

By: Representative Waldo

To: Judiciary B

HOUSE BILL NO. 1411

1 AN ACT TO AUTHORIZE ANY LAW ENFORCEMENT AGENCY WHO RELEASES A
 2 PERSON WHO HAS BEEN ARRESTED AND/OR CONVICTED FOR HIS OR HER
 3 SECOND OR SUBSEQUENT VIOLATION OF BURGLARY AND/OR LARCENY TO WEAR
 4 A GLOBAL POSITIONING MONITORING SYSTEM (GPS) AS A CONDITION OF HIS
 5 OR HER BAIL, PROBATION, PAROLE OR POST CONVICTION RELEASE; TO
 6 REQUIRE SUCH PERSON TO PAY A FEE FOR THE GPS; TO AMEND SECTION
 7 47-7-3.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
 8 SECTION; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** For the purposes of this section, the following
 11 words shall have the meanings described herein, unless the context
 12 indicates otherwise:

13 (1) (a) "Burglary" has the same meanings as the terms are
 14 defined in Sections 97-17-17 to 97-17-37.

15 (b) "Global positioning monitoring system" means a
 16 system that electronically determines and reports the location of
 17 an individual through the use of a transmitter or similar device
 18 carried or worn by the individual that transmits latitude and
 19 longitude data to a monitoring entity through global positioning
 20 satellite technology. The term does not include a system that
 21 contains or operates global positioning system technology, radio



22 frequency identification technology or any other similar
23 technology that is implanted in or otherwise invades or violates
24 the individual's body.

25 (c) "Larceny" has the same meanings as the terms are
26 defined in Sections 97-17-41 to 97-17-65, 97-19-13 and 97-19-29.

27 (d) "Law enforcement agency" means the court, sheriff,
28 law enforcement agency, Parole Board, Division of Community
29 Corrections or Department of Corrections that ordered placement of
30 the Global positioning monitoring system.

31 (2) Any law enforcement agency who releases a person for
32 bail, probation, parole or post conviction release, who has been
33 arrested and/or convicted for his or her second or subsequent
34 violation of burglary and/or larceny, may require the person to
35 wear a global positioning monitoring system.

36 (3) The law enforcement agency that imposes the condition
37 described in this section shall order the entity that operates the
38 global positioning monitoring system to notify the court and the
39 appropriate local law enforcement agency if the person violates a
40 condition of his or her release.

41 (4) A person who is required to wear a global positioning
42 monitoring system shall be assessed a fee of Two Hundred Fifty
43 Dollars (\$250.00) to contribute to the cost of the global
44 positioning monitoring system.

45 (5) This section does not limit the authority of the court
46 or law enforcement agency to impose any other reasonable



47 conditions or limit the court to enter any orders of protection
48 under other applicable statutes.

49 **SECTION 2.** Section 47-7-3.2, Mississippi Code of 1972, is
50 amended as follows:

51 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,
52 47-5-138.1 or 47-5-142, no person convicted of a criminal offense
53 on or after July 1, 2014, shall be released by the department
54 until he or she has served no less than the percentage of the
55 sentence or sentences imposed by the court as set forth below:

56 (a) Twenty-five percent (25%) or ten (10) years,
57 whichever is less, for a nonviolent crime;

58 (b) Fifty percent (50%) or twenty (20) years, whichever
59 is less, for a crime of violence pursuant to Section 97-3-2,
60 except for robbery with a deadly weapon as defined in Section
61 97-3-79, drive-by shooting as defined in Section 97-3-109, or
62 carjacking as defined in Section 97-3-117;

63 (c) Sixty percent (60%) or twenty-five (25) years,
64 whichever is less, for robbery with a deadly weapon as defined in
65 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,
66 or carjacking as defined in Section 97-3-117.

67 (d) Any person who has been convicted for a second or
68 subsequent violation of burglary and/or larceny as defined by
69 Section 1 of this act shall be required to wear a global
70 positioning system as a condition of his or her release as
71 provided in Section 1 of this act.



72 (2) This section shall not apply to:
73 (a) Offenders sentenced to life imprisonment;
74 (b) Offenders convicted as habitual offenders pursuant
75 to Sections 99-19-81 through 99-19-87;
76 (c) Offenders serving a sentence for a sex offense; or
77 (d) Offenders serving a sentence for trafficking
78 pursuant to Section 41-29-139(f).

79 **SECTION 3.** This act shall take effect and be in force from
80 and after July 1, 2024.

