total number of participants at the beginning
753 of the month;

754 (ii) Total number of participants at the end of
755 the month;

756 (iii) Total number of participants who began the
757 program in the month;

758 (iv) Total number of participants who successfully
759 completed the program in the month;

760 (v) Total number of participants who left the
761 program in the month;

762 (vi) Total number of participants who were
763 arrested for a new criminal offense while in the program in the
764 month;



765 (vii) Total number of participants who were
766 convicted for a new criminal arrest while in the program in the
767 month; and

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

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

775 (5) Mental health intervention courts may individually
776 establish rules and may make special orders and rules as necessary
777 that do not conflict with rules promulgated by the Supreme Court
778 or the Administrative Office of Courts.

779 (6) A mental health intervention court may appoint the full-
780 or part-time employees it deems necessary for the work of the
781 mental health intervention court and shall fix the compensation of
782 those employees, who shall serve at the will and pleasure of the
783 senior circuit court judge.

784 (7) A mental health intervention court established under
785 this chapter is subject to the regulatory powers of the
786 Administrative Office of Courts as set forth in Section * * *
787 9-23-17.

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



790 9-27-9. (1) A mental health intervention court's mental
791 health intervention component shall provide for eligible
792 individuals, either directly or through referrals, a range of
793 necessary court treatment services, including, but not limited to,
794 the following:

795 (a) Screening using a valid and reliable assessment
796 tool effective for identifying persons affected by mental health
797 issues for eligibility and appropriate services;

798 (b) Clinical assessment;

799 (c) Education;

800 (d) Referral;

801 (e) Service coordination and case management; and

802 (f) Counseling and rehabilitative care.

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

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

808 9-27-11. (1) In order to be eligible for alternative
809 sentencing through a local mental health intervention court, the
810 participant must satisfy each of the following criteria:

811 (a) The participant cannot have any felony convictions
812 for any offenses that are crimes of violence as defined in Section
813 97-3-2, other than burglary under Section 97-17-23(1), within the
814 previous ten (10) years.



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

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

821 (d) The crime before the court cannot be a charge of
822 driving under the influence of alcohol or any other substance that
823 resulted in the death of a person. In addition, persons who are
824 ineligible for nonadjudication under Section 63-11-30 shall be
825 ineligible to participate in a mental health intervention court.

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

829 (2) Participation in the services of a mental health * * *
830 intervention component shall be open only to the individuals over
831 whom the court has jurisdiction, except that the court may agree
832 to provide the services for individuals referred from another
833 mental health intervention court. In cases transferred from
834 another jurisdiction, the receiving judge shall act as a special
835 master and make recommendations to the sentencing judge.

836 (3) (a) As a condition of participation in a mental health
837 intervention court, a participant may be required to undergo a
838 chemical test or a series of chemical tests as specified by the
839 program. A participant is liable for the costs of all chemical



840 tests required under this section, regardless of whether the costs
841 are paid to the mental health intervention court or the
842 laboratory; however, if testing is available from other sources or
843 the program itself, the judge may waive any fees for testing.
844 Fees may be waived if the applicant is determined to be indigent.

845 (b) A laboratory that performs a chemical test under
846 this section shall report the results of the test to the mental
847 health intervention court.

848 (4) A person does not have a right to participate in a
849 mental health intervention court under this chapter. The court
850 having jurisdiction over a person for a matter before the court
851 shall have the final determination about whether the person may
852 participate in the mental health intervention court under this
853 chapter. However, any person meeting the eligibility criteria in
854 subsection (1) of this section, shall, upon request, be screened
855 for admission into the court's program.

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

858 9-27-15. (1) All monies received from any source by a
859 mental health intervention court shall be accumulated in a local
860 fund to be used only for mental health intervention court
861 purposes. Any funds remaining in a local fund at the end of a
862 fiscal year shall not lapse into any general fund, but shall be
863 retained in the mental health intervention court fund for the



864 funding of further activities by the mental health intervention
865 court.

866 (2) A mental health intervention court may apply for and
867 receive the following:

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

869 (b) Grant and contract monies from governmental
870 sources.

871 (c) Other forms of financial assistance approved by the
872 court to supplement the budget of the mental health * * *
873 intervention court.

874 (3) The costs of participation in a mental health treatment
875 program required by the mental health intervention court may be
876 paid by the participant or out of user fees or such other state,
877 federal or private funds that may, from time to time, be made
878 available.

879 (4) The court may assess reasonable and appropriate fees to
880 be paid to the local mental health intervention court fund for
881 participation in a mental health treatment program; however, all
882 fees may be waived by the court if the applicant is determined to
883 be indigent.

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

886 9-27-17. The director and members of the professional and
887 administrative staff of the mental health intervention court who



888 perform duties in good faith under this chapter are immune from
889 civil liability for:

890 (a) Acts or omissions in providing services under this
891 chapter; and

892 (b) The reasonable exercise of discretion in
893 determining eligibility to participate in the mental health
894 intervention court.

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

897 9-27-19. If the participant completes all requirements
898 imposed upon him by the mental health intervention court, the
899 charge and prosecution shall be dismissed. If the defendant or
900 participant was sentenced at the time of entry of a plea of
901 guilty, the successful completion of the mental health
902 intervention court order and other requirements of probation or
903 suspension of sentence will result in the record of the criminal
904 conviction or adjudication being expunged.

905 **SECTION 23.** Section 9-27-21, Mississippi Code of 1972, which
906 provides for a mental health diversion pilot program in certain
907 circuit court districts, is repealed.

908 **SECTION 24.** This act shall take effect and be in force from
909 and after July 1, 2020.

