

By: Senator(s) Younger, Blackwell, Polk,
Kirby, Chassaniol, McMahan

To: Corrections

SENATE BILL NO. 2450

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,
2 TO LIMIT ELIGIBILITY FOR THE INTENSIVE SUPERVISION PROGRAM
3 OPERATED BY THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; TO CAP THE
4 TOTAL NUMBER OF PARTICIPANTS IN THE INTENSIVE SUPERVISION PROGRAM;
5 TO REQUIRE THE JOINT LEGISLATIVE COMMITTEE ON PERFORMANCE
6 EVALUATION AND EXPENDITURE REVIEW TO PRODUCE A REPORT ON THE
7 OPERATION AND MANAGEMENT OF OFFENDERS PARTICIPATING IN THE
8 INTENSIVE SUPERVISION PROGRAM BY THE DEPARTMENT OF CORRECTIONS;
9 AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 47-5-1003, Mississippi Code of 1972, is
12 amended as follows:

13 47-5-1003. (1) An intensive supervision program may be used
14 as an alternative to incarceration for offenders who are not
15 convicted of a crime of violence pursuant to Section 97-3-2 as
16 selected by the court * * * when a less restrictive condition will
17 not suffice because the individual poses a demonstrated risk of
18 harming another person, and the alternative condition(s) will not
19 mitigate or eliminate these risks. An intensive supervision
20 program may be used as an alternative to incarceration for



21 juvenile offenders as provided in Section 43-21-605. Any offender
22 convicted of a sex crime shall not be placed in the program.

23 (2) The court may place the defendant on intensive
24 supervision, except when a death sentence or life imprisonment is
25 the maximum penalty which may be imposed by a court or judge.

26 (3) To protect and to ensure the safety of the state's
27 citizens, any offender who violates an order or condition of the
28 intensive supervision program may be arrested by the correctional
29 field officer and placed in the actual custody of the Department
30 of Corrections. Such offender is under the full and complete
31 jurisdiction of the department and subject to removal from the
32 program by the classification hearing officer.

33 (4) When any circuit or county court places an offender in
34 an intensive supervision program, the court shall give notice to
35 the Mississippi Department of Corrections within fifteen (15) days
36 of the court's decision to place the offender in an intensive
37 supervision program. Notice shall be delivered to the central
38 office of the Mississippi Department of Corrections and to the
39 regional office of the department which will be providing
40 supervision to the offender in an intensive supervision program.

41 The courts may not require an offender to participate in the
42 intensive supervision program during a term of probation or
43 post-release supervision.

44 (5) The Department of Corrections shall provide to the
45 Oversight Task Force all relevant data regarding the offenders



46 participating in the intensive supervision program including the
47 number of offenders admitted to the program annually, the number
48 of offenders who leave the program annually and why they leave,
49 the number of offenders who are arrested or convicted annually and
50 the circumstances of the arrest and any other information
51 requested.

52 (6) The Department of Corrections shall maintain a real-time
53 count of intensive supervision program participants and notify the
54 courts, at least monthly, regarding the number of program openings
55 based on national caseload standards.

56 (7) The Joint Legislative Committee on Performance
57 Evaluation and Expenditure Review (PEER) shall review the
58 operation and management offenders participating in the intensive
59 supervision program by the Department of Corrections and produce a
60 report to the Mississippi Legislature, including the Chairmen of
61 the Corrections Committees in the Senate and the House, by
62 December 31, 2024.

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

