

By: Representative Horan

To: Corrections

COMMITTEE SUBSTITUTE
FOR
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; AND FOR RELATED PURPOSES.

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

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

15 99-15-26. (1) (a) In all criminal cases, felony and
16 misdemeanor, other than * * * a crime of violence as defined in
17 Section 97-3-2, a violation of Section 97-11-31, or crimes in
18 which a person unlawfully takes, obtains or misappropriates funds
19 received by or entrusted to the person by virtue of his or her
20 public office or employment, the circuit or county court shall be
21 empowered, upon the entry of a plea of guilty by a criminal
22 defendant made on or after July 1, 2014, to withhold acceptance of



23 the plea and sentence thereon pending successful completion of
24 such conditions as may be imposed by the court pursuant to
25 subsection (2) of this section.

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

32 (c) Notwithstanding paragraph (a) of this subsection
33 (1), in all criminal cases charging a misdemeanor of domestic
34 violence as defined in Section 99-3-7(5), a circuit, county,
35 justice or municipal court shall be empowered, upon the entry of a
36 plea of guilty by the criminal defendant, to withhold acceptance
37 of the plea and sentence thereon pending successful completion of
38 such conditions as may be imposed by the court pursuant to
39 subsection (2) of this section.

40 (d) No person having previously qualified under the
41 provisions of this section shall be eligible to qualify for
42 release in accordance with this section for a repeat offense. A
43 person shall not be eligible to qualify for release in accordance
44 with this section if charged with the offense of trafficking of a
45 controlled substance as provided in Section 41-29-139(f) or if
46 charged with an offense under the Mississippi Implied Consent Law.



47 Violations under the Mississippi Implied Consent Law can only be
48 nonadjudicated under the provisions of Section 63-11-30.

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

52 (i) Reasonable restitution to the victim of the
53 crime.

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

56 (iii) Payment of a fine not to exceed the
57 statutory limit.

58 (iv) Successful completion of drug, alcohol,
59 psychological or psychiatric treatment, successful completion of a
60 program designed to bring about the cessation of domestic abuse,
61 or any combination thereof, if the court deems treatment
62 necessary.

63 (v) Successful completion of workforce training at
64 a community college or workforce development center or a similar
65 training or diversion program administered by a nonprofit or other
66 entity.

67 (* * * vi) The circuit or county court, in its
68 discretion, may require the defendant to remain in the program
69 subject to good behavior for a period of time not to exceed five
70 (5) years. The justice or municipal court, in its discretion, may



71 require the defendant to remain in the program subject to good
72 behavior for a period of time not to exceed two (2) years.

73 (b) Conditions which the circuit or county court may
74 impose under subsection (1) of this section also include
75 successful completion of an effective evidence-based program or a
76 properly controlled pilot study designed to contribute to the
77 evidence-based research literature on programs targeted at
78 reducing recidivism. Such program or pilot study may be community
79 based or institutionally based and should address risk factors
80 identified in a formal assessment of the offender's risks and
81 needs.

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

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

88 (5) Upon petition therefor, the court shall expunge the
89 record of any case in which an arrest was made, the person
90 arrested was released and the case was dismissed or the charges
91 were dropped, there was no disposition of such case, or the person
92 was found not guilty at trial.

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



95 99-15-117. In any case in which an offender agrees to an
96 intervention program, a specific agreement shall be made between
97 the district attorney and the offender. This agreement shall
98 include the terms of the intervention program, the length of the
99 program, which shall not exceed three (3) years, and a section
100 therein stating the period of time after which the prosecutor will
101 either dismiss the charge or seek a conviction based upon that
102 charge. The agreement may include as one (1) of the terms of the
103 intervention program a requirement that the offender successfully
104 complete workforce training at a community college or workforce
105 development center or a similar training or diversion program
106 administered by a nonprofit or other entity. The agreement shall
107 be signed by the offender and his or her counsel and filed in the
108 district attorney's office. Before an offender is admitted to an
109 intervention program, the court having jurisdiction of the charge
110 must approve of the offender's admission to the program and the
111 terms of the agreement.

112 **SECTION 3.** This act shall take effect and be in force from
113 and after July 1, 2022.

