

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2572

BY: Committee

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

27 **SECTION 1.** Section 63-11-23, Mississippi Code of 1972, is
28 amended as follows:

29 * * *

30 63-11-23. (1) **Administrative license suspension for test**
31 **refusal.** The Commissioner of Public Safety, or his authorized
32 agent, shall review the sworn report by a law enforcement officer
33 as provided in Section 63-11-21.

34 (a) If upon review the Commissioner of Public Safety,
35 or his authorized agent, finds (i) that the law enforcement
36 officer had reasonable grounds and probable cause to believe the



37 person had been operating a motor vehicle upon the public
38 highways, public roads * * * or streets of this state while under
39 the influence of intoxicating liquor or any other substance that
40 may impair a person's mental or physical ability; (ii) that the
41 person refused to submit to the chemical test of the person's
42 breath, blood or urine upon request of the officer; and (iii) that
43 the person was informed that his license and driving privileges
44 would be suspended or denied if he refused to submit to the
45 chemical test of his breath, blood or urine, then the Commissioner
46 of Public Safety, or his authorized agent, shall give notice to
47 the licensee that his license or permit to drive, or any
48 nonresident operating privilege, shall be suspended thirty (30)
49 days after the date of the notice for a period of ninety (90) days
50 if the person has not previously been convicted of or
51 nonadjudicated for a violation of Section 63-11-30, or, for a
52 period of one (1) year if the person was previously convicted or
53 nonadjudicated under Section 63-11-30. If the commissioner or his
54 authorized agent determines that the license or permit should not
55 be suspended, he shall return the license or permit to the
56 licensee.

57 (b) The notice of suspension shall be in writing and
58 conform to Section 63-1-52.

59 (c) A person may continue to drive on either an
60 interlock-restricted license or under a drug-testing program if so



61 ordered by a court in the course of a criminal proceeding for a
62 violation of Section 63-11-30.

63 (2) **Extension or suspension of privilege to drive; request**
64 **for trial.** (a) If the chemical testing of a person's breath
65 indicates the blood alcohol concentration was eight one-hundredths
66 percent (.08%) or more for persons who are above the legal age to
67 purchase alcoholic beverages under state law, or two
68 one-hundredths percent (.02%) or more for persons who are below
69 the legal age to purchase alcoholic beverages under state law,
70 based upon grams of alcohol per one hundred (100) milliliters of
71 blood or grams of alcohol per two hundred ten (210) liters of
72 breath as shown by a chemical analysis of the person's blood,
73 breath, or urine, the arresting officer shall seize the license
74 and give the driver a receipt for his license on forms prescribed
75 by the Commissioner of Public Safety and shall promptly forward
76 the license together with a sworn report to the Commissioner of
77 Public Safety. The receipt given a person shall be valid as a
78 permit to operate a motor vehicle for thirty (30) days in order
79 that the defendant may be processed through the court having
80 original jurisdiction and a final disposition had.

81 (b) If the defendant requests a trial within thirty
82 (30) days and trial is not commenced within thirty (30) days, then
83 the court shall determine if the delay in the trial is the fault
84 of the defendant or his counsel. If the court finds that it is
85 not the fault of the defendant or his counsel, then the court



86 shall order the defendant's privileges to operate a motor vehicle
87 to be extended until the defendant is convicted upon final order
88 of the court.

89 (c) If a receipt or permit to drive issued under this
90 subsection expires without a trial having been requested as
91 provided in this subsection, then the Commissioner of Public
92 Safety, or his authorized agent, shall suspend the license or
93 permit to drive or any nonresident operating privilege for the
94 applicable period of time as provided in subsection (1) of this
95 section.

96 (3) **Offenders driving without a license.** If the person is a
97 resident without a license or permit to operate a motor vehicle in
98 this state, the Commissioner of Public Safety, or his authorized
99 agent, shall deny to the person the issuance of a license or
100 permit for a period of one (1) year beginning thirty (30) days
101 after the date of notice of the suspension.

102 (4) **Appeal.** It shall be the duty of the municipal
103 prosecuting attorney, county prosecuting attorney, an attorney
104 employed under the provisions of Section 19-3-49, or if there is
105 not a prosecuting attorney for the municipality or county, the
106 duty of the district attorney to represent the state in any
107 hearing on a de novo appeal held under the provisions of Section
108 63-11-25, Section 63-11-37 or Section 63-11-30.

109 (5) **Suspension subsequent to conviction.** Unless the person
110 obtains an interlock-restricted license or the court orders the



111 person to exercise the privilege to operate a motor vehicle only
112 under an interlock-restricted license or while participating in a
113 court-ordered drug-testing program, thirty (30) days after receipt
114 of the court abstract documenting a person's conviction under
115 Section 63-11-30, the Department of Public Safety shall suspend
116 the driver's license and privileges of the person to operate a
117 motor vehicle as follows:

118 (a) When sentenced under Section 63-11-30(2):

119 (i) For a first offense: one hundred twenty (120)
120 days;

121 (ii) For a second offense: one (1) year;

122 (iii) For a third offense: for the full period of
123 the person's sentence; upon release from incarceration, the person
124 will be eligible for only an interlock-restricted license for
125 three (3) years;

126 (iv) For a fourth or subsequent offense: for the
127 full period of the person's sentence; upon release from
128 incarceration, the person will be eligible for only an
129 interlock-restricted license for ten (10) years and will further
130 be subject to court-ordered drug testing if the original offense
131 involved operating a motor vehicle under the influence of a drug
132 other than alcohol.

133 (b) When sentenced under Section 63-11-30(3) (Zero
134 Tolerance for Minors):



135 (i) For a first offense: one hundred twenty (120)
136 days;

137 (ii) For a second offense: one (1) year;

138 (iii) For a third offense occurring within five
139 (5) years, suspend or deny the driving privilege for two (2) years
140 or until the person reaches the age of twenty-one (21), whichever
141 is longer.

142 (6) **Suspensions.** (a) Notices of suspension given under
143 this section shall be in writing and conform to Section 63-1-52.

144 (b) Suspensions under this and any other chapter shall
145 run consecutively and not concurrently.

146 (c) The first day of any one-hundred-twenty-day period
147 shall begin to run on the date the judge signs an order for
148 suspension.

149 (7) **License reinstatement.** A person is eligible for an
150 unrestricted license when the person has completed an alcohol
151 safety education program as provided in Section 63-11-32, has
152 satisfied all other conditions of law and of the person's sentence
153 or nonadjudication, and is not otherwise barred from obtaining an
154 unrestricted license.

155 **SECTION 2.** Section 63-11-30, Mississippi Code of 1972, is
156 amended as follows:

157 63-11-30. (1) It is unlawful for a person to drive or
158 otherwise operate a vehicle within this state if the person:

159 (a) Is under the influence of intoxicating liquor;



160 (b) Is under the influence of any other substance that
161 has impaired the person's ability to operate a motor vehicle;

162 (c) Is under the influence of any drug or controlled
163 substance, the possession of which is unlawful under the
164 Mississippi Controlled Substances Law; or

165 (d) Has an alcohol concentration in the person's blood,
166 based upon grams of alcohol per one hundred (100) milliliters of
167 blood, or grams of alcohol per two hundred ten (210) liters of
168 breath, as shown by a chemical analysis of the person's breath,
169 blood or urine administered as authorized by this chapter, of:

170 (i) Eight one-hundredths percent (.08%) or more
171 for a person who is above the legal age to purchase alcoholic
172 beverages under state law;

173 (ii) Two one-hundredths percent (.02%) or more for
174 a person who is below the legal age to purchase alcoholic
175 beverages under state law; or

176 (iii) Four one-hundredths percent (.04%) or more
177 for a person operating a commercial motor vehicle.

178 (2) Except as otherwise provided in subsection (3) of this
179 section (Zero Tolerance for Minors):

180 (a) **First offense DUI.** (i) Upon conviction of any
181 person for the first offense of violating subsection (1) of this
182 section where chemical tests under Section 63-11-5 were given, or
183 where chemical test results are not available, the person shall be
184 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more



185 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
186 than forty-eight (48) hours in jail, or both; the court shall
187 order the person to attend and complete an alcohol safety
188 education program as provided in Section 63-11-32 within six (6)
189 months of sentencing. The court may substitute attendance at a
190 victim impact panel instead of forty-eight (48) hours in jail.

191 (ii) Suspension of commercial driving privileges
192 is governed by Section 63-1-216.

193 (iii) A qualifying first offense may be
194 nonadjudicated by the court under subsection (14) of this section.
195 The holder of a commercial driver's license or a commercial
196 learning permit at the time of the offense is ineligible for
197 nonadjudication.

198 (iv) Eligibility for an interlock-restricted
199 license is governed by Section 63-11-31 and suspension of regular
200 driving privileges is governed by Section 63-11-23.

201 (b) **Second offense DUI.** (i) Upon any second
202 conviction of any person violating subsection (1) of this section,
203 the offenses being committed within a period of five (5) years,
204 the person shall be guilty of a misdemeanor, fined not less than
205 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
206 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
207 five (5) days nor more than six (6) months and sentenced to
208 community service work for not less than ten (10) days nor more
209 than six (6) months. The minimum penalties shall not be suspended



210 or reduced by the court and no prosecutor shall offer any
211 suspension or sentence reduction as part of a plea bargain.

212 (ii) Suspension of commercial driving privileges
213 is governed by Section 63-1-216.

214 (iii) Eligibility for an interlock-restricted
215 license is governed by Section 63-11-31 and suspension of regular
216 driving privileges is governed by Section 63-11-23.

217 (c) **Third offense DUI.** (i) For a third conviction of
218 a person for violating subsection (1) of this section, the
219 offenses being committed within a period of five (5) years, the
220 person shall be guilty of a felony and fined not less than Two
221 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
222 (\$5,000.00), and shall serve not less than one (1) year nor more
223 than five (5) years in the custody of the Department of
224 Corrections. For any offense that does not result in serious
225 injury or death to any person, the sentence of incarceration may
226 be served in the county jail rather than in the State Penitentiary
227 at the discretion of the circuit court judge. The minimum
228 penalties shall not be suspended or reduced by the court and no
229 prosecutor shall offer any suspension or sentence reduction as
230 part of a plea bargain.

231 (ii) The suspension of commercial driving
232 privileges is governed by Section 63-1-216.

233 (iii) The suspension of regular driving privileges
234 is governed by Section 63-11-23.



235 (d) **Fourth and subsequent offense DUI.** (i) For any
236 fourth or subsequent conviction of a violation of subsection (1)
237 of this section, without regard to the time period within which
238 the violations occurred, the person shall be guilty of a felony
239 and fined not less than Three Thousand Dollars (\$3,000.00) nor
240 more than Ten Thousand Dollars (\$10,000.00), and shall serve not
241 less than two (2) years nor more than ten (10) years in the
242 custody of the Department of Corrections.

243 (ii) The suspension of commercial driving
244 privileges is governed by Section 63-1-216.

245 (iii) A person convicted of a fourth or subsequent
246 offense is ineligible to exercise the privilege to operate a motor
247 vehicle that is not equipped with an ignition-interlock device for
248 ten (10) years.

249 (e) Any person convicted of a second or subsequent
250 violation of subsection (1) of this section shall receive an
251 in-depth diagnostic assessment, and if as a result of the
252 assessment is determined to be in need of treatment for alcohol or
253 drug abuse, the person must successfully complete treatment at a
254 program site certified by the Department of Mental Health. Each
255 person who receives a diagnostic assessment shall pay a fee
256 representing the cost of the assessment. Each person who
257 participates in a treatment program shall pay a fee representing
258 the cost of treatment.



259 (f) The use of ignition-interlock devices is governed
260 by Section 63-11-31.

261 (3) **Zero Tolerance for Minors.** (a) This subsection shall
262 be known and may be cited as Zero Tolerance for Minors. The
263 provisions of this subsection shall apply only when a person under
264 the age of twenty-one (21) years has a blood alcohol concentration
265 of two one-hundredths percent (.02%) or more, but lower than eight
266 one-hundredths percent (.08%). If the person's blood alcohol
267 concentration is eight one-hundredths percent (.08%) or more, the
268 provisions of subsection (2) shall apply.

269 (b) (i) A person under the age of twenty-one (21) is
270 eligible for nonadjudication of a qualifying first offense by the
271 court pursuant to subsection (14) of this section.

272 (ii) Upon conviction of any person under the age
273 of twenty-one (21) years for the first offense of violating
274 subsection (1) of this section where chemical tests provided for
275 under Section 63-11-5 were given, or where chemical test results
276 are not available, the person shall be fined Two Hundred Fifty
277 Dollars (\$250.00); the court shall order the person to attend and
278 complete an alcohol safety education program as provided in
279 Section 63-11-32 within six (6) months. The court may also
280 require attendance at a victim impact panel.

281 (c) A person under the age of twenty-one (21) years who
282 is convicted of a second violation of subsection (1) of this
283 section, the offenses being committed within a period of five (5)



284 years, shall be fined not more than Five Hundred Dollars
285 (\$500.00).

286 (d) A person under the age of twenty-one (21) years who
287 is convicted of a third or subsequent violation of subsection (1)
288 of this section, the offenses being committed within a period of
289 five (5) years, shall be fined not more than One Thousand Dollars
290 (\$1,000.00).

291 (e) License suspension is governed by Section 63-11-23
292 and ignition interlock is governed by Section 63-11-31.

293 (f) Any person under the age of twenty-one (21) years
294 convicted of a third or subsequent violation of subsection (1) of
295 this section must complete treatment of an alcohol or drug abuse
296 program at a site certified by the Department of Mental Health.

297 (4) **DUI test refusal.** In addition to the other penalties
298 provided in this section, every person refusing a law enforcement
299 officer's request to submit to a chemical test of the person's
300 breath as provided in this chapter, or who was unconscious at the
301 time of a chemical test and refused to consent to the introduction
302 of the results of the test in any prosecution, shall suffer an
303 additional administrative suspension of driving privileges as set
304 forth in Section 63-11-23.

305 (5) **Aggravated DUI.** (a) Every person who operates any
306 motor vehicle in violation of the provisions of subsection (1) of
307 this section and who in a negligent manner causes the death of
308 another or mutilates, disfigures, permanently disables or destroys



309 the tongue, eye, lip, nose or any other limb, organ or member of
310 another shall, upon conviction, be guilty of a separate felony for
311 each victim who suffers death, mutilation, disfigurement or other
312 injury and shall be committed to the custody of the State
313 Department of Corrections for a period of time of not less than
314 five (5) years and not to exceed twenty-five (25) years for each
315 death, mutilation, disfigurement or other injury, and the
316 imprisonment for the second or each subsequent conviction, in the
317 discretion of the court, shall commence either at the termination
318 of the imprisonment for the preceding conviction or run
319 concurrently with the preceding conviction. Any person charged
320 with causing the death of another as described in this subsection
321 shall be required to post bail before being released after arrest.

322 (b) A holder of a commercial driver's license who is
323 convicted of operating a commercial motor vehicle with an alcohol
324 concentration of eight one-hundredths percent (.08%) or more shall
325 be guilty of a felony and shall be committed to the custody of the
326 Department of Corrections for not less than two (2) years and not
327 more than ten (10) years.

328 (c) The court shall order an ignition-interlock
329 restriction on the offender's privilege to drive as a condition of
330 probation or post-release supervision not to exceed five (5) years
331 unless a longer restriction is required under other law. The
332 ignition-interlock restriction shall not be applied to commercial



333 license privileges until the driver serves the full
334 disqualification period required by Section 63-1-216.

335 (6) **DUI citations.** (a) Upon conviction of a violation of
336 subsection (1) of this section, the trial judge shall sign in the
337 place provided on the traffic ticket, citation or affidavit
338 stating that the person arrested either employed an attorney or
339 waived his right to an attorney after having been properly
340 advised. If the person arrested employed an attorney, the name,
341 address and telephone number of the attorney shall be written on
342 the ticket, citation or affidavit. The court clerk must
343 immediately send a copy of the traffic ticket, citation or
344 affidavit, and any other pertinent documents concerning the
345 conviction or other order of the court, to the Department of
346 Public Safety as provided in Section 63-11-37.

347 (b) A copy of the traffic ticket, citation or affidavit
348 and any other pertinent documents, having been attested as true
349 and correct by the Commissioner of Public Safety, or his designee,
350 shall be sufficient proof of the conviction for purposes of
351 determining the enhanced penalty for any subsequent convictions of
352 violations of subsection (1) of this section. The Department of
353 Public Safety shall maintain a central database for verification
354 of prior offenses and convictions.

355 (7) **Out-of-state prior convictions.** Convictions in another
356 state, territory or possession of the United States, or under the
357 law of a federally recognized Native American tribe, of violations



358 for driving or operating a vehicle while under the influence of an
359 intoxicating liquor or while under the influence of any other
360 substance that has impaired the person's ability to operate a
361 motor vehicle occurring within five (5) years before an offense
362 shall be counted for the purposes of determining if a violation of
363 subsection (1) of this section is a second, third, fourth or
364 subsequent offense and the penalty that shall be imposed upon
365 conviction for a violation of subsection (1) of this section.

366 (8) **Charging of subsequent offenses.** (a) For the purposes
367 of determining how to impose the sentence for a second, third,
368 fourth or subsequent conviction under this section, the affidavit
369 or indictment shall not be required to enumerate previous
370 convictions. It shall only be necessary that the affidavit or
371 indictment states the number of times that the defendant has been
372 convicted and sentenced within the past five (5) years for a
373 second or third offense, or without a time limitation for a fourth
374 or subsequent offense, under this section to determine if an
375 enhanced penalty shall be imposed. The amount of fine and
376 imprisonment imposed in previous convictions shall not be
377 considered in calculating offenses to determine a second, third,
378 fourth or subsequent offense of this section.

379 (b) Before a defendant enters a plea of guilty to an
380 offense under this section, law enforcement must submit
381 certification to the prosecutor that the defendant's driving
382 record, the confidential registry and National Crime Information



383 Center record have been searched for all prior convictions,
384 nonadjudications, pretrial diversions and arrests for driving or
385 operating a vehicle while under the influence of an intoxicating
386 liquor or while under the influence of any other substance that
387 has impaired the person's ability to operate a motor vehicle. The
388 results of the search must be included in the certification.

389 (9) **License eligibility for underage offenders.** A person
390 who is under the legal age to obtain a license to operate a motor
391 vehicle at the time of the offense and who is convicted under this
392 section shall not be eligible to receive a driver's license until
393 the person reaches the age of eighteen (18) years.

394 (10) **License suspensions and restrictions to run**
395 **consecutively.** Suspension or restriction of driving privileges
396 for any person convicted of or nonadjudicated for violations of
397 subsection (1) of this section shall run consecutively to and not
398 concurrently with any other administrative license suspension.

399 (11) **Ignition interlock.** If the court orders installation
400 and use of an ignition-interlock device as provided in Section
401 63-11-31 for every vehicle operated by a person convicted or
402 nonadjudicated under this section, each device shall be installed,
403 maintained and removed as provided in Section 63-11-31.

404 (12) **DUI child endangerment.** A person over the age of
405 twenty-one (21) who violates subsection (1) of this section while
406 transporting in a motor vehicle a child under the age of sixteen
407 (16) years is guilty of the separate offense of endangering a



408 child by driving under the influence of alcohol or any other
409 substance which has impaired the person's ability to operate a
410 motor vehicle. The offense of endangering a child by driving
411 under the influence of alcohol or any other substance which has
412 impaired the person's ability to operate a motor vehicle shall not
413 be merged with an offense of violating subsection (1) of this
414 section for the purposes of prosecution and sentencing. An
415 offender who is convicted of a violation of this subsection shall
416 be punished as follows:

417 (a) A person who commits a violation of this subsection
418 which does not result in the serious injury or death of a child
419 and which is a first conviction shall be guilty of a misdemeanor
420 and, upon conviction, shall be fined not more than One Thousand
421 Dollars (\$1,000.00) or shall be imprisoned for not more than
422 twelve (12) months, or both;

423 (b) A person who commits a violation of this subsection
424 which does not result in the serious injury or death of a child
425 and which is a second conviction shall be guilty of a misdemeanor
426 and, upon conviction, shall be fined not less than One Thousand
427 Dollars (\$1,000.00) nor more than Five Thousand Dollars
428 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

429 (c) A person who commits a violation of this subsection
430 which does not result in the serious injury or death of a child
431 and which is a third or subsequent conviction shall be guilty of a
432 felony and, upon conviction, shall be fined not less than Ten



433 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
434 than one (1) year nor more than five (5) years, or both; and

435 (d) A person who commits a violation of this subsection
436 which results in the serious injury or death of a child, without
437 regard to whether the offense was a first, second, third or
438 subsequent offense, shall be guilty of a felony and, upon
439 conviction, shall be punished by a fine of not less than Ten
440 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
441 than five (5) years nor more than twenty-five (25) years.

442 (13) **Expunction.** (a) Any person convicted under subsection
443 (2) or (3) of this section of a first offense of driving under the
444 influence and who was not the holder of a commercial driver's
445 license or a commercial learning permit at the time of the offense
446 may petition the circuit court of the county in which the
447 conviction was had for an order to expunge the record of the
448 conviction at least five (5) years after successful completion of
449 all terms and conditions of the sentence imposed for the
450 conviction. Expunction under this subsection will only be
451 available to a person:

452 (i) Who has successfully completed all terms and
453 conditions of the sentence imposed for the conviction;

454 (ii) Who did not refuse to submit to a test of his
455 blood or breath;



456 (iii) Whose blood alcohol concentration tested
457 below sixteen one-hundredths percent (.16%) if test results are
458 available;

459 (iv) Who has not been convicted of and does not
460 have pending any other offense of driving under the influence;

461 (v) Who has provided the court with justification
462 as to why the conviction should be expunged; and

463 (vi) Who has not previously had a nonadjudication
464 or expunction of a violation of this section.

465 (b) A person is eligible for only one (1) expunction
466 under this subsection, and the Department of Public Safety shall
467 maintain a permanent confidential registry of all cases of
468 expunction under this subsection for the sole purpose of
469 determining a person's eligibility for expunction, for
470 nonadjudication, or as a first offender under this section.

471 (c) The court in its order of expunction shall state in
472 writing the justification for which the expunction was granted and
473 forward the order to the Department of Public Safety within five
474 (5) days of the entry of the order.

475 (14) **Nonadjudication.** (a) For the purposes of this
476 chapter, "nonadjudication" means that the court withholds
477 adjudication of guilt and sentencing, either at the conclusion of
478 a trial on the merits or upon the entry of a plea of guilt by a
479 defendant, and places the defendant in a nonadjudication program



480 conditioned upon the successful completion of the requirements
481 imposed by the court under this subsection.

482 (b) A person is eligible for nonadjudication of an
483 offense under this Section 63-11-30 only one (1) time under any
484 provision of a law that authorizes nonadjudication and only for an
485 offender:

486 (i) Who has successfully completed all terms and
487 conditions imposed by the court after placement of the defendant
488 in a nonadjudication program;

489 (ii) Who was not the holder of a commercial
490 driver's license or a commercial learning permit at the time of
491 the offense;

492 (iii) Who has not previously been convicted of and
493 does not have pending any former or subsequent charges under this
494 section; and

495 (iv) Who has provided the court with justification
496 as to why nonadjudication is appropriate.

497 (c) Nonadjudication may be initiated upon the filing of
498 a petition for nonadjudication or at any stage of the proceedings
499 in the discretion of the court; the court may withhold
500 adjudication of guilt, defer sentencing, and upon the agreement of
501 the offender to participate in a nonadjudication program, enter an
502 order imposing requirements on the offender for a period of court
503 supervision before the order of nonadjudication is entered.
504 Failure to successfully complete a nonadjudication program



505 subjects the person to adjudication of the charges against him and
506 to imposition of all penalties previously withheld due to entrance
507 into a nonadjudication program. The court shall immediately
508 inform the commissioner of the conviction as required in Section
509 63-11-37.

510 (i) The court shall order the person to:

511 1. Pay the nonadjudication fee imposed under
512 Section 63-11-31 if applicable;

513 2. Pay all fines, penalties and assessments
514 that would have been imposed for conviction;

515 3. Attend and complete an alcohol safety
516 education program as provided in Section 63-11-32 within six (6)
517 months of the date of the order;

518 4. a. If the court determines that the
519 person violated this section with respect to alcohol or
520 intoxicating liquor, the person must install an ignition-interlock
521 device on every motor vehicle operated by the person, obtain an
522 interlock-restricted license, and maintain that license for one
523 hundred twenty (120) days or suffer a one-hundred-twenty-day
524 suspension of the person's regular driver's license, during which
525 time the person must not operate any vehicle. For purposes of
526 this subparagraph 4., the first day of the one-hundred-twenty-day
527 period shall begin the date the judge signs an order to maintain
528 such license or suspend such license.



529 b. If the court determines that the
530 person violated this section by operating a vehicle when under the
531 influence of a substance other than alcohol that has impaired the
532 person's ability to operate a motor vehicle, including any drug or
533 controlled substance which is unlawful to possess under the
534 Mississippi Controlled Substances Law, the person must submit to a
535 one-hundred-twenty-day period of a nonadjudication program that
536 includes court-ordered drug testing at the person's own expense
537 not less often than every thirty (30) days, during which time the
538 person may drive if compliant with the terms of the program, or
539 suffer a one-hundred-twenty-day suspension of the person's regular
540 driver's license, during which time the person will not operate
541 any vehicle.

542 (ii) Other conditions that may be imposed by the
543 court include, but are not limited to, alcohol or drug screening,
544 or both, proof that the person has not committed any other traffic
545 violations while under court supervision, proof of immobilization
546 or impoundment of vehicles owned by the offender if required, and
547 attendance at a victim-impact panel.

548 (d) The court may enter an order of nonadjudication
549 only if the court finds, after a hearing or after ex parte
550 examination of reliable documentation of compliance, that the
551 offender has successfully completed all conditions imposed by law
552 and previous orders of the court. The court shall retain



553 jurisdiction over cases involving nonadjudication for a period of
554 not more than two (2) years.

555 (e) (i) The clerk shall immediately forward a record
556 of every person placed in a nonadjudication program and of every
557 nonadjudication order to the Department of Public Safety for
558 inclusion in the permanent confidential registry of all cases that
559 are nonadjudicated under this subsection (14).

560 (ii) Judges, clerks and prosecutors involved in
561 the trial of implied consent violations and law enforcement
562 officers involved in the issuance of citations for implied consent
563 violations shall have secure online access to the confidential
564 registry for the purpose of determining whether a person has
565 previously been the subject of a nonadjudicated case and 1. is
566 therefore ineligible for another nonadjudication; 2. is ineligible
567 as a first offender for a violation of this section; or 3. is
568 ineligible for expunction of a conviction of a violation of this
569 section.

570 (iii) The Driver Services Bureau of the department
571 shall have access to the confidential registry for the purpose of
572 determining whether a person is eligible for a form of license not
573 restricted to operating a vehicle equipped with an
574 ignition-interlock device.

575 (iv) The Mississippi Alcohol Safety Education
576 Program shall have secure online access to the confidential
577 registry for research purposes only.



578 **SECTION 3.** Section 63-11-31, Mississippi Code of 1972, is
579 brought forward as follows:

580 63-11-31. (1) (a) The provisions of this section are
581 supplemental to the provisions of Section 63-11-30.

582 (b) (i) "Ignition-interlock device" means a device
583 approved by the Department of Public Safety that connects a motor
584 vehicle ignition system to a breath-alcohol analyzer and prevents
585 a motor vehicle ignition from starting if the driver's blood
586 alcohol level exceeds the calibrated setting on the device.

587 (ii) "Interlock-restricted license" means a
588 driver's license bearing a restriction that limits the person to
589 operation of vehicles equipped with an ignition-interlock device.

590 (iii) "Court-ordered drug-testing program" means a
591 program that qualifies under Section 63-11-31.1.

592 (c) A person who can exercise the privilege of driving
593 only under an interlock-restricted license must have an
594 ignition-interlock device installed and operating on all motor
595 vehicles owned or operated by the person.

596 (d) A person who installs an ignition-interlock device
597 may obtain an interlock-restricted license.

598 (2) (a) (i) The cost of installation and operation of an
599 ignition-interlock device shall be borne by the person to whom an
600 interlock-restricted driver's license is issued, and the costs of
601 court-ordered drug testing shall be borne by the person so



602 ordered, unless the person is determined by the court to be
603 indigent.

604 (ii) The cost of participating in a court-ordered
605 drug-testing program shall be borne by the person, unless the
606 person is determined by the court to be indigent.

607 (b) (i) A person convicted under Section 63-11-30
608 shall be assessed by the court, in addition to the criminal fines,
609 penalties and assessments provided by law for violations of
610 Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited
611 in the Interlock Device Fund in the State Treasury unless the
612 person is determined by the court to be indigent.

613 (ii) A person nonadjudicated under Section
614 63-11-30 shall be assessed by the court, in addition to the
615 criminal fines, penalties and assessments provided by law for
616 violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars
617 (\$250.00) to be deposited in the Interlock Device Fund in the
618 State Treasury unless the person is determined by the court to be
619 indigent.

620 (3) (a) The Department of Public Safety shall promulgate
621 rules and regulations for the use of an ignition-interlock device.
622 The Department of Public Safety shall approve which vendors shall
623 be used to furnish the systems, may assess fees to the vendors,
624 and shall prescribe the maximum costs to the offender for
625 installation, removal, monthly operation, periodic inspections,
626 calibrations and repairs.



627 (b) A person who has an ignition-interlock device
628 installed in a vehicle shall:

629 (i) Provide proof of the installation of the
630 device and periodic reporting for verification of the proper
631 operation of the device;

632 (ii) Have the system monitored for proper use and
633 accuracy as required by departmental regulation;

634 (iii) Pay the reasonable cost of leasing or
635 buying, monitoring, and maintaining the device unless the person
636 is determined to be indigent; and

637 (iv) Obtain an ignition-interlock driver's
638 license.

639 (4) (a) (i) A person who is limited to driving only under
640 an interlock-restricted driver's license shall not operate a
641 vehicle that is not equipped with an ignition-interlock device.

642 (ii) A person prohibited from operating a motor
643 vehicle that is not equipped with an ignition-interlock device may
644 not solicit or have another person attempt to start or start a
645 motor vehicle equipped with such a device.

646 (iii) A person may not start or attempt to start a
647 motor vehicle equipped with an ignition-interlock device for the
648 purpose of providing an operable motor vehicle to a person who is
649 prohibited from operating a motor vehicle that is not equipped
650 with an ignition-interlock device.



651 (iv) A person may not tamper with, or in any way
652 attempt to circumvent, the operation of an ignition-interlock
653 device that has been installed in a motor vehicle.

654 (v) A person may not knowingly provide a motor
655 vehicle not equipped with a functioning ignition-interlock device
656 to another person who the provider of the vehicle knows or should
657 know is prohibited from operating a motor vehicle not equipped
658 with an ignition-interlock device.

659 (b) A violation of this subsection (4) is a misdemeanor
660 and upon conviction the violator shall be fined an amount not less
661 than Two Hundred Fifty Dollars (\$250.00) nor more than One
662 Thousand Dollars (\$1,000.00) or imprisoned for not more than six
663 (6) months, or both, unless the starting of a motor vehicle
664 equipped with an ignition-interlock device is done for the purpose
665 of safety or mechanical repair of the device or the vehicle, and
666 the person subject to the restriction does not operate the
667 vehicle.

668 (5) In order to obtain an interlock-restricted license, a
669 person must:

670 (a) Be otherwise qualified to operate a motor vehicle,
671 and will be subject to all other restrictions on the privilege to
672 drive provided by law;

673 (b) Submit proof that an ignition-interlock device is
674 installed and operating on all motor vehicles operated by the
675 person; and



676 (c) Pay the fee set forth in Section 63-1-43 to obtain
677 the license without regard to indigence; no license reinstatement
678 fee under Section 63-1-46 shall be charged for a person obtaining
679 an interlock-restricted license.

680 (6) (a) In addition to the penalties authorized for any
681 second or subsequent conviction under Section 63-11-30, the court
682 shall order that all vehicles owned by the offender that are not
683 equipped with an ignition-interlock device must be either
684 impounded or immobilized pending further order of the court
685 lifting the offender's driving restriction. However, no county,
686 municipality, sheriff's department or the Department of Public
687 Safety shall be required to keep, store, maintain, serve as a
688 bailee or otherwise exercise custody over a motor vehicle
689 impounded under the provisions of this section. The cost
690 associated with any impoundment or immobilization shall be paid by
691 the person convicted without regard to ability to pay.

692 (b) A person may not tamper with, or in any way attempt
693 to circumvent, vehicle immobilization or impoundment ordered by
694 the court under this section. A violation of this paragraph (b)
695 is a misdemeanor and, upon conviction, the violator shall be fined
696 an amount not less than Two Hundred Fifty Dollars (\$250.00) nor
697 more than One Thousand Dollars (\$1,000.00) or imprisoned for not
698 more than six (6) months, or both.

699 (7) (a) The Department of Public Safety shall promulgate
700 rules and regulations for the use of monies in the Interlock



701 Device Fund to offset the cost of interlock device installation
702 and operation by and court-ordered drug testing of indigent
703 offenders.

704 (b) The court shall determine a defendant's indigence
705 based upon whether the defendant has access to adequate resources
706 to pay the ignition-interlock fee and the costs of installation
707 and maintenance of an ignition-interlock device, or the costs of
708 court-ordered drug testing or both, and may further base the
709 determination of indigence on proof of enrollment in one or more
710 of the following types of public assistance:

711 (i) Temporary Assistance for Needy Families
712 (TANF);

713 (ii) Medicaid assistance;

714 (iii) The Supplemental Nutritional Assistance
715 Program (SNAP), also known as "food stamps";

716 (iv) Supplemental security income (SSI);

717 (v) Participation in a federal food distribution
718 program;

719 (vi) Federal housing assistance;

720 (vii) Unemployment compensation; or

721 (viii) Other criteria determined appropriate by
722 the court.

723 (c) No more than ten percent (10%) of the money in the
724 Interlock Device Fund in any fiscal year shall be expended by the
725 department for the purpose of administering the fund.



726 (d) The Commissioner of the Department of Public Safety
727 must promulgate regulations for the program and for vendors,
728 including at a minimum:

729 (i) That the offender must pay the cost of the
730 testing program or, if the court finds the offender to be
731 indigent, that the cost be paid from the Interlock Device Fund.

732 (ii) How indigent funds will be accessed by the
733 vendors, and the maximum cost to the offender or the fund.

734 (e) (i) Money in the Interlock Device Fund will be
735 appropriated to the department to cover part of the costs of
736 court-ordered drug testing and installing, removing and leasing
737 ignition-interlock devices for indigent people who are required,
738 because of a conviction or nonadjudication under Section 63-11-30,
739 to install an ignition-interlock device in all vehicles operated
740 by the person.

741 (ii) If money is available in the Interlock Device
742 Fund, the department shall pay to the vendor, for one (1) vehicle
743 per offender, up to Fifty Dollars (\$50.00) for the cost of
744 installation, up to Fifty Dollars (\$50.00) for the cost of
745 removal, and up to Thirty Dollars (\$30.00) monthly for verified
746 active usage of the ignition-interlock device. The department
747 shall not pay any amount above what an offender would be required
748 to pay for the installation, removal or usage of an
749 ignition-interlock device.



750 (iii) If money is available in the Interlock
751 Device Fund, the department shall pay to the vendor an amount not
752 to exceed that promulgated by the Forensics Laboratory for
753 court-ordered drug testing. The department shall not pay any
754 amount above what an offender would be required to pay
755 individually.

756 (8) In order to reinstate a form of driver's license that is
757 not restricted to operation of an ignition-interlock equipped
758 vehicle, the person must submit proof to the Department of Public
759 Safety to substantiate the person's eligibility for an
760 unrestricted license, which may be a court order indicating
761 completion of sentence or final order of nonadjudication; in the
762 absence of a court order, the proof may consist of the following
763 or such other proof as the commissioner may set forth by
764 regulation duly adopted under the Administrative Procedures Act:

765 (a) Proof of successful completion of an alcohol safety
766 program as provided in Section 63-11-32 if so ordered by the
767 court;

768 (b) Payment of the reinstatement fee required under
769 Section 63-1-46(1) (a);

770 (c) Payment of the driver's license fee required under
771 Section 63-1-43;

772 (d) A certificate of liability insurance or proof of
773 financial responsibility; and



774 (e) (i) For those driving under an
775 interlock-restricted license, a declaration from the vendor, in a
776 form provided or approved by the Department of Public Safety,
777 certifying that there have been none of the following incidents in
778 the last thirty (30) days:

779 1. An attempt to start the vehicle with a
780 breath alcohol concentration of 0.04 or more;

781 2. Failure to take or pass any required
782 retest; or

783 3. Failure of the person to appear at the
784 ignition-interlock device vendor when required for maintenance,
785 repair, calibration, monitoring, inspection, or replacement of the
786 device; or

787 (ii) For a person who violated Section 63-11-30
788 with respect to drugs other than alcohol, proof of successful
789 compliance with all court-ordered drug testing; or

790 (iii) Both subparagraphs (i) and (ii) of this
791 paragraph (e) if applicable.

792 (9) The court may extend the interlock-restricted period if
793 the person had a violation in the last thirty (30) days.

794 (10) The court that originally ordered installation of the
795 ignition-interlock device for a violation of Section 63-11-30 and
796 a court in the municipality or county in which the violation
797 occurred have jurisdiction over an offense under this section.



798 (11) A person who voluntarily obtains an
799 interlock-restricted license may convert at any time to any other
800 form of license for which the person is qualified.

801 (12) (a) The Department of Public Safety shall require all
802 manufacturers of ignition-interlock devices to report
803 ignition-interlock data in a consistent and uniform format as
804 prescribed by the Department of Public Safety. Ignition-interlock
805 vendors must also use the uniform format when sharing data with
806 courts ordering an ignition interlock, with alcohol safety
807 education programs, or with other treatment providers.

808 (b) The Department of Public Safety shall require all
809 vendors of drug testing programs approved under Section 63-11-31.1
810 to report test results in a consistent and uniform format as
811 prescribed by the Forensics Laboratory. Vendors must report test
812 results to the court on a monthly basis, except that a positive
813 test or failure of the testing participant to submit to
814 verification must be reported to the court within five (5) days of
815 verification of the positive test or the failure to submit.

816 **SECTION 4.** Section 9-23-1, Mississippi Code of 1972, is
817 amended as follows:

818 9-23-1. This chapter shall be known and may be cited as the
819 "Alyce Griffin Clarke Drug Intervention Court Act."

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



822 9-23-3. (1) The Legislature of Mississippi recognizes the
823 critical need for judicial intervention to reduce the incidence of
824 alcohol and drug use, alcohol and drug addiction, and crimes
825 committed as a result of alcohol and drug use and alcohol and drug
826 addiction. It is the intent of the Legislature to facilitate
827 local drug intervention court alternative orders adaptable to
828 chancery, circuit, county, youth, municipal and justice courts.

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

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

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

836 (c) To reduce the alcohol-related and other
837 drug-related court workload;

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

841 (e) To promote effective interaction and use of
842 resources among criminal and juvenile justice personnel, child
843 protective services personnel and community agencies; and

844 (f) To use corrections resources more effectively by
845 redirecting prison-bound offenders whose criminal conduct is
846 driven in part by drug and alcohol dependence to intensive



847 supervision and clinical treatment available in the drug
848 intervention court.

849 **SECTION 6.** Section 9-23-5, Mississippi Code of 1972, is
850 amended as follows:

851 9-23-5. For the purposes of this chapter, the following
852 words and phrases shall have the meanings ascribed unless the
853 context clearly requires otherwise:

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

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

860 (c) "Drug intervention court" means a drug court * * *
861 that utilizes an immediate and highly structured intervention
862 process for eligible defendants or juveniles that brings together
863 mental health professionals, substance abuse professionals, local
864 social programs and intensive judicial monitoring.

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

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



872 **SECTION 7.** Section 9-23-9, Mississippi Code of 1972, is
873 brought forward as follows:

874 9-23-9. (1) The State Intervention Courts Advisory
875 Committee is established to develop and periodically update
876 proposed statewide evaluation plans and models for monitoring all
877 critical aspects of intervention courts. The committee must
878 provide the proposed evaluation plans to the Chief Justice and the
879 Administrative Office of Courts. The committee shall be chaired
880 by the Director of the Administrative Office of Courts or a
881 designee of the director and shall consist of eleven (11) members
882 all of whom shall be appointed by the Supreme Court. The members
883 shall be broadly representative of the courts, mental health,
884 veterans affairs, law enforcement, corrections, criminal defense
885 bar, prosecutors association, juvenile justice, child protective
886 services and substance abuse treatment communities.

887 (2) The State Intervention Courts Advisory Committee may
888 also make recommendations to the Chief Justice, the Director of
889 the Administrative Office of Courts and state officials concerning
890 improvements to intervention court policies and procedures
891 including the intervention court certification process. The
892 committee may make suggestions as to the criteria for eligibility,
893 and other procedural and substantive guidelines for intervention
894 court operation.

895 (3) The State Intervention Courts Advisory Committee shall
896 act as arbiter of disputes arising out of the operation of



897 intervention courts established under this chapter and make
898 recommendations to improve the intervention courts; it shall also
899 make recommendations to the Supreme Court necessary and incident
900 to compliance with established rules.

901 (4) The State Intervention Courts Advisory Committee shall
902 establish through rules and regulations a viable and fiscally
903 responsible plan to expand the number of adult and juvenile
904 intervention court programs operating in Mississippi. These rules
905 and regulations shall include plans to increase participation in
906 existing and future programs while maintaining their voluntary
907 nature.

908 (5) The State Intervention Courts Advisory Committee shall
909 receive and review the monthly reports submitted to the
910 Administrative Office of Courts by each certified intervention
911 court and provide comments and make recommendations, as necessary,
912 to the Chief Justice and the Director of the Administrative Office
913 of Courts.

914 **SECTION 8.** Section 9-23-11, Mississippi Code of 1972, is
915 amended as follows:

916 9-23-11. (1) The Administrative Office of Courts shall
917 establish, implement and operate a uniform certification process
918 for all intervention courts and other problem-solving courts
919 including juvenile courts, veterans courts or any other court
920 designed to adjudicate criminal actions involving an identified
921 classification of criminal defendant to ensure funding for



922 intervention courts supports effective and proven practices that
923 reduce recidivism and substance dependency among * * *
924 participants.

925 (2) The Administrative Office of Courts shall establish a
926 certification process that ensures any new or existing
927 intervention court meets minimum standards for intervention court
928 operation.

929 (a) These standards shall include, but are not limited
930 to:

931 (i) The use of evidence-based * * * or
932 research-based programs, including, but not limited to, the use of
933 a valid and reliable risk and needs assessment tool to identify
934 participants and deliver appropriate interventions;

935 (ii) Targeting medium to high-risk offenders for
936 participation;

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

940 (iv) Frequent testing for alcohol or drugs;

941 (v) Coordinated strategy between all intervention
942 court program personnel involving the use of graduated clinical
943 interventions;

944 (vi) Ongoing judicial interaction with each
945 participant; and



946 (vii) Monitoring and evaluation of intervention
947 court program implementation and outcomes through data collection
948 and reporting.

949 (b) Intervention court certification applications shall
950 include:

951 (i) A description of the need for the intervention
952 court;

953 (ii) The targeted population for the intervention
954 court;

955 (iii) The eligibility criteria for intervention
956 court participants;

957 (iv) A description of the process for identifying
958 appropriate participants including the use of a risk and needs
959 assessment and a clinical assessment;

960 (v) A description of the intervention court
961 intervention components, including anticipated budget * * *,
962 implementation plan; and

963 (vi) The data collection plan, which shall include
964 collecting the following data:

- 965 1. Total number of participants;
966 2. Total number of successful participants;
967 3. Total number of unsuccessful participants
968 and the reason why each participant did not complete the program;



969 4. Total number of participants who were
970 arrested for a new criminal offense while in the intervention
971 court program;

972 5. Total number of participants who were
973 convicted of a new felony or misdemeanor offense while in the
974 intervention court program;

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

978 7. Results of the initial risk and needs
979 assessment or other clinical assessment conducted on each
980 participant; * * *

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

984 9. Identification of any program participant
985 who, after completion of an intervention program, was arrested for
986 a new criminal offense; and

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

989 (c) Every intervention court shall be certified under
990 the following schedule:

991 (i) An intervention court application submitted
992 after July 1, 2014, shall require certification of the



993 intervention court based on the proposed * * * intervention court
994 plan.

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

999 (iii) A certified adult felony intervention court
1000 in existence on December 31, 2018, must submit a recertification
1001 petition by July 1, 2019, and be recertified under the
1002 requirements of this section on or before December 31, 2019; after
1003 the recertification, all certified adult felony intervention
1004 courts must submit a recertification petition every two (2) years
1005 to the Administrative Office of Courts. The recertification
1006 process must be completed by December 31 * * * of every odd
1007 calendar year.

1008 (iv) A certified youth, family, misdemeanor or
1009 chancery intervention court in existence on December 31, 2018,
1010 must submit a recertification petition by July * * * 1, 2020, and
1011 be recertified under the requirements of this section by December
1012 31, 2020. After the recertification, all certified youth, family,
1013 misdemeanor and chancery intervention courts must submit a
1014 recertification petition every two (2) years to the Administrative
1015 Office of Courts. The recertification process must be completed
1016 by December 31 * * * of every even calendar year.



1017 (3) All certified intervention courts shall measure
1018 successful completion of the * * * intervention court based on
1019 those participants who complete the program without a new criminal
1020 conviction.

1021 (4) (a) All certified * * * intervention courts must
1022 collect and submit to the Administrative Office of Courts each
1023 month, the following data:

1024 (i) Total number of participants at the beginning
1025 of the month;

1026 (ii) Total number of participants at the end of
1027 the month;

1028 (iii) Total number of participants who began the
1029 program in the month;

1030 (iv) Total number of participants who successfully
1031 completed the intervention court in the month;

1032 (v) Total number of participants who left the
1033 program in the month;

1034 (vi) Total number of participants who were
1035 arrested for a new criminal offense while in the intervention
1036 court program in the month;

1037 (vii) Total number of participants who were
1038 convicted for a new criminal arrest while in the intervention
1039 court program in the month; * * *



1040 (viii) Total number of participants who committed
1041 at least one (1) violation while in the intervention court program
1042 and any resulting sanction(s) * * *; and

1043 (ix) Total amount of state, federal, county or
1044 municipal monies received and spent.

1045 (b) By August 1, 2015, and each year thereafter, the
1046 Administrative Office of Courts shall report to the PEER Committee
1047 the information in subsection (4) (a) of this section in a
1048 sortable, electronic format.

1049 (5) All certified intervention courts may individually
1050 establish rules and may make special orders and rules as necessary
1051 that do not conflict with the rules promulgated by the Supreme
1052 Court or the Administrative Office of Courts.

1053 (6) A certified intervention court may appoint the full- or
1054 part-time employees it deems necessary for the work of the
1055 intervention court and shall fix the compensation of those
1056 employees. Such employees shall serve at the will and pleasure of
1057 the judge or the judge's designee.

1058 (7) The Administrative Office of Courts shall promulgate
1059 rules and regulations to carry out the certification and
1060 re-certification process, including, but not limited to, requiring
1061 third-party providers under contract to provide services that
1062 comport with evidence-based or research-based programs, and to
1063 make any other policies not inconsistent with this section to
1064 carry out this process. Notwithstanding any other provision of



1065 law to the contrary, any contract with a third-party provider
1066 shall comply with all state purchasing and bid laws.

1067 (8) A certified intervention court established under this
1068 chapter is subject to the regulatory powers of the Administrative
1069 Office of Courts as set forth in Section 9-23-17.

1070 (9) The Administrative Office of Courts shall promulgate
1071 rules and regulations to allow any participant of intervention
1072 court who is participating in such court due to an implied consent
1073 violation to have a restricted license or ignition interlock for
1074 the purpose of driving to intervention court.

1075 **SECTION 9.** Section 9-23-13, Mississippi Code of 1972, is
1076 amended as follows:

1077 9-23-13. (1) * * * A drug intervention court's alcohol and
1078 drug intervention component shall provide * * * to eligible
1079 individuals, either directly or through referrals, a range of
1080 necessary court intervention services, including, but not limited
1081 to, the following:

1082 (a) Screening using a valid and reliable assessment
1083 tool effective for identifying alcohol and drug dependent persons
1084 for eligibility and appropriate services;

1085 (b) Clinical assessment; for a DUI offense, if the
1086 person has two (2) or more DUI convictions, the court shall order
1087 the person to undergo an assessment that uses a standardized
1088 evidence-based instrument performed by a physician to determine
1089 whether the person has a diagnosis for alcohol and/or drug



1090 dependence and would likely benefit from a court-approved
1091 medication-assisted treatment indicated and approved for the
1092 treatment of alcohol and/or drug dependence by the United States
1093 Food and Drug Administration, as specified in the most recent
1094 Diagnostic and Statistical Manual of Mental Disorders published by
1095 the American Psychiatric Association. Upon considering the
1096 results of the assessment, the court may refer the person to a
1097 rehabilitative program that offers one or more forms of
1098 court-approved medications that are approved for the treatment of
1099 alcohol and/or drug dependence by the United States Food and Drug
1100 Administration;

1101 (c) Education;

1102 (d) Referral;

1103 (e) Service coordination and case management; and

1104 (f) Counseling and rehabilitative care.

1105 (2) Any inpatient treatment or inpatient detoxification
1106 program ordered by the court shall be certified by the Department
1107 of Mental Health, other appropriate state agency or the equivalent
1108 agency of another state.

1109 (3) All drug intervention courts shall make available the
1110 option for participants to use court-approved medication-assisted
1111 treatment while participating in the programs of the court in
1112 accordance with the recommendations of the National Drug Court
1113 Institute.



1114 **SECTION 10.** Section 9-23-15, Mississippi Code of 1972, is
1115 amended as follows:

1116 9-23-15. (1) In order to be eligible for alternative
1117 sentencing through a local drug intervention court, the
1118 participant must satisfy each of the following criteria:

1119 (a) The participant cannot have any felony convictions
1120 for any offenses that are crimes of violence as defined in Section
1121 97-3-2 within the previous ten (10) years.

1122 (b) The crime before the court cannot be a crime of
1123 violence as defined in Section 97-3-2.

1124 (c) Other criminal proceedings alleging commission of a
1125 crime of violence cannot be pending against the participant.

1126 (d) The participant cannot be charged with burglary of
1127 a dwelling under Section 97-17-23(2) or 97-17-37.

1128 (e) The crime before the court cannot be a charge of
1129 driving under the influence of alcohol or any other drug or drugs
1130 that resulted in the death of a person.

1131 (f) The crime charged cannot be one of trafficking in
1132 controlled substances under Section 41-29-139(f), nor can the
1133 participant have a prior conviction for same.

1134 (2) Participation in the services of an alcohol and drug
1135 intervention component shall be open only to the individuals over
1136 whom the court has jurisdiction, except that the court may agree
1137 to provide the services for (i) individuals referred from another
1138 intervention court or (ii) individuals who are residents of states



1139 that allow reciprocity for Mississippians to participate in
1140 intervention courts in that state. In cases transferred from
1141 another jurisdiction, the receiving judge shall act as a special
1142 master and make recommendations to the sentencing judge.

1143 (3) (a) As a condition of participation in * * * a drug
1144 intervention court, a participant may be required to undergo a
1145 chemical test or a series of chemical tests as specified by the
1146 drug intervention court. A participant is liable for the costs of
1147 all chemical tests required under this section, regardless of
1148 whether the costs are paid to the drug intervention court or the
1149 laboratory; however, if testing is available from other sources or
1150 the program itself, the judge may waive any fees for testing. The
1151 judge may waive all fees if the applicant is determined to be
1152 indigent.

1153 (b) A laboratory that performs a chemical test under
1154 this section shall report the results of the test to the drug
1155 intervention court.

1156 (4) A person does not have a right to participate in a drug
1157 intervention court under this chapter. The court having
1158 jurisdiction over a person for a matter before the court shall
1159 have the final determination about whether the person may
1160 participate in drug intervention court under this chapter.
1161 However, any person meeting the eligibility criteria in subsection
1162 (1) of this section shall, upon request, be screened for admission
1163 to drug intervention court.



1164 **SECTION 11.** Section 9-23-17, Mississippi Code of 1972, is
1165 amended as follows:

1166 9-23-17. With regard to any drug intervention court, the
1167 Administrative Office of Courts shall do the following:

1168 (a) Certify and re-certify drug intervention court
1169 applications that meet standards established by the Administrative
1170 Office of Courts in accordance with this chapter.

1171 (b) Ensure that the structure of the intervention
1172 component complies with rules adopted under this section and
1173 applicable federal regulations.

1174 (c) Revoke the authorization of a program upon a
1175 determination that the program does not comply with rules adopted
1176 under this section and applicable federal regulations.

1177 (d) Make agreements and contracts to effectuate the
1178 purposes of this chapter with:

1179 (i) Another department, authority or agency of the
1180 state;

1181 (ii) Another state;

1182 (iii) The federal government;

1183 (iv) A state-supported or private university; or

1184 (v) A public or private agency, foundation,
1185 corporation or individual.

1186 (e) Directly, or by contract, approve and certify any
1187 intervention component established under this chapter.



1188 (f) Require, as a condition of operation, that each
1189 drug intervention court created or funded under this chapter be
1190 certified by the Administrative Office of Courts.

1191 (g) Collect monthly data reports submitted by all
1192 certified drug intervention courts, provide those reports to the
1193 State Intervention Courts Advisory Committee, compile an annual
1194 report summarizing the data collected and the outcomes achieved by
1195 all certified intervention courts and submit the annual report to
1196 the Oversight Task Force.

1197 (h) As funding is available or every * * * five (5)
1198 years, the Administrative Office of Courts will contract with an
1199 external evaluator to conduct an evaluation of the effectiveness
1200 of the statewide drug intervention court program * * * and
1201 individual drug intervention courts * * *. Notwithstanding any
1202 other provision of law to the contrary, contract shall comply with
1203 all state purchasing and bid laws.

1204 (i) Adopt rules to implement this chapter.

1205 **SECTION 12.** Section 9-23-19, Mississippi Code of 1972, is
1206 amended as follows:

1207 9-23-19. (1) All monies received from any source by * * * a
1208 drug intervention court shall be accumulated in a fund to be used
1209 only for drug intervention court purposes. Any funds remaining in
1210 this fund at the end of a fiscal year shall not lapse into any
1211 general fund, but shall be retained in the Drug Intervention Court



1212 Fund for the funding of further activities by the drug
1213 intervention court.

1214 (2) * * * A drug intervention court may apply for and
1215 receive the following:

1216 (a) Gifts, bequests and donations from private sources.

1217 (b) Grant and contract money from governmental sources.

1218 (c) Other forms of financial assistance approved by the
1219 court to supplement the budget of the drug intervention court.

1220 (3) The costs of participation in an alcohol and drug
1221 intervention program required by the certified drug intervention
1222 court may be paid by the participant or out of user fees or such
1223 other state, federal or private funds that may, from time to time,
1224 be made available.

1225 (4) The court may assess such reasonable and appropriate
1226 fees to be paid to the local Drug Intervention Court Fund for
1227 participation in an alcohol or drug intervention program; however,
1228 all fees may be waived if the applicant is determined to be
1229 indigent.

1230 **SECTION 13.** Section 9-23-21, Mississippi Code of 1972, is
1231 amended as follows:

1232 9-23-21. The director and members of the professional and
1233 administrative staff of the drug intervention court who perform
1234 duties in good faith under this chapter are immune from civil
1235 liability for:



1236 (a) Acts or omissions in providing services under this
1237 chapter; and

1238 (b) The reasonable exercise of discretion in
1239 determining eligibility to participate in the drug intervention
1240 court.

1241 **SECTION 14.** Section 9-23-23, Mississippi Code of 1972, is
1242 amended as follows:

1243 9-23-23. If the participant completes all requirements
1244 imposed upon him by the drug intervention court, including the
1245 payment of fines and fees assessed and not waived by the court,
1246 the charge and prosecution shall be dismissed. If the defendant
1247 or participant was sentenced at the time of entry of plea of
1248 guilty, the successful completion of the drug intervention court
1249 order and other requirements of probation or suspension of
1250 sentence will result in the record of the criminal conviction or
1251 adjudication being expunged. * * *

1252 **SECTION 15.** Section 9-23-51, Mississippi Code of 1972, is
1253 amended as follows:

1254 9-23-51. There is created in the State Treasury a special
1255 interest-bearing fund to be known as the Drug Intervention Court
1256 Fund. The purpose of the fund shall be to provide supplemental
1257 funding to all drug intervention courts in the state. Monies from
1258 the funds derived from assessments under Section 99-19-73 shall be
1259 distributed by the State Treasurer upon warrants issued by the
1260 Administrative Office of Courts, pursuant to procedures set by the



1261 State * * * Intervention Courts Advisory Committee to assist both
1262 juvenile drug intervention courts and adult drug intervention
1263 courts. Funds from other sources shall be distributed to the drug
1264 intervention courts in the state based on a formula set by the
1265 State * * * Intervention Courts Advisory Committee. The fund
1266 shall be a continuing fund, not subject to fiscal-year
1267 limitations, and shall consist of: (a) monies appropriated by the
1268 Legislature for the purposes of funding drug intervention courts;
1269 (b) the interest accruing to the fund; (c) monies received under
1270 the provisions of Section 99-19-73; (d) monies received from the
1271 federal government; and (e) monies received from such other
1272 sources as may be provided by law.

1273 **SECTION 16.** Section 9-25-1, Mississippi Code of 1972, is
1274 amended as follows:

1275 9-25-1. (1) The Legislature recognizes that our military
1276 veterans have provided an invaluable service to our country. In
1277 doing so, many may have suffered the effects of, including, but
1278 not limited to, post-traumatic stress disorder, traumatic brain
1279 injury and depression, and may also suffer drug and alcohol
1280 dependency or addiction and co-occurring mental illness and
1281 substance abuse problems. As a result of this, some veterans come
1282 into contact with the criminal justice system and are charged with
1283 felony offenses. There is a critical need for the justice system
1284 to recognize these veterans, provide accountability for their
1285 wrongdoing, provide for the safety of the public, and provide for



1286 the treatment of our veterans. It is the intent of the
1287 Legislature to create a framework for which specialized
1288 veterans * * * intervention courts may be established at the
1289 circuit court level and at the discretion of the circuit court
1290 judge.

1291 (2) **Authorization.** A circuit court judge may establish a
1292 Veterans * * * Intervention Court program. The Veterans * * *
1293 Intervention Court may, at the discretion of the circuit court
1294 judge, be a separate court program or as a component of an
1295 existing intervention court program. At the discretion of the
1296 circuit court judge, the Veterans * * * Intervention Court may be
1297 operated in one (1) county within the circuit court district, and
1298 allow veteran participants from all counties within the circuit
1299 court district to participate.

1300 (3) **Eligibility.** (a) In order to be eligible to
1301 participate in a Veterans * * * Intervention Court program
1302 established under this section, the attorney representing the
1303 state must consent to the defendant's participation in the
1304 program. Further, the court in which the criminal case is pending
1305 must have found that the defendant is a veteran of the United
1306 States Armed Forces as defined in Title 38 USCS.

1307 (b) Participation in the services of an alcohol and
1308 drug intervention component shall only be open to the individuals
1309 over whom the court has jurisdiction, except that the court may
1310 agree to provide the services for individuals referred from



1311 another Veterans * * * Intervention Court. In cases transferred
1312 from another jurisdiction, the receiving judge shall act as a
1313 special master and make recommendations to the sentencing judge.

1314 (c) (i) As a condition of participation in a
1315 Veterans * * * Intervention Court, a participant may be required
1316 to undergo a chemical test or a series of chemical tests as
1317 specified by the Veterans * * * Intervention Court program. A
1318 participant may be held liable for costs associated with all
1319 chemical tests required under this section. However, a judge may
1320 waive any fees for testing.

1321 (ii) A laboratory that performs chemical tests
1322 under this section shall report the results of the tests to the
1323 Veterans * * * Intervention Courts.

1324 (d) A person does not have the right to participate in
1325 a Veterans * * * Intervention Court program under this chapter.
1326 The court having jurisdiction over a person for a matter before
1327 the court shall have the final determination about whether the
1328 person may participate in the Veterans * * * Intervention Court
1329 program.

1330 (e) A defendant shall be excluded from participating in
1331 a Veterans * * * Intervention Court program if any one (1) of the
1332 following applies:

1333 (i) The crime before the court is a crime of
1334 violence as set forth in subparagraph * * * (iii) of this * * *
1335 paragraph (e).



1336 (ii) The defendant does not demonstrate a
1337 willingness to participate in * * * an intervention program.

1338 (iii) The defendant has been previously convicted
1339 of a felony crime of violence including, but not limited to:
1340 murder, rape, sexual battery, statutory rape of a child under the
1341 age of sixteen (16), armed robbery, arson, aggravated kidnapping,
1342 aggravated assault, stalking, or any offense involving the
1343 discharge of a firearm or where serious bodily injury or death
1344 resulted to any person; excluding burglary of an unoccupied
1345 dwelling under Section 97-17-23(1).

1346 (f) The court in which the criminal case is pending
1347 shall allow an eligible defendant to choose whether to proceed
1348 through the Veterans * * * Intervention Court program or otherwise
1349 through the justice system.

1350 (g) Proof of matters under this section may be
1351 submitted to the court in which the criminal case is pending in
1352 any form the court determines to be appropriate, including
1353 military service and medical records, previous determinations of a
1354 disability by a veteran's organization or by the United States
1355 Department of Veterans Affairs, testimony or affidavits of other
1356 veterans or service members, and prior determinations of
1357 eligibility for benefits by any state or county veterans office.

1358 (4) **Administrative Office of Courts.** With regard to any
1359 Veterans * * * Intervention Court established under this chapter,
1360 the Administrative Office of Courts may do the following:



1361 (a) Ensure that the structure of the intervention
1362 component complies with rules adopted under this chapter and
1363 applicable federal regulations.

1364 (b) Revoke the authorization of a program upon a
1365 determination that the program does not comply with rules adopted
1366 under this chapter and applicable federal regulations.

1367 (c) Enter into agreements and contracts to effectuate
1368 the purposes of this chapter with:

1369 (i) Another department, authority, or agency of
1370 the state;

1371 (ii) Another state;

1372 (iii) The federal government;

1373 (iv) A state-supported or private university; or

1374 (v) A public or private agency, foundation,
1375 corporation, or individual.

1376 (d) Directly, or by contract, approve and certify any
1377 veterans intervention component established under this chapter.

1378 (e) Require, as a condition of operation, that each
1379 veterans intervention court created or funded under this chapter
1380 be certified by the Administrative Office of Courts.

1381 (f) Adopt rules to implement this chapter.

1382 (5) **State Intervention Courts Advisory Committee.** (a) The
1383 State Intervention Court Advisory Committee shall be responsible
1384 for developing statewide rules and policies as they relate to
1385 Veterans * * * Intervention Court programs.



1386 (b) The State Intervention Courts Advisory Committee
1387 may also make recommendations to the Chief Justice, the Director
1388 of the Administrative Office of Courts and state officials
1389 concerning improvements to Veterans * * * Intervention Court
1390 policies and procedures.

1391 (c) The State Intervention Courts Advisory Committee
1392 shall act as an arbiter of disputes arising out of the operation
1393 of Veterans * * * Intervention Court programs established under
1394 this chapter and make recommendations to improve the
1395 Veterans * * * Intervention Court programs.

1396 (6) **Funding for Veterans * * * Intervention Courts.** (a)
1397 All monies received from any source by the Veterans * * *
1398 Intervention Court program shall be accumulated in a fund to be
1399 used only for Veterans * * * Intervention Court purposes. Any
1400 funds remaining in this fund at the end of the fiscal year shall
1401 not lapse into the General Fund, but shall be retained in the
1402 Veterans * * * Intervention Court fund for the funding of further
1403 activities by the Veterans * * * Intervention Court program.

1404 (b) A Veterans * * * Intervention Court program may
1405 apply for and receive the following:

1406 (i) Gifts, bequests and donations from private
1407 sources.

1408 (ii) Grant and contract money from governmental
1409 sources.



1410 (iii) Other forms of financial assistance approved
1411 by the court to supplement the budget of the Veterans * * *
1412 Intervention Court program.

1413 (7) **Immunity.** The coordinator and members of the
1414 professional and administrative staff of the Veterans * * *
1415 Intervention Court program who perform duties in good faith under
1416 this chapter are immune from civil liability for:

1417 (a) Acts or omissions in providing services under this
1418 chapter; and

1419 (b) The reasonable exercise of discretion in
1420 determining eligibility to participate in the Veterans * * *
1421 Intervention Court program.

1422 (8) This section shall be codified as a separate article in
1423 Title 9, Mississippi Code of 1972.

1424 **SECTION 17.** Section 9-27-1, Mississippi Code of 1972, is
1425 amended as follows:

1426 9-27-1. This chapter shall be known and may be cited as the
1427 "Rivers McGraw Mental Health * * * Intervention Court Act."

1428 **SECTION 18.** Section 9-27-3, Mississippi Code of 1972, is
1429 amended as follows:

1430 9-27-3. (1) The Legislature recognizes the critical need
1431 for judicial intervention to establish court processes and
1432 procedures that are more responsive to the needs of defendants
1433 with mental illnesses, while maintaining public safety and the
1434 integrity of the court process.



1435 (2) The goals of the mental health intervention courts under
1436 this chapter include the following:

1437 (a) Reduce the number of future criminal justice
1438 contacts among offenders with mental illnesses;

1439 (b) Reduce the inappropriate institutionalization of
1440 people with mental illnesses;

1441 (c) Improve the mental health and well-being of
1442 defendants who come in contact with the criminal justice system;

1443 (d) Improve linkages between the criminal justice
1444 system and the mental health system;

1445 (e) Expedite case processing;

1446 (f) Protect public safety;

1447 (g) Establish linkages with other state and local
1448 agencies and programs that target people with mental illnesses in
1449 order to maximize the delivery of services; and

1450 (h) To use corrections resources more effectively by
1451 redirecting prison-bound offenders whose criminal conduct is
1452 driven in part by mental illnesses to intensive supervision and
1453 clinical treatment available in the mental health intervention
1454 court.

1455 **SECTION 19.** Section 9-27-5, Mississippi Code of 1972, is
1456 amended as follows:

1457 9-27-5. For the purposes of this chapter, the following
1458 words and phrases shall have the meanings ascribed unless the
1459 context clearly requires otherwise:



1460 (a) "Chemical tests" means the analysis of an
1461 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
1462 saliva, (vi) urine, or (vii) other bodily substance to determine
1463 the presence of alcohol or a controlled substance.

1464 (b) "Mental health * * * intervention court" means an
1465 immediate and highly structured intervention process for mental
1466 health treatment of eligible defendants or juveniles that:

1467 (i) Brings together mental health professionals,
1468 local social programs and intensive judicial monitoring; and

1469 (ii) Follows the * * * essential elements of the
1470 mental health intervention court curriculum published by the
1471 Bureau of Justice Assistance of the United States Department of
1472 Justice.

1473 (c) "Evidence-based * * * program" * * * and
1474 "research-based program" have the meanings as those terms are
1475 defined in Section 27-103-159.

1476 (d) "Risk and needs assessment" means the use of an
1477 actuarial assessment tool validated on a Mississippi corrections
1478 population to determine a person's risk to reoffend and the
1479 characteristics that, if addressed, reduce the risk to reoffend.

1480 **SECTION 20.** Section 9-27-7, Mississippi Code of 1972, is
1481 amended as follows:

1482 9-27-7. (1) The Administrative Office of Courts is the
1483 repository for reports filed by courts established under this
1484 chapter. The goal of the mental health intervention courts is to



1485 support effective and proven practices that reduce recidivism and
1486 provide treatment for participants.

1487 (2) Mental health intervention courts must adhere to the
1488 standards established in this chapter.

1489 (a) These standards shall include, but are not limited
1490 to:

1491 (i) The use of evidence-based practices including,
1492 but not limited to, the use of a valid and reliable risk and needs
1493 assessment tool to identify participants and deliver appropriate
1494 treatments;

1495 (ii) Targeting medium- to high-risk offenders for
1496 participation;

1497 (iii) The use of current, evidence-based
1498 interventions proven to provide mental health treatment;

1499 (iv) Coordinated strategy between all mental
1500 health intervention court personnel;

1501 (v) Ongoing judicial interaction with each
1502 participant; and

1503 (vi) Monitoring and evaluation of mental health
1504 intervention court implementation and outcomes through data
1505 collection and reporting.

1506 (b) Mental health intervention courts must implement a
1507 data collection plan, which shall include collecting the following
1508 data:

1509 (i) Total number of participants;



1510 (ii) Total number of successful participants;
1511 (iii) Total number of unsuccessful participants
1512 and the reason why each participant did not complete the program;

1513 (iv) Total number of participants who were
1514 arrested for a new criminal offense while in the mental health
1515 intervention court;

1516 (v) Total number of participants who were
1517 convicted of a new felony or misdemeanor offense while in the
1518 mental health intervention court;

1519 (vi) Total number of participants who committed at
1520 least one (1) violation while in the mental health intervention
1521 court and the resulting sanction(s);

1522 (vii) Results of the initial risk and needs
1523 assessment or other clinical assessment conducted on each
1524 participant; and

1525 (viii) Any other data or information as required
1526 by the Administrative Office of Courts.

1527 (3) All mental health intervention courts must measure
1528 successful completion of the program based on those participants
1529 who complete the program without a new criminal conviction.

1530 (4) (a) Mental health intervention courts must collect and
1531 submit to the Administrative Office of Courts each month, the
1532 following data:

1533 (i) Total number of participants at the beginning
1534 of the month;



1535 (ii) Total number of participants at the end of
1536 the month;

1537 (iii) Total number of participants who began the
1538 program in the month;

1539 (iv) Total number of participants who successfully
1540 completed the program in the month;

1541 (v) Total number of participants who left the
1542 program in the month;

1543 (vi) Total number of participants who were
1544 arrested for a new criminal offense while in the program in the
1545 month;

1546 (vii) Total number of participants who were
1547 convicted for a new criminal arrest while in the program in the
1548 month; * * *

1549 (viii) Total number of participants who committed
1550 at least one (1) violation while in the program and any resulting
1551 sanction(s) * * * ; and

1552 (ix) Total amount of state, federal, county or
1553 municipal monies received and spent.

1554 (b) By August 1, 2018, and each year thereafter, the
1555 Administrative Office of Courts shall report to the PEER Committee
1556 the information in subsection (4) (a) of this section in a
1557 sortable, electronic format.

1558 (5) Mental health intervention courts may individually
1559 establish rules and may make special orders and rules as necessary



1560 that do not conflict with rules promulgated by the Supreme Court
1561 or the Administrative Office of Courts.

1562 (6) A mental health intervention court may appoint the full-
1563 or part-time employees it deems necessary for the work of the
1564 mental health intervention court and shall fix the compensation of
1565 those employees, who shall serve at the will and pleasure of the
1566 senior circuit court judge.

1567 (7) A mental health intervention court established under
1568 this chapter is subject to the regulatory powers of the
1569 Administrative Office of Courts as set forth in Section * * *
1570 9-23-17.

1571 **SECTION 21.** Section 9-27-9, Mississippi Code of 1972, is
1572 amended as follows:

1573 9-27-9. (1) A mental health intervention court's mental
1574 health intervention component shall provide for eligible
1575 individuals, either directly or through referrals, a range of
1576 necessary court treatment services, including, but not limited to,
1577 the following:

1578 (a) Screening using a valid and reliable assessment
1579 tool effective for identifying persons affected by mental health
1580 issues for eligibility and appropriate services;

1581 (b) Clinical assessment;

1582 (c) Education;

1583 (d) Referral;

1584 (e) Service coordination and case management; and



1585 (f) Counseling and rehabilitative care.

1586 (2) Any inpatient treatment ordered by the court shall be
1587 certified by the Department of Mental Health, other appropriate
1588 state agency or the equivalent agency of another state.

1589 **SECTION 22.** Section 9-27-11, Mississippi Code of 1972, is
1590 amended as follows:

1591 9-27-11. (1) In order to be eligible for alternative
1592 sentencing through a local mental health intervention court, the
1593 participant must satisfy each of the following criteria:

1594 (a) The participant cannot have any felony convictions
1595 for any offenses that are crimes of violence as defined in Section
1596 97-3-2, * * * except burglary of an unoccupied dwelling under
1597 Section 97-17-23(1), within the previous ten (10) years.

1598 (b) The crime before the court cannot be a crime of
1599 violence as defined in Section 97-3-2, * * * except burglary of an
1600 unoccupied dwelling under Section 97-17-23(1).

1601 (c) Other criminal proceedings alleging commission of a
1602 crime of violence * * *, except burglary of an unoccupied dwelling
1603 under Section 97-17-23(1) cannot be pending against the
1604 participant.

1605 (d) The crime before the court cannot be a charge of
1606 driving under the influence of alcohol or any other substance that
1607 resulted in the death of a person. * * *



1608 (e) The crime charged cannot be one of trafficking in
1609 controlled substances under Section 41-29-139(f), nor can the
1610 participant have a prior conviction for same.

1611 (2) Participation in the services of a mental health * * *
1612 intervention component shall be open only to the individuals over
1613 whom the court has jurisdiction, except that the court may agree
1614 to provide the services for individuals referred from another
1615 mental health intervention court. In cases transferred from
1616 another jurisdiction, the receiving judge shall act as a special
1617 master and make recommendations to the sentencing judge.

1618 (3) (a) As a condition of participation in a mental health
1619 intervention court, a participant may be required to undergo a
1620 chemical test or a series of chemical tests as specified by the
1621 program. A participant is liable for the costs of all chemical
1622 tests required under this section, regardless of whether the costs
1623 are paid to the mental health intervention court or the
1624 laboratory; however, if testing is available from other sources or
1625 the program itself, the judge may waive any fees for testing.
1626 Fees may be waived if the applicant is determined to be indigent.

1627 (b) A laboratory that performs a chemical test under
1628 this section shall report the results of the test to the mental
1629 health intervention court.

1630 (4) A person does not have a right to participate in a
1631 mental health intervention court under this chapter. The court
1632 having jurisdiction over a person for a matter before the court



1633 shall have the final determination about whether the person may
1634 participate in the mental health intervention court under this
1635 chapter. However, any person meeting the eligibility criteria in
1636 subsection (1) of this section, shall, upon request, be screened
1637 for admission into the court's program.

1638 **SECTION 23.** Section 9-27-15, Mississippi Code of 1972, is
1639 amended as follows:

1640 9-27-15. (1) All monies received from any source by a
1641 mental health intervention court shall be accumulated in a local
1642 fund to be used only for mental health intervention court
1643 purposes. Any funds remaining in a local fund at the end of a
1644 fiscal year shall not lapse into any general fund, but shall be
1645 retained in the mental health intervention court fund for the
1646 funding of further activities by the mental health intervention
1647 court.

1648 (2) A mental health intervention court may apply for and
1649 receive the following:

1650 (a) Gifts, bequests and donations from private sources.

1651 (b) Grant and contract monies from governmental
1652 sources.

1653 (c) Other forms of financial assistance approved by the
1654 court to supplement the budget of the mental health * * *
1655 intervention court.

1656 (3) The costs of participation in a mental health treatment
1657 program required by the mental health intervention court may be



1658 paid by the participant or out of user fees or such other state,
1659 federal or private funds that may, from time to time, be made
1660 available.

1661 (4) The court may assess reasonable and appropriate fees to
1662 be paid to the local mental health intervention court fund for
1663 participation in a mental health treatment program; however, all
1664 fees may be waived by the court if the applicant is determined to
1665 be indigent.

1666 **SECTION 24.** Section 9-27-17, Mississippi Code of 1972, is
1667 amended as follows:

1668 9-27-17. The director and members of the professional and
1669 administrative staff of the mental health intervention court who
1670 perform duties in good faith under this chapter are immune from
1671 civil liability for:

1672 (a) Acts or omissions in providing services under this
1673 chapter; and

1674 (b) The reasonable exercise of discretion in
1675 determining eligibility to participate in the mental health
1676 intervention court.

1677 **SECTION 25.** Section 9-27-19, Mississippi Code of 1972, is
1678 amended as follows:

1679 9-27-19. If the participant completes all requirements
1680 imposed upon him by the mental health intervention court, the
1681 charge and prosecution shall be dismissed. If the defendant or
1682 participant was sentenced at the time of entry of a plea of



1683 guilty, the successful completion of the mental health
1684 intervention court order and other requirements of probation or
1685 suspension of sentence will result in the record of the criminal
1686 conviction or adjudication being expunged.

1687 **SECTION 26.** Section 9-7-5, Mississippi Code of 1972, is
1688 brought forward as follows:

1689 9-7-5. The First Circuit Court District is composed of the
1690 following counties:

- 1691 (a) Alcorn County;
- 1692 (b) Itawamba County;
- 1693 (c) Lee County;
- 1694 (d) Monroe County;
- 1695 (e) Pontotoc County;
- 1696 (f) Prentiss County; and
- 1697 (g) Tishomingo County.

1698 **SECTION 27.** Section 9-7-7, Mississippi Code of 1972, is
1699 brought forward as follows:

1700 9-7-7. (1) There shall be four (4) judges for the First
1701 Circuit Court District.

1702 (2) The four (4) judgeships shall be separate and distinct
1703 and denominated for purposes of appointment and election only as
1704 "Place One," "Place Two," "Place Three" and "Place Four." The
1705 judge to fill Place One must reside in Alcorn, Prentiss or
1706 Tishomingo County. The judges to fill Place Two and Place Three
1707 must reside in Itawamba, Lee, Monroe or Pontotoc County. The



1708 judge to fill Place Four may be a resident of any county in the
1709 district. Election of the four (4) offices of judge shall be by
1710 election to be held in every county within the First Circuit Court
1711 District.

1712 **SECTION 28.** Section 9-7-45, Mississippi Code of 1972, is
1713 brought forward as follows:

1714 **[Until January 1, 2023, this section shall read as follows:]**

1715 9-7-45. The Seventeenth Circuit Court District shall be
1716 divided into two (2) subdistricts as follows:

1717 (a) Subdistrict 17-1 shall be composed of DeSoto
1718 County; and

1719 (b) Subdistrict 17-2 shall be composed of Panola
1720 County, Tallahatchie County, Tate County and Yalobusha County.

1721 **[From and after January 1, 2023, this section shall read as
1722 follows:]**

1723 9-7-45. The Seventeenth Circuit Court District shall be
1724 composed of the following counties:

1725 (a) Panola County;

1726 (b) Tallahatchie County;

1727 (c) Tate County; and

1728 (d) Yalobusha County.

1729 **SECTION 29.** Section 9-7-46, Mississippi Code of 1972, is
1730 brought forward as follows:

1731 **[Until January 1, 2023, this section shall read as follows:]**



1732 9-7-46. (1) There shall be four (4) circuit judges for the
1733 Seventeenth Circuit Court District.

1734 (2) For the purpose of appointment and election, the four
1735 (4) judgeships shall be separate and distinct, and one (1) judge
1736 shall be elected from Subdistrict 17-1, two (2) judges shall be
1737 elected from Subdistrict 17-2, and one (1) judge shall be elected
1738 from every county in the district. The two (2) judgeships in
1739 Subdistrict 17-2 shall be denominated as "Place One" and "Place
1740 Two * * *", the judgeship in Subdistrict 17-1 shall be denominated
1741 as "Place Three * * *", and the at-large judgeship shall be
1742 denominated as "Place Four * * *".

1743 **[From and after January 1, 2023, this section shall read as**
1744 **follows:]**

1745 9-7-46. (1) There shall be two (2) circuit judges for the
1746 Seventeenth Circuit Court District.

1747 (2) For the purpose of appointment and election, the two (2)
1748 judgeships shall be separate and distinct, and be denominated as
1749 "Place One" and "Place Two * * *".

1750 **SECTION 30.** Section 9-5-13, Mississippi Code of 1972, is
1751 brought forward as follows:

1752 **[Until January 1, 2027, this section shall read as follows:]**

1753 9-5-13. (1) There shall be three (3) chancellors for the
1754 Third Chancery Court District.

1755 (2) (a) The chancellor of Subdistrict 3-1 shall be elected
1756 from DeSoto County. The two (2) chancellors of Subdistrict 3-2



1757 shall be elected from Grenada County, Montgomery County, Panola
1758 County, Tate County and Yalobusha County.

1759 (b) For purposes of appointment and election, the three
1760 (3) chancellorships shall be separate and distinct. The
1761 chancellorship in Subdistrict 3-1 shall be denominated only as
1762 "Place One," and the chancellorships in Subdistrict 3-2 shall be
1763 denominated only as "Place Two" and "Place Three * * *".

1764 **[From and after January 1, 2027, this section shall read as**
1765 **follows:]**

1766 9-5-13. (1) There shall be four (4) chancellors for the
1767 Third Chancery Court District.

1768 (2) (a) The two (2) chancellors of Subdistrict 3-1 shall be
1769 elected from DeSoto County. The two (2) chancellors of
1770 Subdistrict 3-2 shall be elected from Grenada County, Montgomery
1771 County, Panola County, Tate County and Yalobusha County.

1772 (b) For purposes of appointment and election, the four
1773 (4) chancellorships shall be separate and distinct and denominated
1774 as "Place One * * *", "Place Two * * *", "Place Three" and "Place
1775 Four". The chancellorships in Subdistrict 3-1 shall be
1776 denominated only as "Place One" and "Place Four" and the
1777 chancellorships in Subdistrict 3-2 shall be denominated only as
1778 "Place Two" and "Place Three * * *".

1779 **SECTION 31.** Section 25-31-5, Mississippi Code of 1972, is
1780 brought forward as follows:

1781 **[Until January 1, 2023, this section shall read as follows:]**



1782 25-31-5. (1) The following number of full-time legal
1783 assistants are authorized in the following circuit court
1784 districts:

1785 (a) First Circuit Court District nine (9)
1786 legal assistants.

1787 (b) Second Circuit Court District ten (10)
1788 legal assistants.

1789 (c) Third Circuit Court District five (5)
1790 legal assistants.

1791 (d) Fourth Circuit Court District six (6)
1792 legal assistants.

1793 (e) Fifth Circuit Court District five (5)
1794 legal assistants.

1795 (f) Sixth Circuit Court District two (2)
1796 legal assistants.

1797 (g) Seventh Circuit Court Districteleven (11)
1798 legal assistants.

1799 (h) Eighth Circuit Court District three (3)
1800 legal assistants.

1801 (i) Ninth Circuit Court District three (3)
1802 legal assistants.

1803 (j) Tenth Circuit Court District four (4)
1804 legal assistants.

1805 (k) Eleventh Circuit Court District five (5)
1806 legal assistants.



1807 (1) Twelfth Circuit Court District..... five (5)
1808 legal assistants.
1809 (m) Thirteenth Circuit Court District..... four (4)
1810 legal assistants.
1811 (n) Fourteenth Circuit Court District..... five (5)
1812 legal assistants.
1813 (o) Fifteenth Circuit Court District..... six (6)
1814 legal assistants.
1815 (p) Sixteenth Circuit Court District five (5)
1816 legal assistants.
1817 (q) Seventeenth Circuit Court District..... seven (7)
1818 legal assistants.
1819 (r) Eighteenth Circuit Court District..... two (2)
1820 legal assistants.
1821 (s) Nineteenth Circuit Court District..... six (6)
1822 legal assistants.
1823 (t) Twentieth Circuit Court District..... six (6)
1824 legal assistants.
1825 (u) Twenty-first Circuit Court District..... three (3)
1826 legal assistants.
1827 (v) Twenty-second Circuit Court District..... three (3)
1828 legal assistants.
1829 (2) In addition to any legal assistants authorized pursuant
1830 to subsection (1) of this section, the following number of
1831 full-time legal assistants are authorized (i) in the following



1832 circuit court districts if funds are appropriated by the
1833 Legislature to adequately fund the salaries, expenses and fringe
1834 benefits of such legal assistants, or (ii) in any of the following
1835 circuit court districts in which the board of supervisors of one
1836 or more of the counties in a circuit court district adopts a
1837 resolution to pay all of the salaries, supplemental pay, expenses
1838 and fringe benefits of legal assistants authorized in such
1839 district pursuant to this subsection:

1840 (a) First Circuit Court District..... two (2)
1841 legal assistants.

1842 (b) Second Circuit Court District..... two (2)
1843 legal assistants.

1844 (c) Third Circuit Court District..... two (2)
1845 legal assistants.

1846 (d) Fourth Circuit Court District..... two (2)
1847 legal assistants.

1848 (e) Fifth Circuit Court District..... two (2)
1849 legal assistants.

1850 (f) Sixth Circuit Court District..... two (2)
1851 legal assistants.

1852 (g) Seventh Circuit Court District..... two (2)
1853 legal assistants.

1854 (h) Eighth Circuit Court District..... two (2)
1855 legal assistants.

1856 (i) Ninth Circuit Court District..... two (2)



1857 legal assistants.

1858 (j) Tenth Circuit Court District two (2)

1859 legal assistants.

1860 (k) Eleventh Circuit Court District two (2)

1861 legal assistants.

1862 (l) Twelfth Circuit Court District two (2)

1863 legal assistants.

1864 (m) Thirteenth Circuit Court District two (2)

1865 legal assistants.

1866 (n) Fourteenth Circuit Court District two (2)

1867 legal assistants.

1868 (o) Fifteenth Circuit Court District two (2)

1869 legal assistants.

1870 (p) Sixteenth Circuit Court District two (2)

1871 legal assistants.

1872 (q) Seventeenth Circuit Court District two (2)

1873 legal assistants.

1874 (r) Eighteenth Circuit Court District two (2)

1875 legal assistants.

1876 (s) Nineteenth Circuit Court District two (2)

1877 legal assistants.

1878 (t) Twentieth Circuit Court District two (2)

1879 legal assistants.

1880 (u) Twenty-first Circuit Court District two (2)

1881 legal assistants.



1882 (v) Twenty-second Circuit Court District..... two (2)
1883 legal assistants.

1884 (3) The board of supervisors of any county may pay all or a
1885 part of the salary, supplemental pay, expenses and fringe benefits
1886 of any district attorney or legal assistant authorized in the
1887 circuit court district to which such county belongs pursuant to
1888 this section.

1889 (4) The district attorney of any circuit court district may
1890 employ additional legal assistants or criminal investigators, or
1891 both, without regard to any limitation on the number of legal
1892 assistants authorized in this section or criminal investigators
1893 authorized by other provisions of law to the extent that the
1894 district attorney's office receives funds from any source. Any
1895 source shall include, but is not limited to, office generated
1896 funds, funds from a county, a combination of counties, a
1897 municipality, a combination of municipalities, federal funds,
1898 private grants or foundations, or by means of an Interlocal
1899 Cooperative Agreement authorized by Section 17-13-1 which may be
1900 expended for those positions in an amount sufficient to pay all of
1901 the salary, supplemental pay, expenses and fringe benefits of the
1902 positions. Such funds may either be paid out of district attorney
1903 accounts, transferred by the district attorney to the Department
1904 of Finance and Administration or to one or more of the separate
1905 counties comprising the circuit court district, and said funds
1906 shall be disbursed to such employees in the same manner as



1907 state-funded criminal investigators and full-time legal
1908 assistants. The district attorney shall report to the board of
1909 supervisors of each county comprising the circuit court district
1910 the amount and source of the supplemental salary, expenses and
1911 fringe benefits, and the board in each county shall spread the
1912 same on its minutes. The district attorney shall also report such
1913 information to the Department of Finance and Administration which
1914 shall make such information available to the Legislative Budget
1915 Office.

1916 (5) The district attorney shall be authorized to assign the
1917 duties of a legal assistant regardless of the source of funding
1918 for such legal assistants.

1919 **[From and after January 1, 2023, this section shall read as**
1920 **follows:]**

1921 25-31-5. (1) The following number of full-time legal
1922 assistants are authorized in the following circuit court
1923 districts:

1924 (a) First Circuit Court District.....nine (9)
1925 legal assistants.

1926 (b) Second Circuit Court District.....ten (10)
1927 legal assistants.

1928 (c) Third Circuit Court District.....five (5)
1929 legal assistants.

1930 (d) Fourth Circuit Court District.....six (6)
1931 legal assistants.



1932 (e) Fifth Circuit Court District.....five (5)
1933 legal assistants.
1934 (f) Sixth Circuit Court District.....two (2)
1935 legal assistants.
1936 (g) Seventh Circuit Court District.....eleven (11)
1937 legal assistants.
1938 (h) Eighth Circuit Court District.....three (3)
1939 legal assistants.
1940 (i) Ninth Circuit Court District.....three (3)
1941 legal assistants.
1942 (j) Tenth Circuit Court District.....four (4)
1943 legal assistants.
1944 (k) Eleventh Circuit Court District.....five (5)
1945 legal assistants.
1946 (l) Twelfth Circuit Court District.....five (5)
1947 legal assistants.
1948 (m) Thirteenth Circuit Court District.....four (4)
1949 legal assistants.
1950 (n) Fourteenth Circuit Court District.....five (5)
1951 legal assistants.
1952 (o) Fifteenth Circuit Court District.....six (6)
1953 legal assistants.
1954 (p) Sixteenth Circuit Court District.....five (5)
1955 legal assistants.



1956 (q) Seventeenth Circuit Court District.....three (3)
1957 legal assistants.
1958 (r) Eighteenth Circuit Court District.....two (2)
1959 legal assistants.
1960 (s) Nineteenth Circuit Court District.....six (6)
1961 legal assistants.
1962 (t) Twentieth Circuit Court District.....six (6)
1963 legal assistants.
1964 (u) Twenty-first Circuit Court District.....three (3)
1965 legal assistants.
1966 (v) Twenty-second Circuit Court District.....three (3)
1967 legal assistants.
1968 (w) Twenty-third Circuit Court District.....four (4)
1969 legal assistants.
1970 (2) In addition to any legal assistants authorized pursuant
1971 to subsection (1) of this section, the following number of
1972 full-time legal assistants are authorized (i) in the following
1973 circuit court districts if funds are appropriated by the
1974 Legislature to adequately fund the salaries, expenses and fringe
1975 benefits of such legal assistants, or (ii) in any of the following
1976 circuit court districts in which the board of supervisors of one
1977 or more of the counties in a circuit court district adopts a
1978 resolution to pay all of the salaries, supplemental pay, expenses
1979 and fringe benefits of legal assistants authorized in such
1980 district pursuant to this subsection:



1981 (a) First Circuit Court District.....two (2)
1982 legal assistants.
1983 (b) Second Circuit Court District.....two (2)
1984 legal assistants.
1985 (c) Third Circuit Court District.....two (2)
1986 legal assistants.
1987 (d) Fourth Circuit Court District.....two (2)
1988 legal assistants.
1989 (e) Fifth Circuit Court District.....two (2)
1990 legal assistants.
1991 (f) Sixth Circuit Court District.....two (2)
1992 legal assistants.
1993 (g) Seventh Circuit Court District.....two (2)
1994 legal assistants.
1995 (h) Eighth Circuit Court District.....two (2)
1996 legal assistants.
1997 (i) Ninth Circuit Court District.....two (2)
1998 legal assistants.
1999 (j) Tenth Circuit Court District.....two (2)
2000 legal assistants.
2001 (k) Eleventh Circuit Court District.....two (2)
2002 legal assistants.
2003 (l) Twelfth Circuit Court District.....two (2)
2004 legal assistants.



2005 (m) Thirteenth Circuit Court District.....two (2)
2006 legal assistants.
2007 (n) Fourteenth Circuit Court District.....two (2)
2008 legal assistants.
2009 (o) Fifteenth Circuit Court District.....two (2)
2010 legal assistants.
2011 (p) Sixteenth Circuit Court District.....two (2)
2012 legal assistants.
2013 (q) Seventeenth Circuit Court District.....two (2)
2014 legal assistants.
2015 (r) Eighteenth Circuit Court District.....two (2)
2016 legal assistants.
2017 (s) Nineteenth Circuit Court District.....two (2)
2018 legal assistants.
2019 (t) Twentieth Circuit Court District.....two (2)
2020 legal assistants.
2021 (u) Twenty-first Circuit Court District.....two (2)
2022 legal assistants.
2023 (v) Twenty-second Circuit Court District.....two (2)
2024 legal assistants.
2025 (w) Twenty-third Circuit Court District.....two (2)
2026 legal assistants.
2027 (3) The board of supervisors of any county may pay all or a
2028 part of the salary, supplemental pay, expenses and fringe benefits
2029 of any district attorney or legal assistant authorized in the



2030 circuit court district to which such county belongs pursuant to
2031 this section.

2032 (4) The district attorney of any circuit court district may
2033 employ additional legal assistants or criminal investigators, or
2034 both, without regard to any limitation on the number of legal
2035 assistants authorized in this section or criminal investigators
2036 authorized by other provisions of law to the extent that the
2037 district attorney's office receives funds from any source. Any
2038 source shall include, but is not limited to, office generated
2039 funds, funds from a county, a combination of counties, a
2040 municipality, a combination of municipalities, federal funds,
2041 private grants or foundations, or by means of an Interlocal
2042 Cooperative Agreement authorized by Section 17-13-1 which may be
2043 expended for those positions in an amount sufficient to pay all of
2044 the salary, supplemental pay, expenses and fringe benefits of the
2045 positions. Such funds may either be paid out of district attorney
2046 accounts, transferred by the district attorney to the Department
2047 of Finance and Administration or to one or more of the separate
2048 counties comprising the circuit court district, and the funds
2049 shall be disbursed to such employees in the same manner as
2050 state-funded criminal investigators and full-time legal
2051 assistants. The district attorney shall report to the board of
2052 supervisors of each county comprising the circuit court district
2053 the amount and source of the supplemental salary, expenses and
2054 fringe benefits, and the board in each county shall spread the



2055 same on its minutes. The district attorney shall also report such
2056 information to the Department of Finance and Administration which
2057 shall make such information available to the Legislative Budget
2058 Office.

2059 (5) The district attorney shall be authorized to assign the
2060 duties of a legal assistant regardless of the source of funding
2061 for such legal assistants.

2062 **SECTION 32.** Section 25-31-10, Mississippi Code of 1972, is
2063 brought forward as follows:

2064 **[Until January 1, 2023, this section shall read as follows:]**

2065 25-31-10. (1) Any district attorney may appoint a full-time
2066 criminal investigator.

2067 (2) The district attorneys of the Third, Fifth, Ninth,
2068 Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth,
2069 Sixteenth, Seventeenth and Twentieth Circuit Court Districts may
2070 appoint one (1) additional full-time criminal investigator for a
2071 total of two (2) full-time criminal investigators.

2072 (3) The district attorneys of the First, Second, Fourth,
2073 Seventh and Nineteenth Circuit Court Districts may appoint two (2)
2074 additional full-time criminal investigators for a total of three
2075 (3) full-time criminal investigators.

2076 (4) No district attorney or assistant district attorney
2077 shall accept any private employment, civil or criminal, in any
2078 matter investigated by such criminal investigators.



2079 (5) The full and complete compensation for all public duties
2080 rendered by said criminal investigators shall be not more than
2081 Fifty-nine Thousand Five Hundred Dollars (\$59,500.00) per annum,
2082 to be determined at the discretion of the district attorney based
2083 upon the qualifications, education and experience of the criminal
2084 investigator, plus necessary travel and other expenses, to be paid
2085 in accordance with Section 25-31-8. However, the maximum salary
2086 under this subsection for a criminal investigator who has a law
2087 degree may be supplemented by the district attorney from other
2088 available funds, but not to exceed the maximum salary for a legal
2089 assistant to a district attorney.

2090 (6) Any criminal investigator may be designated by the
2091 district attorney to attend the Law Enforcement Officers Training
2092 Program set forth in Section 45-6-1 et seq., Mississippi Code of
2093 1972. The total expenses associated with attendance by criminal
2094 investigators at the Law Enforcement Officers Training Program
2095 shall be paid out of the funds of the appropriate district
2096 attorney.

2097 (7) The district attorney shall be authorized to assign the
2098 duties of criminal investigators regardless of the source of
2099 funding for such criminal investigators.

2100 **[From and after January 1, 2023, this section shall read as**
2101 **follows:]**

2102 25-31-10. (1) Any district attorney may appoint a full-time
2103 criminal investigator.



2104 (2) The district attorneys of the Third, Fifth, Ninth,
2105 Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth,
2106 Sixteenth, Seventeenth, Twentieth and Twenty-third Circuit Court
2107 Districts may appoint one (1) additional full-time criminal
2108 investigator for a total of two (2) full-time criminal
2109 investigators.

2110 (3) The district attorneys of the First, Second, Fourth,
2111 Seventh and Nineteenth Circuit Court Districts may appoint two (2)
2112 additional full-time criminal investigators for a total of three
2113 (3) full-time criminal investigators.

2114 (4) No district attorney or assistant district attorney
2115 shall accept any private employment, civil or criminal, in any
2116 matter investigated by such criminal investigators.

2117 (5) The full and complete compensation for all public duties
2118 rendered by the criminal investigators shall be not more than
2119 Fifty-nine Thousand Five Hundred Dollars (\$59,500.00) per annum,
2120 to be determined at the discretion of the district attorney based
2121 upon the qualifications, education and experience of the criminal
2122 investigator, plus necessary travel and other expenses, to be paid
2123 in accordance with Section 25-31-8. However, the maximum salary
2124 under this subsection for a criminal investigator who has a law
2125 degree may be supplemented by the district attorney from other
2126 available funds, but not to exceed the maximum salary for a legal
2127 assistant to a district attorney.



2128 (6) Any criminal investigator may be designated by the
2129 district attorney to attend the Law Enforcement Officers Training
2130 Program set forth in Section 45-6-1 et seq. The total expenses
2131 associated with attendance by criminal investigators at the Law
2132 Enforcement Officers Training Program shall be paid out of the
2133 funds of the appropriate district attorney.

2134 (7) The district attorney shall be authorized to assign the
2135 duties of criminal investigators regardless of the source of
2136 funding for such criminal investigators.

2137 **SECTION 33.** This act shall take effect and be in force from
2138 and after July 1, 2021, and shall stand repealed on June 30, 2021.

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

1 AN ACT TO AMEND SECTIONS 63-11-23 AND 63-11-30, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT THE 120-DAY SUSPENSION FOR DUI
3 VIOLATIONS BEGINS ON THE DATE THE JUDGE SIGNS THE ORDER FOR
4 SUSPENSION; TO BRING FORWARD SECTION 63-11-31, MISSISSIPPI CODE OF
5 1972, WHICH REGULATES IGNITION INTERLOCK FOR DUI VIOLATIONS, FOR
6 PURPOSES OF AMENDMENT; TO AMEND SECTIONS 9-23-1 AND 9-23-3,
7 MISSISSIPPI CODE OF 1972, TO STANDARDIZE REFERENCES TO DRUG
8 INTERVENTION COURTS; TO AMEND SECTION 9-23-5, MISSISSIPPI CODE OF
9 1972, TO REVISE DEFINITIONS RELATING TO VARIOUS TYPES OF
10 INTERVENTION COURTS; TO BRING FORWARD SECTION 9-23-9, MISSISSIPPI
11 CODE OF 1972, FOR PURPOSES OF AMENDMENT; TO AMEND SECTION 9-23-11,
12 MISSISSIPPI CODE OF 1972, TO REQUIRE THE COLLECTION OF DATA BY THE
13 ADMINISTRATIVE OFFICE OF COURTS ON PARTICIPANTS IN INTERVENTION
14 PROGRAMS; TO AMEND SECTIONS 9-23-13 AND 9-23-15, MISSISSIPPI CODE
15 OF 1972, TO STANDARDIZE REFERENCES TO DRUG INTERVENTION COURTS; TO
16 AMEND SECTION 9-23-17, MISSISSIPPI CODE OF 1972, TO PROVIDE
17 EVALUATION STANDARDS; TO AMEND SECTIONS 9-23-19, 9-23-21, 9-23-23,
18 9-23-51, 9-25-1, 9-27-1, 9-27-3, 9-27-5, 9-27-7, 9-27-9 AND
19 9-27-11, MISSISSIPPI CODE OF 1972, TO STANDARDIZE REFERENCES TO
20 VARIOUS TYPES OF INTERVENTION COURTS; TO AMEND SECTIONS 9-27-15,
21 9-27-17 AND 9-27-19, MISSISSIPPI CODE OF 1972, TO STANDARDIZE
22 REFERENCES TO MENTAL HEALTH INTERVENTION COURTS; TO BRING FORWARD



23 SECTIONS 9-7-5, 9-7-7, 9-7-45, 9-7-46, 9-5-13, 25-31-5 AND
24 25-31-10, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND
25 FOR RELATED PURPOSES.

