

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2795

BY: Committee

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

70 **SECTION 1.** Section 47-7-3, Mississippi Code of 1972, is
71 brought forward as follows:
72 47-7-3. (1) Every prisoner who has been convicted of any
73 offense against the State of Mississippi, and is confined in the
74 execution of a judgment of such conviction in the Mississippi
75 Department of Corrections for a definite term or terms of one (1)
76 year or over, or for the term of his or her natural life, whose
77 record of conduct shows that such prisoner has observed the rules
78 of the department, and who has served not less than one-fourth
79 (1/4) of the total of such term or terms for which such prisoner



80 was sentenced, or, if sentenced to serve a term or terms of thirty
81 (30) years or more, or, if sentenced for the term of the natural
82 life of such prisoner, has served not less than ten (10) years of
83 such life sentence, may be released on parole as hereinafter
84 provided, except that:

85 (a) No prisoner convicted as a confirmed and habitual
86 criminal under the provisions of Sections 99-19-81 through
87 99-19-87 shall be eligible for parole;

88 (b) Any person who shall have been convicted of a sex
89 crime shall not be released on parole except for a person under
90 the age of nineteen (19) who has been convicted under Section
91 97-3-67;

92 (c) (i) No person shall be eligible for parole who
93 shall, on or after January 1, 1977, be convicted of robbery or
94 attempted robbery through the display of a firearm until he shall
95 have served ten (10) years if sentenced to a term or terms of more
96 than ten (10) years or if sentenced for the term of the natural
97 life of such person. If such person is sentenced to a term or
98 terms of ten (10) years or less, then such person shall not be
99 eligible for parole. The provisions of this paragraph (c) (i)
100 shall also apply to any person who shall commit robbery or
101 attempted robbery on or after July 1, 1982, through the display of
102 a deadly weapon. This paragraph (c) (i) shall not apply to persons
103 convicted after September 30, 1994;



104 (ii) No person shall be eligible for parole who
105 shall, on or after October 1, 1994, be convicted of robbery,
106 attempted robbery or carjacking as provided in Section 97-3-115 et
107 seq., through the display of a firearm or drive-by shooting as
108 provided in Section 97-3-109. The provisions of this paragraph
109 (c)(ii) shall also apply to any person who shall commit robbery,
110 attempted robbery, carjacking or a drive-by shooting on or after
111 October 1, 1994, through the display of a deadly weapon. This
112 paragraph (c)(ii) shall not apply to persons convicted after July
113 1, 2014;

114 (d) No person shall be eligible for parole who, on or
115 after July 1, 1994, is charged, tried, convicted and sentenced to
116 life imprisonment without eligibility for parole under the
117 provisions of Section 99-19-101;

118 (e) No person shall be eligible for parole who is
119 charged, tried, convicted and sentenced to life imprisonment under
120 the provisions of Section 99-19-101;

121 (f) No person shall be eligible for parole who is
122 convicted or whose suspended sentence is revoked after June 30,
123 1995, except that an offender convicted of only nonviolent crimes
124 after June 30, 1995, may be eligible for parole if the offender
125 meets the requirements in this subsection (1) and this paragraph.
126 In addition to other requirements, if an offender is convicted of
127 a drug or driving under the influence felony, the offender must
128 complete a drug and alcohol rehabilitation program prior to parole



129 or the offender may be required to complete a post-release drug
130 and alcohol program as a condition of parole. For purposes of
131 this paragraph, "nonviolent crime" means a felony other than
132 homicide, robbery, manslaughter, sex crimes, arson, burglary of an
133 occupied dwelling, aggravated assault, kidnapping, felonious abuse
134 of vulnerable adults, felonies with enhanced penalties, except
135 enhanced penalties for the crime of possession of a controlled
136 substance under Section 41-29-147, the sale or manufacture of a
137 controlled substance under the Uniform Controlled Substances Law,
138 felony child abuse, or exploitation or any crime under Section
139 97-5-33 or Section 97-5-39(2) or 97-5-39(1)(b), 97-5-39(1)(c) or a
140 violation of Section 63-11-30(5). In addition, an offender
141 incarcerated for committing the crime of possession of a
142 controlled substance under the Uniform Controlled Substances Law
143 after July 1, 1995, including an offender who receives an enhanced
144 penalty under the provisions of Section 41-29-147 for such
145 possession, shall be eligible for parole. An offender
146 incarcerated for committing the crime of sale or manufacture of a
147 controlled substance shall be eligible for parole after serving
148 one-fourth (1/4) of the sentence imposed by the trial court. This
149 paragraph (f) shall not apply to persons convicted on or after
150 July 1, 2014;

151 (g) (i) No person who, on or after July 1, 2014, is
152 convicted of a crime of violence pursuant to Section 97-3-2, a sex
153 crime or an offense that specifically prohibits parole release



154 shall be eligible for parole. All persons convicted of any other
155 offense on or after July 1, 2014, are eligible for parole after
156 they have served one-fourth (1/4) of the sentence or sentences
157 imposed by the trial court.

158 (ii) Notwithstanding the provisions in
159 subparagraph (i) of this paragraph (g), a person serving a
160 sentence who has reached the age of sixty (60) or older and who
161 has served no less than ten (10) years of the sentence or
162 sentences imposed by the trial court shall be eligible for parole.
163 Any person eligible for parole under this subsection shall be
164 required to have a parole hearing before the board prior to parole
165 release. No inmate shall be eligible for parole under this
166 subparagraph (ii) of this paragraph (g) if:

167 1. The inmate is sentenced as a habitual
168 offender under Sections 99-19-81 through 99-19-87;

169 2. The inmate is sentenced for a crime of
170 violence under Section 97-3-2;

171 3. The inmate is sentenced for an offense
172 that specifically prohibits parole release;

173 4. The inmate is sentenced for trafficking in
174 controlled substances under Section 41-29-139(f);

175 5. The inmate is sentenced for a sex crime;
176 or

177 6. The inmate has not served one-fourth (1/4)
178 of the sentence imposed by the court.



179 (iii) Notwithstanding the provisions of paragraph
180 (a) of this subsection, any offender who has not committed a crime
181 of violence under Section 97-3-2 and has served twenty-five
182 percent (25%) or more of his sentence may be paroled by the parole
183 board if, after the sentencing judge or if the sentencing judge is
184 retired, disabled or incapacitated, the senior circuit judge
185 authorizes the offender to be eligible for parole consideration;
186 or if that senior circuit judge must be recused, another circuit
187 judge of the same district or a senior status judge may hear and
188 decide the matter;

189 (h) Notwithstanding any other provision of law, an
190 inmate who has not been convicted as a habitual offender under
191 Sections 99-19-81 through 99-19-87, has not been convicted of
192 committing a crime of violence, as defined under Section 97-3-2,
193 has not been convicted of a sex crime or any other crime that
194 specifically prohibits parole release, and has not been convicted
195 of drug trafficking under Section 41-29-139 is eligible for parole
196 if the inmate has served twenty-five percent (25%) or more of his
197 or her sentence, but is otherwise ineligible for parole.

198 (2) Notwithstanding any other provision of law, an inmate
199 shall not be eligible to receive earned time, good time or any
200 other administrative reduction of time which shall reduce the time
201 necessary to be served for parole eligibility as provided in
202 subsection (1) of this section.



203 (3) The State Parole Board shall, by rules and regulations,
204 establish a method of determining a tentative parole hearing date
205 for each eligible offender taken into the custody of the
206 Department of Corrections. The tentative parole hearing date
207 shall be determined within ninety (90) days after the department
208 has assumed custody of the offender. The parole hearing date
209 shall occur when the offender is within thirty (30) days of the
210 month of his parole eligibility date. The parole eligibility date
211 shall not be earlier than one-fourth (1/4) of the prison sentence
212 or sentences imposed by the court.

213 (4) Any inmate within twenty-four (24) months of his parole
214 eligibility date and who meets the criteria established by the
215 classification board shall receive priority for placement in any
216 educational development and job training programs that are part of
217 his or her parole case plan. Any inmate refusing to participate
218 in an educational development or job training program that is part
219 of the case plan may be in jeopardy of noncompliance with the case
220 plan and may be denied parole.

221 **SECTION 2.** Section 47-7-3.1, Mississippi Code of 1972, is
222 brought forward as follows:

223 47-7-3.1. (1) In consultation with the Parole Board, the
224 department shall develop a case plan for all parole eligible
225 inmates to guide an inmate's rehabilitation while in the
226 department's custody and to reduce the likelihood of recidivism
227 after release.



228 (2) Within ninety (90) days of admission, the department
229 shall complete a case plan on all inmates which shall include, but
230 not limited to:

231 (a) Programming and treatment requirements based on the
232 results of a risk and needs assessment;

233 (b) Any programming or treatment requirements contained
234 in the sentencing order; and

235 (c) General behavior requirements in accordance with
236 the rules and policies of the department.

237 (3) The department shall provide the inmate with a written
238 copy of the case plan and the inmate's caseworker shall explain
239 the conditions set forth in the case plan.

240 (a) Within ninety (90) days of admission, the
241 caseworker shall notify the inmate of their parole eligibility
242 date as calculated in accordance with Section 47-7-3(3);

243 (b) At the time a parole-eligible inmate receives the
244 case plan, the department shall send the case plan to the Parole
245 Board for approval.

246 (4) The department shall ensure that the case plan is
247 achievable prior to inmate's parole eligibility date.

248 (5) The caseworker shall meet with the inmate every eight
249 (8) weeks from the date the offender received the case plan to
250 review the inmate's case plan progress.

251 (6) Every four (4) months the department shall
252 electronically submit a progress report on each parole-eligible



253 inmate's case plan to the Parole Board. The board may meet to
254 review an inmate's case plan and may provide written input to the
255 caseworker on the inmate's progress toward completion of the case
256 plan.

257 (7) The Parole Board shall provide semiannually to the
258 Oversight Task Force the number of parole hearings held, the
259 number of prisoners released to parole without a hearing and the
260 number of parolees released after a hearing.

261 **SECTION 3.** Section 47-7-5, Mississippi Code of 1972, is
262 brought forward as follows:

263 47-7-5. (1) The State Parole Board, created under former
264 Section 47-7-5, is hereby created, continued and reconstituted and
265 shall be composed of five (5) members. The Governor shall appoint
266 the members with the advice and consent of the Senate. All terms
267 shall be at the will and pleasure of the Governor. Any vacancy
268 shall be filled by the Governor, with the advice and consent of
269 the Senate. The Governor shall appoint a chairman of the board.

270 (2) Any person who is appointed to serve on the board shall
271 possess at least a bachelor's degree or a high school diploma and
272 four (4) years' work experience. Each member shall devote his
273 full time to the duties of his office and shall not engage in any
274 other business or profession or hold any other public office. A
275 member shall not receive compensation or per diem in addition to
276 his salary as prohibited under Section 25-3-38. Each member shall
277 keep such hours and workdays as required of full-time state



278 employees under Section 25-1-98. Individuals shall be appointed
279 to serve on the board without reference to their political
280 affiliations. Each board member, including the chairman, may be
281 reimbursed for actual and necessary expenses as authorized by
282 Section 25-3-41. Each member of the board shall complete annual
283 training developed based on guidance from the National Institute
284 of Corrections, the Association of Paroling Authorities
285 International, or the American Probation and Parole Association.
286 Each first-time appointee of the board shall, within sixty (60)
287 days of appointment, or as soon as practical, complete training
288 for first-time Parole Board members developed in consideration of
289 information from the National Institute of Corrections, the
290 Association of Paroling Authorities International, or the American
291 Probation and Parole Association.

292 (3) The board shall have exclusive responsibility for the
293 granting of parole as provided by Sections 47-7-3 and 47-7-17 and
294 shall have exclusive authority for revocation of the same. The
295 board shall have exclusive responsibility for investigating
296 clemency recommendations upon request of the Governor.

297 (4) The board, its members and staff, shall be immune from
298 civil liability for any official acts taken in good faith and in
299 exercise of the board's legitimate governmental authority.

300 (5) The budget of the board shall be funded through a
301 separate line item within the general appropriation bill for the
302 support and maintenance of the department. Employees of the



303 department which are employed by or assigned to the board shall
304 work under the guidance and supervision of the board. There shall
305 be an executive secretary to the board who shall be responsible
306 for all administrative and general accounting duties related to
307 the board. The executive secretary shall keep and preserve all
308 records and papers pertaining to the board.

309 (6) The board shall have no authority or responsibility for
310 supervision of offenders granted a release for any reason,
311 including, but not limited to, probation, parole or executive
312 clemency or other offenders requiring the same through interstate
313 compact agreements. The supervision shall be provided exclusively
314 by the staff of the Division of Community Corrections of the
315 department.

316 (7) (a) The Parole Board is authorized to select and place
317 offenders in an electronic monitoring program under the conditions
318 and criteria imposed by the Parole Board. The conditions,
319 restrictions and requirements of Section 47-7-17 and Sections
320 47-5-1001 through 47-5-1015 shall apply to the Parole Board and
321 any offender placed in an electronic monitoring program by the
322 Parole Board.

323 (b) Any offender placed in an electronic monitoring
324 program under this subsection shall pay the program fee provided
325 in Section 47-5-1013. The program fees shall be deposited in the
326 special fund created in Section 47-5-1007.



327 (c) The department shall have absolute immunity from
328 liability for any injury resulting from a determination by the
329 Parole Board that an offender be placed in an electronic
330 monitoring program.

331 (8) (a) The Parole Board shall maintain a central registry
332 of paroled inmates. The Parole Board shall place the following
333 information on the registry: name, address, photograph, crime for
334 which paroled, the date of the end of parole or flat-time date and
335 other information deemed necessary. The Parole Board shall
336 immediately remove information on a parolee at the end of his
337 parole or flat-time date.

338 (b) When a person is placed on parole, the Parole Board
339 shall inform the parolee of the duty to report to the parole
340 officer any change in address ten (10) days before changing
341 address.

342 (c) The Parole Board shall utilize an Internet website
343 or other electronic means to release or publish the information.

344 (d) Records maintained on the registry shall be open to
345 law enforcement agencies and the public and shall be available no
346 later than July 1, 2003.

347 (9) An affirmative vote of at least four (4) members of the
348 Parole Board shall be required to grant parole to an inmate
349 convicted of capital murder or a sex crime.

350 (10) This section shall stand repealed on July 1, 2022.



351 **SECTION 4.** Section 47-7-13, Mississippi Code of 1972, is
352 brought forward as follows:

353 47-7-13. A majority of the board shall constitute a quorum
354 for the transaction of all business. A decision to parole an
355 offender convicted of murder or a sex-related crime shall require
356 the affirmative vote of three (3) members. The board shall
357 maintain, in minute book form, a copy of each of its official
358 actions with the reasons therefor. Suitable and sufficient office
359 space and support resources and staff necessary to conducting
360 Parole Board business shall be provided by the Department of
361 Corrections. However, the principal place for conducting parole
362 hearings shall be the State Penitentiary at Parchman.

363 **SECTION 5.** Section 47-7-15, Mississippi Code of 1972, is
364 brought forward as follows:

365 47-7-15. The board shall adopt an official seal of which the
366 courts shall take judicial notice. Decisions of the board shall
367 be made by majority vote.

368 The board shall keep a record of its acts and shall notify
369 each institution of its decisions relating to the persons who are
370 or have been confined therein. At the close of each fiscal year
371 the board shall submit to the Governor and to the Legislature a
372 report with statistical and other data of its work.

373 **SECTION 6.** Section 47-7-17, Mississippi Code of 1972, is
374 brought forward as follows:



375 47-7-17. Within one (1) year after his admission and at such
376 intervals thereafter as it may determine, the board shall secure
377 and consider all pertinent information regarding each offender,
378 except any under sentence of death or otherwise ineligible for
379 parole, including the circumstances of his offense, his previous
380 social history, his previous criminal record, including any
381 records of law enforcement agencies or of a youth court regarding
382 that offender's juvenile criminal history, his conduct, employment
383 and attitude while in the custody of the department, the case plan
384 created to prepare the offender for parole, and the reports of
385 such physical and mental examinations as have been made. The
386 board shall furnish at least three (3) months' written notice to
387 each such offender of the date on which he is eligible for parole.

388 Before ruling on the application for parole of any offender,
389 the board may require a parole-eligible offender to have a hearing
390 as required in this chapter before the board and to be
391 interviewed. The hearing shall be held no later than thirty (30)
392 days prior to the month of eligibility. No application for parole
393 of a person convicted of a capital offense shall be considered by
394 the board unless and until notice of the filing of such
395 application shall have been published at least once a week for two
396 (2) weeks in a newspaper published in or having general
397 circulation in the county in which the crime was committed. The
398 board shall, within thirty (30) days prior to the scheduled
399 hearing, also give notice of the filing of the application for



400 parole to the victim of the offense for which the prisoner is
401 incarcerated and being considered for parole or, in case the
402 offense be homicide, a designee of the immediate family of the
403 victim, provided the victim or designated family member has
404 furnished in writing a current address to the board for such
405 purpose. Parole release shall, at the hearing, be ordered only
406 for the best interest of society, not as an award of clemency; it
407 shall not be considered to be a reduction of sentence or pardon.
408 An offender shall be placed on parole only when arrangements have
409 been made for his proper employment or for his maintenance and
410 care, and when the board believes that he is able and willing to
411 fulfill the obligations of a law-abiding citizen. When the board
412 determines that the offender will need transitional housing upon
413 release in order to improve the likelihood of him or her becoming
414 a law-abiding citizen, the board may parole the offender with the
415 condition that the inmate spends no more than six (6) months in a
416 transitional reentry center. At least fifteen (15) days prior to
417 the release of an offender on parole, the director of records of
418 the department shall give the written notice which is required
419 pursuant to Section 47-5-177. Every offender while on parole
420 shall remain in the legal custody of the department from which he
421 was released and shall be amenable to the orders of the board.
422 Upon determination by the board that an offender is eligible for
423 release by parole, notice shall also be given within at least
424 fifteen (15) days before release, by the board to the victim of



425 the offense or the victim's family member, as indicated above,
426 regarding the date when the offender's release shall occur,
427 provided a current address of the victim or the victim's family
428 member has been furnished in writing to the board for such
429 purpose.

430 Failure to provide notice to the victim or the victim's
431 family member of the filing of the application for parole or of
432 any decision made by the board regarding parole shall not
433 constitute grounds for vacating an otherwise lawful parole
434 determination nor shall it create any right or liability, civilly
435 or criminally, against the board or any member thereof.

436 A letter of protest against granting an offender parole shall
437 not be treated as the conclusive and only reason for not granting
438 parole.

439 The board may adopt such other rules not inconsistent with
440 law as it may deem proper or necessary with respect to the
441 eligibility of offenders for parole, the conduct of parole
442 hearings, or conditions to be imposed upon parolees, including a
443 condition that the parolee submit, as provided in Section 47-5-601
444 to any type of breath, saliva or urine chemical analysis test, the
445 purpose of which is to detect the possible presence of alcohol or
446 a substance prohibited or controlled by any law of the State of
447 Mississippi or the United States. The board shall have the
448 authority to adopt rules related to the placement of certain
449 offenders on unsupervised parole and for the operation of



450 transitional reentry centers. However, in no case shall an
451 offender be placed on unsupervised parole before he has served a
452 minimum of fifty percent (50%) of the period of supervised parole.

453 **SECTION 7.** Section 47-7-18, Mississippi Code of 1972, is
454 brought forward as follows:

455 47-7-18 (1) Each inmate eligible for parole pursuant to
456 Section 47-7-3, shall be released from incarceration to parole
457 supervision on the inmate's parole eligibility date, without a
458 hearing before the board, if:

459 (a) The inmate has met the requirements of the parole
460 case plan established pursuant to Section 47-7-3.1;

461 (b) A victim of the offense has not requested the board
462 conduct a hearing;

463 (c) The inmate has not received a serious or major
464 violation report within the past six (6) months;

465 (d) The inmate has agreed to the conditions of
466 supervision; and

467 (e) The inmate has a discharge plan approved by the
468 board.

469 (2) At least thirty (30) days prior to an inmate's parole
470 eligibility date, the department shall notify the board in writing
471 of the inmate's compliance or noncompliance with the case plan.
472 If an inmate fails to meet a requirement of the case plan, prior
473 to the parole eligibility date, he or she shall have a hearing



474 before the board to determine if completion of the case plan can
475 occur while in the community.

476 (3) Any inmate for whom there is insufficient information
477 for the department to determine compliance with the case plan
478 shall have a hearing with the board.

479 (4) A hearing shall be held with the board if requested by
480 the victim following notification of the inmate's parole release
481 date pursuant to Section 47-7-17.

482 (5) A hearing shall be held by the board if a law
483 enforcement official from the community to which the inmate will
484 return contacts the board or the department and requests a hearing
485 to consider information relevant to public safety risks posed by
486 the inmate if paroled at the initial parole eligibility date. The
487 law enforcement official shall submit an explanation documenting
488 these concerns for the board to consider.

489 (6) If a parole hearing is held, the board may determine the
490 inmate has sufficiently complied with the case plan or that the
491 incomplete case plan is not the fault of the inmate and that
492 granting parole is not incompatible with public safety, the board
493 may then parole the inmate with appropriate conditions. If the
494 board determines that the inmate has sufficiently complied with
495 the case plan but the discharge plan indicates that the inmate
496 does not have appropriate housing immediately upon release, the
497 board may parole the inmate to a transitional reentry center with
498 the condition that the inmate spends no more than six (6) months



499 in the center. If the board determines that the inmate has not
500 substantively complied with the requirement(s) of the case plan it
501 may deny parole. If the board denies parole, the board may
502 schedule a subsequent parole hearing and, if a new date is
503 scheduled, the board shall identify the corrective action the
504 inmate will need to take in order to be granted parole. Any
505 inmate not released at the time of the inmate's initial parole
506 date shall have a parole hearing at least every year.

507 **SECTION 8.** Section 47-7-33.1, Mississippi Code of 1972, is
508 brought forward as follows:

509 47-7-33.1. (1) The department shall create a discharge plan
510 for any offender returning to the community, regardless of whether
511 the person will discharge from the custody of the department, or
512 is released on parole, pardon, or otherwise. At least ninety (90)
513 days prior to an offender's earliest release date, the
514 commissioner shall conduct a pre-release assessment and complete a
515 written discharge plan based on the assessment results. The
516 discharge plan for parole eligible offenders shall be sent to the
517 Parole Board at least thirty (30) days prior to the offender's
518 parole eligibility date for approval. The board may suggest
519 changes to the plan that it deems necessary to ensure a successful
520 transition.

521 (2) The pre-release assessment shall identify whether an
522 inmate requires assistance obtaining the following basic needs
523 upon release: transportation, clothing and food, financial



524 resources, identification documents, housing, employment,
525 education, health care and support systems. The discharge plan
526 shall include information necessary to address these needs and the
527 steps being taken by the department to assist in this process.

528 Based on the findings of the assessment, the commissioner shall:

529 (a) Arrange transportation for inmates from the
530 correctional facility to their release destination;

531 (b) Ensure inmates have clean, seasonally appropriate
532 clothing, and provide inmates with a list of food providers and
533 other basic resources immediately accessible upon release;

534 (c) Ensure inmates have a driver's license or a
535 state-issued identification card that is not a Department of
536 Corrections identification card;

537 (d) Assist inmates in identifying safe, affordable
538 housing upon release. If accommodations are not available,
539 determine whether temporary housing is available for at least ten
540 (10) days after release. If temporary housing is not available,
541 the discharge plan shall reflect that satisfactory housing has not
542 been established and the person may be a candidate for
543 transitional reentry center placement;

544 (e) Refer inmates without secured employment to
545 employment opportunities;

546 (f) Provide inmates with contact information of a
547 health care facility/provider in the community in which they plan
548 to reside;



549 (g) Notify family members of the release date and
550 release plan, if inmate agrees; and

551 (h) Refer inmates to a community or a faith-based
552 organization that can offer support within the first twenty-four
553 (24) hours of release;

554 (3) A written discharge plan shall be provided to the
555 offender and supervising probation officer or parole officer, if
556 applicable.

557 (4) A discharge plan created for a parole-eligible offender
558 shall also include supervision conditions and the intensity of
559 supervision based on the assessed risk to recidivate and whether
560 there is a need for transitional housing. The board shall approve
561 discharge plans before an offender is released on parole pursuant
562 to this chapter.

563 **SECTION 9.** Section 47-7-3.2, Mississippi Code of 1972, is
564 brought forward as follows:

565 47-7-3.2. (1) Notwithstanding Sections 47-5-138, 47-5-139,
566 47-5-138.1 or 47-5-142, no person convicted of a criminal offense
567 on or after July 1, 2014, shall be released by the department
568 until he or she has served no less than fifty percent (50%) of a
569 sentence for a crime of violence pursuant to Section 97-3-2 or
570 twenty-five percent (25%) of any other sentence imposed by the
571 court.

572 (2) This section shall not apply to:

573 (a) Offenders sentenced to life imprisonment;



574 (b) Offenders convicted as habitual offenders pursuant
575 to Sections 99-19-81 through 99-19-87;

576 (c) Offenders serving a sentence for a sex offense; or

577 (d) Offenders serving a sentence for trafficking
578 pursuant to Section 41-29-139(f).

579 **SECTION 10.** Section 47-5-28, Mississippi Code of 1972, is
580 brought forward as follows:

581 47-5-28. The commissioner shall have the following powers
582 and duties:

583 (a) To implement and administer laws and policy
584 relating to corrections and coordinate the efforts of the
585 department with those of the federal government and other state
586 departments and agencies, county governments, municipal
587 governments, and private agencies concerned with providing
588 offender services;

589 (b) To establish standards, in cooperation with other
590 state agencies having responsibility as provided by law, provide
591 technical assistance, and exercise the requisite supervision as it
592 relates to correctional programs over all state-supported adult
593 correctional facilities and community-based programs;

594 (c) To promulgate and publish such rules, regulations
595 and policies of the department as are needed for the efficient
596 government and maintenance of all facilities and programs in
597 accord insofar as possible with currently accepted standards of
598 adult offender care and treatment;



599 (d) To provide the Parole Board with suitable and
600 sufficient office space and support resources and staff necessary
601 to conducting Parole Board business under the guidance of the
602 Chairman of the Parole Board;

603 (e) To contract for transitional reentry center beds
604 that will be used as noncorrections housing for offenders released
605 from the department on parole, probation or post-release
606 supervision but do not have appropriate housing available upon
607 release. At least one hundred (100) but no more than eight
608 hundred (800) transitional reentry center beds contracted by the
609 department and chosen by the Parole Board shall be available for
610 the Parole Board to place parolees without appropriate housing;

611 (f) To designate deputy commissioners while performing
612 their officially assigned duties relating to the custody, control,
613 transportation, recapture or arrest of any offender within the
614 jurisdiction of the department or any offender of any jail,
615 penitentiary, public workhouse or overnight lockup of the state or
616 any political subdivision thereof not within the jurisdiction of
617 the department, to the status of peace officers anywhere in the
618 state in any matter relating to the custody, control,
619 transportation or recapture of such offender, and shall have the
620 status of law enforcement officers and peace officers as
621 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

622 For the purpose of administration and enforcement of this
623 chapter, deputy commissioners of the Mississippi Department of



624 Corrections, who are certified by the Mississippi Board on Law
625 Enforcement Officer Standards and Training, have the powers of a
626 law enforcement officer of this state. Such powers shall include
627 to make arrests and to serve and execute search warrants and other
628 valid legal process anywhere within the State of Mississippi while
629 performing their officially assigned duties relating to the
630 custody, control, transportation, recapture or arrest of any
631 offender within the jurisdiction of the department or any offender
632 of any jail, penitentiary, public workhouse or overnight lockup of
633 the state or any political subdivision thereof not within the
634 jurisdiction of the department in any matter relating to the
635 custody, control, transportation or recapture of such offender.

636 (g) To make an annual report to the Governor and the
637 Legislature reflecting the activities of the department and make
638 recommendations for improvement of the services to be performed by
639 the department;

640 (h) To cooperate fully with periodic independent
641 internal investigations of the department and to file the report
642 with the Governor and the Legislature;

643 (i) To make personnel actions for a period of one (1)
644 year beginning July 1, 2016, that are exempt from State Personnel
645 Board rules, regulations and procedures in order to give the
646 commissioner flexibility in making an orderly, effective and
647 timely reorganization and realignment of the department; and



648 (j) To perform such other duties necessary to
649 effectively and efficiently carry out the purposes of the
650 department as may be directed by the Governor.

651 **SECTION 11.** Section 47-5-931, Mississippi Code of 1972, is
652 brought forward as follows:

653 47-5-931. (1) The Department of Corrections, in its
654 discretion, may contract with the board of supervisors of one or
655 more counties or with a regional facility operated by one or more
656 counties, to provide for housing, care and control of offenders
657 who are in the custody of the State of Mississippi. Any facility
658 owned or leased by a county or counties for this purpose shall be
659 designed, constructed, operated and maintained in accordance with
660 American Correctional Association standards, and shall comply with
661 all constitutional standards of the United States and the State of
662 Mississippi, and with all court orders that may now or hereinafter
663 be applicable to the facility. If the Department of Corrections
664 contracts with more than one (1) county to house state offenders
665 in county correctional facilities, excluding a regional facility,
666 then the first of such facilities shall be constructed in Sharkey
667 County and the second of such facilities shall be constructed in
668 Jefferson County.

669 (2) The Department of Corrections shall contract with the
670 board of supervisors of the following counties to house state
671 inmates in regional facilities: (a) Marion and Walthall Counties;
672 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River



673 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba
674 Counties; (f) Alcorn County and any contiguous county in which
675 there is located an unapproved jail; (g) Yazoo County and any
676 contiguous county in which there is located an unapproved jail;
677 (h) Chickasaw County and any contiguous county in which there is
678 located an unapproved jail; (i) George and Greene Counties and any
679 contiguous county in which there is located an unapproved jail;
680 (j) Washington County and any contiguous county in which there is
681 located an unapproved jail; (k) Hinds County and any contiguous
682 county in which there is located an unapproved jail; (l) Leake
683 County and any contiguous county in which there is located an
684 unapproved jail; (m) Issaquena County and any contiguous county in
685 which there is located an unapproved jail; (n) Jefferson County
686 and any contiguous county in which there is located an unapproved
687 jail; (o) Franklin County and any contiguous county in which there
688 is located an unapproved jail; (p) Holmes County and any
689 contiguous county in which there is located an unapproved jail;
690 and (q) Bolivar County and any contiguous county in which there is
691 located an unapproved jail. The Department of Corrections shall
692 decide the order of priority of the counties listed in this
693 subsection with which it will contract for the housing of state
694 inmates. For the purposes of this subsection, the term
695 "unapproved jail" means any jail that the local grand jury
696 determines should be condemned or has found to be of substandard
697 condition or in need of substantial repair or reconstruction.



698 (3) In addition to the offenders authorized to be housed
699 under subsection (1) of this section, the Department of
700 Corrections may contract with any regional facility to provide for
701 housing, care and control of not more than seventy-five (75)
702 additional offenders who are in the custody of the State of
703 Mississippi.

704 (4) The Governor and the Commissioner of Corrections are
705 authorized to increase administratively the number of offenders
706 who are in the custody of the State of Mississippi that can be
707 placed in regional correctional facilities.

708 **SECTION 12.** Section 47-5-933, Mississippi Code of 1972, is
709 brought forward as follows:

710 47-5-933. The Department of Corrections may contract for the
711 purposes set out in Section 47-5-931 for a period of not more than
712 twenty (20) years. The contract may provide that the Department
713 of Corrections pay a fee of no more than Thirty-one Dollars
714 (\$31.00) per day for each offender that is housed in the facility.
715 The Department of Corrections may include in the contract, as an
716 inflation factor, a three percent (3%) annual increase in the
717 contract price. The state shall retain responsibility for medical
718 care for state offenders to the extent that is required by law;
719 provided, however, the department may reimburse each facility for
720 contract medical services as provided by law in an amount not to
721 exceed Six Dollars and Twenty-five Cents (\$6.25) per day per
722 offender.



723 **SECTION 13.** Section 47-5-938, Mississippi Code of 1972, is
724 brought forward as follows:

725 47-5-938. (1) Offenders are encouraged to participate in
726 work programs. The chief corrections officer as created in
727 Section 47-5-935, with ratification of the board of supervisors of
728 the county in which a correctional facility established pursuant
729 to Sections 47-5-931 through 47-5-941, is located, may enter into
730 agreements to provide work for any state offender housed in the
731 facility, with the approval of the Commissioner of Corrections, to
732 perform any work:

733 (a) Authorized in the Mississippi Prison Industries Act
734 of 1990 as provided in Sections 47-5-531 through 47-5-575;

735 (b) Authorized in the Prison Agricultural Enterprises
736 Act as provided in Sections 47-5-351 through 47-5-357;

737 (c) Authorized in the Penitentiary-Made Goods Law of
738 1978 as provided in Sections 47-5-301 through 47-5-331;

739 (d) Authorized in the Public Service Work Programs Act
740 as provided in Sections 47-5-401 through 47-5-421;

741 (e) Authorized in Section 47-5-431, which authorizes
742 the sheriff to use county or state offenders to pick up trash
743 along public roads and state highways.

744 (2) The chief corrections officer shall promulgate rules and
745 regulations as may be necessary to govern the work performance of
746 the offenders for the parties to the agreements. Political
747 subdivisions of the State of Mississippi including but not limited



748 to counties, municipalities, school districts, drainage districts,
749 water management districts and joint county-municipal endeavors
750 are to have free use of the offender's labor but are responsible
751 for reimbursing the facility for costs of transportation, guards,
752 meals and other necessary costs when the inmates are providing
753 work for that political body. Offenders may be compensated for
754 work performed if the agreement so provides.

755 (3) There is created a special fund in the county treasury
756 to be known as the "offender's compensation fund." All
757 compensation paid to offenders shall be placed in the special fund
758 for use by the offenders to purchase certain goods and other items
759 of value as authorized in Section 47-5-109, for offenders housed
760 in state correctional facilities. As provided in Section
761 47-5-194, no cash is to be paid to offenders. The agreement shall
762 provide that a certain portion of the compensation shall be used
763 for the welfare of the offenders. All money collected from the
764 regional jail canteen operations shall be placed in a county
765 special fund. Expenditures from that fund can be made by the
766 chief corrections officer for any lawful purpose that is in the
767 best interest and welfare of the offenders. The chief corrections
768 officer, his employees and the county or counties owning the
769 facility are given the authority necessary to carry out the
770 provisions of this section.



771 (4) The provisions of this section shall be supplemental to
772 any other provisions of law regarding offender labor and work
773 programs.

774 **SECTION 14.** Section 47-7-4, Mississippi Code of 1972, is
775 brought forward as follows:

776 47-7-4. The commissioner and the medical director of the
777 department may place an offender who has served not less than one
778 (1) year of his or her sentence, except an offender convicted of a
779 sex crime, on conditional medical release. However, a nonviolent
780 offender who is bedridden may be placed on conditional medical
781 release regardless of the time served on his or her sentence.
782 Upon the release of a nonviolent offender who is bedridden, the
783 state shall not be responsible or liable for any medical costs
784 that may be incurred if such costs are acquired after the offender
785 is no longer incarcerated due to his or her placement on
786 conditional medical release. The commissioner shall not place an
787 offender on conditional medical release unless the medical
788 director of the department certifies to the commissioner that (a)
789 the offender is suffering from a significant permanent physical
790 medical condition with no possibility of recovery; (b) that his or
791 her further incarceration will serve no rehabilitative purposes;
792 and (c) that the state would incur unreasonable expenses as a
793 result of his or her continued incarceration. Any offender placed
794 on conditional medical release shall be supervised by the Division
795 of Community Corrections of the department for the remainder of



796 his or her sentence. An offender's conditional medical release
797 may be revoked and the offender returned and placed in actual
798 custody of the department if the offender violates an order or
799 condition of his or her conditional medical release. An offender
800 who is no longer bedridden shall be returned and placed in the
801 actual custody of the department.

802 **SECTION 15.** Section 47-7-27, Mississippi Code of 1972, is
803 brought forward as follows:

804 47-7-27. (1) The board may, at any time and upon a showing
805 of probable violation of parole, issue a warrant for the return of
806 any paroled offender to the custody of the department. The
807 warrant shall authorize all persons named therein to return the
808 paroled offender to actual custody of the department from which he
809 was paroled.

810 (2) Any field supervisor may arrest an offender without a
811 warrant or may deputize any other person with power of arrest by
812 giving him a written statement setting forth that the offender
813 has, in the judgment of that field supervisor, violated the
814 conditions of his parole or earned-release supervision. The
815 written statement delivered with the offender by the arresting
816 officer to the official in charge of the department facility from
817 which the offender was released or other place of detention
818 designated by the department shall be sufficient warrant for the
819 detention of the offender.



820 (3) The field supervisor, after making an arrest, shall
821 present to the detaining authorities a similar statement of the
822 circumstances of violation. The field supervisor shall at once
823 notify the board or department of the arrest and detention of the
824 offender and shall submit a written report showing in what manner
825 the offender has violated the conditions of parole or
826 earned-release supervision. An offender for whose return a
827 warrant has been issued by the board shall, after the issuance of
828 the warrant, be deemed a fugitive from justice.

829 (4) Whenever an offender is arrested on a warrant for an
830 alleged violation of parole as herein provided, the board shall
831 hold an informal preliminary hearing within seventy-two (72) hours
832 to determine whether there is reasonable cause to believe the
833 person has violated a condition of parole. A preliminary hearing
834 shall not be required when the offender is not under arrest on a
835 warrant or the offender signed a waiver of a preliminary hearing.
836 The preliminary hearing may be conducted electronically.

837 (5) The right of the State of Mississippi to extradite
838 persons and return fugitives from justice, from other states to
839 this state, shall not be impaired by this chapter and shall remain
840 in full force and effect. An offender convicted of a felony
841 committed while on parole, whether in the State of Mississippi or
842 another state, shall immediately have his parole revoked upon
843 presentment of a certified copy of the commitment order to the
844 board. If an offender is on parole and the offender is convicted



845 of a felony for a crime committed prior to the offender being
846 placed on parole, whether in the State of Mississippi or another
847 state, the offender may have his parole revoked upon presentment
848 of a certified copy of the commitment order to the board.

849 (6) (a) The board shall hold a hearing for any parolee who
850 is detained as a result of a warrant or a violation report within
851 twenty-one (21) days of the parolee's admission to detention. The
852 board may, in its discretion, terminate the parole or modify the
853 terms and conditions thereof. If the board revokes parole for one
854 or more technical violations the board shall impose a period of
855 imprisonment to be served in a technical violation center operated
856 by the department not to exceed ninety (90) days for the first
857 revocation and not to exceed one hundred twenty (120) days for the
858 second revocation. For the third revocation, the board may impose
859 a period of imprisonment to be served in a technical violation
860 center for up to one hundred and eighty (180) days or the board
861 may impose the remainder of the suspended portion of the sentence.
862 For the fourth and any subsequent revocation, the board may impose
863 up to the remainder of the suspended portion of the sentence. The
864 period of imprisonment in a technical violation center imposed
865 under this section shall not be reduced in any manner.

866 (b) If the board does not hold a hearing or does not
867 take action on the violation within the twenty-one-day time frame
868 in paragraph (a) of this subsection, the parolee shall be released
869 from detention and shall return to parole status. The board may



870 subsequently hold a hearing and may revoke parole or may continue
871 parole and modify the terms and conditions of parole. If the
872 board revokes parole for one or more technical violations the
873 board shall impose a period of imprisonment to be served in a
874 technical violation center operated by the department not to
875 exceed ninety (90) days for the first revocation and not to exceed
876 one hundred twenty (120) days for the second revocation. For the
877 third revocation, the board may impose a period of imprisonment to
878 be served in a technical violation center for up to one hundred
879 eighty (180) days or the board may impose the remainder of the
880 suspended portion of the sentence. For the fourth and any
881 subsequent revocation, the board may impose up to the remainder of
882 the suspended portion of the sentence. The period of imprisonment
883 in a technical violation center imposed under this section shall
884 not be reduced in any manner.

885 (c) For a parolee charged with one or more technical
886 violations who has not been detained awaiting the revocation
887 hearing, the board may hold a hearing within a reasonable time.
888 The board may revoke parole or may continue parole and modify the
889 terms and conditions of parole. If the board revokes parole for
890 one or more technical violations the board shall impose a period
891 of imprisonment to be served in a technical violation center
892 operated by the department not to exceed ninety (90) days for the
893 first revocation and not to exceed one hundred twenty (120) days
894 for the second revocation. For the third revocation, the board



895 may impose a period of imprisonment to be served in a technical
896 violation center for up to one hundred eighty (180) days or the
897 board may impose the remainder of the suspended portion of the
898 sentence. For the fourth and any subsequent revocation, the board
899 may impose up to the remainder of the suspended portion of the
900 sentence. The period of imprisonment in a technical violation
901 center imposed under this section shall not be reduced in any
902 manner.

903 (7) Unless good cause for the delay is established in the
904 record of the proceeding, the parole revocation charge shall be
905 dismissed if the revocation hearing is not held within the thirty
906 (30) days of the issuance of the warrant.

907 (8) The chairman and each member of the board and the
908 designated parole revocation hearing officer may, in the discharge
909 of their duties, administer oaths, summon and examine witnesses,
910 and take other steps as may be necessary to ascertain the truth of
911 any matter about which they have the right to inquire.

912 (9) The board shall provide semiannually to the Oversight
913 Task Force the number of warrants issued for an alleged violation
914 of parole, the average time between detention on a warrant and
915 preliminary hearing, the average time between detention on a
916 warrant and revocation hearing, the number of ninety-day sentences
917 in a technical violation center issued by the board, the number of
918 one-hundred-twenty-day sentences in a technical violation center
919 issued by the board, the number of one-hundred-eighty-day



920 sentences issued by the board, and the number and average length
921 of the suspended sentences imposed by the board in response to a
922 violation.

923 **SECTION 16.** Section 47-7-33, Mississippi Code of 1972, is
924 brought forward as follows:

925 47-7-33. (1) When it appears to the satisfaction of any
926 circuit court or county court in the State of Mississippi having
927 original jurisdiction over criminal actions, or to the judge
928 thereof, that the ends of justice and the best interest of the
929 public, as well as the defendant, will be served thereby, such
930 court, in termtime or in vacation, shall have the power, after
931 conviction or a plea of guilty, except in a case where a death
932 sentence or life imprisonment is the maximum penalty which may be
933 imposed, to suspend the imposition or execution of sentence, and
934 place the defendant on probation as herein provided, except that
935 the court shall not suspend the execution of a sentence of
936 imprisonment after the defendant shall have begun to serve such
937 sentence. In placing any defendant on probation, the court, or
938 judge, shall direct that such defendant be under the supervision
939 of the Department of Corrections.

940 (2) When any circuit or county court places an offender on
941 probation, the court shall give notice to the Mississippi
942 Department of Corrections within fifteen (15) days of the court's
943 decision to place the offender on probation. Notice shall be
944 delivered to the central office of the Mississippi Department of



945 Corrections and to the regional office of the department which
946 will be providing supervision to the offender on probation.

947 (3) When any circuit court or county court places a person
948 on probation in accordance with the provisions of this section and
949 that person is ordered to make any payments to his family, if any
950 member of his family whom he is ordered to support is receiving
951 public assistance through the State Department of Human Services,
952 the court shall order him to make such payments to the county
953 welfare officer of the county rendering public assistance to his
954 family, for the sole use and benefit of said family.

955 **SECTION 17.** Section 47-7-34, Mississippi Code of 1972, is
956 brought forward as follows:

957 47-7-34. (1) When a court imposes a sentence upon a
958 conviction for any felony committed after June 30, 1995, the
959 court, in addition to any other punishment imposed if the other
960 punishment includes a term of incarceration in a state or local
961 correctional facility, may impose a term of post-release
962 supervision. However, the total number of years of incarceration
963 plus the total number of years of post-release supervision shall
964 not exceed the maximum sentence authorized to be imposed by law
965 for the felony committed. The defendant shall be placed under
966 post-release supervision upon release from the term of
967 incarceration. The period of supervision shall be established by
968 the court.



969 (2) The period of post-release supervision shall be
970 conducted in the same manner as a like period of supervised
971 probation, including a requirement that the defendant shall abide
972 by any terms and conditions as the court may establish. Failure
973 to successfully abide by the terms and conditions shall be grounds
974 to terminate the period of post-release supervision and to
975 recommit the defendant to the correctional facility from which he
976 was previously released. Procedures for termination and
977 recommitment shall be conducted in the same manner as procedures
978 for the revocation of probation and imposition of a suspended
979 sentence as required pursuant to Section 47-7-37.

980 (3) Post-release supervision programs shall be operated
981 through the probation and parole unit of the Division of Community
982 Corrections of the department. The maximum amount of time that
983 the Mississippi Department of Corrections may supervise an
984 offender on the post-release supervision program is five (5)
985 years.

986 **SECTION 18.** Section 47-7-35, Mississippi Code of 1972, is
987 brought forward as follows:

988 47-7-35. (1) The courts referred to in Section 47-7-33 or
989 47-7-34 shall determine the terms and conditions of probation or
990 post-release supervision and may alter or modify, at any time
991 during the period of probation or post-release supervision, the
992 conditions and may include among them the following or any other:

993 That the offender shall:



994 (a) Commit no offense against the laws of this or any
995 other state of the United States, or of any federal, territorial
996 or tribal jurisdiction of the United States;
997 (b) Avoid injurious or vicious habits;
998 (c) Avoid persons or places of disreputable or harmful
999 character;
1000 (d) Report to the probation and parole officer as
1001 directed;
1002 (e) Permit the probation and parole officer to visit
1003 him at home or elsewhere;
1004 (f) Work faithfully at suitable employment so far as
1005 possible;
1006 (g) Remain within a specified area;
1007 (h) Pay his fine in one (1) or several sums;
1008 (i) Support his dependents;
1009 (j) Submit, as provided in Section 47-5-601, to any
1010 type of breath, saliva or urine chemical analysis test, the
1011 purpose of which is to detect the possible presence of alcohol or
1012 a substance prohibited or controlled by any law of the State of
1013 Mississippi or the United States;
1014 (k) Register as a sex offender if so required under
1015 Title 45, Chapter 33.
1016 (2) When any court places a defendant on misdemeanor
1017 probation, the court must cause to be conducted a search of the
1018 probationer's name or other identifying information against the



1019 registration information regarding sex offenders maintained under
1020 Title 45, Chapter 33. The search may be conducted using the
1021 Internet site maintained by the Department of Public Safety Sex
1022 Offender Registry.

1023 **SECTION 19.** Section 47-7-36, Mississippi Code of 1972, is
1024 brought forward as follows:

1025 47-7-36. Any person who supervises an individual placed on
1026 parole by the Parole Board or placed on probation by the court
1027 shall set the times and locations for meetings that are required
1028 for parole or probation at such times and locations that are
1029 reasonably designed to accommodate the work schedule of an
1030 individual on parole or probation who is employed by another
1031 person or entity. To effectuate the provisions of this section,
1032 the parole officer or probation officer may utilize technology
1033 portals such as Skype, FaceTime or Google video chat, or any other
1034 technology portal that allows communication between the individual
1035 on parole or probation and the parole or probation officer, as
1036 applicable, to occur simultaneously in real time by voice and
1037 video in lieu of requiring a face-to-face in person meeting of
1038 such individual and the parole or probation officer, as
1039 applicable. For individuals who are self-employed, the provisions
1040 of this section shall only apply with the agreement of their
1041 supervising parole or probation officer.

1042 **SECTION 20.** Section 47-7-37, Mississippi Code of 1972, is
1043 brought forward as follows:



1044 47-7-37. (1) The period of probation shall be fixed by the
1045 court, and may at any time be extended or terminated by the court,
1046 or judge in vacation. Such period with any extension thereof
1047 shall not exceed five (5) years, except that in cases of desertion
1048 and/or failure to support minor children, the period of probation
1049 may be fixed and/or extended by the court for so long as the duty
1050 to support such minor children exists. The time served on
1051 probation or post-release supervision may be reduced pursuant to
1052 Section 47-7-40.

1053 (2) At any time during the period of probation, the court,
1054 or judge in vacation, may issue a warrant for violating any of the
1055 conditions of probation or suspension of sentence and cause the
1056 probationer to be arrested. Any probation and parole officer may
1057 arrest a probationer without a warrant, or may deputize any other
1058 officer with power of arrest to do so by giving him a written
1059 statement setting forth that the probationer has, in the judgment
1060 of the probation and parole officer, violated the conditions of
1061 probation. Such written statement delivered with the probationer
1062 by the arresting officer to the official in charge of a county
1063 jail or other place of detention shall be sufficient warrant for
1064 the detention of the probationer.

1065 (3) Whenever an offender is arrested on a warrant for an
1066 alleged violation of probation as herein provided, the department
1067 shall hold an informal preliminary hearing within seventy-two (72)
1068 hours of the arrest to determine whether there is reasonable cause



1069 to believe the person has violated a condition of probation. A
1070 preliminary hearing shall not be required when the offender is not
1071 under arrest on a warrant or the offender signed a waiver of a
1072 preliminary hearing. The preliminary hearing may be conducted
1073 electronically. If reasonable cause is found, the offender may be
1074 confined no more than twenty-one (21) days from the admission to
1075 detention until a revocation hearing is held. If the revocation
1076 hearing is not held within twenty-one (21) days, the probationer
1077 shall be released from custody and returned to probation status.

1078 (4) If a probationer or offender is subject to registration
1079 as a sex offender, the court must make a finding that the
1080 probationer or offender is not a danger to the public prior to
1081 release with or without bail. In determining the danger posed by
1082 the release of the offender or probationer, the court may consider
1083 the nature and circumstances of the violation and any new offenses
1084 charged; the offender or probationer's past and present conduct,
1085 including convictions of crimes and any record of arrests without
1086 conviction for crimes involving violence or sex crimes; any other
1087 evidence of allegations of unlawful sexual conduct or the use of
1088 violence by the offender or probationer; the offender or
1089 probationer's family ties, length of residence in the community,
1090 employment history and mental condition; the offender or
1091 probationer's history and conduct during the probation or other
1092 supervised release and any other previous supervisions, including
1093 disciplinary records of previous incarcerations; the likelihood



1094 that the offender or probationer will engage again in a criminal
1095 course of conduct; the weight of the evidence against the offender
1096 or probationer; and any other facts the court considers relevant.

1097 (5) (a) The probation and parole officer after making an
1098 arrest shall present to the detaining authorities a similar
1099 statement of the circumstances of violation. The probation and
1100 parole officer shall at once notify the court of the arrest and
1101 detention of the probationer and shall submit a report in writing
1102 showing in what manner the probationer has violated the conditions
1103 of probation. Within twenty-one (21) days of arrest and detention
1104 by warrant as herein provided, the court shall cause the
1105 probationer to be brought before it and may continue or revoke all
1106 or any part of the probation or the suspension of sentence. If
1107 the court revokes probation for one or more technical violations,
1108 the court shall impose a period of imprisonment to be served in
1109 either a technical violation center or a restitution center not to
1110 exceed ninety (90) days for the first revocation and not to exceed
1111 one hundred twenty (120) days for the second revocation. For the
1112 third revocation, the court may impose a period of imprisonment to
1113 be served in either a technical violation center or a restitution
1114 center for up to one hundred eighty (180) days or the court may
1115 impose the remainder of the suspended portion of the sentence.
1116 For the fourth and any subsequent revocation, the court may impose
1117 up to the remainder of the suspended portion of the sentence. The



1118 period of imprisonment in a technical violation center imposed
1119 under this section shall not be reduced in any manner.

1120 (b) If the offender is not detained as a result of the
1121 warrant, the court shall cause the probationer to be brought
1122 before it within a reasonable time and may continue or revoke all
1123 or any part of the probation or the suspension of sentence, and
1124 may cause the sentence imposed to be executed or may impose any
1125 part of the sentence which might have been imposed at the time of
1126 conviction. If the court revokes probation for one or more
1127 technical violations, the court shall impose a period of
1128 imprisonment to be served in either a technical violation center
1129 or a restitution center not to exceed ninety (90) days for the
1130 first revocation and not to exceed one hundred twenty (120) days
1131 for the second revocation. For the third revocation, the court
1132 may impose a period of imprisonment to be served in either a
1133 technical violation center or a restitution center for up to one
1134 hundred eighty (180) days or the court may impose the remainder of
1135 the suspended portion of the sentence. For the fourth and any
1136 subsequent revocation, the court may impose up to the remainder of
1137 the suspended portion of the sentence. The period of imprisonment
1138 in a technical violation center imposed under this section shall
1139 not be reduced in any manner.

1140 (c) If the court does not hold a hearing or does not
1141 take action on the violation within the twenty-one-day period, the
1142 offender shall be released from detention and shall return to



1143 probation status. The court may subsequently hold a hearing and
1144 may revoke probation or may continue probation and modify the
1145 terms and conditions of probation. If the court revokes probation
1146 for one or more technical violations, the court shall impose a
1147 period of imprisonment to be served in either a technical
1148 violation center operated by the department or a restitution
1149 center not to exceed ninety (90) days for the first revocation and
1150 not to exceed one hundred twenty (120) days for the second
1151 revocation. For the third revocation, the court may impose a
1152 period of imprisonment to be served in either a technical
1153 violation center or a restitution center for up to one hundred
1154 eighty (180) days or the court may impose the remainder of the
1155 suspended portion of the sentence. For the fourth and any
1156 subsequent revocation, the court may impose up to the remainder of
1157 the suspended portion of the sentence. The period of imprisonment
1158 in a technical violation center imposed under this section shall
1159 not be reduced in any manner.

1160 (d) For an offender charged with a technical violation
1161 who has not been detained awaiting the revocation hearing, the
1162 court may hold a hearing within a reasonable time. The court may
1163 revoke probation or may continue probation and modify the terms
1164 and conditions of probation. If the court revokes probation for
1165 one or more technical violations the court shall impose a period
1166 of imprisonment to be served in either a technical violation
1167 center operated by the department or a restitution center not to



1168 exceed ninety (90) days for the first revocation and not to exceed
1169 one hundred twenty (120) days for the second revocation. For the
1170 third revocation, the court may impose a period of imprisonment to
1171 be served in either a technical violation center or a restitution
1172 center for up to one hundred eighty (180) days or the court may
1173 impose the remainder of the suspended portion of the sentence.
1174 For the fourth and any subsequent revocation, the court may impose
1175 up to the remainder of the suspended portion of the sentence. The
1176 period of imprisonment in a technical violation center imposed
1177 under this section shall not be reduced in any manner.

1178 (6) If the probationer is arrested in a circuit court
1179 district in the State of Mississippi other than that in which he
1180 was convicted, the probation and parole officer, upon the written
1181 request of the sentencing judge, shall furnish to the circuit
1182 court or the county court of the county in which the arrest is
1183 made, or to the judge of such court, a report concerning the
1184 probationer, and such court or the judge in vacation shall have
1185 authority, after a hearing, to continue or revoke all or any part
1186 of probation or all or any part of the suspension of sentence, and
1187 may in case of revocation proceed to deal with the case as if
1188 there had been no probation. In such case, the clerk of the court
1189 in which the order of revocation is issued shall forward a
1190 transcript of such order to the clerk of the court of original
1191 jurisdiction, and the clerk of that court shall proceed as if the
1192 order of revocation had been issued by the court of original



1193 jurisdiction. Upon the revocation of probation or suspension of
1194 sentence of any offender, such offender shall be placed in the
1195 legal custody of the State Department of Corrections and shall be
1196 subject to the requirements thereof.

1197 (7) Any probationer who removes himself from the State of
1198 Mississippi without permission of the court placing him on
1199 probation, or the court to which jurisdiction has been
1200 transferred, shall be deemed and considered a fugitive from
1201 justice and shall be subject to extradition as now provided by
1202 law. No part of the time that one is on probation shall be
1203 considered as any part of the time that he shall be sentenced to
1204 serve.

1205 (8) The arresting officer, except when a probation and
1206 parole officer, shall be allowed the same fees as now provided by
1207 law for arrest on warrant, and such fees shall be taxed against
1208 the probationer and paid as now provided by law.

1209 (9) The arrest, revocation and recommitment procedures of
1210 this section also apply to persons who are serving a period of
1211 post-release supervision imposed by the court.

1212 (10) Unless good cause for the delay is established in the
1213 record of the proceeding, the probation revocation charge shall be
1214 dismissed if the revocation hearing is not held within thirty (30)
1215 days of the warrant being issued.

1216 (11) The Department of Corrections shall provide
1217 semiannually to the Oversight Task Force the number of warrants



1218 issued for an alleged violation of probation or post-release
1219 supervision, the average time between detention on a warrant and
1220 preliminary hearing, the average time between detention on a
1221 warrant and revocation hearing, the number of ninety-day sentences
1222 in a technical violation center issued by the court, the number of
1223 one-hundred-twenty-day sentences in a technical violation center
1224 issued by the court, the number of one-hundred-eighty-day
1225 sentences issued by the court, and the number and average length
1226 of the suspended sentences imposed by the court in response to a
1227 violation.

1228 **SECTION 21.** Section 47-7-37.1, Mississippi Code of 1972, is
1229 brought forward as follows:

1230 47-7-37.1. Notwithstanding any other provision of law to the
1231 contrary, if a court finds by a preponderance of the evidence,
1232 that a probationer or a person under post-release supervision has
1233 committed a felony or absconded, the court may revoke his
1234 probation and impose any or all of the sentence. For purposes of
1235 this section, "absconding from supervision" means the failure of a
1236 probationer to report to his supervising officer for six (6) or
1237 more consecutive months.

1238 **SECTION 22.** Section 47-7-49, Mississippi Code of 1972, is
1239 brought forward as follows:

1240 47-7-49. (1) Any offender on probation, parole,
1241 earned-release supervision, post-release supervision, earned
1242 probation or any other offender under the field supervision of the



1243 Community Services Division of the department shall pay to the
1244 department the sum of Fifty-five Dollars (\$55.00) per month by
1245 certified check or money order unless a hardship waiver is
1246 granted. An offender shall make the initial payment within sixty
1247 (60) days after being released from imprisonment unless a hardship
1248 waiver is granted. A hardship waiver may be granted by the
1249 sentencing court or the Department of Corrections. A hardship
1250 waiver may not be granted for a period of time exceeding ninety
1251 (90) days. The commissioner or his designee shall deposit Fifty
1252 Dollars (\$50.00) of each payment received into a special fund in
1253 the State Treasury, which is hereby created, to be known as the
1254 Community Service Revolving Fund. Expenditures from this fund
1255 shall be made for: (a) the establishment of restitution and
1256 satellite centers; and (b) the establishment, administration and
1257 operation of the department's Drug Identification Program and the
1258 intensive and field supervision program. The Fifty Dollars
1259 (\$50.00) may be used for salaries and to purchase equipment,
1260 supplies and vehicles to be used by the Community Services
1261 Division in the performance of its duties. Expenditures for the
1262 purposes established in this section may be made from the fund
1263 upon requisition by the commissioner, or his designee.

1264 Of the remaining amount, Three Dollars (\$3.00) of each
1265 payment shall be deposited into the Crime Victims' Compensation
1266 Fund created in Section 99-41-29, and Two Dollars (\$2.00) shall be
1267 deposited into the Training Revolving Fund created pursuant to



1268 Section 47-7-51. When a person is convicted of a felony in this
1269 state, in addition to any other sentence it may impose, the court
1270 may, in its discretion, order the offender to pay a state
1271 assessment not to exceed the greater of One Thousand Dollars
1272 (\$1,000.00) or the maximum fine that may be imposed for the
1273 offense, into the Crime Victims' Compensation Fund created
1274 pursuant to Section 99-41-29.

1275 Any federal funds made available to the department for
1276 training or for training facilities, equipment or services shall
1277 be deposited into the Correctional Training Revolving Fund created
1278 in Section 47-7-51. The funds deposited in this account shall be
1279 used to support an expansion of the department's training program
1280 to include the renovation of facilities for training purposes,
1281 purchase of equipment and contracting of training services with
1282 community colleges in the state.

1283 No offender shall be required to make this payment for a
1284 period of time longer than ten (10) years.

1285 (2) The offender may be imprisoned until the payments are
1286 made if the offender is financially able to make the payments and
1287 the court in the county where the offender resides so finds,
1288 subject to the limitations hereinafter set out. The offender
1289 shall not be imprisoned if the offender is financially unable to
1290 make the payments and so states to the court in writing, under
1291 oath, and the court so finds.



1292 (3) This section shall stand repealed from and after June
1293 30, 2022.

1294 **SECTION 23.** Section 45-1-3, Mississippi Code of 1972, is
1295 brought forward as follows:

1296 45-1-3. When not otherwise specifically provided, the
1297 commissioner is authorized to make and promulgate reasonable rules
1298 and regulations to be coordinated, and carry out the general
1299 provisions of the Highway Safety Patrol and Driver's License Law
1300 of 1938.

1301 **SECTION 24.** Section 9-23-11, Mississippi Code of 1972, is
1302 brought forward as follows:

1303 9-23-11. (1) The Administrative Office of Courts shall
1304 establish, implement and operate a uniform certification process
1305 for all intervention courts and other problem-solving courts
1306 including juvenile courts, veterans courts or any other court
1307 designed to adjudicate criminal actions involving an identified
1308 classification of criminal defendant to ensure funding for
1309 intervention courts supports effective and proven practices that
1310 reduce recidivism and substance dependency among their
1311 participants.

1312 (2) The Administrative Office of Courts shall establish a
1313 certification process that ensures any new or existing
1314 intervention court meets minimum standards for intervention court
1315 operation.



1316 (a) These standards shall include, but are not limited
1317 to:

1318 (i) The use of evidence-based practices including,
1319 but not limited to, the use of a valid and reliable risk and needs
1320 assessment tool to identify participants and deliver appropriate
1321 interventions;

1322 (ii) Targeting medium to high-risk offenders for
1323 participation;

1324 (iii) The use of current, evidence-based
1325 interventions proven to reduce dependency on drugs or alcohol, or
1326 both;

1327 (iv) Frequent testing for alcohol or drugs;

1328 (v) Coordinated strategy between all intervention
1329 court program personnel involving the use of graduated clinical
1330 interventions;

1331 (vi) Ongoing judicial interaction with each
1332 participant; and

1333 (vii) Monitoring and evaluation of intervention
1334 court program implementation and outcomes through data collection
1335 and reporting.

1336 (b) Intervention court certification applications shall
1337 include:

1338 (i) A description of the need for the intervention
1339 court;



1340 (ii) The targeted population for the intervention
1341 court;

1342 (iii) The eligibility criteria for intervention
1343 court participants;

1344 (iv) A description of the process for identifying
1345 appropriate participants including the use of a risk and needs
1346 assessment and a clinical assessment;

1347 (v) A description of the intervention court
1348 intervention components, including anticipated budget and
1349 implementation plan;

1350 (vi) The data collection plan which shall include
1351 collecting the following data:

1352 1. Total number of participants;

1353 2. Total number of successful participants;

1354 3. Total number of unsuccessful participants
1355 and the reason why each participant did not complete the program;

1356 4. Total number of participants who were
1357 arrested for a new criminal offense while in the intervention
1358 court program;

1359 5. Total number of participants who were
1360 convicted of a new felony or misdemeanor offense while in the
1361 intervention court program;

1362 6. Total number of participants who committed
1363 at least one (1) violation while in the intervention court program
1364 and the resulting sanction(s);



1365 7. Results of the initial risk and needs
1366 assessment or other clinical assessment conducted on each
1367 participant; and

1368 8. Total number of applications for screening
1369 by race, gender, offenses charged, indigence and, if not accepted,
1370 the reason for nonacceptance; and

1371 9. Any other data or information as required
1372 by the Administrative Office of Courts.

1373 (c) Every intervention court shall be certified under
1374 the following schedule:

1375 (i) An intervention court application submitted
1376 after July 1, 2014, shall require certification of the
1377 intervention court based on the proposed drug court plan.

1378 (ii) An intervention court initially established
1379 and certified after July 1, 2014, shall be recertified after its
1380 second year of funded operation on a time frame consistent with
1381 the other certified courts of its type.

1382 (iii) A certified adult felony intervention court
1383 in existence on December 31, 2018, must submit a recertification
1384 petition by July 1, 2019, and be recertified under the
1385 requirements of this section on or before December 31, 2019; after
1386 the recertification, all certified adult felony intervention
1387 courts must submit a recertification petition every two (2) years
1388 to the Administrative Office of Courts. The recertification



1389 process must be completed by December 31st of every odd calendar
1390 year.

1391 (iv) A certified youth, family, misdemeanor or
1392 chancery intervention court in existence on December 31, 2018,
1393 must submit a recertification petition by July 31, 2020, and be
1394 recertified under the requirements of this section by December 31,
1395 2020. After the recertification, all certified youth, family,
1396 misdemeanor and chancery intervention courts must submit a
1397 recertification petition every two (2) years to the Administrative
1398 Office of Courts. The recertification process must be completed
1399 by December 31st of every even calendar year.

1400 (3) All certified intervention courts shall measure
1401 successful completion of the drug court based on those
1402 participants who complete the program without a new criminal
1403 conviction.

1404 (4) (a) All certified drug courts must collect and submit
1405 to the Administrative Office of Courts each month, the following
1406 data:

1407 (i) Total number of participants at the beginning
1408 of the month;

1409 (ii) Total number of participants at the end of
1410 the month;

1411 (iii) Total number of participants who began the
1412 program in the month;



1413 (iv) Total number of participants who successfully
1414 completed the intervention court in the month;

1415 (v) Total number of participants who left the
1416 program in the month;

1417 (vi) Total number of participants who were
1418 arrested for a new criminal offense while in the intervention
1419 court program in the month;

1420 (vii) Total number of participants who were
1421 convicted for a new criminal arrest while in the intervention
1422 court program in the month; and

1423 (viii) Total number of participants who committed
1424 at least one (1) violation while in the intervention court program
1425 and any resulting sanction(s).

1426 (b) By August 1, 2015, and each year thereafter, the
1427 Administrative Office of Courts shall report to the PEER Committee
1428 the information in subsection (4) (a) of this section in a
1429 sortable, electronic format.

1430 (5) All certified intervention courts may individually
1431 establish rules and may make special orders and rules as necessary
1432 that do not conflict with the rules promulgated by the Supreme
1433 Court or the Administrative Office of Courts.

1434 (6) A certified intervention court may appoint the full- or
1435 part-time employees it deems necessary for the work of the
1436 intervention court and shall fix the compensation of those



1437 employees. Such employees shall serve at the will and pleasure of
1438 the judge or the judge's designee.

1439 (7) The Administrative Office of Courts shall promulgate
1440 rules and regulations to carry out the certification and
1441 re-certification process and make any other policies not
1442 inconsistent with this section to carry out this process.

1443 (8) A certified intervention court established under this
1444 chapter is subject to the regulatory powers of the Administrative
1445 Office of Courts as set forth in Section 9-23-17.

1446 **SECTION 25.** Section 99-39-5, Mississippi Code of 1972, is
1447 brought forward as follows:

1448 99-39-5. (1) Any person sentenced by a court of record of
1449 the State of Mississippi, including a person currently
1450 incarcerated, civilly committed, on parole or probation or subject
1451 to sex offender registration for the period of the registration or
1452 for the first five (5) years of the registration, whichever is the
1453 shorter period, may file a motion to vacate, set aside or correct
1454 the judgment or sentence, a motion to request forensic DNA testing
1455 of biological evidence, or a motion for an out-of-time appeal if
1456 the person claims:

1457 (a) That the conviction or the sentence was imposed in
1458 violation of the Constitution of the United States or the
1459 Constitution or laws of Mississippi;

1460 (b) That the trial court was without jurisdiction to
1461 impose sentence;



1462 (c) That the statute under which the conviction and/or
1463 sentence was obtained is unconstitutional;

1464 (d) That the sentence exceeds the maximum authorized by
1465 law;

1466 (e) That there exists evidence of material facts, not
1467 previously presented and heard, that requires vacation of the
1468 conviction or sentence in the interest of justice;

1469 (f) That there exists biological evidence secured in
1470 relation to the investigation or prosecution attendant to the
1471 petitioner's conviction not tested, or, if previously tested, that
1472 can be subjected to additional DNA testing, that would provide a
1473 reasonable likelihood of more probative results, and that testing
1474 would demonstrate by reasonable probability that the petitioner
1475 would not have been convicted or would have received a lesser
1476 sentence if favorable results had been obtained through such
1477 forensic DNA testing at the time of the original prosecution.

1478 (g) That his plea was made involuntarily;

1479 (h) That his sentence has expired; his probation,
1480 parole or conditional release unlawfully revoked; or he is
1481 otherwise unlawfully held in custody;

1482 (i) That he is entitled to an out-of-time appeal; or

1483 (j) That the conviction or sentence is otherwise
1484 subject to collateral attack upon any grounds of alleged error
1485 heretofore available under any common law, statutory or other
1486 writ, motion, petition, proceeding or remedy.



1487 (2) A motion for relief under this article shall be made
1488 within three (3) years after the time in which the petitioner's
1489 direct appeal is ruled upon by the Supreme Court of Mississippi
1490 or, in case no appeal is taken, within three (3) years after the
1491 time for taking an appeal from the judgment of conviction or
1492 sentence has expired, or in case of a guilty plea, within three
1493 (3) years after entry of the judgment of conviction. Excepted
1494 from this three-year statute of limitations are those cases in
1495 which the petitioner can demonstrate either:

1496 (a) (i) That there has been an intervening decision of
1497 the Supreme Court of either the State of Mississippi or the United
1498 States which would have actually adversely affected the outcome of
1499 his conviction or sentence or that he has evidence, not reasonably
1500 discoverable at the time of trial, which is of such nature that it
1501 would be practically conclusive that had such been introduced at
1502 trial it would have caused a different result in the conviction or
1503 sentence; or

1504 (ii) That, even if the petitioner pled guilty or
1505 nolo contendere, or confessed or admitted to a crime, there exists
1506 biological evidence not tested, or, if previously tested, that can
1507 be subjected to additional DNA testing that would provide a
1508 reasonable likelihood of more probative results, and that testing
1509 would demonstrate by reasonable probability that the petitioner
1510 would not have been convicted or would have received a lesser



1511 sentence if favorable results had been obtained through such
1512 forensic DNA testing at the time of the original prosecution.

1513 (b) Likewise excepted are those cases in which the
1514 petitioner claims that his sentence has expired or his probation,
1515 parole or conditional release has been unlawfully revoked.
1516 Likewise excepted are filings for post-conviction relief in
1517 capital cases which shall be made within one (1) year after
1518 conviction.

1519 (3) This motion is not a substitute for, nor does it affect,
1520 any remedy incident to the proceeding in the trial court, or
1521 direct review of the conviction or sentence.

1522 (4) Proceedings under this article shall be subject to the
1523 provisions of Section 99-19-42.

1524 (5) For the purposes of this article:

1525 (a) "Biological evidence" means the contents of a
1526 sexual assault examination kit and any item that contains blood,
1527 semen, hair, saliva, skin tissue, fingernail scrapings, bone,
1528 bodily fluids or other identifiable biological material that was
1529 collected as part of the criminal investigation or may reasonably
1530 be used to incriminate or exculpate any person for the offense.
1531 This definition applies whether that material is catalogued
1532 separately, such as on a slide, swab or in a test tube, or is
1533 present on other evidence, including, but not limited to,
1534 clothing, ligatures, bedding or other household material, drinking
1535 cups, cigarettes or other items;



1536 (b) "DNA" means deoxyribonucleic acid.

1537 **SECTION 26.** Section 99-39-27, Mississippi Code of 1972, is
1538 brought forward as follows:

1539 99-39-27. (1) The application for leave to proceed in the
1540 trial court filed with the Supreme Court under Section 99-39-7
1541 shall name the State of Mississippi as the respondent.

1542 (2) The application shall contain the original and two (2)
1543 executed copies of the motion proposed to be filed in the trial
1544 court together with such other supporting pleadings and
1545 documentation as the Supreme Court by rule may require.

1546 (3) The prisoner shall serve an executed copy of the
1547 application upon the Attorney General simultaneously with the
1548 filing of the application with the court.

1549 (4) The original motion, together with all files, records,
1550 transcripts and correspondence relating to the judgment under
1551 attack, shall promptly be examined by the court.

1552 (5) Unless it appears from the face of the application,
1553 motion, exhibits and the prior record that the claims presented by
1554 those documents are not procedurally barred under Section 99-39-21
1555 and that they further present a substantial showing of the denial
1556 of a state or federal right, the court shall by appropriate order
1557 deny the application. The court may, in its discretion, require
1558 the Attorney General upon sufficient notice to respond to the
1559 application.



1560 (6) The court, upon satisfaction of the standards set forth
1561 in this article, is empowered to grant the application.

1562 (7) In granting the application the court, in its
1563 discretion, may:

1564 (a) Where sufficient facts exist from the face of the
1565 application, motion, exhibits, the prior record and the state's
1566 response, together with any exhibits submitted with those
1567 documents, or upon stipulation of the parties, grant or deny any
1568 or all relief requested in the attached motion.

1569 (b) Allow the filing of the motion in the trial court
1570 for further proceedings under Sections 99-39-13 through 99-39-23.

1571 (8) No application or relief shall be granted without the
1572 Attorney General being given at least five (5) days to respond.

1573 (9) The dismissal or denial of an application under this
1574 section is a final judgment and shall be a bar to a second or
1575 successive application under this article. Excepted from this
1576 prohibition is an application filed under Section 99-19-57(2),
1577 raising the issue of the offender's supervening mental illness
1578 before the execution of a sentence of death. A dismissal or
1579 denial of an application relating to mental illness under Section
1580 99-19-57(2) shall be res judicata on the issue and shall likewise
1581 bar any second or successive applications on the issue. Likewise
1582 excepted from this prohibition are those cases in which the
1583 prisoner can demonstrate either that there has been an intervening
1584 decision of the Supreme Court of either the State of Mississippi



1585 or the United States that would have actually adversely affected
1586 the outcome of his conviction or sentence or that he has evidence,
1587 not reasonably discoverable at the time of trial, that is of such
1588 nature that it would be practically conclusive that, if it had
1589 been introduced at trial, it would have caused a different result
1590 in the conviction or sentence. Likewise exempted are those cases
1591 in which the prisoner claims that his sentence has expired or his
1592 probation, parole or conditional release has been unlawfully
1593 revoked.

1594 (10) Proceedings under this section shall be subject to the
1595 provisions of Section 99-19-42.

1596 (11) Post-conviction proceedings in which the defendant is
1597 under sentence of death shall be governed by rules established by
1598 the Supreme Court as well as the provisions of this section.

1599 **SECTION 27.** Section 41-29-153, Mississippi Code of 1972, is
1600 brought forward as follows:

1601 41-29-153. (a) The following are subject to forfeiture:

1602 (1) All controlled substances which have been
1603 manufactured, distributed, dispensed or acquired in violation of
1604 this article or in violation of Article 5 of this chapter;

1605 (2) All raw materials, products and equipment of any
1606 kind which are used, or intended for use, in manufacturing,
1607 compounding, processing, delivering, importing, or exporting any
1608 controlled substance in violation of this article or in violation
1609 of Article 5 of this chapter;



1610 (3) All property which is used, or intended for use, as
1611 a container for property described in paragraph (1) or (2) of this
1612 subsection;

1613 (4) All conveyances, including aircraft, vehicles or
1614 vessels, which are used, or intended for use, to transport, or in
1615 any manner to facilitate the transportation, sale, receipt,
1616 possession or concealment of property described in paragraph (1)
1617 or (2) of this subsection, however:

1618 A. No conveyance used by any person as a common
1619 carrier in the transaction of business as a common carrier is
1620 subject to forfeiture under this section unless it appears that
1621 the owner or other person in charge of the conveyance is a
1622 consenting party or privy to a violation of this article;

1623 B. No conveyance is subject to forfeiture under
1624 this section by reason of any act or omission proved by the owner
1625 thereof to have been committed or omitted without his knowledge or
1626 consent; if the confiscating authority has reason to believe that
1627 the conveyance is a leased or rented conveyance, then the
1628 confiscating authority shall notify the owner of the conveyance
1629 within five (5) days of the confiscation;

1630 C. A forfeiture of a conveyance encumbered by a
1631 bona fide security interest is subject to the interest of the
1632 secured party if he neither had knowledge of nor consented to the
1633 act or omission;



1634 D. A conveyance is not subject to forfeiture for a
1635 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,
1636 3;

1637 (5) All money, deadly weapons, books, records, and
1638 research products and materials, including formulas, microfilm,
1639 tapes and data which are used, or intended for use, in violation
1640 of this article or in violation of Article 5 of this chapter;

1641 (6) All drug paraphernalia as defined in Section
1642 41-29-105(v); and

1643 (7) Everything of value, including real estate,
1644 furnished, or intended to be furnished, in exchange for a
1645 controlled substance in violation of this article, all proceeds
1646 traceable to such an exchange, and all monies, negotiable
1647 instruments, businesses or business investments, securities, and
1648 other things of value used, or intended to be used, to facilitate
1649 any violation of this article. All monies, coin and currency
1650 found in close proximity to forfeitable controlled substances, to
1651 forfeitable drug manufacturing or distributing paraphernalia, or
1652 to forfeitable records of the importation, manufacture or
1653 distribution of controlled substances are presumed to be
1654 forfeitable under this paragraph; the burden of proof is upon
1655 claimants of the property to rebut this presumption.

1656 A. No property shall be forfeited under the
1657 provisions of subsection (a) (7) of this section, to the extent of
1658 the interest of an owner, by reason of any act or omission



1659 established by him to have been committed or omitted without his
1660 knowledge or consent.

1661 B. Neither personal property encumbered by a bona
1662 fide security interest nor real estate encumbered by a bona fide
1663 mortgage, deed of trust, lien or encumbrance shall be forfeited
1664 under the provisions of subsection (a)(7) of this section, to the
1665 extent of the interest of the secured party or the interest of the
1666 mortgagee, holder of a deed of trust, lien or encumbrance by
1667 reason of any act or omission established by him to have been
1668 committed or omitted without his knowledge or consent.

1669 (b) Property subject to forfeiture may be seized by the
1670 bureau, local law enforcement officers, enforcement officers of
1671 the Mississippi Department of Transportation, highway patrolmen,
1672 the board, or the State Board of Pharmacy upon process issued by
1673 any appropriate court having jurisdiction over the property.

1674 Seizure without process may be made if:

1675 (1) The seizure is incident to an arrest or a search
1676 under a search warrant or an inspection under an administrative
1677 inspection warrant;

1678 (2) The property subject to seizure has been the
1679 subject of a prior judgment in favor of the state in a criminal
1680 injunction or forfeiture proceeding based upon this article;

1681 (3) The bureau, the board, local law enforcement
1682 officers, enforcement officers of the Mississippi Department of
1683 Transportation, or highway patrolmen, or the State Board of



1684 Pharmacy have probable cause to believe that the property is
1685 directly or indirectly dangerous to health or safety;

1686 (4) The bureau, local law enforcement officers,
1687 enforcement officers of the Mississippi Department of
1688 Transportation, highway patrolmen, the board, or the State Board
1689 of Pharmacy have probable cause to believe that the property was
1690 used or is intended to be used in violation of this article; or

1691 (5) The seizing law enforcement agency obtained a
1692 seizure warrant as described in paragraph (f) of this section.

1693 (c) Controlled substances listed in Schedule I of Section
1694 41-29-113 that are possessed, transferred, sold, or offered for
1695 sale in violation of this article are contraband and shall be
1696 seized and summarily forfeited to the state. Controlled
1697 substances listed in the said Schedule I, which are seized or come
1698 into the possession of the state, the owners of which are unknown,
1699 are contraband and shall be summarily forfeited to the state.

1700 (d) Species of plants from which controlled substances in
1701 Schedules I and II of Sections 41-29-113 and 41-29-115 may be
1702 derived which have been planted or cultivated in violation of this
1703 article, or of which the owners or cultivators are unknown, or
1704 which are wild growths, may be seized and summarily forfeited to
1705 the state.

1706 (e) The failure, upon demand by the bureau and/or local law
1707 enforcement officers, or their authorized agents, or highway
1708 patrolmen designated by the bureau, the board, or the State Board



1709 of Pharmacy, of the person in occupancy or in control of land or
1710 premises upon which the species of plants are growing or being
1711 stored, to produce an appropriate registration, or proof that he
1712 is the holder thereof, constitutes authority for the seizure and
1713 forfeiture of the plants.

1714 (f) (1) When any property is seized under the Uniform
1715 Controlled Substances Law, except as otherwise provided in
1716 paragraph (3) of this subsection, by a law enforcement agency with
1717 the intent to be forfeited, the law enforcement agency that seized
1718 the property shall obtain a seizure warrant from the county or
1719 circuit court having jurisdiction of such property within
1720 seventy-two (72) hours of any seizure, excluding weekends and
1721 holidays. Any law enforcement agency that fails to obtain a
1722 seizure warrant within seventy-two (72) hours as required by this
1723 section shall notify the person from whom the property was seized
1724 that it will not be forfeited and shall provide written
1725 instructions advising the person how to retrieve the seized
1726 property.

1727 (2) A circuit or county judge having jurisdiction of
1728 any property other than a controlled substance, raw material or
1729 paraphernalia, may issue a seizure warrant upon proper oath or
1730 affirmation from a law enforcement agency. The law enforcement
1731 agency that is seeking a seizure warrant shall provide the
1732 following information to the judge:



1733 A. Probable cause to believe that the property was
1734 used or intended to be used in violation of this article;

1735 B. The name of the person from whom the property
1736 was seized; and

1737 C. A detailed description of the property which is
1738 seized, including the value of the property.

1739 (3) This subsection does not apply to seizures
1740 performed pursuant to Section 41-29-157 when property is
1741 specifically set forth in a search and seizure warrant.

1742 **SECTION 28.** Section 41-29-154, Mississippi Code of 1972, is
1743 brought forward as follows:

1744 41-29-154. Any controlled substance or paraphernalia seized
1745 under the authority of this article or any other law of
1746 Mississippi or of the United States, shall be destroyed,
1747 adulterated and disposed of or otherwise rendered harmless and
1748 disposed of, upon written authorization of the director, after
1749 such substance or paraphernalia has served its usefulness as
1750 evidence or after such substance or paraphernalia is no longer
1751 useful for training or demonstration purposes.

1752 A record of the disposition of such substances and
1753 paraphernalia and the method of destruction or adulteration
1754 employed along with the names of witnesses to such destruction or
1755 adulteration shall be retained by the director.

1756 No substance or paraphernalia shall be disposed of, destroyed
1757 or rendered harmless under the authority of this section without



1758 an order from the director and without at least two (2) officers
1759 or agents of the bureau present as witnesses.

1760 **SECTION 29.** Section 41-29-157, Mississippi Code of 1972, is
1761 brought forward as follows:

1762 41-29-157. (a) Except as otherwise provided in Section
1763 41-29-107.1, issuance and execution of administrative inspection
1764 warrants and search warrants shall be as follows, except as
1765 provided in subsection (c) of this section:

1766 (1) A judge of any state court of record, or any
1767 justice court judge within his jurisdiction, and upon proper oath
1768 or affirmation showing probable cause, may issue warrants for the
1769 purpose of conducting administrative inspections authorized by
1770 this article or rules thereunder, and seizures of property
1771 appropriate to the inspections. For purposes of the issuance of
1772 administrative inspection warrants, probable cause exists upon
1773 showing a valid public interest in the effective enforcement of
1774 this article or rules thereunder, sufficient to justify
1775 administrative inspection of the area, premises, building or
1776 conveyance in the circumstances specified in the application for
1777 the warrant. All such warrants shall be served during normal
1778 business hours;

1779 (2) A search warrant shall issue only upon an affidavit
1780 of a person having knowledge or information of the facts alleged,
1781 sworn to before the judge or justice court judge and establishing
1782 the grounds for issuing the warrant. If the judge or justice



1783 court judge is satisfied that grounds for the application exist or
1784 that there is probable cause to believe they exist, he shall issue
1785 a warrant identifying the area, premises, building or conveyance
1786 to be searched, the purpose of the search, and, if appropriate,
1787 the type of property to be searched, if any. The warrant shall:

1788 (A) State the grounds for its issuance and the
1789 name of each person whose affidavit has been taken in support
1790 thereof;

1791 (B) Be directed to a person authorized by Section
1792 41-29-159 to execute it;

1793 (C) Command the person to whom it is directed to
1794 inspect the area, premises, building or conveyance identified for
1795 the purpose specified, and if appropriate, direct the seizure of
1796 the property specified;

1797 (D) Identify the item or types of property to be
1798 seized, if any;

1799 (E) Direct that it be served and designate the
1800 judge or magistrate to whom it shall be returned;

1801 (3) A warrant issued pursuant to this section must be
1802 executed and returned within ten (10) days of its date unless,
1803 upon a showing of a need for additional time, the court orders
1804 otherwise. If property is seized pursuant to a warrant, a copy
1805 shall be given to the person from whom or from whose premises the
1806 property is taken, together with a receipt for the property taken.
1807 The return of the warrant shall be made promptly, accompanied by a



1808 written inventory of any property taken. The inventory shall be
1809 made in the presence of the person executing the warrant and of
1810 the person from whose possession or premises the property was
1811 taken, if present, or in the presence of at least one (1) credible
1812 person other than the person executing the warrant. A copy of the
1813 inventory shall be delivered to the person from whom or from whose
1814 premises the property was taken and to the applicant for the
1815 warrant;

1816 (4) The judge or justice court judge who has issued a
1817 warrant shall attach thereto a copy of the return and all papers
1818 returnable in connection therewith and file them with the clerk of
1819 the appropriate state court for the judicial district in which the
1820 inspection was made.

1821 (b) The Mississippi Bureau of Narcotics, the State Board of
1822 Pharmacy, the State Board of Medical Licensure, the State Board of
1823 Dental Examiners, the Mississippi Board of Nursing or the State
1824 Board of Optometry may make administrative inspections of
1825 controlled premises in accordance with the following provisions:

1826 (1) For purposes of this section only, "controlled
1827 premises" means:

1828 (A) Places where persons registered or exempted
1829 from registration requirements under this article are required to
1830 keep records; and

1831 (B) Places including factories, warehouses,
1832 establishments and conveyances in which persons registered or



1833 exempted from registration requirements under this article are
1834 permitted to hold, manufacture, compound, process, sell, deliver,
1835 or otherwise dispose of any controlled substance.

1836 (2) When authorized by an administrative inspection
1837 warrant issued in accordance with the conditions imposed in this
1838 section, an officer or employee designated by the Mississippi
1839 Bureau of Narcotics, the State Board of Pharmacy, the State Board
1840 of Medical Licensure, the State Board of Dental Examiners, the
1841 Mississippi Board of Nursing or the State Board of Optometry, upon
1842 presenting the warrant and appropriate credentials to the owner,
1843 operator or agent in charge, may enter controlled premises for the
1844 purpose of conducting an administrative inspection.

1845 (3) When authorized by an administrative inspection
1846 warrant, an officer or employee designated by the Mississippi
1847 Bureau of Narcotics, the State Board of Pharmacy, the State Board
1848 of Medical Licensure, the State Board of Dental Examiners, the
1849 Mississippi Board of Nursing or the State Board of Optometry may:

1850 (A) Inspect and copy records required by this
1851 article to be kept;

1852 (B) Inspect, within reasonable limits and in a
1853 reasonable manner, controlled premises and all pertinent
1854 equipment, finished and unfinished material, containers and
1855 labeling found therein, and, except as provided in paragraph (5)
1856 of this subsection, all other things therein, including records,



1857 files, papers, processes, controls and facilities bearing on
1858 violation of this article; and

1859 (C) Inventory any stock of any controlled
1860 substance therein and obtain samples thereof.

1861 (4) This section does not prevent the inspection
1862 without a warrant of books and records pursuant to an
1863 administrative subpoena, nor does it prevent entries and
1864 administrative inspections, including seizures of property,
1865 without a warrant:

1866 (A) If the owner, operator or agent in charge of
1867 the controlled premises consents;

1868 (B) In situations presenting imminent danger to
1869 health or safety;

1870 (C) In situations involving inspection of
1871 conveyances if there is reasonable cause to believe that the
1872 mobility of the conveyance makes it impracticable to obtain a
1873 warrant;

1874 (D) In any other exceptional or emergency
1875 circumstance where time or opportunity to apply for a warrant is
1876 lacking; or

1877 (E) In all other situations in which a warrant is
1878 not constitutionally required.

1879 (5) An inspection authorized by this section shall not
1880 extend to financial data, sales data, other than shipment data, or



1881 pricing data unless the owner, operator or agent in charge of the
1882 controlled premises consents in writing.

1883 (c) Any agent of the bureau authorized to execute a search
1884 warrant involving controlled substances, the penalty for which is
1885 imprisonment for more than one (1) year, may, without notice of
1886 his authority and purpose, break open an outer door or inner door,
1887 or window of a building, or any part of the building, if the judge
1888 issuing the warrant:

1889 (1) Is satisfied that there is probable cause to
1890 believe that:

1891 (A) The property sought may, and, if such notice
1892 is given, will be easily and quickly destroyed or disposed of; or

1893 (B) The giving of such notice will immediately
1894 endanger the life or safety of the executing officer or another
1895 person; and

1896 (2) Has included in the warrant a direction that the
1897 officer executing the warrant shall not be required to give such
1898 notice.

1899 Any officer acting under such warrant shall, as soon as
1900 practical, after entering the premises, identify himself and give
1901 the reasons and authority for his entrance upon the premises.

1902 Search warrants which include the instruction that the
1903 executing officer shall not be required to give notice of
1904 authority and purpose as authorized by this subsection shall be
1905 issued only by the county court or county judge in vacation,



1906 chancery court or by the chancellor in vacation, by the circuit
1907 court or circuit judge in vacation, or by a justice of the
1908 Mississippi Supreme Court.

1909 This subsection shall expire and stand repealed from and
1910 after July 1, 1974, except that the repeal shall not affect the
1911 validity or legality of any search authorized under this
1912 subsection and conducted prior to July 1, 1974.

1913 **SECTION 30.** Section 99-15-105, Mississippi Code of 1972, is
1914 brought forward as follows:

1915 99-15-105. (1) Each district attorney, with the consent of
1916 a circuit court judge of his district, shall have the
1917 prosecutorial discretion as defined herein and may as a matter of
1918 such prosecutorial discretion establish a pretrial intervention
1919 program in the circuit court districts.

1920 (2) A pretrial intervention program shall be under the
1921 direct supervision and control of the district attorney.

1922 (3) An offender must make application to an intervention
1923 program within the time prescribed by the district attorney.

1924 **SECTION 31.** Section 99-15-107, Mississippi Code of 1972, is
1925 brought forward as follows:

1926 99-15-107. A person shall not be considered for intervention
1927 if he or she has been charged with any crime of violence pursuant
1928 to Section 97-3-2. A person shall not be eligible for acceptance
1929 into the intervention program provided by Sections 99-15-101
1930 through 99-15-127 if such person has been charged with an offense



1931 pertaining to trafficking in a controlled substance, as provided
1932 in Section 41-29-139(f).

1933 **SECTION 32.** Section 99-15-109, Mississippi Code of 1972, is
1934 brought forward as follows:

1935 99-15-109. (1) Intervention shall be appropriate only when:

1936 (a) The offender is eighteen (18) years of age or
1937 older;

1938 (b) There is substantial likelihood that justice will
1939 be served if the offender is placed in an intervention program;

1940 (c) It is determined that the needs of the offender and
1941 the state can better be met outside the traditional criminal
1942 justice process;

1943 (d) It is apparent that the offender poses no threat to
1944 the community;

1945 (e) It appears that the offender is unlikely to be
1946 involved in further criminal activity;

1947 (f) The offender, in those cases where it is required,
1948 is likely to respond quickly to rehabilitative treatment;

1949 (g) The offender has no significant history of prior
1950 delinquency or criminal activity;

1951 (h) The offender has been indicted and is represented
1952 by an attorney; and

1953 (i) The court has determined that the office of
1954 district attorney or the Department of Corrections has sufficient
1955 support staff to administer such intervention program.



1956 (2) When jurisdiction in a case involving a child is
1957 acquired by the circuit court pursuant to a transfer from the
1958 youth court, the provision of subsection (1)(a) of this section
1959 shall not be applicable.

1960 (3) Notwithstanding any other provision of this section, in
1961 all criminal cases wherein an offender has been held in contempt
1962 of court for failure to pay fines or restitution, the offender may
1963 be placed in pretrial intervention for the purpose of collecting
1964 unpaid restitution and fines regardless of any prior criminal
1965 conviction, whether felony or misdemeanor.

1966 **SECTION 33.** Section 99-15-111, Mississippi Code of 1972, is
1967 brought forward as follows:

1968 99-15-111. Prior to admittance of an offender into an
1969 intervention program, the district attorney may require the
1970 offender to furnish information concerning the offender's past
1971 criminal record, education and work record, family history,
1972 medical or psychiatric treatment or care received, psychological
1973 tests taken and other information which, in the district
1974 attorney's opinion, bears on the decision as to whether the
1975 offender should be admitted.

1976 **SECTION 34.** Section 99-15-113, Mississippi Code of 1972, is
1977 brought forward as follows:

1978 99-15-113. Prior to any person's admittance to a pretrial
1979 intervention program the victim, if any, of the crime for which
1980 the applicant is charged and the law enforcement agency employing



1981 the arresting officer shall be asked to comment in writing as to
1982 whether or not the applicant should be allowed to enter an
1983 intervention program. In each case involving admission to an
1984 intervention program, the district attorney and a circuit court
1985 judge of his district shall consider the recommendations of the
1986 law enforcement agency and the victim, if any, in making a
1987 decision.

1988 **SECTION 35.** Section 99-15-115, Mississippi Code of 1972, is
1989 brought forward as follows:

1990 99-15-115. An offender who enters an intervention program
1991 shall:

1992 (a) Waive, in writing and contingent upon his
1993 successful completion of the program, his or her right to a speedy
1994 trial;

1995 (b) Agree, in writing, to the tolling while in the
1996 program of all periods of limitation established by statutes or
1997 rules of court;

1998 (c) Agree, in writing, to the conditions of the
1999 intervention program established by the district attorney which
2000 shall not require or include a guilty plea;

2001 (d) In the event there is a victim of the crime, agree,
2002 in writing, to make restitution to the victim within a specified
2003 period of time and in an amount to be determined by the district
2004 attorney and approved by the court; and

2005 (e) Agree, in writing, to waive extradition.



2006 **SECTION 36.** Section 99-15-117, Mississippi Code of 1972, is
2007 brought forward as follows:

2008 99-15-117. In any case in which an offender agrees to an
2009 intervention program, a specific agreement shall be made between
2010 the district attorney and the offender. This agreement shall
2011 include the terms of the intervention program, the length of the
2012 program, which shall not exceed three (3) years, and a section
2013 therein stating the period of time after which the prosecutor will
2014 either dismiss the charge or seek a conviction based upon that
2015 charge. The agreement shall be signed by the offender and his or
2016 her counsel and filed in the district attorney's office. Before an
2017 offender is admitted to an intervention program, the court having
2018 jurisdiction of the charge must approve of the offender's
2019 admission to the program and the terms of the agreement.

2020 **SECTION 37.** Section 99-15-119, Mississippi Code of 1972, is
2021 brought forward as follows:

2022 99-15-119. In all cases where an offender is accepted for
2023 intervention a written report shall be made and retained on file
2024 in the district attorney's office, regardless of whether or not
2025 the offender successfully completes the intervention program. The
2026 district attorney shall furnish to the Mississippi Justice
2027 Information Center personal identification information on each
2028 person accepted for intervention. This information shall only be
2029 released by the Mississippi Justice Information Center in those



2030 cases where a district attorney inquires as to whether a person
2031 has previously been accepted into an intervention program.

2032 **SECTION 38.** Section 99-15-121, Mississippi Code of 1972, is
2033 brought forward as follows:

2034 99-15-121. Prior to the completion of the pretrial
2035 intervention program the offender shall make restitution, as
2036 determined by the district attorney and approved by the court, to
2037 the victim, if any, and shall pay any expenses to the
2038 administrator of this program which are incurred as a result of
2039 his participation in the program. The amount of such expenses
2040 shall be determined by the district attorney and made part of the
2041 initial agreement between the district attorney and the offender.

2042 **SECTION 39.** Section 99-15-123, Mississippi Code of 1972, is
2043 brought forward as follows:

2044 99-15-123. (1) In the event an offender successfully
2045 completes a pretrial intervention program, the court shall make a
2046 noncriminal disposition of the charge or charges pending against
2047 the offender.

2048 (2) In the event the offender violates the conditions of the
2049 program agreement: (a) the district attorney may terminate the
2050 offender's participation in the program, (b) the waiver executed
2051 pursuant to Section 99-15-115 shall be void on the date the
2052 offender is removed from the program for the violation, and (c)
2053 the prosecution of pending criminal charges against the offender
2054 shall be resumed by the district attorney.



2055 (3) Upon petition therefor, the court shall expunge the
2056 record of any case in which an arrest was made, the person
2057 arrested was released and the case was dismissed or the charges
2058 were dropped or there was no disposition of such case.

2059 **SECTION 40.** Section 99-15-125, Mississippi Code of 1972, is
2060 brought forward as follows:

2061 99-15-125. No law enforcement officer shall refer to,
2062 mention and/or offer participation in this program as an
2063 inducement to any statement, confession or waiver of any
2064 constitutional rights of any person accused of a crime except
2065 those enumerated in Section 99-15-115.

2066 **SECTION 41.** Section 99-15-127, Mississippi Code of 1972, is
2067 brought forward as follows:

2068 99-15-127. The Department of Corrections, Division of
2069 Community Corrections, is directed to support Sections 99-15-101
2070 through 99-15-127 to the extent that field support personnel are
2071 available in circuit court districts, and the Commissioner of
2072 Corrections shall certify to the court that the Division of
2073 Community Corrections has sufficient field parole officers to
2074 supervise and oversee those individuals who may be placed in this
2075 program by the court.

2076 **SECTION 42.** Section 9-23-5, Mississippi Code of 1972, is
2077 brought forward as follows:



2078 9-23-5. For the purposes of this chapter, the following
2079 words and phrases shall have the meanings ascribed unless the
2080 context clearly requires otherwise:

2081 (a) "Chemical" tests means the analysis of an
2082 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
2083 saliva, (vi) urine, or (vii) other bodily substance to determine
2084 the presence of alcohol or a controlled substance.

2085 (b) "Crime of violence" means an offense listed in
2086 Section 97-3-2.

2087 (c) "Intervention court" means a drug court, mental
2088 health court, veterans court or problem-solving court that
2089 utilizes an immediate and highly structured intervention process
2090 for eligible defendants or juveniles that brings together mental
2091 health professionals, substance abuse professionals, local social
2092 programs and intensive judicial monitoring.

2093 (d) "Evidence-based practices" means supervision
2094 policies, procedures and practices that scientific research
2095 demonstrates reduce recidivism.

2096 (e) "Risk and needs assessment" means the use of an
2097 actuarial assessment tool validated on a Mississippi corrections
2098 population to determine a person's risk to reoffend and the
2099 characteristics that, if addressed, reduce the risk to reoffend.

2100 **SECTION 43.** Section 9-23-7, Mississippi Code of 1972, is
2101 brought forward as follows:



2102 9-23-7. The Administrative Office of Courts shall be
2103 responsible for certification and monitoring of local intervention
2104 courts according to standards promulgated by the State
2105 Intervention Courts Advisory Committee.

2106 **SECTION 44.** Section 9-23-9, Mississippi Code of 1972, is
2107 brought forward as follows:

2108 9-23-9. (1) The State Intervention Courts Advisory
2109 Committee is established to develop and periodically update
2110 proposed statewide evaluation plans and models for monitoring all
2111 critical aspects of intervention courts. The committee must
2112 provide the proposed evaluation plans to the Chief Justice and the
2113 Administrative Office of Courts. The committee shall be chaired
2114 by the Director of the Administrative Office of Courts or a
2115 designee of the director and shall consist of eleven (11) members
2116 all of whom shall be appointed by the Supreme Court. The members
2117 shall be broadly representative of the courts, mental health,
2118 veterans affairs, law enforcement, corrections, criminal defense
2119 bar, prosecutors association, juvenile justice, child protective
2120 services and substance abuse treatment communities.

2121 (2) The State Intervention Courts Advisory Committee may
2122 also make recommendations to the Chief Justice, the Director of
2123 the Administrative Office of Courts and state officials concerning
2124 improvements to intervention court policies and procedures
2125 including the intervention court certification process. The
2126 committee may make suggestions as to the criteria for eligibility,



2127 and other procedural and substantive guidelines for intervention
2128 court operation.

2129 (3) The State Intervention Courts Advisory Committee shall
2130 act as arbiter of disputes arising out of the operation of
2131 intervention courts established under this chapter and make
2132 recommendations to improve the intervention courts; it shall also
2133 make recommendations to the Supreme Court necessary and incident
2134 to compliance with established rules.

2135 (4) The State Intervention Courts Advisory Committee shall
2136 establish through rules and regulations a viable and fiscally
2137 responsible plan to expand the number of adult and juvenile
2138 intervention court programs operating in Mississippi. These rules
2139 and regulations shall include plans to increase participation in
2140 existing and future programs while maintaining their voluntary
2141 nature.

2142 (5) The State Intervention Courts Advisory Committee shall
2143 receive and review the monthly reports submitted to the
2144 Administrative Office of Courts by each certified intervention
2145 court and provide comments and make recommendations, as necessary,
2146 to the Chief Justice and the Director of the Administrative Office
2147 of Courts.

2148 **SECTION 45.** Section 9-23-11, Mississippi Code of 1972, is
2149 brought forward as follows:

2150 9-23-11. (1) The Administrative Office of Courts shall
2151 establish, implement and operate a uniform certification process



2152 for all intervention courts and other problem-solving courts
2153 including juvenile courts, veterans courts or any other court
2154 designed to adjudicate criminal actions involving an identified
2155 classification of criminal defendant to ensure funding for
2156 intervention courts supports effective and proven practices that
2157 reduce recidivism and substance dependency among their
2158 participants.

2159 (2) The Administrative Office of Courts shall establish a
2160 certification process that ensures any new or existing
2161 intervention court meets minimum standards for intervention court
2162 operation.

2163 (a) These standards shall include, but are not limited
2164 to:

2165 (i) The use of evidence-based practices including,
2166 but not limited to, the use of a valid and reliable risk and needs
2167 assessment tool to identify participants and deliver appropriate
2168 interventions;

2169 (ii) Targeting medium to high-risk offenders for
2170 participation;

2171 (iii) The use of current, evidence-based
2172 interventions proven to reduce dependency on drugs or alcohol, or
2173 both;

2174 (iv) Frequent testing for alcohol or drugs;



2175 (v) Coordinated strategy between all intervention
2176 court program personnel involving the use of graduated clinical
2177 interventions;

2178 (vi) Ongoing judicial interaction with each
2179 participant; and

2180 (vii) Monitoring and evaluation of intervention
2181 court program implementation and outcomes through data collection
2182 and reporting.

2183 (b) Intervention court certification applications shall
2184 include:

2185 (i) A description of the need for the intervention
2186 court;

2187 (ii) The targeted population for the intervention
2188 court;

2189 (iii) The eligibility criteria for intervention
2190 court participants;

2191 (iv) A description of the process for identifying
2192 appropriate participants including the use of a risk and needs
2193 assessment and a clinical assessment;

2194 (v) A description of the intervention court
2195 intervention components, including anticipated budget and
2196 implementation plan;

2197 (vi) The data collection plan which shall include
2198 collecting the following data:

2199 1. Total number of participants;



- 2200 2. Total number of successful participants;
2201 3. Total number of unsuccessful participants
2202 and the reason why each participant did not complete the program;
2203 4. Total number of participants who were
2204 arrested for a new criminal offense while in the intervention
2205 court program;
2206 5. Total number of participants who were
2207 convicted of a new felony or misdemeanor offense while in the
2208 intervention court program;
2209 6. Total number of participants who committed
2210 at least one (1) violation while in the intervention court program
2211 and the resulting sanction(s);
2212 7. Results of the initial risk and needs
2213 assessment or other clinical assessment conducted on each
2214 participant; and
2215 8. Total number of applications for screening
2216 by race, gender, offenses charged, indigence and, if not accepted,
2217 the reason for nonacceptance; and
2218 9. Any other data or information as required
2219 by the Administrative Office of Courts.

2220 (c) Every intervention court shall be certified under
2221 the following schedule:

2222 (i) An intervention court application submitted
2223 after July 1, 2014, shall require certification of the
2224 intervention court based on the proposed drug court plan.



2225 (ii) An intervention court initially established
2226 and certified after July 1, 2014, shall be recertified after its
2227 second year of funded operation on a time frame consistent with
2228 the other certified courts of its type.

2229 (iii) A certified adult felony intervention court
2230 in existence on December 31, 2018, must submit a recertification
2231 petition by July 1, 2019, and be recertified under the
2232 requirements of this section on or before December 31, 2019; after
2233 the recertification, all certified adult felony intervention
2234 courts must submit a recertification petition every two (2) years
2235 to the Administrative Office of Courts. The recertification
2236 process must be completed by December 31st of every odd calendar
2237 year.

2238 (iv) A certified youth, family, misdemeanor or
2239 chancery intervention court in existence on December 31, 2018,
2240 must submit a recertification petition by July 31, 2020, and be
2241 recertified under the requirements of this section by December 31,
2242 2020. After the recertification, all certified youth, family,
2243 misdemeanor and chancery intervention courts must submit a
2244 recertification petition every two (2) years to the Administrative
2245 Office of Courts. The recertification process must be completed
2246 by December 31st of every even calendar year.

2247 (3) All certified intervention courts shall measure
2248 successful completion of the drug court based on those



2249 participants who complete the program without a new criminal
2250 conviction.

2251 (4) (a) All certified drug courts must collect and submit
2252 to the Administrative Office of Courts each month, the following
2253 data:

2254 (i) Total number of participants at the beginning
2255 of the month;

2256 (ii) Total number of participants at the end of
2257 the month;

2258 (iii) Total number of participants who began the
2259 program in the month;

2260 (iv) Total number of participants who successfully
2261 completed the intervention court in the month;

2262 (v) Total number of participants who left the
2263 program in the month;

2264 (vi) Total number of participants who were
2265 arrested for a new criminal offense while in the intervention
2266 court program in the month;

2267 (vii) Total number of participants who were
2268 convicted for a new criminal arrest while in the intervention
2269 court program in the month; and

2270 (viii) Total number of participants who committed
2271 at least one (1) violation while in the intervention court program
2272 and any resulting sanction(s).



2273 (b) By August 1, 2015, and each year thereafter, the
2274 Administrative Office of Courts shall report to the PEER Committee
2275 the information in subsection (4) (a) of this section in a
2276 sortable, electronic format.

2277 (5) All certified intervention courts may individually
2278 establish rules and may make special orders and rules as necessary
2279 that do not conflict with the rules promulgated by the Supreme
2280 Court or the Administrative Office of Courts.

2281 (6) A certified intervention court may appoint the full- or
2282 part-time employees it deems necessary for the work of the
2283 intervention court and shall fix the compensation of those
2284 employees. Such employees shall serve at the will and pleasure of
2285 the judge or the judge's designee.

2286 (7) The Administrative Office of Courts shall promulgate
2287 rules and regulations to carry out the certification and
2288 re-certification process and make any other policies not
2289 inconsistent with this section to carry out this process.

2290 (8) A certified intervention court established under this
2291 chapter is subject to the regulatory powers of the Administrative
2292 Office of Courts as set forth in Section 9-23-17.

2293 **SECTION 46.** Section 9-23-13, Mississippi Code of 1972, is
2294 brought forward as follows:

2295 9-23-13. (1) An intervention court's alcohol and drug
2296 intervention component shall provide for eligible individuals,
2297 either directly or through referrals, a range of necessary court



2298 intervention services, including, but not limited to, the
2299 following:

2300 (a) Screening using a valid and reliable assessment
2301 tool effective for identifying alcohol and drug dependent persons
2302 for eligibility and appropriate services;

2303 (b) Clinical assessment; for a DUI offense, if the
2304 person has two (2) or more DUI convictions, the court shall order
2305 the person to undergo an assessment that uses a standardized
2306 evidence-based instrument performed by a physician to determine
2307 whether the person has a diagnosis for alcohol and/or drug
2308 dependence and would likely benefit from a court-approved
2309 medication-assisted treatment indicated and approved for the
2310 treatment of alcohol and/or drug dependence by the United States
2311 Food and Drug Administration, as specified in the most recent
2312 Diagnostic and Statistical Manual of Mental Disorders published by
2313 the American Psychiatric Association. Upon considering the
2314 results of the assessment, the court may refer the person to a
2315 rehabilitative program that offers one or more forms of
2316 court-approved medications that are approved for the treatment of
2317 alcohol and/or drug dependence by the United States Food and Drug
2318 Administration;

2319 (c) Education;

2320 (d) Referral;

2321 (e) Service coordination and case management; and

2322 (f) Counseling and rehabilitative care.



2323 (2) Any inpatient treatment or inpatient detoxification
2324 program ordered by the court shall be certified by the Department
2325 of Mental Health, other appropriate state agency or the equivalent
2326 agency of another state.

2327 (3) All intervention courts shall make available the option
2328 for participants to use court-approved medication-assisted
2329 treatment while participating in the programs of the court in
2330 accordance with the recommendations of the National Drug Court
2331 Institute.

2332 **SECTION 47.** Section 9-23-15, Mississippi Code of 1972, is
2333 brought forward as follows:

2334 9-23-15. (1) In order to be eligible for alternative
2335 sentencing through a local intervention court, the participant
2336 must satisfy each of the following criteria:

2337 (a) The participant cannot have any felony convictions
2338 for any offenses that are crimes of violence as defined in Section
2339 97-3-2 within the previous ten (10) years.

2340 (b) The crime before the court cannot be a crime of
2341 violence as defined in Section 97-3-2.

2342 (c) Other criminal proceedings alleging commission of a
2343 crime of violence cannot be pending against the participant.

2344 (d) The participant cannot be charged with burglary of
2345 a dwelling under Section 97-17-23(2) or 97-17-37.



2346 (e) The crime before the court cannot be a charge of
2347 driving under the influence of alcohol or any other drug or drugs
2348 that resulted in the death of a person.

2349 (f) The crime charged cannot be one of trafficking in
2350 controlled substances under Section 41-29-139(f), nor can the
2351 participant have a prior conviction for same.

2352 (2) Participation in the services of an alcohol and drug
2353 intervention component shall be open only to the individuals over
2354 whom the court has jurisdiction, except that the court may agree
2355 to provide the services for individuals referred from another
2356 intervention court. In cases transferred from another
2357 jurisdiction, the receiving judge shall act as a special master
2358 and make recommendations to the sentencing judge.

2359 (3) (a) As a condition of participation in an intervention
2360 court, a participant may be required to undergo a chemical test or
2361 a series of chemical tests as specified by the intervention court.
2362 A participant is liable for the costs of all chemical tests
2363 required under this section, regardless of whether the costs are
2364 paid to the intervention court or the laboratory; however, if
2365 testing is available from other sources or the program itself, the
2366 judge may waive any fees for testing. The judge may waive all
2367 fees if the applicant is determined to be indigent.

2368 (b) A laboratory that performs a chemical test under
2369 this section shall report the results of the test to the
2370 intervention court.



2371 (4) A person does not have a right to participate in
2372 intervention court under this chapter. The court having
2373 jurisdiction over a person for a matter before the court shall
2374 have the final determination about whether the person may
2375 participate in intervention court under this chapter. However,
2376 any person meeting the eligibility criteria in subsection (1) of
2377 this section shall, upon request, be screened for admission to
2378 intervention court.

2379 **SECTION 48.** Section 9-23-17, Mississippi Code of 1972, is
2380 brought forward as follows:

2381 9-23-17. With regard to any intervention court, the
2382 Administrative Office of Courts shall do the following:

2383 (a) Certify and re-certify intervention court
2384 applications that meet standards established by the Administrative
2385 Office of Courts in accordance with this chapter.

2386 (b) Ensure that the structure of the intervention
2387 component complies with rules adopted under this section and
2388 applicable federal regulations.

2389 (c) Revoke the authorization of a program upon a
2390 determination that the program does not comply with rules adopted
2391 under this section and applicable federal regulations.

2392 (d) Make agreements and contracts to effectuate the
2393 purposes of this chapter with:

2394 (i) Another department, authority or agency of the
2395 state;



2396 (ii) Another state;
2397 (iii) The federal government;
2398 (iv) A state-supported or private university; or
2399 (v) A public or private agency, foundation,
2400 corporation or individual.

2401 (e) Directly, or by contract, approve and certify any
2402 intervention component established under this chapter.

2403 (f) Require, as a condition of operation, that each
2404 intervention court created or funded under this chapter be
2405 certified by the Administrative Office of Courts.

2406 (g) Collect monthly data reports submitted by all
2407 certified intervention courts, provide those reports to the State
2408 Intervention Courts Advisory Committee, compile an annual report
2409 summarizing the data collected and the outcomes achieved by all
2410 certified intervention courts and submit the annual report to the
2411 Oversight Task Force.

2412 (h) Every three (3) years contract with an external
2413 evaluator to conduct an evaluation of the effectiveness of the
2414 intervention court program, both statewide and individual
2415 intervention court programs, in complying with the key components
2416 of the intervention courts adopted by the National Association of
2417 Drug Court Professionals.

2418 (i) Adopt rules to implement this chapter.

2419 **SECTION 49.** Section 9-23-19, Mississippi Code of 1972, is
2420 brought forward as follows:



2421 9-23-19. (1) All monies received from any source by the
2422 intervention court shall be accumulated in a fund to be used only
2423 for intervention court purposes. Any funds remaining in this fund
2424 at the end of a fiscal year shall not lapse into any general fund,
2425 but shall be retained in the Intervention Court Fund for the
2426 funding of further activities by the intervention court.

2427 (2) An intervention court may apply for and receive the
2428 following:

2429 (a) Gifts, bequests and donations from private sources.

2430 (b) Grant and contract money from governmental sources.

2431 (c) Other forms of financial assistance approved by the
2432 court to supplement the budget of the intervention court.

2433 (3) The costs of participation in an alcohol and drug
2434 intervention program required by the certified intervention court
2435 may be paid by the participant or out of user fees or such other
2436 state, federal or private funds that may, from time to time, be
2437 made available.

2438 (4) The court may assess such reasonable and appropriate
2439 fees to be paid to the local Intervention Court Fund for
2440 participation in an alcohol or drug intervention program; however,
2441 all fees may be waived if the applicant is determined to be
2442 indigent.

2443 **SECTION 50.** Section 9-23-21, Mississippi Code of 1972, is
2444 brought forward as follows:



2445 9-23-21. The director and members of the professional and
2446 administrative staff of the intervention court who perform duties
2447 in good faith under this chapter are immune from civil liability
2448 for:

2449 (a) Acts or omissions in providing services under this
2450 chapter; and

2451 (b) The reasonable exercise of discretion in
2452 determining eligibility to participate in the intervention court.

2453 **SECTION 51.** Section 9-23-23, Mississippi Code of 1972, is
2454 brought forward as follows:

2455 9-23-23. If the participant completes all requirements
2456 imposed upon him by the intervention court, including the payment
2457 of fines and fees assessed and not waived by the court, the charge
2458 and prosecution shall be dismissed. If the defendant or
2459 participant was sentenced at the time of entry of plea of guilty,
2460 the successful completion of the intervention court order and
2461 other requirements of probation or suspension of sentence will
2462 result in the record of the criminal conviction or adjudication
2463 being expunged. However, no expunction of any implied consent
2464 violation shall be allowed.

2465 **SECTION 52.** This act shall take effect and be in force from
2466 and after July 1, 2021, and shall be repealed from and after June
2467 30, 2021.

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



1 AN ACT TO BRING FORWARD SECTION 47-7-3, MISSISSIPPI CODE OF
2 1972, WHICH RELATES TO PAROLE ELIGIBILITY FOR INMATES, FOR
3 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-3.1,
4 MISSISSIPPI CODE OF 1972, WHICH RELATES TO CASE PLANS FOR INMATES,
5 FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
6 47-7-5, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE CREATION OF
7 THE STATE PAROLE BOARD, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
8 BRING FORWARD SECTION 47-7-13, MISSISSIPPI CODE OF 1972, WHICH
9 RELATES TO THE VOTING REQUIREMENTS OF THE PAROLE BOARD, FOR
10 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-15,
11 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE OFFICIAL SEAL OF
12 THE PAROLE BOARD; TO BRING FORWARD SECTION 47-7-17, MISSISSIPPI
13 CODE OF 1972, WHICH RELATES TO THE EXAMINATION OF INMATES RECORDS
14 BY THE PAROLE BOARD, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING
15 FORWARD SECTION 47-7-18, MISSISSIPPI CODE OF 1972, WHICH RELATES
16 TO CONDITIONS FOR PAROLE-ELIGIBLE INMATES WITHOUT A HEARING, FOR
17 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION
18 47-7-33.1, MISSISSIPPI CODE OF 1972, REGARDING DEPARTMENT
19 DISCHARGE PLANS FOR RELEASED INMATES; TO BRING FORWARD SECTION
20 47-7-3.2, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE MINIMUM
21 TIME INMATES CONVICTED OF A CRIME OF VIOLENCE MUST SERVE BEFORE
22 RELEASE AS WELL AS A MINIMUM PERCENTAGE OF OTHER SENTENCES OTHER
23 INMATES MUST SERVE BEFORE RELEASE, FOR PURPOSES OF POSSIBLE
24 AMENDMENT; TO BRING FORWARD SECTION 47-5-28, MISSISSIPPI CODE OF
25 1972, WHICH RELATES TO THE ADDITIONAL POWERS AND DUTIES OF THE
26 COMMISSIONER OF CORRECTIONS, FOR PURPOSES OF POSSIBLE AMENDMENT;
27 TO BRING FORWARD SECTIONS 47-5-931, 47-5-933 AND 47-5-938,
28 MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE INCARCERATION OF
29 STATE INMATES IN CERTAIN FACILITIES, FOR PURPOSES OF POSSIBLE
30 AMENDMENT; TO BRING FORWARD SECTION 47-7-4, MISSISSIPPI CODE OF
31 1972, WHICH RELATES TO CONDITIONAL MEDICAL RELEASE, FOR PURPOSES
32 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-27,
33 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE RETURN OF A
34 VIOLATOR OF PAROLE OR EARNED RELEASE SUPERVISION, FOR PURPOSES OF
35 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-33, MISSISSIPPI
36 CODE OF 1972, WHICH RELATES TO THE POWER OF THE COURT TO PLACE
37 DEFENDANTS ON PROBATION, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
38 BRING FORWARD SECTION 47-7-34, MISSISSIPPI CODE OF 1972, WHICH
39 RELATES TO THE POST-RELEASE SUPERVISION PROGRAM, FOR PURPOSES OF
40 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-35, MISSISSIPPI
41 CODE OF 1972, WHICH RELATES TO THE TERMS AND CONDITIONS OF
42 PROBATION, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
43 SECTION 47-7-36, MISSISSIPPI CODE OF 1972, WHICH RELATES TO
44 PERSONS WHO SUPERVISE THOSE ON PROBATION OR PAROLE, FOR PURPOSES
45 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-37,
46 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE PERIOD OF PROBATION
47 THAT IS SET BY A COURT, FOR PURPOSES OF POSSIBLE AMENDMENT; TO
48 BRING FORWARD SECTION 47-7-37.1, MISSISSIPPI CODE OF 1972, WHICH



49 RELATES TO THE REVOCATION OF PROBATION OR POST-RELEASE
50 SUPERVISION, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
51 SECTION 47-7-49, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE
52 COMMUNITY SERVICE REVOLVING FUND, FOR PURPOSES OF POSSIBLE
53 AMENDMENT; TO BRING FORWARD SECTION 45-1-3, MISSISSIPPI CODE OF
54 1972, WHICH RELATES TO THE RULE MAKING POWER OF THE COMMISSIONER
55 OF PUBLIC SAFETY, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING
56 FORWARD SECTION 9-23-11, MISSISSIPPI CODE OF 1972, WHICH RELATES
57 TO THE UNIFORM CERTIFICATION PROCESS FOR INTERVENTION AND CERTAIN
58 OTHER COURTS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
59 SECTIONS 99-39-5 AND 99-39-27, MISSISSIPPI CODE OF 1972, WHICH
60 RELATE TO CERTAIN POST-CONVICTION PROCEEDINGS, FOR PURPOSES OF
61 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 41-29-153 THROUGH
62 41-29-157, MISSISSIPPI CODE OF 1972, WHICH RELATE TO CERTAIN
63 FORFEITURE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD
64 SECTIONS 99-15-105 THROUGH 99-15-127, MISSISSIPPI CODE OF 1972,
65 WHICH RELATE TO PRETRIAL-INTERVENTION, FOR PURPOSES OF POSSIBLE
66 AMENDMENT; TO BRING FORWARD SECTIONS 9-23-5 THROUGH 9-23-23,
67 MISSISSIPPI CODE OF 1972, WHICH RELATE TO INTERVENTION COURTS, FOR
68 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

