

By: Senator(s) Sparks

To: Corrections; Judiciary,
Division B

SENATE BILL NO. 2599
(As Passed the Senate)

1 AN ACT RELATING TO ALTERNATIVE INCARCERATION METHODOLOGY
2 ("AIM"); TO BRING FORWARD SECTIONS 99-15-26, 99-15-19, 47-7-27,
3 47-7-33.1, 47-7-47, 47-5-931 THROUGH 47-5-953 AND 47-5-1003,
4 MISSISSIPPI CODE OF 1972, RELATING TO ALTERNATIVE SENTENCING
5 OPTIONS FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD
6 SECTIONS 9-23-1 THROUGH 9-23-23, MISSISSIPPI CODE OF 1972, WHICH
7 ARE THE PROVISIONS THAT ENACT THE ALYCE GRIFFIN CLARKE
8 INTERVENTION COURT ACT; TO AMEND SECTION 9-23-11, MISSISSIPPI CODE
9 OF 1972, TO MAKE A NONSUBSTANTIVE, TECHNICAL REVISION; TO BRING
10 FORWARD SECTION 9-23-51, MISSISSIPPI CODE OF 1972, WHICH IS THE
11 PROVISION THAT ESTABLISHES THE DRUG COURT FUND IN THE STATE
12 TREASURY FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD
13 SECTION 9-25-1, MISSISSIPPI CODE OF 1972, WHICH IS THE PROVISION
14 THAT CREATES THE VETERAN TREATMENT COURTS FOR THE PURPOSE OF
15 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 9-27-1 THROUGH
16 9-27-21, MISSISSIPPI CODE OF 1972, WHICH ARE THE PROVISIONS THAT
17 ENACT THE RIVERS MCGRAW MENTAL HEALTH TREATMENT COURT ACT FOR THE
18 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 99-15-26, Mississippi Code of 1972, is
21 brought forward as follows:

22 99-15-26. (1) (a) In all criminal cases, felony and
23 misdemeanor, other than crimes against the person, a crime of
24 violence as defined in Section 97-3-2, a violation of Section
25 97-11-31, or crimes in which a person unlawfully takes, obtains or
26 misappropriates funds received by or entrusted to the person by



27 virtue of his or her public office or employment, the circuit or
28 county court shall be empowered, upon the entry of a plea of
29 guilty by a criminal defendant made on or after July 1, 2014, to
30 withhold acceptance of the plea and sentence thereon pending
31 successful completion of such conditions as may be imposed by the
32 court pursuant to subsection (2) of this section.

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

39 (c) Notwithstanding paragraph (a) of this subsection
40 (1), in all criminal cases charging a misdemeanor of domestic
41 violence as defined in Section 99-3-7(5), a circuit, county,
42 justice or municipal court shall be empowered, upon the entry of a
43 plea of guilty by the criminal defendant, to withhold acceptance
44 of the plea and sentence thereon pending successful completion of
45 such conditions as may be imposed by the court pursuant to
46 subsection (2) of this section.

47 (d) No person having previously qualified under the
48 provisions of this section shall be eligible to qualify for
49 release in accordance with this section for a repeat offense. A
50 person shall not be eligible to qualify for release in accordance
51 with this section if charged with the offense of trafficking of a



52 controlled substance as provided in Section 41-29-139(f) or if
53 charged with an offense under the Mississippi Implied Consent Law.
54 Violations under the Mississippi Implied Consent Law can only be
55 nonadjudicated under the provisions of Section 63-11-30.

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

59 (i) Reasonable restitution to the victim of the
60 crime.

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

63 (iii) Payment of a fine not to exceed the
64 statutory limit.

65 (iv) Successful completion of drug, alcohol,
66 psychological or psychiatric treatment, successful completion of a
67 program designed to bring about the cessation of domestic abuse,
68 or any combination thereof, if the court deems treatment
69 necessary.

70 (v) The circuit or county court, in its
71 discretion, may require the defendant to remain in the program
72 subject to good behavior for a period of time not to exceed five
73 (5) years. The justice or municipal court, in its discretion, may
74 require the defendant to remain in the program subject to good
75 behavior for a period of time not to exceed two (2) years.



76 (b) Conditions which the circuit or county court may
77 impose under subsection (1) of this section also include
78 successful completion of an effective evidence-based program or a
79 properly controlled pilot study designed to contribute to the
80 evidence-based research literature on programs targeted at
81 reducing recidivism. Such program or pilot study may be community
82 based or institutionally based and should address risk factors
83 identified in a formal assessment of the offender's risks and
84 needs.

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

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

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

96 **SECTION 2.** Section 99-15-19, Mississippi Code of 1972, is
97 brought forward as follows:

98 99-15-19. Any county paying counsel fees and expenses
99 incurred on appeal to the Supreme Court or by virtue of any
100 prosecution charging the commission of a crime on the premises of



101 the Mississippi State Penitentiary or the commission of a crime by
102 any escapee therefrom, may request reimbursement of all such
103 payments from the State Treasurer. The State Auditor shall issue
104 his or her warrant, based upon a voucher sent by the Treasurer of
105 any county entitled to such reimbursement together with a
106 certification that such sums have been allowed and paid. The
107 State Treasurer shall pay the amount of any such reimbursement out
108 of any funds in the State Treasury appropriated for such purpose.

109 **SECTION 3.** Section 47-7-27, Mississippi Code of 1972, is
110 brought forward as follows:

111 47-7-27. (1) The board may, at any time and upon a showing
112 of probable violation of parole, issue a warrant for the return of
113 any paroled offender to the custody of the department. The
114 warrant shall authorize all persons named therein to return the
115 paroled offender to actual custody of the department from which he
116 was paroled.

117 (2) Any field supervisor may arrest an offender without a
118 warrant or may deputize any other person with power of arrest by
119 giving him a written statement setting forth that the offender
120 has, in the judgment of that field supervisor, violated the
121 conditions of his parole or earned-release supervision. The
122 written statement delivered with the offender by the arresting
123 officer to the official in charge of the department facility from
124 which the offender was released or other place of detention



125 designated by the department shall be sufficient warrant for the
126 detention of the offender.

127 (3) The field supervisor, after making an arrest, shall
128 present to the detaining authorities a similar statement of the
129 circumstances of violation. The field supervisor shall at once
130 notify the board or department of the arrest and detention of the
131 offender and shall submit a written report showing in what manner
132 the offender has violated the conditions of parole or
133 earned-release supervision. An offender for whose return a
134 warrant has been issued by the board shall, after the issuance of
135 the warrant, be deemed a fugitive from justice.

136 (4) Whenever an offender is arrested on a warrant for an
137 alleged violation of parole as herein provided, the board shall
138 hold an informal preliminary hearing within seventy-two (72) hours
139 to determine whether there is reasonable cause to believe the
140 person has violated a condition of parole. A preliminary hearing
141 shall not be required when the offender is not under arrest on a
142 warrant or the offender signed a waiver of a preliminary hearing.
143 The preliminary hearing may be conducted electronically.

144 (5) The right of the State of Mississippi to extradite
145 persons and return fugitives from justice, from other states to
146 this state, shall not be impaired by this chapter and shall remain
147 in full force and effect. An offender convicted of a felony
148 committed while on parole, whether in the State of Mississippi or
149 another state, shall immediately have his parole revoked upon



150 presentment of a certified copy of the commitment order to the
151 board. If an offender is on parole and the offender is convicted
152 of a felony for a crime committed prior to the offender being
153 placed on parole, whether in the State of Mississippi or another
154 state, the offender may have his parole revoked upon presentment
155 of a certified copy of the commitment order to the board.

156 (6) (a) The board shall hold a hearing for any parolee who
157 is detained as a result of a warrant or a violation report within
158 twenty-one (21) days of the parolee's admission to detention. The
159 board may, in its discretion, terminate the parole or modify the
160 terms and conditions thereof. If the board revokes parole for one
161 or more technical violations the board shall impose a period of
162 imprisonment to be served in a technical violation center operated
163 by the department not to exceed ninety (90) days for the first
164 revocation and not to exceed one hundred twenty (120) days for the
165 second revocation. For the third revocation, the board may impose
166 a period of imprisonment to be served in a technical violation
167 center for up to one hundred * * * eighty (180) days or the board
168 may impose the remainder of the suspended portion of the sentence.
169 For the fourth and any subsequent revocation, the board may impose
170 up to the remainder of the suspended portion of the sentence. The
171 period of imprisonment in a technical violation center imposed
172 under this section shall not be reduced in any manner.

173 (b) If the board does not hold a hearing or does not
174 take action on the violation within the twenty-one-day time frame



175 in paragraph (a) of this subsection, the parolee shall be released
176 from detention and shall return to parole status. The board may
177 subsequently hold a hearing and may revoke parole or may continue
178 parole and modify the terms and conditions of parole. If the
179 board revokes parole for one or more technical violations the
180 board shall impose a period of imprisonment to be served in a
181 technical violation center operated by the department not to
182 exceed ninety (90) days for the first revocation and not to exceed
183 one hundred twenty (120) days for the second revocation. For the
184 third revocation, the board may impose a period of imprisonment to
185 be served in a technical violation center for up to one hundred
186 eighty (180) days or the board may impose the remainder of the
187 suspended portion of the sentence. For the fourth and any
188 subsequent revocation, the board may impose up to the remainder of
189 the suspended portion of the sentence. The period of imprisonment
190 in a technical violation center imposed under this section shall
191 not be reduced in any manner.

192 (c) For a parolee charged with one or more technical
193 violations who has not been detained awaiting the revocation
194 hearing, the board may hold a hearing within a reasonable time.
195 The board may revoke parole or may continue parole and modify the
196 terms and conditions of parole. If the board revokes parole for
197 one or more technical violations the board shall impose a period
198 of imprisonment to be served in a technical violation center
199 operated by the department not to exceed ninety (90) days for the



200 first revocation and not to exceed one hundred twenty (120) days
201 for the second revocation. For the third revocation, the board
202 may impose a period of imprisonment to be served in a technical
203 violation center for up to one hundred eighty (180) days or the
204 board may impose the remainder of the suspended portion of the
205 sentence. For the fourth and any subsequent revocation, the board
206 may impose up to the remainder of the suspended portion of the
207 sentence. The period of imprisonment in a technical violation
208 center imposed under this section shall not be reduced in any
209 manner.

210 (7) Unless good cause for the delay is established in the
211 record of the proceeding, the parole revocation charge shall be
212 dismissed if the revocation hearing is not held within the thirty
213 (30) days of the issuance of the warrant.

214 (8) The chairman and each member of the board and the
215 designated parole revocation hearing officer may, in the discharge
216 of their duties, administer oaths, summon and examine witnesses,
217 and take other steps as may be necessary to ascertain the truth of
218 any matter about which they have the right to inquire.

219 (9) The board shall provide semiannually to the Oversight
220 Task Force the number of warrants issued for an alleged violation
221 of parole, the average time between detention on a warrant and
222 preliminary hearing, the average time between detention on a
223 warrant and revocation hearing, the number of ninety-day sentences
224 in a technical violation center issued by the board, the number of



225 one-hundred-twenty-day sentences in a technical violation center
226 issued by the board, the number of one-hundred-eighty-day
227 sentences issued by the board, and the number and average length
228 of the suspended sentences imposed by the board in response to a
229 violation.

230 **SECTION 4.** Section 47-7-33.1, Mississippi Code of 1972, is
231 brought forward as follows:

232 47-7-33.1. (1) The department shall create a discharge plan
233 for any offender returning to the community, regardless of whether
234 the person will discharge from the custody of the department, or
235 is released on parole, pardon, or otherwise. At least ninety (90)
236 days prior to an offender's earliest release date, the
237 commissioner shall conduct a pre-release assessment and complete a
238 written discharge plan based on the assessment results. The
239 discharge plan for parole eligible offenders shall be sent to the
240 parole board at least thirty (30) days prior to the offender's
241 parole eligibility date for approval. The board may suggest
242 changes to the plan that it deems necessary to ensure a successful
243 transition.

244 (2) The pre-release assessment shall identify whether an
245 inmate requires assistance obtaining the following basic needs
246 upon release: transportation, clothing and food, financial
247 resources, identification documents, housing, employment,
248 education, health care and support systems. The discharge plan
249 shall include information necessary to address these needs and the



250 steps being taken by the department to assist in this process,
251 including an up-to-date version of the information described in
252 Section 63-1-309(4). Based on the findings of the assessment, the
253 commissioner shall:

254 (a) Arrange transportation for inmates from the
255 correctional facility to their release destination;

256 (b) Ensure inmates have clean, seasonally appropriate
257 clothing, and provide inmates with a list of food providers and
258 other basic resources immediately accessible upon release;

259 (c) Ensure inmates have a provisional driver's license
260 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi
261 Code of 1972, a regular driver's license if eligible, or a
262 state-issued identification card that is not a Department of
263 Corrections identification card;

264 (d) Assist inmates in identifying safe, affordable
265 housing upon release. If accommodations are not available,
266 determine whether temporary housing is available for at least ten
267 (10) days after release. If temporary housing is not available,
268 the discharge plan shall reflect that satisfactory housing has not
269 been established and the person may be a candidate for
270 transitional reentry center placement;

271 (e) Refer inmates without secured employment to
272 employment opportunities;



273 (f) Provide inmates with contact information of a
274 health care facility/provider in the community in which they plan
275 to reside;

276 (g) Notify family members of the release date and
277 release plan, if the inmate agrees; and

278 (h) Refer inmates to a community or a faith-based
279 organization that can offer support within the first twenty-four
280 (24) hours of release.

281 (3) A written discharge plan shall be provided to the
282 offender and supervising probation officer or parole officer, if
283 applicable.

284 (4) A discharge plan created for a parole-eligible offender
285 shall also include supervision conditions and the intensity of
286 supervision based on the assessed risk to recidivate and whether
287 there is a need for transitional housing. The board shall approve
288 discharge plans before an offender is released on parole pursuant
289 to this chapter.

290 **SECTION 5.** Section 47-7-47, Mississippi Code of 1972, is
291 brought forward as follows:

292 47-7-47. (1) The judge of any circuit court may place an
293 offender on a program of earned probation after a period of
294 confinement as set out herein and the judge may seek the advice of
295 the commissioner and shall direct that the defendant be under the
296 supervision of the department.



297 (2) (a) Any circuit court or county court may, upon its own
298 motion, acting upon the advice and consent of the commissioner not
299 earlier than thirty (30) days nor later than one (1) year after
300 the defendant has been delivered to the custody of the department,
301 to which he has been sentenced, suspend the further execution of
302 the sentence and place the defendant on earned probation, except
303 when a death sentence or life imprisonment is the maximum penalty
304 which may be imposed or if the defendant has been confined two (2)
305 or more times for the conviction of a felony on a previous
306 occasion in any court or courts of the United States and of any
307 state or territories thereof or has been convicted of a felony
308 involving the use of a deadly weapon.

309 (b) The authority granted in this subsection shall be
310 exercised by the judge who imposed sentence on the defendant, or
311 his successor.

312 (c) The time limit imposed by paragraph (a) of this
313 subsection is not applicable to those defendants sentenced to the
314 custody of the department prior to April 14, 1977. Persons who
315 are convicted of crimes that carry mandatory sentences shall not
316 be eligible for earned probation.

317 (3) When any circuit or county court places an offender on
318 earned probation, the court shall give notice to the Mississippi
319 Department of Corrections within fifteen (15) days of the court's
320 decision to place the offender on earned probation. Notice shall
321 be delivered to the central office of the Mississippi Department



322 of Corrections and to the regional office of the department which
323 will be providing supervision to the offender on earned probation.

324 (4) If the court places any person on probation or earned
325 probation, the court may order the person, as a condition of
326 probation, to a period of confinement and treatment at a private
327 or public agency or institution, either within or without the
328 state, which treats emotional, mental or drug-related problems.
329 Any person who, as a condition of probation, is confined for
330 treatment at an out-of-state facility shall be supervised pursuant
331 to Section 47-7-71, and any person confined at a private agency
332 shall not be confined at public expense. Time served in any such
333 agency or institution may be counted as time required to meet the
334 criteria of subsection (2) (a).

335 (5) If the court places any person on probation or earned
336 probation, the court may order the person to make appropriate
337 restitution to any victim of his crime or to society through the
338 performance of reasonable work for the benefit of the community.

339 (6) If the court places any person on probation or earned
340 probation, the court may order the person, as a condition of
341 probation, to submit, as provided in Section 47-5-601, to any type
342 of breath, saliva or urine chemical analysis test, the purpose of
343 which is to detect the possible presence of alcohol or a substance
344 prohibited or controlled by any law of the State of Mississippi or
345 the United States.



346 **SECTION 6.** Section 47-5-931, Mississippi Code of 1972, is
347 brought forward as follows:

348 47-5-931. (1) The Department of Corrections, in its
349 discretion, may contract with the board of supervisors of one or
350 more counties or with a regional facility operated by one or more
351 counties, to provide for housing, care and control of offenders
352 who are in the custody of the State of Mississippi. Any facility
353 owned or leased by a county or counties for this purpose shall be
354 designed, constructed, operated and maintained in accordance with
355 American Correctional Association standards, and shall comply with
356 all constitutional standards of the United States and the State of
357 Mississippi, and with all court orders that may now or hereinafter
358 be applicable to the facility. If the Department of Corrections
359 contracts with more than one (1) county to house state offenders
360 in county correctional facilities, excluding a regional facility,
361 then the first of such facilities shall be constructed in Sharkey
362 County and the second of such facilities shall be constructed in
363 Jefferson County.

364 (2) The Department of Corrections shall contract with the
365 board of supervisors of the following counties to house state
366 inmates in regional facilities: (a) Marion and Walthall Counties;
367 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River
368 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba
369 Counties; (f) Alcorn County and any contiguous county in which
370 there is located an unapproved jail; (g) Yazoo County and any



371 contiguous county in which there is located an unapproved jail;
372 (h) Chickasaw County and any contiguous county in which there is
373 located an unapproved jail; (i) George and Greene Counties and any
374 contiguous county in which there is located an unapproved jail;
375 (j) Washington County and any contiguous county in which there is
376 located an unapproved jail; (k) Hinds County and any contiguous
377 county in which there is located an unapproved jail; (l) Leake
378 County and any contiguous county in which there is located an
379 unapproved jail; (m) Issaquena County and any contiguous county in
380 which there is located an unapproved jail; (n) Jefferson County
381 and any contiguous county in which there is located an unapproved
382 jail; (o) Franklin County and any contiguous county in which there
383 is located an unapproved jail; (p) Holmes County and any
384 contiguous county in which there is located an unapproved jail;
385 and (q) Bolivar County and any contiguous county in which there is
386 located an unapproved jail. The Department of Corrections shall
387 decide the order of priority of the counties listed in this
388 subsection with which it will contract for the housing of state
389 inmates. For the purposes of this subsection, the term
390 "unapproved jail" means any jail that the local grand jury
391 determines should be condemned or has found to be of substandard
392 condition or in need of substantial repair or reconstruction.

393 (3) In addition to the offenders authorized to be housed
394 under subsection (1) of this section, the Department of
395 Corrections may contract with any regional facility to provide for



396 housing, care and control of not more than seventy-five (75)
397 additional offenders who are in the custody of the State of
398 Mississippi.

399 (4) The Governor and the Commissioner of Corrections are
400 authorized to increase administratively the number of offenders
401 who are in the custody of the State of Mississippi that can be
402 placed in regional correctional facilities.

403 **SECTION 7.** Section 47-5-933, Mississippi Code of 1972, is
404 brought forward as follows:

405 47-5-933. The Department of Corrections may contract for the
406 purposes set out in Section 47-5-931 for a period of not more than
407 twenty (20) years. The contract may provide that the Department
408 of Corrections pay a fee of no more than Thirty-two Dollars and
409 Seventy-one Cents (\$32.71) per day for each offender that is
410 housed in the facility. The Department of Corrections may include
411 in the contract, as an inflation factor, a three percent (3%)
412 annual increase in the contract price. The state shall retain
413 responsibility for medical care for state offenders to the extent
414 that is required by law; provided, however, the department may
415 reimburse each facility for contract medical services as provided
416 by law in an amount not to exceed Six Dollars and Twenty-five
417 Cents (\$6.25) per day per offender.

418 **SECTION 8.** Section 47-5-934, Mississippi Code of 1972, is
419 brought forward as follows:



420 47-5-934. If a regional facility authorized under Section
421 47-5-931 experiences a disruption in the housing of state inmates
422 due to a natural disaster in which the Governor has declared a
423 disaster emergency under the laws of this state or the President
424 of the United States has declared an emergency or major disaster
425 to exist in this state, notwithstanding the limitation prescribed
426 in Section 47-5-933, the term of the contract entered into by the
427 Department of Corrections and the board of supervisors of the
428 involved county or counties may be extended for a period not to
429 exceed five (5) years.

430 **SECTION 9.** Section 47-5-935, Mississippi Code of 1972, is
431 brought forward as follows:

432 47-5-935. Concurrent with the execution of a contract for
433 housing of state offenders as authorized by Sections 47-5-931
434 through 47-5-941, the sheriff of a county where the facility is
435 located is designated as the chief corrections officer for the
436 facility housing state offenders, and in that capacity, shall
437 assume responsibility for management of the corrections facility
438 and for the provision of the care and control of the state
439 offenders housed therein. The sheriff shall be subject to the
440 direction of the department for management of the correctional
441 facility. In addition to the compensation provided by Section
442 25-3-25, the sheriff shall receive Fifteen Thousand Six Hundred
443 Dollars (\$15,600.00) as compensation for the duties specified in
444 Sections 47-5-931 through 47-5-941.



445 **SECTION 10.** Section 47-5-937, Mississippi Code of 1972, is
446 brought forward as follows:

447 47-5-937. Sections 47-5-931 through 47-5-941 shall be full
448 and complete authority for the exercise of all powers and
449 authority granted herein and no requirements or restrictions of
450 law which would otherwise be applicable to acts of the county or
451 sheriff or the Department of Corrections shall be applicable
452 except as expressly provided herein. The sheriff is expressly
453 authorized to employ counsel to represent the facility to be paid
454 a salary within the range allowed for a legal assistant to a
455 district attorney with the employment to continue for a period of
456 time not to exceed the duration of the indebtedness incurred for
457 construction of the facility. The county or counties shall pay
458 this cost and other costs incurred in the operation of the
459 facility from the proceeds of the funds derived from the financing
460 of the project and the housing of offenders.

461 **SECTION 11.** Section 47-5-938, Mississippi Code of 1972, is
462 brought forward as follows:

463 47-5-938. (1) Offenders are encouraged to participate in
464 work programs. The chief corrections officer as created in
465 Section 47-5-935, with ratification of the board of supervisors of
466 the county in which a correctional facility established pursuant
467 to Sections 47-5-931 through 47-5-941, is located, may enter into
468 agreements to provide work for any state offender housed in the



469 facility, with the approval of the Commissioner of Corrections, to
470 perform any work:

471 (a) Authorized in the Mississippi Prison Industries Act
472 of 1990 as provided in Sections 47-5-531 through 47-5-575;

473 (b) Authorized in the Prison Agricultural Enterprises
474 Act as provided in Sections 47-5-351 through 47-5-357;

475 (c) Authorized in the Penitentiary-Made Goods Law of
476 1978 as provided in Sections 47-5-301 through 47-5-331;

477 (d) Authorized in the Public Service Work Programs Act
478 as provided in Sections 47-5-401 through 47-5-421;

479 (e) Authorized in Section 47-5-431, which authorizes
480 the sheriff to use county or state offenders to pick up trash
481 along public roads and state highways.

482 (2) The chief corrections officer shall promulgate rules and
483 regulations as may be necessary to govern the work performance of
484 the offenders for the parties to the agreements. Political
485 subdivisions of the State of Mississippi including but not limited
486 to counties, municipalities, school districts, drainage districts,
487 water management districts and joint county-municipal endeavors
488 are to have free use of the offender's labor but are responsible
489 for reimbursing the facility for costs of transportation, guards,
490 meals and other necessary costs when the inmates are providing
491 work for that political body. Offenders may be compensated for
492 work performed if the agreement so provides.



493 (3) There is created a special fund in the county treasury
494 to be known as the "offender's compensation fund." All
495 compensation paid to offenders shall be placed in the special fund
496 for use by the offenders to purchase certain goods and other items
497 of value as authorized in Section 47-5-109, for offenders housed
498 in state correctional facilities. As provided in Section
499 47-5-194, no cash is to be paid to offenders. The agreement shall
500 provide that a certain portion of the compensation shall be used
501 for the welfare of the offenders. All money collected from the
502 regional jail canteen operations shall be placed in a county
503 special fund. Expenditures from that fund can be made by the
504 chief corrections officer for any lawful purpose that is in the
505 best interest and welfare of the offenders. The chief corrections
506 officer, his employees and the county or counties owning the
507 facility are given the authority necessary to carry out the
508 provisions of this section.

509 (4) The provisions of this section shall be supplemental to
510 any other provisions of law regarding offender labor and work
511 programs.

512 **SECTION 12.** Section 47-5-939, Mississippi Code of 1972, is
513 brought forward as follows:

514 47-5-939. In addition to housing offenders for the
515 Department of Corrections, the Chief Corrections Officer may house
516 pretrial detainees, county offenders and other persons legally
517 subject to incarceration by order of a court of competent



518 jurisdiction. All offenders are to be housed in accordance with
519 American Corrections Association standards.

520 **SECTION 13.** Section 47-5-940, Mississippi Code of 1972, is
521 brought forward as follows:

522 47-5-940. (1) (a) The Department of Corrections may
523 contract with the Bolivar County Regional Facility for a five-year
524 pilot program dedicated to an intensive and comprehensive alcohol
525 and other drug treatment program for not more than two hundred
526 fifty (250) inmates. The Bolivar County Regional Facility shall
527 have the option of canceling the contract for the drug treatment
528 program after giving the Department of Corrections thirty (30)
529 days' notice of its intent to cancel. The program shall be a
530 prison-based treatment program designed to reduce substance abuse
531 by inmates, correct dysfunctional thinking and behavioral
532 patterns, and prepare inmates to make a successful and crime-free
533 readjustment to the community.

534 (b) The Department of Corrections shall reimburse the
535 Bolivar County Regional Facility at the per diem rate allowed
536 under Section 47-5-933.

537 (2) (a) An inmate who is within eighteen (18) months of his
538 earned release date or parole date may be placed in the program.

539 (b) The Department of Corrections shall remove any
540 inmate within seventy-two (72) hours after being notified by the
541 Bolivar County Regional Facility that the inmate is violent or
542 refuses to participate in the drug treatment program.



543 (3) The program shall consist, but is not limited to, the
544 following components:

545 (a) An assessment and placement component using a
546 recidivism needs assessment of the inmates.

547 (b) An intensive and comprehensive treatment and
548 rehabilitation component which addresses the specific drug or
549 alcohol problem of the inmate. This component shall include
550 relapse prevention strategies and anger management strategies.

551 (c) An aftercare post-release component that has a
552 specific transition plan for each inmate. The transition plan
553 must address specific post-release needs such as employment,
554 housing, medical care, relapse prevention and treatment. The plan
555 shall require personnel to assist the inmate with these needs and
556 to assist in finding community-based programs for the inmate. The
557 plan shall require the inmate to be tracked in at least thirty-day
558 intervals to measure compliance with his established transition
559 plan.

560 (d) A monitoring assessment of recidivism containing
561 post-release history of substance abuse, breaches of trust,
562 arrests, convictions, employment, community functioning, and
563 marital and family interaction.

564 (4) The department shall file a report annually on the
565 program with specific data on recidivism of inmates including the
566 data required in subsection (3)(d).



567 (5) The program authorized under this section may be renewed
568 if it meets performance requirements as may be determined by the
569 Legislature.

570 (6) This section shall be repealed on July 1, 2025.

571 **SECTION 14.** Section 47-5-941, Mississippi Code of 1972, is
572 brought forward as follows:

573 47-5-941. In addition to any other authority granted by law,
574 the Department of Corrections may contract with the Wilkinson
575 County industrial development or economic development authority
576 for the private incarceration of not more than one thousand
577 (1,000) state inmates at a facility in Wilkinson County. Any such
578 contract must comply with Sections 47-5-1211 through 47-5-1227.

579 **SECTION 15.** Section 47-5-942, Mississippi Code of 1972, is
580 brought forward as follows:

581 47-5-942. (1) The Department of Corrections, in its
582 discretion, may contract with the board of supervisors of a county
583 to be determined by the department, to house not more than five
584 hundred (500) adult male maximum security state inmates in a
585 maximum security regional correctional facility constructed only
586 with local, federal or private funds.

587 (2) The Department of Corrections may contract for a period
588 of not more than twenty-five (25) years. The contract shall
589 comply with the cost-savings requirements provided in Section
590 47-5-1211. The state shall retain responsibility for medical care
591 for state offenders to the extent that is required by law.



592 **SECTION 16.** Section 47-5-943, Mississippi Code of 1972, is
593 brought forward as follows:

594 47-5-943. The Mississippi Department of Corrections may
595 contract with the Walnut Grove Correctional Authority or the
596 governing authorities of the Municipality of Walnut Grove, Leake
597 County, Mississippi, to provide for the private housing, care and
598 control of not more than one thousand five hundred (1,500)
599 offenders who are in the custody of the Department of Corrections
600 at a maximum security facility in Walnut Grove. A county or
601 circuit judge shall not order any offender to be housed in the
602 correctional facility authorized in Sections 47-5-943 through
603 47-5-953. Commitment of offenders shall not be to this facility,
604 but shall be to the jurisdiction of the department. The
605 commissioner shall assign newly sentenced offenders to an
606 appropriate facility consistent with public safety. Any facility
607 owned or leased by the Walnut Grove Correctional Authority or the
608 Municipality of Walnut Grove for this purpose shall be designed,
609 constructed, operated and maintained in accordance with American
610 Correctional Association standards, and shall comply with all
611 constitutional standards of the United States and the State of
612 Mississippi and with all court orders that may now or hereinafter
613 be applicable to the facility. The contract must comply with
614 Sections 47-5-1211 through 47-5-1227.

615 **SECTION 17.** Section 47-5-945, Mississippi Code of 1972, is
616 brought forward as follows:



617 47-5-945. The Department of Corrections shall contract for
618 the purposes set out in Section 47-5-943 for a period of not more
619 than twenty (20) years. The Department of Corrections may include
620 in the contract, as an inflation factor, a three percent (3%)
621 annual increase in the contract price. The state shall retain
622 responsibility for medical care for state offenders to the extent
623 that is required by law.

624 **SECTION 18.** Section 47-5-949, Mississippi Code of 1972, is
625 brought forward as follows:

626 47-5-949. The correctional facility authorized in Section
627 47-5-943 shall provide any juvenile offender housed in the
628 facility with continuing education throughout his incarceration
629 which leads to the presentation of a high school diploma or High
630 School Equivalency Diploma equivalent. The facility also shall
631 provide a program of vocational education, which is to be included
632 in the continuing education program for a high school diploma or
633 High School Equivalency Diploma equivalent.

634 **SECTION 19.** Section 47-5-951, Mississippi Code of 1972, is
635 brought forward as follows:

636 47-5-951. The correctional facility authorized in Section
637 47-5-943 shall provide each juvenile offender housed in the
638 facility alcohol and drug counseling and treatment throughout his
639 incarceration.

640 **SECTION 20.** Section 47-5-953, Mississippi Code of 1972, is
641 brought forward as follows:



642 47-5-953. (1) If a second public or private correctional
643 facility for juvenile offenders is constructed, then the facility
644 shall be located in Kemper County. The facility shall comply with
645 the requirements and standards established in Sections 47-5-943
646 through 47-5-951.

647 (2) If a third public or private correctional facility for
648 juveniles is constructed, a site in North Mississippi and a site
649 in South Mississippi shall be considered. If a site is chosen in
650 North Mississippi, then preference shall be given to Quitman
651 County. The facility shall comply with the requirements and
652 standards established in Sections 47-5-943 through 47-5-951.

653 **SECTION 21.** Section 47-5-1003, Mississippi Code of 1972, is
654 brought forward as follows:

655 47-5-1003. (1) An intensive supervision program may be used
656 as an alternative to incarceration for offenders who are not
657 convicted of a crime of violence pursuant to Section 97-3-2 as
658 selected by the court and for juvenile offenders as provided in
659 Section 43-21-605. Any offender convicted of a sex crime shall
660 not be placed in the program.

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

664 (3) To protect and to ensure the safety of the state's
665 citizens, any offender who violates an order or condition of the
666 intensive supervision program may be arrested by the correctional



667 field officer and placed in the actual custody of the Department
668 of Corrections. Such offender is under the full and complete
669 jurisdiction of the department and subject to removal from the
670 program by the classification hearing officer.

671 (4) When any circuit or county court places an offender in
672 an intensive supervision program, the court shall give notice to
673 the Mississippi Department of Corrections within fifteen (15) days
674 of the court's decision to place the offender in an intensive
675 supervision program. Notice shall be delivered to the central
676 office of the Mississippi Department of Corrections and to the
677 regional office of the department which will be providing
678 supervision to the offender in an intensive supervision program.

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

682 (5) The Department of Corrections shall provide to the
683 Oversight Task Force all relevant data regarding the offenders
684 participating in the intensive supervision program including the
685 number of offenders admitted to the program annually, the number
686 of offenders who leave the program annually and why they leave,
687 the number of offenders who are arrested or convicted annually and
688 the circumstances of the arrest and any other information
689 requested.

690 **SECTION 22.** Section 9-23-1, Mississippi Code of 1972, is
691 brought forward as follows:



692 9-23-1. This chapter shall be known and may be cited as the
693 "Alyce Griffin Clarke Intervention Court Act."

694 **SECTION 23.** Section 9-23-3, Mississippi Code of 1972, is
695 brought forward as follows:

696 9-23-3. (1) The Legislature of Mississippi recognizes the
697 critical need for judicial intervention to reduce the incidence of
698 alcohol and drug use, alcohol and drug addiction, and crimes
699 committed as a result of alcohol and drug use and alcohol and drug
700 addiction. It is the intent of the Legislature to facilitate
701 local intervention court alternative orders adaptable to chancery,
702 circuit, county, youth, municipal and justice courts.

703 (2) The goals of the intervention courts under this chapter
704 include the following:

705 (a) To reduce alcoholism and other drug dependencies
706 among adult and juvenile offenders and defendants and among
707 respondents in juvenile petitions for abuse, neglect or both;

708 (b) To reduce criminal and delinquent recidivism and
709 the incidence of child abuse and neglect;

710 (c) To reduce the alcohol-related and other
711 drug-related court workload;

712 (d) To increase personal, familial and societal
713 accountability of adult and juvenile offenders and defendants and
714 respondents in juvenile petitions for abuse, neglect or both;



715 (e) To promote effective interaction and use of
716 resources among criminal and juvenile justice personnel, child
717 protective services personnel and community agencies; and

718 (f) To use corrections resources more effectively by
719 redirecting prison-bound offenders whose criminal conduct is
720 driven in part by drug and alcohol dependence to intensive
721 supervision and clinical treatment available in the intervention
722 court.

723 **SECTION 24.** Section 9-23-5, Mississippi Code of 1972, is
724 brought forward as follows:

725 9-23-5. For the purposes of this chapter, the following
726 words and phrases shall have the meanings ascribed unless the
727 context clearly requires otherwise:

728 (a) "Chemical" tests means the analysis of an
729 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
730 saliva, (vi) urine, or (vii) other bodily substance to determine
731 the presence of alcohol or a controlled substance.

732 (b) "Crime of violence" means an offense listed in
733 Section 97-3-2.

734 (c) "Intervention court" means a drug court, mental
735 health court, veterans court or problem-solving court that
736 utilizes an immediate and highly structured intervention process
737 for eligible defendants or juveniles that brings together mental
738 health professionals, substance abuse professionals, local social
739 programs and intensive judicial monitoring.



740 (d) "Evidence-based practices" means supervision
741 policies, procedures and practices that scientific research
742 demonstrates reduce recidivism.

743 (e) "Risk and needs assessment" means the use of an
744 actuarial assessment tool validated on a Mississippi corrections
745 population to determine a person's risk to reoffend and the
746 characteristics that, if addressed, reduce the risk to reoffend.

747 **SECTION 25.** Section 9-23-7, Mississippi Code of 1972, is
748 brought forward as follows:

749 9-23-7. The Administrative Office of Courts shall be
750 responsible for certification and monitoring of local intervention
751 courts according to standards promulgated by the State
752 Intervention Courts Advisory Committee.

753 **SECTION 26.** Section 9-23-9, Mississippi Code of 1972, is
754 brought forward as follows:

755 9-23-9. (1) The State Intervention Courts Advisory
756 Committee is established to develop and periodically update
757 proposed statewide evaluation plans and models for monitoring all
758 critical aspects of intervention courts. The committee must
759 provide the proposed evaluation plans to the Chief Justice and the
760 Administrative Office of Courts. The committee shall be chaired
761 by the Director of the Administrative Office of Courts or a
762 designee of the director and shall consist of eleven (11) members
763 all of whom shall be appointed by the Supreme Court. The members
764 shall be broadly representative of the courts, mental health,



765 veterans affairs, law enforcement, corrections, criminal defense
766 bar, prosecutors association, juvenile justice, child protective
767 services and substance abuse treatment communities.

768 (2) The State Intervention Courts Advisory Committee may
769 also make recommendations to the Chief Justice, the Director of
770 the Administrative Office of Courts and state officials concerning
771 improvements to intervention court policies and procedures
772 including the intervention court certification process. The
773 committee may make suggestions as to the criteria for eligibility,
774 and other procedural and substantive guidelines for intervention
775 court operation.

776 (3) The State Intervention Courts Advisory Committee shall
777 act as arbiter of disputes arising out of the operation of
778 intervention courts established under this chapter and make
779 recommendations to improve the intervention courts; it shall also
780 make recommendations to the Supreme Court necessary and incident
781 to compliance with established rules.

782 (4) The State Intervention Courts Advisory Committee shall
783 establish through rules and regulations a viable and fiscally
784 responsible plan to expand the number of adult and juvenile
785 intervention court programs operating in Mississippi. These rules
786 and regulations shall include plans to increase participation in
787 existing and future programs while maintaining their voluntary
788 nature.



789 (5) The State Intervention Courts Advisory Committee shall
790 receive and review the monthly reports submitted to the
791 Administrative Office of Courts by each certified intervention
792 court and provide comments and make recommendations, as necessary,
793 to the Chief Justice and the Director of the Administrative Office
794 of Courts.

795 **SECTION 27.** Section 9-23-11, Mississippi Code of 1972, is
796 amended as follows:

797 9-23-11. (1) The Administrative Office of Courts shall
798 establish, implement and operate a uniform certification process
799 for all intervention courts and other problem-solving courts
800 including juvenile courts, veterans courts or any other court
801 designed to adjudicate criminal actions involving an identified
802 classification of criminal defendant to ensure funding for
803 intervention courts supports effective and proven practices that
804 reduce recidivism and substance dependency among their
805 participants.

806 (2) The Administrative Office of Courts shall establish a
807 certification process that ensures any new or existing
808 intervention court meets minimum standards for intervention court
809 operation.

810 (a) These standards shall include, but are not limited
811 to:

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



814 assessment tool to identify participants and deliver appropriate
815 interventions;

816 (ii) Targeting medium to high-risk offenders for
817 participation;

818 (iii) The use of current, evidence-based
819 interventions proven to reduce dependency on drugs or alcohol, or
820 both;

821 (iv) Frequent testing for alcohol or drugs;

822 (v) Coordinated strategy between all intervention
823 court program personnel involving the use of graduated clinical
824 interventions;

825 (vi) Ongoing judicial interaction with each
826 participant; and

827 (vii) Monitoring and evaluation of intervention
828 court program implementation and outcomes through data collection
829 and reporting.

830 (b) Intervention court certification applications shall
831 include:

832 (i) A description of the need for the intervention
833 court;

834 (ii) The targeted population for the intervention
835 court;

836 (iii) The eligibility criteria for intervention
837 court participants;



838 (iv) A description of the process for identifying
839 appropriate participants including the use of a risk and needs
840 assessment and a clinical assessment;

841 (v) A description of the intervention court
842 intervention components, including anticipated budget and
843 implementation plan;

844 (vi) The data collection plan which shall include
845 collecting the following data:

846 1. Total number of participants;

847 2. Total number of successful participants;

848 3. Total number of unsuccessful participants
849 and the reason why each participant did not complete the program;

850 4. Total number of participants who were
851 arrested for a new criminal offense while in the intervention
852 court program;

853 5. Total number of participants who were
854 convicted of a new felony or misdemeanor offense while in the
855 intervention court program;

856 6. Total number of participants who committed
857 at least one (1) violation while in the intervention court program
858 and the resulting sanction(s);

859 7. Results of the initial risk and needs
860 assessment or other clinical assessment conducted on each
861 participant; * * *



862 8. Total number of applications for screening
863 by race, gender, offenses charged, indigence and, if not accepted,
864 the reason for nonacceptance; and

865 9. Any other data or information as required
866 by the Administrative Office of Courts.

867 (c) Every intervention court shall be certified under
868 the following schedule:

869 (i) An intervention court application submitted
870 after July 1, 2014, shall require certification of the
871 intervention court based on the proposed drug court plan.

872 (ii) An intervention court initially established
873 and certified after July 1, 2014, shall be recertified after its
874 second year of funded operation on a time frame consistent with
875 the other certified courts of its type.

876 (iii) A certified adult felony intervention court
877 in existence on December 31, 2018, must submit a recertification
878 petition by July 1, 2019, and be recertified under the
879 requirements of this section on or before December 31, 2019; after
880 the recertification, all certified adult felony intervention
881 courts must submit a recertification petition every two (2) years
882 to the Administrative Office of Courts. The recertification
883 process must be completed by December 31 * * * of every odd
884 calendar year.

885 (iv) A certified youth, family, misdemeanor or
886 chancery intervention court in existence on December 31, 2018,



887 must submit a recertification petition by July 31, 2020, and be
888 recertified under the requirements of this section by December 31,
889 2020. After the recertification, all certified youth, family,
890 misdemeanor and chancery intervention courts must submit a
891 recertification petition every two (2) years to the Administrative
892 Office of Courts. The recertification process must be completed
893 by December 31 * * * of every even calendar year.

894 (3) All certified intervention courts shall measure
895 successful completion of the drug court based on those
896 participants who complete the program without a new criminal
897 conviction.

898 (4) (a) All certified drug courts must collect and submit
899 to the Administrative Office of Courts each month, the following
900 data:

901 (i) Total number of participants at the beginning
902 of the month;

903 (ii) Total number of participants at the end of
904 the month;

905 (iii) Total number of participants who began the
906 program in the month;

907 (iv) Total number of participants who successfully
908 completed the intervention court in the month;

909 (v) Total number of participants who left the
910 program in the month;



911 (vi) Total number of participants who were
912 arrested for a new criminal offense while in the intervention
913 court program in the month;

914 (vii) Total number of participants who were
915 convicted for a new criminal arrest while in the intervention
916 court program in the month; and

917 (viii) Total number of participants who committed
918 at least one (1) violation while in the intervention court program
919 and any resulting sanction(s).

920 (b) By August 1, 2015, and each year thereafter, the
921 Administrative Office of Courts shall report to the PEER Committee
922 the information in subsection (4) (a) of this section in a
923 sortable, electronic format.

924 (5) All certified intervention courts may individually
925 establish rules and may make special orders and rules as necessary
926 that do not conflict with the rules promulgated by the Supreme
927 Court or the Administrative Office of Courts.

928 (6) A certified intervention court may appoint the full- or
929 part-time employees it deems necessary for the work of the
930 intervention court and shall fix the compensation of those
931 employees. Such employees shall serve at the will and pleasure of
932 the judge or the judge's designee.

933 (7) The Administrative Office of Courts shall promulgate
934 rules and regulations to carry out the certification and



935 re-certification process and make any other policies not
936 inconsistent with this section to carry out this process.

937 (8) A certified intervention court established under this
938 chapter is subject to the regulatory powers of the Administrative
939 Office of Courts as set forth in Section 9-23-17.

940 **SECTION 28.** Section 9-23-13, Mississippi Code of 1972, is
941 brought forward as follows:

942 9-23-13. (1) An intervention court's alcohol and drug
943 intervention component shall provide for eligible individuals,
944 either directly or through referrals, a range of necessary court
945 intervention services, including, but not limited to, the
946 following:

947 (a) Screening using a valid and reliable assessment
948 tool effective for identifying alcohol and drug dependent persons
949 for eligibility and appropriate services;

950 (b) Clinical assessment; for a DUI offense, if the
951 person has two (2) or more DUI convictions, the court shall order
952 the person to undergo an assessment that uses a standardized
953 evidence-based instrument performed by a physician to determine
954 whether the person has a diagnosis for alcohol and/or drug
955 dependence and would likely benefit from a court-approved
956 medication-assisted treatment indicated and approved for the
957 treatment of alcohol and/or drug dependence by the United States
958 Food and Drug Administration, as specified in the most recent
959 Diagnostic and Statistical Manual of Mental Disorders published by



960 the American Psychiatric Association. Upon considering the
961 results of the assessment, the court may refer the person to a
962 rehabilitative program that offers one or more forms of
963 court-approved medications that are approved for the treatment of
964 alcohol and/or drug dependence by the United States Food and Drug
965 Administration;

966 (c) Education;

967 (d) Referral;

968 (e) Service coordination and case management; and

969 (f) Counseling and rehabilitative care.

970 (2) Any inpatient treatment or inpatient detoxification
971 program ordered by the court shall be certified by the Department
972 of Mental Health, other appropriate state agency or the equivalent
973 agency of another state.

974 (3) All intervention courts shall make available the option
975 for participants to use court-approved medication-assisted
976 treatment while participating in the programs of the court in
977 accordance with the recommendations of the National Drug Court
978 Institute.

979 **SECTION 29.** Section 9-23-15, Mississippi Code of 1972, is
980 brought forward as follows:

981 9-23-15. (1) In order to be eligible for alternative
982 sentencing through a local intervention court, the participant
983 must satisfy each of the following criteria:



984 (a) The participant cannot have any felony convictions
985 for any offenses that are crimes of violence as defined in Section
986 97-3-2 within the previous ten (10) years.

987 (b) The crime before the court cannot be a crime of
988 violence as defined in Section 97-3-2.

989 (c) Other criminal proceedings alleging commission of a
990 crime of violence cannot be pending against the participant.

991 (d) The participant cannot be charged with burglary of
992 a dwelling under Section 97-17-23(2) or 97-17-37.

993 (e) The crime before the court cannot be a charge of
994 driving under the influence of alcohol or any other drug or drugs
995 that resulted in the death of a person.

996 (f) The crime charged cannot be one of trafficking in
997 controlled substances under Section 41-29-139(f), nor can the
998 participant have a prior conviction for same.

999 (2) Participation in the services of an alcohol and drug
1000 intervention component shall be open only to the individuals over
1001 whom the court has jurisdiction, except that the court may agree
1002 to provide the services for individuals referred from another
1003 intervention court. In cases transferred from another
1004 jurisdiction, the receiving judge shall act as a special master
1005 and make recommendations to the sentencing judge.

1006 (3) (a) As a condition of participation in an intervention
1007 court, a participant may be required to undergo a chemical test or
1008 a series of chemical tests as specified by the intervention court.



1009 A participant is liable for the costs of all chemical tests
1010 required under this section, regardless of whether the costs are
1011 paid to the intervention court or the laboratory; however, if
1012 testing is available from other sources or the program itself, the
1013 judge may waive any fees for testing. The judge may waive all
1014 fees if the applicant is determined to be indigent.

1015 (b) A laboratory that performs a chemical test under
1016 this section shall report the results of the test to the
1017 intervention court.

1018 (4) A person does not have a right to participate in
1019 intervention court under this chapter. The court having
1020 jurisdiction over a person for a matter before the court shall
1021 have the final determination about whether the person may
1022 participate in intervention court under this chapter. However,
1023 any person meeting the eligibility criteria in subsection (1) of
1024 this section shall, upon request, be screened for admission to
1025 intervention court.

1026 **SECTION 30.** Section 9-23-17, Mississippi Code of 1972, is
1027 brought forward as follows:

1028 9-23-17. With regard to any intervention court, the
1029 Administrative Office of Courts shall do the following:

1030 (a) Certify and re-certify intervention court
1031 applications that meet standards established by the Administrative
1032 Office of Courts in accordance with this chapter.



1033 (b) Ensure that the structure of the intervention
1034 component complies with rules adopted under this section and
1035 applicable federal regulations.

1036 (c) Revoke the authorization of a program upon a
1037 determination that the program does not comply with rules adopted
1038 under this section and applicable federal regulations.

1039 (d) Make agreements and contracts to effectuate the
1040 purposes of this chapter with:

1041 (i) Another department, authority or agency of the
1042 state;

1043 (ii) Another state;

1044 (iii) The federal government;

1045 (iv) A state-supported or private university; or

1046 (v) A public or private agency, foundation,
1047 corporation or individual.

1048 (e) Directly, or by contract, approve and certify any
1049 intervention component established under this chapter.

1050 (f) Require, as a condition of operation, that each
1051 intervention court created or funded under this chapter be
1052 certified by the Administrative Office of Courts.

1053 (g) Collect monthly data reports submitted by all
1054 certified intervention courts, provide those reports to the State
1055 Intervention Courts Advisory Committee, compile an annual report
1056 summarizing the data collected and the outcomes achieved by all



1057 certified intervention courts and submit the annual report to the
1058 Oversight Task Force.

1059 (h) Every three (3) years contract with an external
1060 evaluator to conduct an evaluation of the effectiveness of the
1061 intervention court program, both statewide and individual
1062 intervention court programs, in complying with the key components
1063 of the intervention courts adopted by the National Association of
1064 Drug Court Professionals.

1065 (i) Adopt rules to implement this chapter.

1066 **SECTION 31.** Section 9-23-19, Mississippi Code of 1972, is
1067 brought forward as follows:

1068 9-23-19. (1) All monies received from any source by the
1069 intervention court shall be accumulated in a fund to be used only
1070 for intervention court purposes. Any funds remaining in this fund
1071 at the end of a fiscal year shall not lapse into any general fund,
1072 but shall be retained in the Intervention Court Fund for the
1073 funding of further activities by the intervention court.

1074 (2) An intervention court may apply for and receive the
1075 following:

1076 (a) Gifts, bequests and donations from private sources.

1077 (b) Grant and contract money from governmental sources.

1078 (c) Other forms of financial assistance approved by the
1079 court to supplement the budget of the intervention court.

1080 (3) The costs of participation in an alcohol and drug
1081 intervention program required by the certified intervention court



1082 may be paid by the participant or out of user fees or such other
1083 state, federal or private funds that may, from time to time, be
1084 made available.

1085 (4) The court may assess such reasonable and appropriate
1086 fees to be paid to the local Intervention Court Fund for
1087 participation in an alcohol or drug intervention program; however,
1088 all fees may be waived if the applicant is determined to be
1089 indigent.

1090 **SECTION 32.** Section 9-23-21, Mississippi Code of 1972, is
1091 brought forward as follows:

1092 9-23-21. The director and members of the professional and
1093 administrative staff of the intervention court who perform duties
1094 in good faith under this chapter are immune from civil liability
1095 for:

1096 (a) Acts or omissions in providing services under this
1097 chapter; and

1098 (b) The reasonable exercise of discretion in
1099 determining eligibility to participate in the intervention court.

1100 **SECTION 33.** Section 9-23-23, Mississippi Code of 1972, is
1101 brought forward as follows:

1102 9-23-23. If the participant completes all requirements
1103 imposed upon him by the intervention court, including the payment
1104 of fines and fees assessed and not waived by the court, the charge
1105 and prosecution shall be dismissed. If the defendant or
1106 participant was sentenced at the time of entry of plea of guilty,



1107 the successful completion of the intervention court order and
1108 other requirements of probation or suspension of sentence will
1109 result in the record of the criminal conviction or adjudication
1110 being expunged. However, no expunction of any implied consent
1111 violation shall be allowed.

1112 **SECTION 34.** Section 9-23-51, Mississippi Code of 1972, is
1113 brought forward as follows:

1114 9-23-51. There is created in the State Treasury a special
1115 interest-bearing fund to be known as the Drug Court Fund. The
1116 purpose of the fund shall be to provide supplemental funding to
1117 all drug courts in the state. Monies from the funds derived from
1118 assessments under Section 99-19-73 shall be distributed by the
1119 State Treasurer upon warrants issued by the Administrative Office
1120 of Courts, pursuant to procedures set by the State Drug Courts
1121 Advisory Committee to assist both juvenile drug courts and adult
1122 drug courts. Funds from other sources shall be distributed to the
1123 drug courts in the state based on a formula set by the State Drug
1124 Courts Advisory Committee. The fund shall be a continuing fund,
1125 not subject to fiscal-year limitations, and shall consist of: (a)
1126 monies appropriated by the Legislature for the purposes of funding
1127 drug courts; (b) the interest accruing to the fund; (c) monies
1128 received under the provisions of Section 99-19-73; (d) monies
1129 received from the federal government; and (e) monies received from
1130 such other sources as may be provided by law.



1131 **SECTION 35.** Section 9-25-1, Mississippi Code of 1972, is
1132 brought forward as follows:

1133 9-25-1. (1) The Legislature recognizes that our military
1134 veterans have provided an invaluable service to our country. In
1135 doing so, many may have suffered the effects of, including, but
1136 not limited to, post-traumatic stress disorder, traumatic brain
1137 injury and depression, and may also suffer drug and alcohol
1138 dependency or addiction and co-occurring mental illness and
1139 substance abuse problems. As a result of this, some veterans come
1140 into contact with the criminal justice system and are charged with
1141 felony offenses. There is a critical need for the justice system
1142 to recognize these veterans, provide accountability for their
1143 wrongdoing, provide for the safety of the public, and provide for
1144 the treatment of our veterans. It is the intent of the
1145 Legislature to create a framework for which specialized veterans
1146 treatment courts may be established at the circuit court level and
1147 at the discretion of the circuit court judge.

1148 (2) **Authorization.** A circuit court judge may establish a
1149 Veterans Treatment Court program. The Veterans Treatment Court
1150 may, at the discretion of the circuit court judge, be a separate
1151 court program or as a component of an existing intervention court
1152 program. At the discretion of the circuit court judge, the
1153 Veterans Treatment Court may be operated in one (1) county within
1154 the circuit court district, and allow veteran participants from
1155 all counties within the circuit court district to participate.



1156 (3) **Eligibility.** (a) In order to be eligible to
1157 participate in a Veterans Treatment Court program established
1158 under this section, the attorney representing the state must
1159 consent to the defendant's participation in the program. Further,
1160 the court in which the criminal case is pending must have found
1161 that the defendant is a veteran of the United States Armed Forces
1162 as defined in Title 38 USCS.

1163 (b) Participation in the services of an alcohol and
1164 drug intervention component shall only be open to the individuals
1165 over whom the court has jurisdiction, except that the court may
1166 agree to provide the services for individuals referred from
1167 another Veterans Treatment Court. In cases transferred from
1168 another jurisdiction, the receiving judge shall act as a special
1169 master and make recommendations to the sentencing judge.

1170 (c) (i) As a condition of participation in a Veterans
1171 Treatment Court, a participant may be required to undergo a
1172 chemical test or a series of chemical tests as specified by the
1173 Veterans Treatment Court program. A participant may be held
1174 liable for costs associated with all chemical tests required under
1175 this section. However, a judge may waive any fees for testing.

1176 (ii) A laboratory that performs chemical tests
1177 under this section shall report the results of the tests to the
1178 Veterans Treatment Courts.

1179 (d) A person does not have the right to participate in
1180 a Veterans Treatment Court program under this chapter. The court



1181 having jurisdiction over a person for a matter before the court
1182 shall have the final determination about whether the person may
1183 participate in the Veterans Treatment Court program.

1184 (e) A defendant shall be excluded from participating in
1185 a Veterans Treatment Court program if any one (1) of the following
1186 applies:

1187 (i) The crime before the court is a crime of
1188 violence as set forth in paragraph (c) of this subsection.

1189 (ii) The defendant does not demonstrate a
1190 willingness to participate in a treatment program.

1191 (iii) The defendant has been previously convicted
1192 of a felony crime of violence including, but not limited to:
1193 murder, rape, sexual battery, statutory rape of a child under the
1194 age of sixteen (16), armed robbery, arson, aggravated kidnapping,
1195 aggravated assault, stalking, or any offense involving the
1196 discharge of a firearm or where serious bodily injury or death
1197 resulted to any person.

1198 (f) The court in which the criminal case is pending
1199 shall allow an eligible defendant to choose whether to proceed
1200 through the Veterans Treatment Court program or otherwise through
1201 the justice system.

1202 (g) Proof of matters under this section may be
1203 submitted to the court in which the criminal case is pending in
1204 any form the court determines to be appropriate, including
1205 military service and medical records, previous determinations of a



1206 disability by a veteran's organization or by the United States
1207 Department of Veterans Affairs, testimony or affidavits of other
1208 veterans or service members, and prior determinations of
1209 eligibility for benefits by any state or county veterans office.

1210 (4) **Administrative Office of Courts.** With regard to any
1211 Veterans Treatment Court established under this chapter, the
1212 Administrative Office of Courts may do the following:

1213 (a) Ensure that the structure of the intervention
1214 component complies with rules adopted under this chapter and
1215 applicable federal regulations.

1216 (b) Revoke the authorization of a program upon a
1217 determination that the program does not comply with rules adopted
1218 under this chapter and applicable federal regulations.

1219 (c) Enter into agreements and contracts to effectuate
1220 the purposes of this chapter with:

1221 (i) Another department, authority, or agency of
1222 the state;

1223 (ii) Another state;

1224 (iii) The federal government;

1225 (iv) A state-supported or private university; or

1226 (v) A public or private agency, foundation,
1227 corporation, or individual.

1228 (d) Directly, or by contract, approve and certify any
1229 intervention component established under this chapter.



1230 (e) Require, as a condition of operation, that each
1231 veterans court created or funded under this chapter be certified
1232 by the Administrative Office of Courts.

1233 (f) Adopt rules to implement this chapter.

1234 (5) **State Intervention Court Advisory Committee.** (a) The
1235 State Intervention Court Advisory Committee shall be responsible
1236 for developing statewide rules and policies as they relate to
1237 Veterans Treatment Court programs.

1238 (b) The State Intervention Court Advisory Committee may
1239 also make recommendations to the Chief Justice, the Director of
1240 the Administrative Office of Courts and state officials concerning
1241 improvements to Veterans Treatment Court policies and procedures.

1242 (c) The State Intervention Court Advisory Committee
1243 shall act as an arbiter of disputes arising out of the operation
1244 of Veterans Treatment Court programs established under this
1245 chapter and make recommendations to improve the Veterans Treatment
1246 Court programs.

1247 (6) **Funding for Veterans Treatment Courts.** (a) All monies
1248 received from any source by the Veterans Treatment Court program
1249 shall be accumulated in a fund to be used only for Veterans
1250 Treatment Court purposes. Any funds remaining in this fund at the
1251 end of the fiscal year shall not lapse into the General Fund, but
1252 shall be retained in the Veterans Treatment Court fund for the
1253 funding of further activities by the Veterans Treatment Court
1254 program.



1255 (b) A Veterans Treatment Court program may apply for
1256 and receive the following:

1257 (i) Gifts, bequests and donations from private
1258 sources.

1259 (ii) Grant and contract money from governmental
1260 sources.

1261 (iii) Other forms of financial assistance approved
1262 by the court to supplement the budget of the Veterans Treatment
1263 Court program.

1264 (7) **Immunity.** The coordinator and members of the
1265 professional and administrative staff of the Veterans Treatment
1266 Court program who perform duties in good faith under this chapter
1267 are immune from civil liability for:

1268 (a) Acts or omissions in providing services under this
1269 chapter; and

1270 (b) The reasonable exercise of discretion in
1271 determining eligibility to participate in the Veterans Treatment
1272 Court program.

1273 (8) This section shall be codified as a separate article in
1274 Title 9, Mississippi Code of 1972.

1275 **SECTION 36.** Section 9-27-1, Mississippi Code of 1972, is
1276 brought forward as follows:

1277 9-27-1. This chapter shall be known and may be cited as the
1278 "Rivers McGraw Mental Health Treatment Court Act."



1279 **SECTION 37.** Section 9-27-3, Mississippi Code of 1972, is
1280 brought forward as follows:

1281 9-27-3. (1) The Legislature recognizes the critical need
1282 for judicial intervention to establish court processes and
1283 procedures that are more responsive to the needs of defendants
1284 with mental illnesses, while maintaining public safety and the
1285 integrity of the court process.

1286 (2) The goals of the mental health treatment courts under
1287 this chapter include the following:

1288 (a) Reduce the number of future criminal justice
1289 contacts among offenders with mental illnesses;

1290 (b) Reduce the inappropriate institutionalization of
1291 people with mental illnesses;

1292 (c) Improve the mental and behavioral health and
1293 well-being of defendants who come in contact with the criminal
1294 justice system;

1295 (d) Improve linkages between the criminal justice
1296 system and the mental health system;

1297 (e) Expedite case processing;

1298 (f) Protect public safety;

1299 (g) Establish linkages with other state and local
1300 agencies and programs that target people with mental illnesses in
1301 order to maximize the delivery of services; and

1302 (h) To use corrections resources more effectively by
1303 redirecting prison-bound offenders whose criminal conduct is



1304 driven in part by mental illnesses to intensive supervision and
1305 clinical treatment available in the mental health treatment court.

1306 **SECTION 38.** Section 9-27-5, Mississippi Code of 1972, is
1307 brought forward as follows:

1308 9-27-5. For the purposes of this chapter, the following
1309 words and phrases shall have the meanings ascribed unless the
1310 context clearly requires otherwise:

1311 (a) "Behavioral health" means the promotion of mental
1312 health, resilience and wellbeing; the treatment of mental and
1313 substance use disorders; and the support of those who experience
1314 and/or are in recovery from these conditions, along with their
1315 families and communities.

1316 (b) "Chemical tests" means the analysis of an
1317 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)
1318 saliva, (vi) urine, or (vii) other bodily substance to determine
1319 the presence of alcohol or a controlled substance.

1320 (c) "Clinical assessment" means the use of an actuarial
1321 assessment tool which evaluates an individual's physical, medical,
1322 cognitive, psychological (personality, emotions, beliefs and
1323 attitudes), and behavioral history and current conditions in order
1324 to determine the presence and severity of any mental health
1325 disorder.

1326 (d) "Co-occurring disorder" means coexistence of both a
1327 mental health and a substance use disorder as defined in the
1328 Diagnostic and Statistical Manual (DSM).



1329 (e) "Diagnostic and Statistical Manual (DSM)" is the
1330 publication by the American Psychiatric Association used by
1331 behavioral health professionals for the classification and
1332 diagnosing of mental health disorders.

1333 (f) "Evidence-based practices" means practices which
1334 have been empirically researched and proven to have measurable
1335 positive outcomes; have been rigorously tested; have yielded
1336 consistent, replicable results; and have proven safe, beneficial
1337 and effective for a specific population.

1338 (g) "Mental health" means a state of mental or
1339 emotional well-being that enables people to cope with the stresses
1340 of life, realize their abilities, learn, work well, and contribute
1341 to their community.

1342 (h) "Mental health disorder" means a syndrome
1343 characterized by a clinically significant disturbance in an
1344 individual's cognition, emotion regulation or behavior that
1345 reflects a dysfunction in the psychological, biological or
1346 developmental process underlying mental functioning as defined by
1347 the current Diagnostic and Statistical Manual of Mental Disorders
1348 as published by the American Psychiatric Association.

1349 (i) "Mental Health Treatment program" means a highly
1350 structured evidence-based program for mental and behavioral health
1351 treatment of defendants that:

1352 (i) Brings together mental health professionals,
1353 local social programs and intensive judicial monitoring;



1354 (ii) Follows the key components of the mental
1355 health treatment court curriculum published by the Bureau of
1356 Justice Assistance; and

1357 (iii) Utilizes supervision, policies, procedures
1358 and practices that scientific research demonstrates reduces
1359 recidivism.

1360 (j) "Risk and needs assessment" means an actuarial
1361 evaluation tool to guide decision making at various points across
1362 the criminal justice continuum by approximating an individual's
1363 likelihood of reoffending and determining what individual
1364 criminogenic needs must be addressed to reduce that likelihood.
1365 Criminogenic risk and needs assessment tools consist of questions
1366 that are designed to ascertain someone's history of criminal
1367 behavior, attitudes and personality, and life circumstances.

1368 (k) "Risk and needs screening" means the use of a brief
1369 actuarial tool that is used to determine a defendant's eligibility
1370 of a mental health treatment court by measuring the criminogenic
1371 risk and needs, identifying risk and protective factors, supports
1372 development of case management plan goals and determines the need
1373 of a full risk and needs assessment.

1374 (l) "Substance use disorder" means a cluster of
1375 cognitive, behavioral, and physiological symptoms indicating that
1376 the individual continues using the substance despite significant
1377 substance-related problems such as impaired control, social



1378 impairment, risky behaviors, and pharmacological tolerance and
1379 withdrawal.

1380 **SECTION 39.** Section 9-27-7, Mississippi Code of 1972, is
1381 brought forward as follows:

1382 9-27-7. (1) The Administrative Office of Courts is the
1383 repository for reports filed by mental health treatment courts
1384 established under this chapter. The goal of the mental health
1385 treatment courts is to support effective and proven practices that
1386 reduce recidivism and provide behavioral health treatment for
1387 participants.

1388 (2) Mental health treatment courts must adhere to the
1389 standards established in this chapter.

1390 (a) These standards shall include, but are not limited
1391 to:

1392 (i) The use of evidence-based practices including,
1393 but not limited to, the use of a valid and reliable risk and needs
1394 screening tool to identify participants, deliver appropriate
1395 treatments and services;

1396 (ii) Targeting moderate to high-risk offenders for
1397 participation;

1398 (iii) Utilizing current, evidence-based practices
1399 proven effective for behavioral health treatment;

1400 (iv) Frequent testing for alcohol or drugs;

1401 (v) Coordinated strategy between all mental health
1402 treatment court personnel;



1403 (vi) Ongoing judicial interaction with each
1404 participant; and

1405 (vii) Monitoring and evaluation of mental health
1406 treatment court implementation and outcomes through data
1407 collection and reporting.

1408 (b) Mental health treatment courts must implement a
1409 data collection plan, utilizing the treatment court case
1410 management system, which shall include collecting the following
1411 data:

1412 (i) Total number of participants;

1413 (ii) Total number of successful participants;

1414 (iii) Total number of unsuccessful participants
1415 and the reason why each participant did not complete the program;

1416 (iv) Total number of participants who were
1417 arrested for a new criminal offense while in the mental health
1418 treatment court;

1419 (v) Total number of participants who were
1420 convicted of a new felony offense while in the mental health
1421 treatment court;

1422 (vi) Total number of participants who committed at
1423 least one (1) violation while in the mental health treatment court
1424 and the resulting sanction(s);

1425 (vii) Results of the initial risk and needs
1426 screening or other clinical assessments conducted on each
1427 participant;



1428 (viii) Total number of applications for screening
1429 by race, gender, offenses charged, indigence and if not accepted,
1430 the reason for nonacceptance; and

1431 (ix) Any other data or information as required by
1432 the Administrative Office of Courts.

1433 (3) All mental health treatment courts must measure
1434 successful completion of the program based on those participants
1435 who complete the program without a new criminal conviction.

1436 (4) (a) Mental health treatment courts must collect and
1437 submit to the Administrative Office of Courts each month, the
1438 following data:

1439 (i) Total number of participants at the beginning
1440 of the month;

1441 (ii) Total number of participants at the end of
1442 the month;

1443 (iii) Total number of new participants who began
1444 the program in the month;

1445 (iv) Total number of participants who successfully
1446 completed the program in the month;

1447 (v) Total number of participants who left the
1448 program in the month;

1449 (vi) Total number of participants who were
1450 arrested for a new criminal offense while in the program in the
1451 month;



1452 (vii) Total number of participants who were
1453 convicted of a new criminal offense while in the program in the
1454 month;

1455 (viii) Total number of participants who committed
1456 at least one (1) violation while in the program and any resulting
1457 sanction(s);

1458 (ix) Total number of active participants who did
1459 not receive treatment in the month;

1460 (x) Total number of participants on prescribed
1461 psychotropic medications in the month;

1462 (xi) Total number of new participants admitted to
1463 an acute psychiatric facility or a crisis stabilization unit in
1464 the first thirty (30) days of acceptance into the mental health
1465 treatment court; and

1466 (xii) Total number of participants admitted to an
1467 acute psychiatric facility or a crisis stabilization unit in the
1468 month.

1469 (b) By August 1, 2023, and each year thereafter, the
1470 Administrative Office of Courts shall report to the PEER Committee
1471 the information in subsection (4) (a) of this section in a
1472 sortable, electronic format.

1473 (5) A certified mental health treatment court may
1474 individually establish rules and may make special orders and rules
1475 as necessary that do not conflict with rules promulgated by the
1476 Supreme Court or the Administrative Office of Courts.



1477 (6) A certified mental health treatment court may appoint
1478 full- or part-time employees it deems necessary for the work of
1479 the mental health treatment court and shall fix the compensation
1480 of those employees, who shall serve at the will and pleasure of
1481 the circuit court judge who presides over the mental health
1482 treatment court.

1483 (7) A certified mental health treatment court established
1484 under this chapter is subject to the regulatory powers of the
1485 Administrative Office of Courts as set forth in Section 9-27-13.

1486 **SECTION 40.** Section 9-27-9, Mississippi Code of 1972, is
1487 brought forward as follows:

1488 9-27-9. (1) Any mental and behavioral health treatment
1489 provider directly administering services to a participant shall be
1490 licensed by the appropriate state licensing board or hold a
1491 current and valid certification by the State Department of Mental
1492 Health or other appropriate state agency.

1493 (2) A mental health treatment court shall provide either
1494 directly or through referrals, a range of services, including, but
1495 not limited to, the following:

1496 (a) Screenings using a valid and reliable screening
1497 tool effective for identifying individuals with mental and
1498 behavioral health issues for eligibility and appropriate services;

1499 (b) Clinical assessment;

1500 (c) Referral to appropriate level of treatment
1501 services;



1502 (d) Counseling and treatment for co-occurring substance
1503 use disorders;

1504 (e) Employment Services;

1505 (f) Education and/or vocational services; and

1506 (g) Community service coordination, care and support.

1507 **SECTION 41.** Section 9-27-11, Mississippi Code of 1972, is
1508 brought forward as follows:

1509 9-27-11. (1) In order to be eligible for alternative
1510 sentencing through a local mental health treatment court, the
1511 defendant must satisfy each of the following criteria:

1512 (a) The defendant cannot have any felony convictions
1513 for any offenses that are crimes of violence as defined in Section
1514 97-3-2, other than burglary under Section 97-17-23(1), within the
1515 previous ten (10) years.

1516 (b) The crime before the court cannot be a crime of
1517 violence as defined in Section 97-3-2, other than burglary under
1518 Section 97-17-23(1).

1519 (c) Other criminal proceedings alleging commission of a
1520 crime of violence other than burglary under Section 97-17-23(1)
1521 cannot be pending against the defendant.

1522 (d) The crime before the court cannot be a charge of
1523 driving under the influence of alcohol or any other substance that
1524 resulted in the death of a person. In addition, defendants who
1525 are ineligible for nonadjudication under Section 63-11-30 shall be
1526 ineligible to participate in a mental health treatment court.



1527 (e) The crime charged cannot be one of trafficking in
1528 controlled substances under Section 41-29-139(f), nor can the
1529 defendant have a prior conviction for the same.

1530 (2) Participation in the services of a mental health
1531 treatment component court shall be open only to the defendant over
1532 whom the court has jurisdiction, except that the court may agree
1533 to provide the services for participants referred from another
1534 mental health treatment court. In cases transferred from another
1535 jurisdiction, the receiving judge shall act as a special master
1536 and make recommendations to the sentencing judge.

1537 (3) (a) As a condition of participation in a mental health
1538 treatment court, a defendant shall be required to undergo chemical
1539 testing as specified by the program. A participant is liable for
1540 the costs of all chemical tests required under this section,
1541 regardless of whether the costs are paid to the mental health
1542 treatment court or the laboratory; however, if testing is
1543 available from other sources or the program itself, the judge may
1544 waive any fees for testing. Fees may be waived if the defendant
1545 is determined by the court to be indigent.

1546 (b) A laboratory that performs a chemical test under
1547 this section shall report the results of the test to the mental
1548 health treatment court.

1549 (4) A defendant does not have a right to participate in a
1550 mental health treatment court under this chapter. The court
1551 having jurisdiction over a defendant for a matter before the court



1552 shall have the final determination about whether the defendant may
1553 participate in the mental health treatment court under this
1554 chapter. However, any defendant meeting the eligibility criteria
1555 in subsection (1) of this section, shall, upon request, be
1556 screened for admission into the court's program.

1557 **SECTION 42.** Section 9-27-13, Mississippi Code of 1972, is
1558 brought forward as follows:

1559 9-27-13. (1) With regard to any mental health treatment
1560 court, the Administrative Office of the Courts shall do the
1561 following:

1562 (a) Certify and re-certify mental health treatment
1563 court applications that meet with standards established by the
1564 Administrative Office of Courts in accordance with this chapter.

1565 (b) Ensure that the structure of the mental health
1566 treatment court complies with rules adopted under this section and
1567 applicable federal regulations.

1568 (c) Revoke certification of a mental health treatment
1569 court upon a determination that the program does not comply with
1570 rules adopted under this section and applicable federal
1571 regulations.

1572 (d) Make agreements and contracts to effectuate the
1573 purposes of this chapter with:

1574 (i) Another department, authority or agency of the
1575 state;

1576 (ii) Another state;



- 1577 (iii) The federal government;
- 1578 (iv) A state-supported or private institute of
1579 higher learning; or
- 1580 (v) A public or private agency, foundation,
1581 corporation or individual.
- 1582 (e) Directly, or by contract, approve and certify any
1583 mental health treatment court component established under this
1584 chapter.
- 1585 (f) Require, as a condition of operation, that each
1586 mental health treatment court created or funded under this chapter
1587 be certified by the Administrative Office of Courts.
- 1588 (g) Collect monthly data from each certified mental
1589 health treatment court and compile an annual report summarizing
1590 the data collected and the outcomes achieved.
- 1591 (h) Every three (3) years, if funding is available,
1592 contract with an external evaluator to conduct an evaluation of
1593 the compliance with the Bureau of Justice Assistance key
1594 components, as adapted for mental health treatment courts, and
1595 effectiveness of:
- 1596 (i) Statewide mental health treatment court
1597 program; and
- 1598 (ii) Individual mental health treatment courts.
- 1599 (i) Adopt rules to implement this chapter.

1600 **SECTION 43.** Section 9-27-15, Mississippi Code of 1972, is
1601 brought forward as follows:



1602 9-27-15. (1) All monies received from any source by a
1603 mental health treatment court shall be accumulated in a local fund
1604 to be used only for mental health treatment court purposes. Any
1605 funds remaining in a local fund at the end of a fiscal year shall
1606 not lapse into any general fund, but shall be retained in the
1607 mental health treatment court fund for the funding of further
1608 activities by the mental health treatment court.

1609 (2) A mental health treatment court may apply for and
1610 receive the following:

1611 (a) Gifts, bequests and donations from private sources;

1612 (b) Grant and contract monies from governmental
1613 sources; or

1614 (c) Other forms of financial assistance approved by the
1615 court to supplement the budget of the mental health treatment
1616 court.

1617 (3) The costs of participation required by the mental health
1618 treatment court may be paid by the participant or out of user fees
1619 or such other state, federal or private funds that may, from time
1620 to time, be made available.

1621 (4) The mental health treatment court may assess reasonable
1622 and appropriate fees to be paid to the local mental health
1623 treatment court fund for participation in a mental health
1624 treatment court; however, all fees may be waived by the court if
1625 the defendant is determined by the court to be indigent.



1626 **SECTION 44.** Section 9-27-17, Mississippi Code of 1972, is
1627 brought forward as follows:

1628 9-27-17. The mental health treatment court coordinator and
1629 members of the professional and administrative staff of the mental
1630 health treatment court who perform duties in good faith under this
1631 chapter are immune from civil liability for:

1632 (a) Acts or omissions in providing services under this
1633 chapter; and

1634 (b) The reasonable exercise of discretion in
1635 determining eligibility to participate in the mental health court.

1636 **SECTION 45.** Section 9-27-19, Mississippi Code of 1972, is
1637 brought forward as follows:

1638 9-27-19. If the participant completes all requirements
1639 imposed by the mental health treatment court, the charge and
1640 prosecution shall be dismissed. If the defendant was sentenced at
1641 the time of entry of a plea of guilty, the successful completion
1642 of the mental health treatment court order and other requirements
1643 of probation or suspension of sentence will result in the record
1644 of the criminal conviction or adjudication being expunged.
1645 However, no expunction of any implied consent violations shall be
1646 allowed.

1647 **SECTION 46.** Section 9-27-21, Mississippi Code of 1972, is
1648 brought forward as follows:



1649 9-27-21. (1) The Administrative Office of Courts shall be
1650 responsible for certification and monitoring of mental health
1651 treatment courts.

1652 (2) The Administrative Office of Courts shall promulgate
1653 rules and regulations to carry out the certification and
1654 re-certification process and make any other policies consistent
1655 with this section to carry out this process.

1656 (3) The Administrative Office of Courts shall establish,
1657 implement and operate a uniform certification process for all
1658 mental health treatment courts designed to adjudicate criminal
1659 actions involving an identified classification of criminal
1660 defendants to ensure funding for mental health treatment courts
1661 which supports effective and proven behavioral health treatment
1662 practices that reduce recidivism among their participants.

1663 (4) (a) The Administrative Office of Courts shall establish
1664 a certification process that ensures any new or existing mental
1665 health treatment court meets standards for mental health treatment
1666 court operation.

1667 (b) Mental health treatment court certification
1668 application must include:

1669 (i) A description of the need for the mental
1670 health treatment court;

1671 (ii) The targeted population for the mental health
1672 treatment court;



1673 (iii) The eligibility criteria for mental health
1674 treatment court participants;

1675 (iv) A description of the process for identifying
1676 eligible participants, using a risk and needs screening and a
1677 clinical assessment which focuses on accepting moderate to
1678 high-risk individuals; and

1679 (v) A description of the mental health treatment
1680 court components, including anticipated budget, implementation
1681 plan, and a list of the evidence-based programs to which
1682 participants will be referred by the mental health treatment
1683 court.

1684 (5) Every mental health treatment court shall be certified
1685 under the following schedule:

1686 (a) All certified mental health treatment courts in
1687 existence on December 31, 2022, must submit a recertification
1688 petition to the Administrative Office of Courts before July 1,
1689 2023. The mental health treatment court must submit a
1690 recertification petition every two (2) years.

1691 (b) A mental health treatment court's certification
1692 expires on December 31 of every odd calendar year.

1693 (6) A certified mental health treatment court established
1694 under this chapter is subject to the regulatory powers of the
1695 Administrative Office of Courts as set forth in Section 9-27-13.

1696 **SECTION 47.** This act shall take effect and be in force from
1697 and after July 1, 2024, and shall stand repealed on June 30, 2024.

