

By: Representative Mickens

To: Corrections

HOUSE BILL NO. 195

1 AN ACT TO AMEND SECTION 47-7-47, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THAT A VETERAN MAY RECEIVE CERTAIN TREATMENT WHEN A COURT  
3 PLACES A VETERAN ON PROBATION OR EARNED PROBATION AS A CONDITION  
4 OF THE PROBATION OR EARNED PROBATION; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 47-7-47, Mississippi Code of 1972, is  
7 amended as follows:

8 47-7-47. (1) The judge of any circuit court may place an  
9 offender on a program of earned probation after a period of  
10 confinement as set out herein and the judge may seek the advice of  
11 the commissioner and shall direct that the defendant be under the  
12 supervision of the department.

13 (2) (a) Any circuit court or county court may, upon its own  
14 motion, acting upon the advice and consent of the commissioner not  
15 earlier than thirty (30) days nor later than one (1) year after  
16 the defendant has been delivered to the custody of the department,  
17 to which he has been sentenced, suspend the further execution of  
18 the sentence and place the defendant on earned probation, except  
19 when a death sentence or life imprisonment is the maximum penalty



20 which may be imposed or if the defendant has been confined two (2)  
21 or more times for the conviction of a felony on a previous  
22 occasion in any court or courts of the United States and of any  
23 state or territories thereof or has been convicted of a felony  
24 involving the use of a deadly weapon.

25 (b) The authority granted in this subsection shall be  
26 exercised by the judge who imposed sentence on the defendant, or  
27 his successor.

28 (c) The time limit imposed by paragraph (a) of this  
29 subsection is not applicable to those defendants sentenced to the  
30 custody of the department prior to April 14, 1977. Persons who  
31 are convicted of crimes that carry mandatory sentences shall not  
32 be eligible for earned probation.

33 (3) When any circuit or county court places an offender on  
34 earned probation, the court shall give notice to the Mississippi  
35 Department of Corrections within fifteen (15) days of the court's  
36 decision to place the offender on earned probation. Notice shall  
37 be delivered to the central office of the Mississippi Department  
38 of Corrections and to the regional office of the department which  
39 will be providing supervision to the offender on earned probation.

40 (4) If the court places any person on probation or earned  
41 probation, the court may order the person, as a condition of  
42 probation, to a period of confinement and treatment at a private  
43 or public agency or institution, either within or without the  
44 state, which treats emotional, mental or drug-related problems as



45 well as which treats emotional, mental or drug-related problems  
46 concerning veterans. Any person who, as a condition of probation,  
47 is confined for treatment at an out-of-state facility shall be  
48 supervised pursuant to Section 47-7-71, and any person confined at  
49 a private agency shall not be confined at public expense. Time  
50 served in any such agency or institution may be counted as time  
51 required to meet the criteria of subsection (2) (a).

52 (5) If the court places any person on probation or earned  
53 probation, the court may order the person to make appropriate  
54 restitution to any victim of his crime or to society through the  
55 performance of reasonable work for the benefit of the community.

56 (6) If the court places any person on probation or earned  
57 probation, the court may order the person, as a condition of  
58 probation, to submit, as provided in Section 47-5-601, to any type  
59 of breath, saliva or urine chemical analysis test, the purpose of  
60 which is to detect the possible presence of alcohol or a substance  
61 prohibited or controlled by any law of the State of Mississippi or  
62 the United States.

63 **SECTION 2.** This act shall take effect and be in force from  
64 and after July 1, 2022.

