

By: Representative Creekmore IV

To: Judiciary B

HOUSE BILL NO. 1496

1 AN ACT TO REQUIRE EACH CIRCUIT COURT TO ESTABLISH AN
 2 INTERVENTION COURT THAT IS CERTIFIED BY THE ADMINISTRATIVE OFFICE
 3 OF COURTS BY JULY 1, 2027; TO AMEND SECTION 9-23-7, MISSISSIPPI
 4 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND
 5 SECTION 9-23-9, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE
 6 INTERVENTION COURTS ADVISORY COMMITTEE TO DEVELOP A PLAN TO ENSURE
 7 THAT EACH CIRCUIT COURT ESTABLISHES AN INTERVENTION COURT BY JULY
 8 1, 2027; TO BRING FORWARD SECTION 9-23-17, MISSISSIPPI CODE OF
 9 1972, WHICH PROVIDES FOR THE AUTHORITY OF THE ADMINISTRATIVE
 10 OFFICE OF COURTS, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD
 11 SECTION 9-25-1, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
 12 VETERANS TREATMENT COURTS, FOR PURPOSES OF AMENDMENT; TO BRING
 13 FORWARD SECTION 9-27-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
 14 THE RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICE OF COURTS
 15 REGARDING MENTAL HEALTH COURT STANDARDS, FOR PURPOSES OF
 16 AMENDMENT; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Each circuit court shall establish an
 19 intervention court that is certified by the Administrative Office
 20 of Courts by July 1, 2027. For the purposes of this section, the
 21 term "intervention court" means the same as defined in Section
 22 9-23-5.

23 **SECTION 2.** Section 9-23-7, Mississippi Code of 1972, is
 24 amended as follows:



25 9-23-7. The Administrative Office of Courts shall be
26 responsible for certification and monitoring of * * * intervention
27 courts according to standards promulgated by the State
28 Intervention Courts Advisory Committee.

29 **SECTION 3.** Section 9-23-9, Mississippi Code of 1972, is
30 amended as follows:

31 9-23-9. (1) The State Intervention Courts Advisory
32 Committee is established to develop and periodically update
33 proposed statewide evaluation plans and models for monitoring all
34 critical aspects of intervention courts. The committee must
35 provide the proposed evaluation plans to the Chief Justice and the
36 Administrative Office of Courts. The committee shall be chaired
37 by the Director of the Administrative Office of Courts or a
38 designee of the director and shall consist of eleven (11) members
39 all of whom shall be appointed by the Supreme Court. The members
40 shall be broadly representative of the courts, mental health,
41 veterans affairs, law enforcement, corrections, criminal defense
42 bar, prosecutors association, juvenile justice, child protective
43 services and substance abuse treatment communities.

44 (2) The State Intervention Courts Advisory Committee may
45 also make recommendations to the Chief Justice, the Director of
46 the Administrative Office of Courts and state officials concerning
47 improvements to intervention court policies and procedures
48 including the intervention court certification process. The
49 committee may make suggestions as to the criteria for eligibility,



50 and other procedural and substantive guidelines for intervention
51 court operation.

52 (3) The State Intervention Courts Advisory Committee shall
53 act as arbiter of disputes arising out of the operation of
54 intervention courts established under this chapter and make
55 recommendations to improve the intervention courts; it shall also
56 make recommendations to the Supreme Court necessary and incident
57 to compliance with established rules.

58 (4) The State Intervention Courts Advisory Committee shall
59 establish through rules and regulations a viable and fiscally
60 responsible plan to expand the number of adult and juvenile
61 intervention court programs operating in Mississippi in a manner
62 that ensures each circuit court has an intervention court by July
63 1, 2027. These rules and regulations shall include plans to
64 increase participation * * * in a manner that ensure each circuit
65 court has an intervention court by July 1, 2027.

66 (5) The State Intervention Courts Advisory Committee shall
67 receive and review the monthly reports submitted to the
68 Administrative Office of Courts by each certified intervention
69 court and provide comments and make recommendations, as necessary,
70 to the Chief Justice and the Director of the Administrative Office
71 of Courts.

72 **SECTION 4.** Section 9-23-17, Mississippi Code of 1972, is
73 brought forward as follows:



74 9-23-17. With regard to any intervention court, the
75 Administrative Office of Courts shall do the following:

76 (a) Certify and re-certify intervention court
77 applications that meet standards established by the Administrative
78 Office of Courts in accordance with this chapter.

79 (b) Ensure that the structure of the intervention
80 component complies with rules adopted under this section and
81 applicable federal regulations.

82 (c) Revoke the authorization of a program upon a
83 determination that the program does not comply with rules adopted
84 under this section and applicable federal regulations.

85 (d) Make agreements and contracts to effectuate the
86 purposes of this chapter with:

87 (i) Another department, authority or agency of the
88 state;

89 (ii) Another state;

90 (iii) The federal government;

91 (iv) A state-supported or private university; or

92 (v) A public or private agency, foundation,
93 corporation or individual.

94 (e) Directly, or by contract, approve and certify any
95 intervention component established under this chapter.

96 (f) Require, as a condition of operation, that each
97 intervention court created or funded under this chapter be
98 certified by the Administrative Office of Courts.



99 (g) Collect monthly data reports submitted by all
100 certified intervention courts, provide those reports to the State
101 Intervention Courts Advisory Committee, compile an annual report
102 summarizing the data collected and the outcomes achieved by all
103 certified intervention courts and submit the annual report to the
104 Oversight Task Force.

105 (h) Every three (3) years contract with an external
106 evaluator to conduct an evaluation of the effectiveness of the
107 intervention court program, both statewide and individual
108 intervention court programs, in complying with the key components
109 of the intervention courts adopted by the National Association of
110 Drug Court Professionals.

111 (i) Adopt rules to implement this chapter.

112 **SECTION 5.** Section 9-25-1, Mississippi Code of 1972, is
113 brought forward as follows:

114 9-25-1. (1) The Legislature recognizes that our military
115 veterans have provided an invaluable service to our country. In
116 doing so, many may have suffered the effects of, including, but
117 not limited to, post-traumatic stress disorder, traumatic brain
118 injury and depression, and may also suffer drug and alcohol
119 dependency or addiction and co-occurring mental illness and
120 substance abuse problems. As a result of this, some veterans come
121 into contact with the criminal justice system and are charged with
122 felony offenses. There is a critical need for the justice system
123 to recognize these veterans, provide accountability for their



124 wrongdoing, provide for the safety of the public, and provide for
125 the treatment of our veterans. It is the intent of the
126 Legislature to create a framework for which specialized veterans
127 treatment courts may be established at the circuit court level and
128 at the discretion of the circuit court judge.

129 (2) **Authorization.** A circuit court judge may establish a
130 Veterans Treatment Court program. The Veterans Treatment Court
131 may, at the discretion of the circuit court judge, be a separate
132 court program or as a component of an existing intervention court
133 program. At the discretion of the circuit court judge, the
134 Veterans Treatment Court may be operated in one (1) county within
135 the circuit court district, and allow veteran participants from
136 all counties within the circuit court district to participate.

137 (3) **Eligibility.** (a) In order to be eligible to
138 participate in a Veterans Treatment Court program established
139 under this section, the attorney representing the state must
140 consent to the defendant's participation in the program. Further,
141 the court in which the criminal case is pending must have found
142 that the defendant is a veteran of the United States Armed Forces
143 as defined in Title 38 USCS.

144 (b) Participation in the services of an alcohol and
145 drug intervention component shall only be open to the individuals
146 over whom the court has jurisdiction, except that the court may
147 agree to provide the services for individuals referred from
148 another Veterans Treatment Court. In cases transferred from



149 another jurisdiction, the receiving judge shall act as a special
150 master and make recommendations to the sentencing judge.

151 (c) (i) As a condition of participation in a Veterans
152 Treatment Court, a participant may be required to undergo a
153 chemical test or a series of chemical tests as specified by the
154 Veterans Treatment Court program. A participant may be held
155 liable for costs associated with all chemical tests required under
156 this section. However, a judge may waive any fees for testing.

157 (ii) A laboratory that performs chemical tests
158 under this section shall report the results of the tests to the
159 Veterans Treatment Courts.

160 (d) A person does not have the right to participate in
161 a Veterans Treatment Court program under this chapter. The court
162 having jurisdiction over a person for a matter before the court
163 shall have the final determination about whether the person may
164 participate in the Veterans Treatment Court program.

165 (e) A defendant shall be excluded from participating in
166 a Veterans Treatment Court program if any one (1) of the following
167 applies:

168 (i) The crime before the court is a crime of
169 violence as set forth in paragraph (c) of this subsection.

170 (ii) The defendant does not demonstrate a
171 willingness to participate in a treatment program.

172 (iii) The defendant has been previously convicted
173 of a felony crime of violence including, but not limited to:



174 murder, rape, sexual battery, statutory rape of a child under the
175 age of sixteen (16), armed robbery, arson, aggravated kidnapping,
176 aggravated assault, stalking, or any offense involving the
177 discharge of a firearm or where serious bodily injury or death
178 resulted to any person.

179 (f) The court in which the criminal case is pending
180 shall allow an eligible defendant to choose whether to proceed
181 through the Veterans Treatment Court program or otherwise through
182 the justice system.

183 (g) Proof of matters under this section may be
184 submitted to the court in which the criminal case is pending in
185 any form the court determines to be appropriate, including
186 military service and medical records, previous determinations of a
187 disability by a veteran's organization or by the United States
188 Department of Veterans Affairs, testimony or affidavits of other
189 veterans or service members, and prior determinations of
190 eligibility for benefits by any state or county veterans office.

191 (4) **Administrative Office of Courts.** With regard to any
192 Veterans Treatment Court established under this chapter, the
193 Administrative Office of Courts may do the following:

194 (a) Ensure that the structure of the intervention
195 component complies with rules adopted under this chapter and
196 applicable federal regulations.



197 (b) Revoke the authorization of a program upon a
198 determination that the program does not comply with rules adopted
199 under this chapter and applicable federal regulations.

200 (c) Enter into agreements and contracts to effectuate
201 the purposes of this chapter with:

202 (i) Another department, authority, or agency of
203 the state;

204 (ii) Another state;

205 (iii) The federal government;

206 (iv) A state-supported or private university; or

207 (v) A public or private agency, foundation,
208 corporation, or individual.

209 (d) Directly, or by contract, approve and certify any
210 intervention component established under this chapter.

211 (e) Require, as a condition of operation, that each
212 veterans court created or funded under this chapter be certified
213 by the Administrative Office of Courts.

214 (f) Adopt rules to implement this chapter.

215 (5) **State Intervention Court Advisory Committee.** (a) The
216 State Intervention Court Advisory Committee shall be responsible
217 for developing statewide rules and policies as they relate to
218 Veterans Treatment Court programs.

219 (b) The State Intervention Court Advisory Committee may
220 also make recommendations to the Chief Justice, the Director of



221 the Administrative Office of Courts and state officials concerning
222 improvements to Veterans Treatment Court policies and procedures.

223 (c) The State Intervention Court Advisory Committee
224 shall act as an arbiter of disputes arising out of the operation
225 of Veterans Treatment Court programs established under this
226 chapter and make recommendations to improve the Veterans Treatment
227 Court programs.

228 (6) **Funding for Veterans Treatment Courts.** (a) All monies
229 received from any source by the Veterans Treatment Court program
230 shall be accumulated in a fund to be used only for Veterans
231 Treatment Court purposes. Any funds remaining in this fund at the
232 end of the fiscal year shall not lapse into the General Fund, but
233 shall be retained in the Veterans Treatment Court fund for the
234 funding of further activities by the Veterans Treatment Court
235 program.

236 (b) A Veterans Treatment Court program may apply for
237 and receive the following:

238 (i) Gifts, bequests and donations from private
239 sources.

240 (ii) Grant and contract money from governmental
241 sources.

242 (iii) Other forms of financial assistance approved
243 by the court to supplement the budget of the Veterans Treatment
244 Court program.



245 (7) **Immunity.** The coordinator and members of the
246 professional and administrative staff of the Veterans Treatment
247 Court program who perform duties in good faith under this chapter
248 are immune from civil liability for:

249 (a) Acts or omissions in providing services under this
250 chapter; and

251 (b) The reasonable exercise of discretion in
252 determining eligibility to participate in the Veterans Treatment
253 Court program.

254 (8) This section shall be codified as a separate article in
255 Title 9, Mississippi Code of 1972.

256 **SECTION 6.** Section 9-27-7, Mississippi Code of 1972, is
257 brought forward as follows:

258 9-27-7. (1) The Administrative Office of Courts is the
259 repository for reports filed by mental health treatment courts
260 established under this chapter. The goal of the mental health
261 treatment courts is to support effective and proven practices that
262 reduce recidivism and provide behavioral health treatment for
263 participants.

264 (2) Mental health treatment courts must adhere to the
265 standards established in this chapter.

266 (a) These standards shall include, but are not limited
267 to:

268 (i) The use of evidence-based practices including,
269 but not limited to, the use of a valid and reliable risk and needs



270 screening tool to identify participants, deliver appropriate
271 treatments and services;

272 (ii) Targeting moderate to high-risk offenders for
273 participation;

274 (iii) Utilizing current, evidence-based practices
275 proven effective for behavioral health treatment;

276 (iv) Frequent testing for alcohol or drugs;

277 (v) Coordinated strategy between all mental health
278 treatment court personnel;

279 (vi) Ongoing judicial interaction with each
280 participant; and

281 (vii) Monitoring and evaluation of mental health
282 treatment court implementation and outcomes through data
283 collection and reporting.

284 (b) Mental health treatment courts must implement a
285 data collection plan, utilizing the treatment court case
286 management system, which shall include collecting the following
287 data:

288 (i) Total number of participants;

289 (ii) Total number of successful participants;

290 (iii) Total number of unsuccessful participants
291 and the reason why each participant did not complete the program;

292 (iv) Total number of participants who were
293 arrested for a new criminal offense while in the mental health
294 treatment court;



295 (v) Total number of participants who were
296 convicted of a new felony offense while in the mental health
297 treatment court;

298 (vi) Total number of participants who committed at
299 least one (1) violation while in the mental health treatment court
300 and the resulting sanction(s);

301 (vii) Results of the initial risk and needs
302 screening or other clinical assessments conducted on each
303 participant;

304 (viii) Total number of applications for screening
305 by race, gender, offenses charged, indigence and if not accepted,
306 the reason for nonacceptance; and

307 (ix) Any other data or information as required by
308 the Administrative Office of Courts.

309 (3) All mental health treatment courts must measure
310 successful completion of the program based on those participants
311 who complete the program without a new criminal conviction.

312 (4) (a) Mental health treatment courts must collect and
313 submit to the Administrative Office of Courts each month, the
314 following data:

315 (i) Total number of participants at the beginning
316 of the month;

317 (ii) Total number of participants at the end of
318 the month;



319 (iii) Total number of new participants who began
320 the program in the month;

321 (iv) Total number of participants who successfully
322 completed the program in the month;

323 (v) Total number of participants who left the
324 program in the month;

325 (vi) Total number of participants who were
326 arrested for a new criminal offense while in the program in the
327 month;

328 (vii) Total number of participants who were
329 convicted of a new criminal offense while in the program in the
330 month;

331 (viii) Total number of participants who committed
332 at least one (1) violation while in the program and any resulting
333 sanction(s);

334 (ix) Total number of active participants who did
335 not receive treatment in the month;

336 (x) Total number of participants on prescribed
337 psychotropic medications in the month;

338 (xi) Total number of new participants admitted to
339 an acute psychiatric facility or a crisis stabilization unit in
340 the first thirty (30) days of acceptance into the mental health
341 treatment court; and



342 (xii) Total number of participants admitted to an
343 acute psychiatric facility or a crisis stabilization unit in the
344 month.

345 (b) By August 1, 2023, and each year thereafter, the
346 Administrative Office of Courts shall report to the PEER Committee
347 the information in subsection (4) (a) of this section in a
348 sortable, electronic format.

349 (5) A certified mental health treatment court may
350 individually establish rules and may make special orders and rules
351 as necessary that do not conflict with rules promulgated by the
352 Supreme Court or the Administrative Office of Courts.

353 (6) A certified mental health treatment court may appoint
354 full- or part-time employees it deems necessary for the work of
355 the mental health treatment court and shall fix the compensation
356 of those employees, who shall serve at the will and pleasure of
357 the circuit court judge who presides over the mental health
358 treatment court.

359 (7) A certified mental health treatment court established
360 under this chapter is subject to the regulatory powers of the
361 Administrative Office of Courts as set forth in Section 9-27-13.

362 **SECTION 7.** This act shall take effect and be in force from
363 and after July 1, 2024.

