

**Adopted
AMENDMENT NO 2 PROPOSED TO**

House Bill No. 124

BY: Representative Bain

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

24 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is
25 amended as follows:
26 99-15-26. (1) (a) In all criminal cases, felony and
27 misdemeanor, other than * * * a crime of violence as defined in
28 Section 97-3-2, a violation of Section 97-11-31, or crimes in
29 which a person unlawfully takes, obtains or misappropriates funds
30 received by or entrusted to the person by virtue of his or her
31 public office or employment, the circuit or county court shall be
32 empowered, upon the entry of a plea of guilty by a criminal
33 defendant made on or after July 1, 2014, to withhold acceptance of



34 the plea and sentence thereon pending successful completion of
35 such conditions as may be imposed by the court pursuant to
36 subsection (2) of this section.

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

43 (c) Notwithstanding paragraph (a) of this subsection
44 (1), in all criminal cases charging a misdemeanor of domestic
45 violence as defined in Section 99-3-7(5), a circuit, county,
46 justice or municipal court shall be empowered, upon the entry of a
47 plea of guilty by the criminal defendant, to withhold acceptance
48 of the plea and sentence thereon pending successful completion of
49 such conditions as may be imposed by the court pursuant to
50 subsection (2) of this section.

51 (d) No person having previously qualified under the
52 provisions of this section shall be eligible to qualify for
53 release in accordance with this section for a repeat offense. A
54 person shall not be eligible to qualify for release in accordance
55 with this section if charged with the offense of trafficking of a
56 controlled substance as provided in Section 41-29-139(f) or if
57 charged with an offense under the Mississippi Implied Consent Law.



58 Violations under the Mississippi Implied Consent Law can only be
59 nonadjudicated under the provisions of Section 63-11-30.

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

63 (i) Reasonable restitution to the victim of the
64 crime.

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

67 (iii) Payment of a fine not to exceed the
68 statutory limit.

69 (iv) Successful completion of drug, alcohol,
70 psychological or psychiatric treatment, successful completion of a
71 program designed to bring about the cessation of domestic abuse,
72 or any combination thereof, if the court deems treatment
73 necessary.

74 (v) Successful completion of workforce training at
75 a community college or workforce development center or a similar
76 training or diversion program administered by a nonprofit or other
77 entity.

78 (* * *vi) The circuit or county court, in its
79 discretion, may require the defendant to remain in the program
80 subject to good behavior for a period of time not to exceed five
81 (5) years. The justice or municipal court, in its discretion, may



82 require the defendant to remain in the program subject to good
83 behavior for a period of time not to exceed two (2) years.

84 (b) Conditions which the circuit or county court may
85 impose under subsection (1) of this section also include
86 successful completion of an effective evidence-based program or a
87 properly controlled pilot study designed to contribute to the
88 evidence-based research literature on programs targeted at
89 reducing recidivism. Such program or pilot study may be community
90 based or institutionally based and should address risk factors
91 identified in a formal assessment of the offender's risks and
92 needs.

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

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

99 (5) Upon petition therefor, the court shall expunge the
100 record of any case in which an arrest was made, the person
101 arrested was released and the case was dismissed or the charges
102 were dropped, there was no disposition of such case, or the person
103 was found not guilty at trial.

104 **SECTION 2.** Section 99-15-117, Mississippi Code of 1972, is
105 amended as follows:



106 99-15-117. In any case in which an offender agrees to an
107 intervention program, a specific agreement shall be made between
108 the district attorney and the offender. This agreement shall
109 include the terms of the intervention program, the length of the
110 program, which shall not exceed three (3) years, and a section
111 therein stating the period of time after which the prosecutor will
112 either dismiss the charge or seek a conviction based upon that
113 charge. The agreement may include as one (1) of the terms of the
114 intervention program a requirement that the offender successfully
115 complete workforce training at a community college or workforce
116 development center or a similar training or diversion program
117 administered by a nonprofit or other entity. The agreement shall
118 be signed by the offender and his or her counsel and filed in the
119 district attorney's office. Before an offender is admitted to an
120 intervention program, the court having jurisdiction of the charge
121 must approve of the offender's admission to the program and the
122 terms of the agreement.

123 **SECTION 3.** For each person who successfully completes
124 workforce training at a community college or workforce development
125 center as a condition of the court withholding acceptance of the
126 person's plea and sentence under Section 99-15-26 or as a term of
127 the pretrial intervention program under Section 99-15-117, the
128 Department of Finance and Administration shall transfer from the
129 general funds in the budget of the Mississippi Department of
130 Corrections the sum of Two Thousand Dollars (\$2,000.00) to the



131 Mississippi Community College Board, which shall disburse the
132 funds to the community college at which the person received the
133 workforce training or the community college affiliated with the
134 workforce development center at which the person received the
135 workforce training.

136 **SECTION 4.** This act shall take effect and be in force from
137 and after July 1, 2020.

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

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE SUCCESSFUL COMPLETION OF WORKFORCE TRAINING AT A
3 COMMUNITY COLLEGE OR WORKFORCE DEVELOPMENT CENTER OR A SIMILAR
4 TRAINING OR DIVERSION PROGRAM ADMINISTERED BY A NONPROFIT OR OTHER
5 ENTITY AS A CONDITION OF THE COURT WITHHOLDING ACCEPTANCE OF A
6 PERSON'S PLEA AND SENTENCE UNDER THE NONADJUDICATION PROVISIONS OF
7 THIS SECTION; TO AMEND SECTION 99-15-117, MISSISSIPPI CODE OF
8 1972, TO AUTHORIZE SUCCESSFUL COMPLETION OF WORKFORCE TRAINING AT
9 A COMMUNITY COLLEGE OR WORKFORCE DEVELOPMENT CENTER AS A TERM OF
10 THE PRETRIAL INTERVENTION PROGRAM UNDER THIS SECTION; TO REQUIRE
11 THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER FROM THE
12 BUDGET OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO THE
13 MISSISSIPPI COMMUNITY COLLEGE BOARD THE SUM OF \$2,000.00 FOR EACH
14 PERSON WHO SUCCESSFULLY COMPLETES WORKFORCE TRAINING AT A
15 COMMUNITY COLLEGE OR WORKFORCE DEVELOPMENT CENTER AS A CONDITION
16 OF THE COURT WITHHOLDING ACCEPTANCE OF THE PERSON'S PLEA AND
17 SENTENCE UNDER SECTION 99-15-26 OR AS A TERM OF THE PRETRIAL
18 INTERVENTION PROGRAM UNDER SECTION 99-15-117, WHICH SHALL BE
19 DISBURSED TO THE COMMUNITY COLLEGE AT WHICH THE PERSON RECEIVED
20 THE WORKFORCE TRAINING OR THE COMMUNITY COLLEGE AFFILIATED WITH
21 THE WORKFORCE DEVELOPMENT CENTER AT WHICH THE PERSON RECEIVED THE
22 WORKFORCE TRAINING; AND FOR RELATED PURPOSES.

