

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2599**

**BY: Senator(s) Sparks**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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.



**Further, amend by striking the title in its entirety and inserting in lieu thereof the following:**

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.

