

By: Representative Hood

To: Judiciary B;
Appropriations A

HOUSE BILL NO. 1613

1 AN ACT TO AMEND SECTION 99-15-26, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE NONADJUDICATION OF FELONY DUI OFFENSES; AND FOR
3 RELATED PURPOSES.

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

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

7 99-15-26. (1) (a) In all criminal cases, felony and
8 misdemeanor, other than crimes against the person, a crime of
9 violence as defined in Section 97-3-2, a violation of Section
10 97-11-31, or crimes in which a person unlawfully takes, obtains or
11 misappropriates funds received by or entrusted to the person by
12 virtue of his or her public office or employment, the circuit or
13 county court shall be empowered, upon the entry of a plea of
14 guilty by a criminal defendant made on or after July 1, 2014, to
15 withhold acceptance of the plea and sentence thereon pending
16 successful completion of such conditions as may be imposed by the
17 court pursuant to subsection (2) of this section.



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

24 (c) Notwithstanding paragraph (a) of this subsection
25 (1), in all criminal cases charging a misdemeanor of domestic
26 violence as defined in Section 99-3-7(5), a circuit, county,
27 justice or municipal court shall be empowered, upon the entry of a
28 plea of guilty by the criminal defendant, to withhold acceptance
29 of the plea and sentence thereon pending successful completion of
30 such conditions as may be imposed by the court pursuant to
31 subsection (2) of this section.

32 (d) No person having previously qualified under the
33 provisions of this section shall be eligible to qualify for
34 release in accordance with this section for a repeat offense. A
35 person shall not be eligible to qualify for release in accordance
36 with this section if charged with the offense of trafficking of a
37 controlled substance as provided in Section 41-29-139(f) or if
38 charged with * * * a misdemeanor offense under the Mississippi
39 Implied Consent Law. Misdemeanor violations under the Mississippi
40 Implied Consent Law can only be nonadjudicated under the
41 provisions of Section 63-11-30. Felony violations of the
42 Mississippi Implied Consent Law can be nonadjudicated under this



43 section only if successful completion of an intervention court
44 certified by the Mississippi Administrative Office of Courts is a
45 court imposed condition of the nonadjudication.

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

49 (i) Reasonable restitution to the victim of the
50 crime.

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

53 (iii) Payment of a fine not to exceed the
54 statutory limit.

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

60 (v) The circuit or county court, in its
61 discretion, may require the defendant to remain in the program
62 subject to good behavior for a period of time not to exceed five
63 (5) years. The justice or municipal court, in its discretion, may
64 require the defendant to remain in the program subject to good
65 behavior for a period of time not to exceed two (2) years.

66 (b) Conditions which the circuit or county court may
67 impose under subsection (1) of this section also include



68 successful completion of an effective evidence-based program or a
69 properly controlled pilot study designed to contribute to the
70 evidence-based research literature on programs targeted at
71 reducing recidivism. Such program or pilot study may be community
72 based or institutionally based and should address risk factors
73 identified in a formal assessment of the offender's risks and
74 needs.

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

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

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

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2024.

