

By: Representatives Horan, Anthony

To: Corrections

HOUSE BILL NO. 935

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,  
 2 TO AUTHORIZE SUCCESSFUL COMPLETION OF WORKFORCE TRAINING AT A  
 3 COMMUNITY COLLEGE OR WORKFORCE DEVELOPMENT CENTER OR A SIMILAR  
 4 TRAINING OR DIVERSION PROGRAM ADMINISTERED BY A NONPROFIT OR OTHER  
 5 ENTITY AS A CONDITION OF THE COURT'S AUTHORITY TO WITHHOLD  
 6 ACCEPTANCE OF A PERSON'S PLEA AND SENTENCE UNDER THE  
 7 NONADJUDICATION PROVISIONS OF THIS SECTION; TO AMEND SECTION  
 8 99-15-117, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SUCCESSFUL  
 9 COMPLETION OF WORKFORCE TRAINING AT A COMMUNITY COLLEGE OR  
 10 WORKFORCE DEVELOPMENT CENTER AS A TERM OF THE PRETRIAL  
 11 INTERVENTION PROGRAM UNDER THIS SECTION; TO REQUIRE THE DEPARTMENT  
 12 OF FINANCE AND ADMINISTRATION TO TRANSFER FROM THE BUDGET OF THE  
 13 MISSISSIPPI DEPARTMENT OF CORRECTIONS TO THE MISSISSIPPI COMMUNITY  
 14 COLLEGE BOARD THE SUM OF \$2,000.00 FOR EACH PERSON WHO  
 15 SUCCESSFULLY COMPLETES WORKFORCE TRAINING AT A COMMUNITY COLLEGE  
 16 OR WORKFORCE DEVELOPMENT CENTER AS A CONDITION OF THE COURT  
 17 WITHHOLDING ACCEPTANCE OF THE PERSON'S PLEA AND SENTENCE UNDER  
 18 SECTION 99-15-26 OR AS A TERM OF THE PRETRIAL INTERVENTION PROGRAM  
 19 UNDER SECTION 99-15-117, WHICH SHALL BE DISBURSED TO THE COMMUNITY  
 20 COLLEGE AT WHICH THE PERSON RECEIVED THE WORKFORCE TRAINING OR THE  
 21 COMMUNITY COLLEGE AFFILIATED WITH THE WORKFORCE DEVELOPMENT CENTER  
 22 AT WHICH THE PERSON RECEIVED THE WORKFORCE TRAINING; AND FOR  
 23 RELATED PURPOSES.

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

25 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is  
 26 amended as follows:

27 99-15-26. (1) (a) In all criminal cases, felony and  
 28 misdemeanor, other than \* \* \* a crime of violence as defined in



29 Section 97-3-2, a violation of Section 97-11-31, or crimes in  
30 which a person unlawfully takes, obtains or misappropriates funds  
31 received by or entrusted to the person by virtue of his or her  
32 public office or employment, the circuit or county court shall be  
33 empowered, upon the entry of a plea of guilty by a criminal  
34 defendant made on or after July 1, 2014, to withhold acceptance of  
35 the plea and sentence thereon pending successful completion of  
36 such conditions as may be imposed by the court pursuant to  
37 subsection (2) of this section.

38 (b) In all misdemeanor criminal cases, other than  
39 crimes against the person, the justice or municipal court shall be  
40 empowered, upon the entry of a plea of guilty by a criminal  
41 defendant, to withhold acceptance of the plea and sentence thereon  
42 pending successful completion of such conditions as may be imposed  
43 by the court pursuant to subsection (2) of this section.

44 (c) Notwithstanding paragraph (a) of this subsection  
45 (1), in all criminal cases charging a misdemeanor of domestic  
46 violence as defined in Section 99-3-7(5), a circuit, county,  
47 justice or municipal court shall be empowered, upon the entry of a  
48 plea of guilty by the criminal defendant, to withhold acceptance  
49 of the plea and sentence thereon pending successful completion of  
50 such conditions as may be imposed by the court pursuant to  
51 subsection (2) of this section.

52 (d) No person having previously qualified under the  
53 provisions of this section shall be eligible to qualify for



54 release in accordance with this section for a repeat offense. A  
55 person shall not be eligible to qualify for release in accordance  
56 with this section if charged with the offense of trafficking of a  
57 controlled substance as provided in Section 41-29-139(f) or if  
58 charged with an offense under the Mississippi Implied Consent Law.  
59 Violations under the Mississippi Implied Consent Law can only be  
60 nonadjudicated under the provisions of Section 63-11-30.

61 (2) (a) Conditions which the circuit, county, justice or  
62 municipal court may impose under subsection (1) of this section  
63 shall consist of:

64 (i) Reasonable restitution to the victim of the  
65 crime.

66 (ii) Performance of not more than nine hundred  
67 sixty (960) hours of public service work approved by the court.

68 (iii) Payment of a fine not to exceed the  
69 statutory limit.

70 (iv) Successful completion of drug, alcohol,  
71 psychological or psychiatric treatment, successful completion of a  
72 program designed to bring about the cessation of domestic abuse,  
73 or any combination thereof, if the court deems treatment  
74 necessary.

75 (v) Successful completion of workforce training at  
76 a community college or workforce development center or a similar  
77 training or diversion program administered by a nonprofit or other  
78 entity.



79                   ( \* \* \*vi) The circuit or county court, in its  
80 discretion, may require the defendant to remain in the program  
81 subject to good behavior for a period of time not to exceed five  
82 (5) years. The justice or municipal court, in its discretion, may  
83 require the defendant to remain in the program subject to good  
84 behavior for a period of time not to exceed two (2) years.

85                   (b) Conditions which the circuit or county court may  
86 impose under subsection (1) of this section also include  
87 successful completion of an effective evidence-based program or a  
88 properly controlled pilot study designed to contribute to the  
89 evidence-based research literature on programs targeted at  
90 reducing recidivism. Such program or pilot study may be community  
91 based or institutionally based and should address risk factors  
92 identified in a formal assessment of the offender's risks and  
93 needs.

94                   (3) When the court has imposed upon the defendant the  
95 conditions set out in this section, the court shall release the  
96 bail bond, if any.

97                   (4) Upon successful completion of the court-imposed  
98 conditions permitted by subsection (2) of this section, the court  
99 shall direct that the cause be dismissed and the case be closed.

100                   (5) Upon petition therefor, the court shall expunge the  
101 record of any case in which an arrest was made, the person  
102 arrested was released and the case was dismissed or the charges



103 were dropped, there was no disposition of such case, or the person  
104 was found not guilty at trial.

105         **SECTION 2.** Section 99-15-117, Mississippi Code of 1972, is  
106 amended as follows:

107         99-15-117. In any case in which an offender agrees to an  
108 intervention program, a specific agreement shall be made between  
109 the district attorney and the offender. This agreement shall  
110 include the terms of the intervention program, the length of the  
111 program, which shall not exceed three (3) years, and a section  
112 therein stating the period of time after which the prosecutor will  
113 either dismiss the charge or seek a conviction based upon that  
114 charge. The agreement may include as one (1) of the terms of the  
115 intervention program a requirement that the offender successfully  
116 complete workforce training at a community college or workforce  
117 development center or a similar training or diversion program  
118 administered by a nonprofit or other entity. The agreement shall  
119 be signed by the offender and his or her counsel and filed in the  
120 district attorney's office. Before an offender is admitted to an  
121 intervention program, the court having jurisdiction of the charge  
122 must approve of the offender's admission to the program and the  
123 terms of the agreement.

124         **SECTION 3.** For each person who successfully completes  
125 workforce training at a community college or workforce development  
126 center as a condition of the court's authority to withhold  
127 acceptance of the person's plea and sentence under Section



128 99-15-26 or as a term of the pretrial intervention program under  
129 Section 99-15-117, the Department of Finance and Administration  
130 shall transfer from the general funds in the budget of the  
131 Mississippi Department of Corrections the sum of Two Thousand  
132 Dollars (\$2,000.00) to the Mississippi Community College Board,  
133 which shall disburse the funds to the community college at which  
134 the person received the workforce training or the community  
135 college affiliated with the workforce development center at which  
136 the person received the workforce training.

137       **SECTION 4.** This act shall take effect and be in force from  
138 and after July 1, 2022.

