

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 726

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 PRE-TRIAL  
 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, 2024.

