

## Senate Amendments to House Bill No. 287

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

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

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

21           9-23-1. This chapter shall be known and may be cited as the  
22 "Alyce Griffin Clarke Drug Intervention Court Act."

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

25           9-23-3. (1) The Legislature of Mississippi recognizes the  
26 critical need for judicial intervention to reduce the incidence of  
27 alcohol and drug use, alcohol and drug addiction, and crimes  
28 committed as a result of alcohol and drug use and alcohol and drug  
29 addiction. It is the intent of the Legislature to facilitate  
30 local drug intervention court alternative orders adaptable to  
31 chancery, circuit, county, youth, municipal and justice courts.

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

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

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

39           (c) To reduce the alcohol-related and other  
40 drug-related court workload;

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

44           (e) To promote effective interaction and use of  
45 resources among criminal and juvenile justice personnel, child  
46 protective services personnel and community agencies; and

47           (f) To use corrections resources more effectively by  
48 redirecting prison-bound offenders whose criminal conduct is  
49 driven in part by drug and alcohol dependence to intensive  
50 supervision and clinical treatment available in the drug  
51 intervention court.

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

54           9-23-5. For the purposes of this chapter, the following  
55 words and phrases shall have the meanings ascribed unless the  
56 context clearly requires otherwise:

57           (a) "Chemical \* \* \* tests" means the analysis of an  
58 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)

59 saliva, (vi) urine, or (vii) other bodily substance to determine  
60 the presence of alcohol or a controlled substance.

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

63 (c) "Drug intervention court" means a drug court \* \* \*  
64 that utilizes an immediate and highly structured intervention  
65 process for eligible defendants or juveniles that brings together  
66 mental health professionals, substance abuse professionals, local  
67 social programs and intensive judicial monitoring.

68 (d) "Evidence-based program" \* \* \* and  
69 "researched-based program" have the meanings as those terms are  
70 defined in Section 27-103-159.

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

75 **SECTION 4.** Section 9-23-9, Mississippi Code of 1972, is  
76 brought forward as follows:

77 9-23-9. (1) The State Intervention Courts Advisory  
78 Committee is established to develop and periodically update  
79 proposed statewide evaluation plans and models for monitoring all  
80 critical aspects of intervention courts. The committee must  
81 provide the proposed evaluation plans to the Chief Justice and the  
82 Administrative Office of Courts. The committee shall be chaired  
83 by the Director of the Administrative Office of Courts or a  
84 designee of the director and shall consist of eleven (11) members

85 all of whom shall be appointed by the Supreme Court. The members  
86 shall be broadly representative of the courts, mental health,  
87 veterans affairs, law enforcement, corrections, criminal defense  
88 bar, prosecutors association, juvenile justice, child protective  
89 services and substance abuse treatment communities.

90 (2) The State Intervention Courts Advisory Committee may  
91 also make recommendations to the Chief Justice, the Director of  
92 the Administrative Office of Courts and state officials concerning  
93 improvements to intervention court policies and procedures  
94 including the intervention court certification process. The  
95 committee may make suggestions as to the criteria for eligibility,  
96 and other procedural and substantive guidelines for intervention  
97 court operation.

98 (3) The State Intervention Courts Advisory Committee shall  
99 act as arbiter of disputes arising out of the operation of  
100 intervention courts established under this chapter and make  
101 recommendations to improve the intervention courts; it shall also  
102 make recommendations to the Supreme Court necessary and incident  
103 to compliance with established rules.

104 (4) The State Intervention Courts Advisory Committee shall  
105 establish through rules and regulations a viable and fiscally  
106 responsible plan to expand the number of adult and juvenile  
107 intervention court programs operating in Mississippi. These rules  
108 and regulations shall include plans to increase participation in  
109 existing and future programs while maintaining their voluntary  
110 nature.

111 (5) The State Intervention Courts Advisory Committee shall  
112 receive and review the monthly reports submitted to the  
113 Administrative Office of Courts by each certified intervention  
114 court and provide comments and make recommendations, as necessary,  
115 to the Chief Justice and the Director of the Administrative Office  
116 of Courts.

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

119 9-23-11. (1) The Administrative Office of Courts shall  
120 establish, implement and operate a uniform certification process  
121 for all intervention courts and other problem-solving courts  
122 including juvenile courts, veterans courts or any other court  
123 designed to adjudicate criminal actions involving an identified  
124 classification of criminal defendant to ensure funding for  
125 intervention courts supports effective and proven practices that  
126 reduce recidivism and substance dependency among \* \* \*  
127 participants.

128 (2) The Administrative Office of Courts shall establish a  
129 certification process that ensures any new or existing  
130 intervention court meets minimum standards for intervention court  
131 operation.

132 (a) These standards shall include, but are not limited  
133 to:

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

136 a valid and reliable risk and needs assessment tool to identify  
137 participants and deliver appropriate interventions;

138 (ii) Targeting medium to high-risk offenders for  
139 participation;

140 (iii) The use of current, evidence-based \* \* \* or  
141 research-based programs, proven to reduce dependency on drugs or  
142 alcohol, or both;

143 (iv) Frequent testing for alcohol or drugs;

144 (v) Coordinated strategy between all intervention  
145 court program personnel involving the use of graduated clinical  
146 interventions;

147 (vi) Ongoing judicial interaction with each  
148 participant; and

149 (vii) Monitoring and evaluation of intervention  
150 court program implementation and outcomes through data collection  
151 and reporting.

152 (b) Intervention court certification applications shall  
153 include:

154 (i) A description of the need for the intervention  
155 court;

156 (ii) The targeted population for the intervention  
157 court;

158 (iii) The eligibility criteria for intervention  
159 court participants;

160 (iv) A description of the process for identifying  
161 appropriate participants including the use of a risk and needs  
162 assessment and a clinical assessment;

163 (v) A description of the intervention court  
164 intervention components, including anticipated budget \* \* \*,  
165 implementation plan; and

166 (vi) The data collection plan, which shall include  
167 collecting the following data:

168 1. Total number of participants;

169 2. Total number of successful participants;

170 3. Total number of unsuccessful participants

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

172 4. Total number of participants who were  
173 arrested for a new criminal offense while in the intervention  
174 court program;

175 5. Total number of participants who were  
176 convicted of a new felony or misdemeanor offense while in the  
177 intervention court program;

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

181 7. Results of the initial risk and needs  
182 assessment or other clinical assessment conducted on each  
183 participant; \* \* \*

184                   8. Total number of applications for screening  
185 by race, gender, offenses charged, indigence and, if not accepted,  
186 the reason for nonacceptance; \* \* \*

187                   9. Identification of any program participant  
188 who, after completion of an intervention program, was arrested for  
189 a new criminal offense; and

190                   \* \* \*10. Any other data or information as  
191 required by the Administrative Office of Courts.

192                   (c) Every intervention court shall be certified under  
193 the following schedule:

194                   (i) An intervention court application submitted  
195 after July 1, 2014, shall require certification of the  
196 intervention court based on the proposed \* \* \* intervention court  
197 plan.

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

202                   (iii) A certified adult felony intervention court  
203 in existence on December 31, 2018, must submit a recertification  
204 petition by July 1, 2019, and be recertified under the  
205 requirements of this section on or before December 31, 2019; after  
206 the recertification, all certified adult felony intervention  
207 courts must submit a recertification petition every two (2) years  
208 to the Administrative Office of Courts. The recertification



209 process must be completed by December 31 \* \* \* of every odd  
210 calendar year.

211 (iv) A certified youth, family, misdemeanor or  
212 chancery intervention court in existence on December 31, 2018,  
213 must submit a recertification petition by July \* \* \* 1, 2020, and  
214 be recertified under the requirements of this section by December  
215 31, 2020. After the recertification, all certified youth, family,  
216 misdemeanor and chancery intervention courts must submit a  
217 recertification petition every two (2) years to the Administrative  
218 Office of Courts. The recertification process must be completed  
219 by December 31 \* \* \* of every even calendar year.

220 (3) All certified intervention courts shall measure  
221 successful completion of the \* \* \* intervention court based on  
222 those participants who complete the program without a new criminal  
223 conviction.

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

227 (i) Total number of participants at the beginning  
228 of the month;

229 (ii) Total number of participants at the end of  
230 the month;

231 (iii) Total number of participants who began the  
232 program in the month;

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

235 (v) Total number of participants who left the  
236 program in the month;

237 (vi) Total number of participants who were  
238 arrested for a new criminal offense while in the intervention  
239 court program in the month;

240 (vii) Total number of participants who were  
241 convicted for a new criminal arrest while in the intervention  
242 court program in the month; \* \* \*

243 (viii) Total number of participants who committed  
244 at least one (1) violation while in the intervention court program  
245 and any resulting sanction(s) \* \* \*; and

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

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

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

256 (6) A certified intervention court may appoint the full- or  
257 part-time employees it deems necessary for the work of the  
258 intervention court and shall fix the compensation of those  
259 employees. Such employees shall serve at the will and pleasure of  
260 the judge or the judge's designee.

261 (7) The Administrative Office of Courts shall promulgate  
262 rules and regulations to carry out the certification and  
263 re-certification process, including, but not limited to, requiring  
264 third-party providers under contract to provide services that  
265 comport with evidence-based or research-based programs, and to  
266 make any other policies not inconsistent with this section to  
267 carry out this process. Notwithstanding any other provision of  
268 law to the contrary, any contract with a third-party provider  
269 shall comply with all state purchasing and bid laws.

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

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

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

280 9-23-13. (1) \* \* \* A drug intervention court's alcohol and  
281 drug intervention component shall provide \* \* \* to eligible  
282 individuals, either directly or through referrals, a range of  
283 necessary court intervention services, including, but not limited  
284 to, the following:

285           (a) Screening using a valid and reliable assessment  
286 tool effective for identifying alcohol and drug dependent persons  
287 for eligibility and appropriate services;

288           (b) Clinical assessment; for a DUI offense, if the  
289 person has two (2) or more DUI convictions, the court shall order  
290 the person to undergo an assessment that uses a standardized  
291 evidence-based instrument performed by a physician to determine  
292 whether the person has a diagnosis for alcohol and/or drug  
293 dependence and would likely benefit from a court-approved  
294 medication-assisted treatment indicated and approved for the  
295 treatment of alcohol and/or drug dependence by the United States  
296 Food and Drug Administration, as specified in the most recent  
297 Diagnostic and Statistical Manual of Mental Disorders published by  
298 the American Psychiatric Association. Upon considering the  
299 results of the assessment, the court may refer the person to a  
300 rehabilitative program that offers one or more forms of  
301 court-approved medications that are approved for the treatment of  
302 alcohol and/or drug dependence by the United States Food and Drug  
303 Administration;

304           (c) Education;

305           (d) Referral;

306           (e) Service coordination and case management; and

307           (f) Counseling and rehabilitative care.

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

310 of Mental Health, other appropriate state agency or the equivalent  
311 agency of another state.

312 (3) All drug intervention courts shall make available the  
313 option for participants to use court-approved medication-assisted  
314 treatment while participating in the programs of the court in  
315 accordance with the recommendations of the National Drug Court  
316 Institute.

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

319 9-23-15. (1) In order to be eligible for alternative  
320 sentencing through a local drug intervention court, the  
321 participant must satisfy each of the following criteria:

322 (a) The participant cannot have any felony convictions  
323 for any offenses that are crimes of violence as defined in Section  
324 97-3-2 within the previous ten (10) years.

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

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

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

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

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

337 (2) Participation in the services of an alcohol and drug  
338 intervention component shall be open only to the individuals over  
339 whom the court has jurisdiction, except that the court may agree  
340 to provide the services for (i) individuals referred from another  
341 intervention court or (ii) individuals who are residents of states  
342 that allow reciprocity for Mississippians to participate in  
343 intervention courts in that state. In cases transferred from  
344 another jurisdiction, the receiving judge shall act as a special  
345 master and make recommendations to the sentencing judge.

346 (3) (a) As a condition of participation in \* \* \* a drug  
347 intervention court, a participant may be required to undergo a  
348 chemical test or a series of chemical tests as specified by the  
349 drug intervention court. A participant is liable for the costs of  
350 all chemical tests required under this section, regardless of  
351 whether the costs are paid to the drug intervention court or the  
352 laboratory; however, if testing is available from other sources or  
353 the program itself, the judge may waive any fees for testing. The  
354 judge may waive all fees if the applicant is determined to be  
355 indigent.

356 (b) A laboratory that performs a chemical test under  
357 this section shall report the results of the test to the drug  
358 intervention court.

359           (4) A person does not have a right to participate in a drug  
360 intervention court under this chapter. The court having  
361 jurisdiction over a person for a matter before the court shall  
362 have the final determination about whether the person may  
363 participate in drug intervention court under this chapter.  
364 However, any person meeting the eligibility criteria in subsection  
365 (1) of this section shall, upon request, be screened for admission  
366 to drug intervention court.

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

369           9-23-17. With regard to any drug intervention court, the  
370 Administrative Office of Courts shall do the following:

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

374                   (b) Ensure that the structure of the intervention  
375 component complies with rules adopted under this section and  
376 applicable federal regulations.

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

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

382                           (i) Another department, authority or agency of the  
383 state;

384                           (ii) Another state;

385 (iii) The federal government;  
386 (iv) A state-supported or private university; or  
387 (v) A public or private agency, foundation,  
388 corporation or individual.

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

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

394 (g) Collect monthly data reports submitted by all  
395 certified drug intervention courts, provide those reports to the  
396 State Intervention Courts Advisory Committee, compile an annual  
397 report summarizing the data collected and the outcomes achieved by  
398 all certified intervention courts and submit the annual report to  
399 the Oversight Task Force.

400 (h) As funding is available or every \* \* \* five (5)  
401 years, the Administrative Office of Courts will contract with an  
402 external evaluator to conduct an evaluation of the effectiveness  
403 of the statewide drug intervention court program \* \* \* and  
404 individual drug intervention courts \* \* \*. Notwithstanding any  
405 other provision of law to the contrary, contract shall comply with  
406 all state purchasing and bid laws.

407 (i) Adopt rules to implement this chapter.

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



410 9-23-19. (1) All monies received from any source by \* \* \* a  
411 drug intervention court shall be accumulated in a fund to be used  
412 only for drug intervention court purposes. Any funds remaining in  
413 this fund at the end of a fiscal year shall not lapse into any  
414 general fund, but shall be retained in the Drug Intervention Court  
415 Fund for the funding of further activities by the drug  
416 intervention court.

417 (2) \* \* \* A drug intervention court may apply for and  
418 receive the following:

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

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

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

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

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

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

435 9-23-21. The director and members of the professional and  
436 administrative staff of the drug intervention court who perform  
437 duties in good faith under this chapter are immune from civil  
438 liability for:

439 (a) Acts or omissions in providing services under this  
440 chapter; and

441 (b) The reasonable exercise of discretion in  
442 determining eligibility to participate in the drug intervention  
443 court.

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

446 9-23-23. If the participant completes all requirements  
447 imposed upon him by the drug intervention court, including the  
448 payment of fines and fees assessed and not waived by the court,  
449 the charge and prosecution shall be dismissed. If the defendant  
450 or participant was sentenced at the time of entry of plea of  
451 guilty, the successful completion of the drug intervention court  
452 order and other requirements of probation or suspension of  
453 sentence will result in the record of the criminal conviction or  
454 adjudication being expunged. However, no expunction of any  
455 implied consent violation shall be allowed.

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

458 9-23-51. There is created in the State Treasury a special  
459 interest-bearing fund to be known as the Drug Intervention Court  
460 Fund. The purpose of the fund shall be to provide supplemental

461 funding to all drug intervention courts in the state. Monies from  
462 the funds derived from assessments under Section 99-19-73 shall be  
463 distributed by the State Treasurer upon warrants issued by the  
464 Administrative Office of Courts, pursuant to procedures set by the  
465 State \* \* \* Intervention Courts Advisory Committee to assist both  
466 juvenile drug intervention courts and adult drug intervention  
467 courts. Funds from other sources shall be distributed to the drug  
468 intervention courts in the state based on a formula set by the  
469 State \* \* \* Intervention Courts Advisory Committee. The fund  
470 shall be a continuing fund, not subject to fiscal-year  
471 limitations, and shall consist of: (a) monies appropriated by the  
472 Legislature for the purposes of funding drug intervention courts;  
473 (b) the interest accruing to the fund; (c) monies received under  
474 the provisions of Section 99-19-73; (d) monies received from the  
475 federal government; and (e) monies received from such other  
476 sources as may be provided by law.

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

479 9-25-1. (1) The Legislature recognizes that our military  
480 veterans have provided an invaluable service to our country. In  
481 doing so, many may have suffered the effects of, including, but  
482 not limited to, post-traumatic stress disorder, traumatic brain  
483 injury and depression, and may also suffer drug and alcohol  
484 dependency or addiction and co-occurring mental illness and  
485 substance abuse problems. As a result of this, some veterans come  
486 into contact with the criminal justice system and are charged with

487 felony offenses. There is a critical need for the justice system  
488 to recognize these veterans, provide accountability for their  
489 wrongdoing, provide for the safety of the public, and provide for  
490 the treatment of our veterans. It is the intent of the  
491 Legislature to create a framework for which specialized  
492 veterans \* \* \* intervention courts may be established at the  
493 circuit court level and at the discretion of the circuit court  
494 judge.

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

504 (3) **Eligibility.** (a) In order to be eligible to  
505 participate in a Veterans \* \* \* Intervention Court program  
506 established under this section, the attorney representing the  
507 state must consent to the defendant's participation in the  
508 program. Further, the court in which the criminal case is pending  
509 must have found that the defendant is a veteran of the United  
510 States Armed Forces as defined in Title 38 USCS.

511 (b) Participation in the services of an alcohol and  
512 drug intervention component shall only be open to the individuals

513 over whom the court has jurisdiction, except that the court may  
514 agree to provide the services for individuals referred from  
515 another Veterans \* \* \* Intervention Court. In cases transferred  
516 from another jurisdiction, the receiving judge shall act as a  
517 special master and make recommendations to the sentencing judge.

518 (c) (i) As a condition of participation in a  
519 Veterans \* \* \* Intervention Court, a participant may be required  
520 to undergo a chemical test or a series of chemical tests as  
521 specified by the Veterans \* \* \* Intervention Court program. A  
522 participant may be held liable for costs associated with all  
523 chemical tests required under this section. However, a judge may  
524 waive any fees for testing.

525 (ii) A laboratory that performs chemical tests  
526 under this section shall report the results of the tests to the  
527 Veterans \* \* \* Intervention Courts.

528 (d) A person does not have the right to participate in  
529 a Veterans \* \* \* Intervention Court program under this chapter.  
530 The court having jurisdiction over a person for a matter before  
531 the court shall have the final determination about whether the  
532 person may participate in the Veterans \* \* \* Intervention Court  
533 program.

534 (e) A defendant shall be excluded from participating in  
535 a Veterans \* \* \* Intervention Court program if any one (1) of the  
536 following applies:

537 (i) The crime before the court is a crime of  
538 violence as set forth in subparagraph \* \* \* (iii) of this \* \* \*  
539 paragraph (e).

540 (ii) The defendant does not demonstrate a  
541 willingness to participate in \* \* \* an intervention program.

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

550 (f) The court in which the criminal case is pending  
551 shall allow an eligible defendant to choose whether to proceed  
552 through the Veterans \* \* \* Intervention Court program or otherwise  
553 through the justice system.

554 (g) Proof of matters under this section may be  
555 submitted to the court in which the criminal case is pending in  
556 any form the court determines to be appropriate, including  
557 military service and medical records, previous determinations of a  
558 disability by a veteran's organization or by the United States  
559 Department of Veterans Affairs, testimony or affidavits of other  
560 veterans or service members, and prior determinations of  
561 eligibility for benefits by any state or county veterans office.

562 (4) **Administrative Office of Courts.** With regard to any  
563 Veterans \* \* \* Intervention Court established under this chapter,  
564 the Administrative Office of Courts may do the following:

565 (a) Ensure that the structure of the intervention  
566 component complies with rules adopted under this chapter and  
567 applicable federal regulations.

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

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

573 (i) Another department, authority, or agency of  
574 the state;

575 (ii) Another state;

576 (iii) The federal government;

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

578 (v) A public or private agency, foundation,  
579 corporation, or individual.

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

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

585 (f) Adopt rules to implement this chapter.

586 (5) **State Intervention Courts<sub>u</sub> Advisory Committee.** (a) The  
587 State Intervention Court Advisory Committee shall be responsible

588 for developing statewide rules and policies as they relate to  
589 Veterans \* \* \* Intervention Court programs.

590 (b) The State Intervention Courts<sub>u</sub> Advisory Committee  
591 may also make recommendations to the Chief Justice, the Director  
592 of the Administrative Office of Courts and state officials  
593 concerning improvements to Veterans \* \* \* Intervention Court  
594 policies and procedures.

595 (c) The State Intervention Courts<sub>u</sub> Advisory Committee  
596 shall act as an arbiter of disputes arising out of the operation  
597 of Veterans \* \* \* Intervention Court programs established under  
598 this chapter and make recommendations to improve the  
599 Veterans \* \* \* Intervention Court programs.

600 (6) **Funding for Veterans \* \* \* Intervention Courts.** (a)  
601 All monies received from any source by the Veterans \* \* \*  
602 Intervention Court program shall be accumulated in a fund to be  
603 used only for Veterans \* \* \* Intervention Court purposes. Any  
604 funds remaining in this fund at the end of the fiscal year shall  
605 not lapse into the General Fund, but shall be retained in the  
606 Veterans \* \* \* Intervention Court fund for the funding of further  
607 activities by the Veterans \* \* \* Intervention Court program.

608 (b) A Veterans \* \* \* Intervention Court program may  
609 apply for and receive the following:

610 (i) Gifts, bequests and donations from private  
611 sources.

612 (ii) Grant and contract money from governmental  
613 sources.



614 (iii) Other forms of financial assistance approved  
615 by the court to supplement the budget of the Veterans \* \* \*  
616 Intervention Court program.

617 (7) **Immunity.** The coordinator and members of the  
618 professional and administrative staff of the Veterans \* \* \*  
619 Intervention Court program who perform duties in good faith under  
620 this chapter are immune from civil liability for:

621 (a) Acts or omissions in providing services under this  
622 chapter; and

623 (b) The reasonable exercise of discretion in  
624 determining eligibility to participate in the Veterans \* \* \*  
625 Intervention Court program.

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

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

630 9-27-1. This chapter shall be known and may be cited as the  
631 "Rivers McGraw Mental Health \* \* \* Intervention Court Act."

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

634 9-27-3. (1) The Legislature recognizes the critical need  
635 for judicial intervention to establish court processes and  
636 procedures that are more responsive to the needs of defendants  
637 with mental illnesses, while maintaining public safety and the  
638 integrity of the court process.

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

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

643                   (b) Reduce the inappropriate institutionalization of  
644 people with mental illnesses;

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

647                   (d) Improve linkages between the criminal justice  
648 system and the mental health system;

649                   (e) Expedite case processing;

650                   (f) Protect public safety;

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

654                   (h) To use corrections resources more effectively by  
655 redirecting prison-bound offenders whose criminal conduct is  
656 driven in part by mental illnesses to intensive supervision and  
657 clinical treatment available in the mental health intervention  
658 court.

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

661           9-27-5. For the purposes of this chapter, the following  
662 words and phrases shall have the meanings ascribed unless the  
663 context clearly requires otherwise:

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

668 (b) "Mental health \* \* \* intervention court" means an  
669 immediate and highly structured intervention process for mental  
670 health treatment of eligible defendants or juveniles that:

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

673 (ii) Follows the \* \* \* essential elements of the  
674 mental health intervention court curriculum published by the  
675 Bureau of Justice Assistance of the United States Department of  
676 Justice.

677 (c) "Evidence-based \* \* \* program" \* \* \* and  
678 "research-based program" have the meanings as those terms are  
679 defined in Section 27-103-159.

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

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

686 9-27-7. (1) The Administrative Office of Courts is the  
687 repository for reports filed by courts established under this  
688 chapter. The goal of the mental health intervention courts is to

689 support effective and proven practices that reduce recidivism and  
690 provide treatment for participants.

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

693 (a) These standards shall include, but are not limited  
694 to:

695 (i) The use of evidence-based practices including,  
696 but not limited to, the use of a valid and reliable risk and needs  
697 assessment tool to identify participants and deliver appropriate  
698 treatments;

699 (ii) Targeting medium- to high-risk offenders for  
700 participation;

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

703 (iv) Coordinated strategy between all mental  
704 health intervention court personnel;

705 (v) Ongoing judicial interaction with each  
706 participant; and

707 (vi) Monitoring and evaluation of mental health  
708 intervention court implementation and outcomes through data  
709 collection and reporting.

710 (b) Mental health intervention courts must implement a  
711 data collection plan, which shall include collecting the following  
712 data:

713 (i) Total number of participants;

714 (ii) Total number of successful participants;

715 (iii) Total number of unsuccessful participants  
716 and the reason why each participant did not complete the program;

717 (iv) Total number of participants who were  
718 arrested for a new criminal offense while in the mental health  
719 intervention court;

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

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

726 (vii) Results of the initial risk and needs  
727 assessment or other clinical assessment conducted on each  
728 participant; and

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

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

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

737 (i) Total number of participants at the beginning  
738 of the month;

739 (ii) Total number of participants at the end of  
740 the month;

741 (iii) Total number of participants who began the  
742 program in the month;

743 (iv) Total number of participants who successfully  
744 completed the program in the month;

745 (v) Total number of participants who left the  
746 program in the month;

747 (vi) Total number of participants who were  
748 arrested for a new criminal offense while in the program in the  
749 month;

750 (vii) Total number of participants who were  
751 convicted for a new criminal arrest while in the program in the  
752 month; \* \* \*

753 (viii) Total number of participants who committed  
754 at least one (1) violation while in the program and any resulting  
755 sanction(s) \* \* \* ; and

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

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

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

766 (6) A mental health intervention court may appoint the full-  
767 or part-time employees it deems necessary for the work of the  
768 mental health intervention court and shall fix the compensation of  
769 those employees, who shall serve at the will and pleasure of the  
770 senior circuit court judge.

771 (7) A mental health intervention court established under  
772 this chapter is subject to the regulatory powers of the  
773 Administrative Office of Courts as set forth in Section \* \* \*  
774 9-23-17.

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

777 9-27-9. (1) A mental health intervention court's mental  
778 health intervention component shall provide for eligible  
779 individuals, either directly or through referrals, a range of  
780 necessary court treatment services, including, but not limited to,  
781 the following:

- 782 (a) Screening using a valid and reliable assessment  
783 tool effective for identifying persons affected by mental health  
784 issues for eligibility and appropriate services;
- 785 (b) Clinical assessment;
- 786 (c) Education;
- 787 (d) Referral;
- 788 (e) Service coordination and case management; and
- 789 (f) Counseling and rehabilitative care.

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

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

795 9-27-11. (1) In order to be eligible for alternative  
796 sentencing through a local mental health intervention court, the  
797 participant must satisfy each of the following criteria:

798 (a) The participant cannot have any felony convictions  
799 for any offenses that are crimes of violence as defined in Section  
800 97-3-2, \* \* \* except burglary of an unoccupied dwelling under  
801 Section 97-17-23(1), within the previous ten (10) years.

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

805 (c) Other criminal proceedings alleging commission of a  
806 crime of violence \* \* \*, except burglary of an unoccupied dwelling  
807 under Section 97-17-23(1) cannot be pending against the  
808 participant.

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

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



815           (2) Participation in the services of a mental health \* \* \*  
816 intervention component shall be open only to the individuals over  
817 whom the court has jurisdiction, except that the court may agree  
818 to provide the services for individuals referred from another  
819 mental health intervention court. In cases transferred from  
820 another jurisdiction, the receiving judge shall act as a special  
821 master and make recommendations to the sentencing judge.

822           (3) (a) As a condition of participation in a mental health  
823 intervention court, a participant may be required to undergo a  
824 chemical test or a series of chemical tests as specified by the  
825 program. A participant is liable for the costs of all chemical  
826 tests required under this section, regardless of whether the costs  
827 are paid to the mental health intervention court or the  
828 laboratory; however, if testing is available from other sources or  
829 the program itself, the judge may waive any fees for testing.  
830 Fees may be waived if the applicant is determined to be indigent.

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

834           (4) A person does not have a right to participate in a  
835 mental health intervention court under this chapter. The court  
836 having jurisdiction over a person for a matter before the court  
837 shall have the final determination about whether the person may  
838 participate in the mental health intervention court under this  
839 chapter. However, any person meeting the eligibility criteria in

840 subsection (1) of this section, shall, upon request, be screened  
841 for admission into the court's program.

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

844 9-27-15. (1) All monies received from any source by a  
845 mental health intervention court shall be accumulated in a local  
846 fund to be used only for mental health intervention court  
847 purposes. Any funds remaining in a local fund at the end of a  
848 fiscal year shall not lapse into any general fund, but shall be  
849 retained in the mental health intervention court fund for the  
850 funding of further activities by the mental health intervention  
851 court.

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

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

855 (b) Grant and contract monies from governmental  
856 sources.

857 (c) Other forms of financial assistance approved by the  
858 court to supplement the budget of the mental health \* \* \*  
859 intervention court.

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

865 (4) The court may assess reasonable and appropriate fees to  
866 be paid to the local mental health intervention court fund for  
867 participation in a mental health treatment program; however, all  
868 fees may be waived by the court if the applicant is determined to  
869 be indigent.

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

872 9-27-17. The director and members of the professional and  
873 administrative staff of the mental health intervention court who  
874 perform duties in good faith under this chapter are immune from  
875 civil liability for:

876 (a) Acts or omissions in providing services under this  
877 chapter; and

878 (b) The reasonable exercise of discretion in  
879 determining eligibility to participate in the mental health  
880 intervention court.

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

883 9-27-19. If the participant completes all requirements  
884 imposed upon him by the mental health intervention court, the  
885 charge and prosecution shall be dismissed. If the defendant or  
886 participant was sentenced at the time of entry of a plea of  
887 guilty, the successful completion of the mental health  
888 intervention court order and other requirements of probation or  
889 suspension of sentence will result in the record of the criminal  
890 conviction or adjudication being expunged.

891           **SECTION 23.** This act shall take effect and be in force from  
892 and after July 1, 2021.

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

1           AN ACT TO AMEND SECTIONS 9-23-1 AND 9-23-3, MISSISSIPPI CODE  
2 OF 1972, TO STANDARDIZE REFERENCES TO DRUG INTERVENTION COURTS; TO  
3 AMEND SECTION 9-23-5, MISSISSIPPI CODE OF 1972, TO REVISE  
4 DEFINITIONS RELATING TO VARIOUS TYPES OF INTERVENTION COURTS; TO  
5 BRING FORWARD SECTION 9-23-9, MISSISSIPPI CODE OF 1972, FOR  
6 PURPOSES OF AMENDMENT; TO AMEND SECTION 9-23-11, MISSISSIPPI CODE  
7 OF 1972, TO REQUIRE THE COLLECTION OF DATA BY THE ADMINISTRATIVE  
8 OFFICE OF COURTS ON PARTICIPANTS IN INTERVENTION PROGRAMS; TO  
9 AMEND SECTIONS 9-23-13 AND 9-23-15, MISSISSIPPI CODE OF 1972, TO  
10 STANDARDIZE REFERENCES TO DRUG INTERVENTION COURTS; TO AMEND  
11 SECTION 9-23-17, MISSISSIPPI CODE OF 1972, TO PROVIDE EVALUATION  
12 STANDARDS; TO AMEND SECTIONS 9-23-19, 9-23-21, 9-23-23, 9-23-51,  
13 9-25-1, 9-27-1, 9-27-3, 9-27-5, 9-27-7, 9-27-9 AND 9-27-11,  
14 MISSISSIPPI CODE OF 1972, TO STANDARDIZE REFERENCES TO VARIOUS  
15 TYPES OF INTERVENTION COURTS; TO AMEND SECTIONS 9-27-15, 9-27-17  
16 AND 9-27-19, MISSISSIPPI CODE OF 1972, TO STANDARDIZE REFERENCES  
17 TO MENTAL HEALTH INTERVENTION COURTS; AND FOR RELATED PURPOSES.

SS36\HB287A.J

Eugene S. Clarke  
Secretary of the Senate