

By: Representatives Arnold, Carpenter

To: Judiciary B

HOUSE BILL NO. 1248

1 AN ACT TO AMEND SECTION 9-27-11, MISSISSIPPI CODE OF 1972, TO
2 REMOVE THE EXEMPTION FOR THE CRIME OF BREAKING AND ENTERING FROM
3 MENTAL HEALTH COURT ELIGIBILITY; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 9-27-11, Mississippi Code of 1972, is
6 amended as follows:

7 9-27-11. (1) In order to be eligible for alternative
8 sentencing through a local mental health court, the participant
9 must satisfy each of the following criteria:

10 (a) The participant cannot have any felony convictions
11 for any offenses that are crimes of violence as defined in Section
12 97-3-2 * * * within the previous ten (10) years.

13 (b) The crime before the court cannot be a crime of
14 violence as defined in Section 97-3-2, other than burglary under
15 Section 97-17-23(1).

16 (c) Other criminal proceedings alleging commission of a
17 crime of violence other than burglary under Section 97-17-23(1)
18 cannot be pending against the participant.



19 (d) The crime before the court cannot be a charge of
20 driving under the influence of alcohol or any other substance that
21 resulted in the death of a person. In addition, persons who are
22 ineligible for nonadjudication under Section 63-11-30 shall be
23 ineligible to participate in a mental health court.

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

27 (2) Participation in the services of a mental health
28 treatment component shall be open only to the individuals over
29 whom the court has jurisdiction, except that the court may agree
30 to provide the services for individuals referred from another
31 mental health court. In cases transferred from another
32 jurisdiction, the receiving judge shall act as a special master
33 and make recommendations to the sentencing judge.

34 (3) (a) As a condition of participation in a mental health
35 court, a participant may be required to undergo a chemical test or
36 a series of chemical tests as specified by the program. A
37 participant is liable for the costs of all chemical tests required
38 under this section, regardless of whether the costs are paid to
39 the mental health court or the laboratory; however, if testing is
40 available from other sources or the program itself, the judge may
41 waive any fees for testing. Fees may be waived if the applicant
42 is determined to be indigent.



43 (b) A laboratory that performs a chemical test under
44 this section shall report the results of the test to the mental
45 health court.

46 (4) A person does not have a right to participate in a
47 mental health court under this chapter. The court having
48 jurisdiction over a person for a matter before the court shall
49 have the final determination about whether the person may
50 participate in the mental health court under this chapter.
51 However, any person meeting the eligibility criteria in subsection
52 (1) of this section, shall, upon request, be screened for
53 admission into the court's program.

54 **SECTION 2.** This act shall take effect and be in force from
55 and after July 1, 2023.

