

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 287

BY: Committee

**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 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 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 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.

