

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 1616

1 AN ACT TO CREATE THE CORRECTIONS OMNIBUS ACT; TO BRING  
2 FORWARD SECTION 47-7-2, MISSISSIPPI CODE OF 1972, WHICH IS THE  
3 DEFINITIONS SECTION OF THE PROBATION AND PAROLE LAW, FOR PURPOSES  
4 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-3,  
5 MISSISSIPPI CODE OF 1972, WHICH RELATES TO PAROLE ELIGIBILITY FOR  
6 INMATES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
7 SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, WHICH RELATES TO CASE  
8 PLANS FOR INMATES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
9 FORWARD SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, WHICH RELATES  
10 TO THE MINIMUM TIME OFFENDERS MUST SERVE, FOR PURPOSES OF POSSIBLE  
11 AMENDMENT; TO BRING FORWARD SECTION 47-7-4, MISSISSIPPI CODE OF  
12 1972, WHICH PERTAINS TO CONDITIONAL MEDICAL RELEASE, FOR PURPOSES  
13 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-5,  
14 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE CREATION OF THE  
15 STATE PAROLE BOARD, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
16 FORWARD SECTION 47-7-6, MISSISSIPPI CODE OF 1972, WHICH RELATES TO  
17 THE PAROLE BOARD COLLECTING CERTAIN INFORMATION, FOR PURPOSES OF  
18 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-9, MISSISSIPPI  
19 CODE OF 1972, WHICH RELATES TO THE DIVISION OF COMMUNITY  
20 CORRECTIONS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
21 SECTION 47-7-11, MISSISSIPPI CODE OF 1972, WHICH PERTAINS TO  
22 CERTAIN PER DIEM AND EXPENSES, FOR PURPOSES OF POSSIBLE AMENDMENT;  
23 TO BRING FORWARD SECTION 47-7-13, MISSISSIPPI CODE OF 1972, WHICH  
24 RELATES TO THE VOTING REQUIREMENTS OF THE PAROLE BOARD, FOR  
25 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-15,  
26 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE OFFICIAL SEAL OF  
27 THE PAROLE BOARD; TO BRING FORWARD SECTION 47-7-17, MISSISSIPPI  
28 CODE OF 1972, WHICH RELATES TO THE EXAMINATION OF INMATES RECORDS  
29 BY THE PAROLE BOARD, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
30 FORWARD SECTION 47-7-18, MISSISSIPPI CODE OF 1972, WHICH RELATES  
31 TO CONDITIONS FOR PAROLE-ELIGIBLE INMATES WITHOUT A HEARING, FOR  
32 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-19,  
33 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE STATE PAROLE BOARD  
34 HAVING ACCESS TO OFFENDERS TO GATHER INFORMATION, FOR PURPOSES OF



35 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-21, MISSISSIPPI  
36 CODE OF 1972, WHICH RELATES TO PRIVILEGED INFORMATION, FOR  
37 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-23,  
38 MISSISSIPPI CODE OF 1972, WHICH RELATES TO CERTAIN RULES AND  
39 REGULATIONS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
40 SECTION 47-7-25, MISSISSIPPI CODE OF 1972, WHICH RELATES TO  
41 GRATUITIES TO PAROLED OFFENDERS, FOR PURPOSES OF POSSIBLE  
42 AMENDMENT; TO BRING FORWARD SECTION 47-7-27, MISSISSIPPI CODE OF  
43 1972, WHICH RELATES TO TECHNICAL VIOLATION CENTERS, FOR PURPOSES  
44 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-29,  
45 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE EFFECT OF A FELONY  
46 CONVICTION WHILE ON PAROLE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
47 BRING FORWARD SECTION 47-7-31, MISSISSIPPI CODE OF 1972, WHICH  
48 RELATES TO THE DEPARTMENT OF CORRECTIONS ROLE IN PARDON AND  
49 COMMUTATION REQUESTS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
50 FORWARD SECTION 47-7-33, MISSISSIPPI CODE OF 1972, WHICH RELATES  
51 TO THE POWER OF THE COURT TO SUSPEND SENTENCES AND PLACE  
52 DEFENDANTS ON PROBATION, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
53 BRING FORWARD SECTION 47-7-33.1, MISSISSIPPI CODE OF 1972,  
54 REGARDING DEPARTMENT DISCHARGE PLANS FOR RELEASED INMATES; TO  
55 BRING FORWARD SECTION 47-7-34, MISSISSIPPI CODE OF 1972, WHICH  
56 RELATES TO POST-RELEASE SUPERVISION, FOR PURPOSES OF POSSIBLE  
57 AMENDMENT; TO BRING FORWARD SECTION 47-7-35, MISSISSIPPI CODE OF  
58 1972, WHICH RELATES TO THE TERMS AND CONDITIONS OF PROBATION, FOR  
59 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-36,  
60 MISSISSIPPI CODE OF 1972, WHICH RELATES TO PERSONS WHO SUPERVISE  
61 THOSE ON PROBATION OR PAROLE, FOR PURPOSES OF POSSIBLE AMENDMENT;  
62 TO BRING FORWARD SECTION 47-7-37, MISSISSIPPI CODE OF 1972, WHICH  
63 RELATES TO THE PERIOD OF PROBATION THAT IS SET BY A COURT, FOR  
64 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
65 47-7-37.1, MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE  
66 REVOCATION OF PROBATION OR POST-RELEASE SUPERVISION, FOR PURPOSES  
67 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-38,  
68 MISSISSIPPI CODE OF 1972, WHICH RELATES TO CERTAIN GRADUATED  
69 SECTIONS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
70 SECTION 47-7-38.1, MISSISSIPPI CODE OF 1972, WHICH RELATES TO  
71 TECHNICAL VIOLATION CENTERS, FOR PURPOSES OF POSSIBLE AMENDMENT;  
72 TO BRING FORWARD SECTION 47-7-39, MISSISSIPPI CODE OF 1972, WHICH  
73 RELATES TO CHANGE OF RESIDENCE, FOR PURPOSES OF POSSIBLE  
74 AMENDMENT; TO BRING FORWARD SECTION 47-7-40, MISSISSIPPI CODE OF  
75 1972, WHICH PERTAINS TO THE EARNED-DISCHARGE PROGRAM; TO BRING  
76 FORWARD SECTION 47-7-41, MISSISSIPPI CODE OF 1972, WHICH RELATES  
77 TO DISCHARGE FROM PROBATION, FOR PURPOSES OF POSSIBLE AMENDMENT;  
78 TO BRING FORWARD SECTION 47-7-43, MISSISSIPPI CODE OF 1972, WHICH  
79 RELATES TO THE APPLICATION OF CERTAIN PROVISIONS, FOR PURPOSES OF  
80 POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-45, MISSISSIPPI  
81 CODE OF 1972, WHICH RELATES TO PROVISIONS INAPPLICABLE TO OAKLEY  
82 YOUTH DEVELOPMENT CENTER, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
83 BRING FORWARD SECTION 47-7-47, MISSISSIPPI CODE OF 1972, WHICH  
84 RELATES TO THE EARNED PROBATION PROGRAM, FOR PURPOSES OF POSSIBLE  
85 AMENDMENT; TO BRING FORWARD SECTION 47-7-49, MISSISSIPPI CODE OF



86 1972, WHICH RELATES TO THE COMMUNITY SERVICE REVOLVING FUND, FOR  
87 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-7-51,  
88 MISSISSIPPI CODE OF 1972, WHICH RELATES TO THE CORRECTIONAL  
89 TRAINING REVOLVING FUND, FOR PURPOSES OF POSSIBLE AMENDMENT; TO  
90 BRING FORWARD SECTION 47-7-53, MISSISSIPPI CODE OF 1972, WHICH  
91 RELATES TO THE AUTHORITY OF THE DEPARTMENT TO ASSUME CERTAIN  
92 RESPONSIBILITIES, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
93 FORWARD SECTION 47-7-55, MISSISSIPPI CODE OF 1972, WHICH RELATES  
94 TO THE CREATION OF THE PAROLE COMMISSION, FOR PURPOSES OF POSSIBLE  
95 AMENDMENT; TO BRING FORWARD SECTION 47-5-28, MISSISSIPPI CODE OF  
96 1972, WHICH RELATES TO THE ADDITIONAL POWERS AND DUTIES OF THE  
97 COMMISSIONER OF CORRECTIONS, FOR PURPOSES OF POSSIBLE AMENDMENT;  
98 TO BRING FORWARD SECTION 47-5-931, MISSISSIPPI CODE OF 1972, WHICH  
99 AUTHORIZES STATE OFFENDERS TO BE HOUSED IN REGIONAL FACILITIES,  
100 FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
101 47-5-933, MISSISSIPPI CODE OF 1972, WHICH RELATES TO CONTRACTS FOR  
102 THE INCARCERATION OF STATE OFFENDERS IN COUNTY JAILS, FOR PURPOSES  
103 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 47-5-938,  
104 MISSISSIPPI CODE OF 1972, WHICH RELATES TO OFFENDERS IN COUNTIES  
105 TO PARTICIPATE IN WORK PROGRAMS, FOR PURPOSES OF POSSIBLE  
106 AMENDMENT; TO BRING FORWARD SECTION 45-1-3, MISSISSIPPI CODE OF  
107 1972, WHICH RELATES TO THE RULE MAKING POWER OF THE COMMISSIONER  
108 OF PUBLIC SAFETY, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING  
109 FORWARD SECTION 9-23-11, MISSISSIPPI CODE OF 1972, WHICH RELATES  
110 TO THE UNIFORM CERTIFICATION PROCESS FOR INTERVENTION AND CERTAIN  
111 OTHER COURTS, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
112 SECTIONS 99-39-5 AND 99-39-27, MISSISSIPPI CODE OF 1972, WHICH  
113 RELATE TO CERTAIN POST-CONVICTION PROCEEDINGS, FOR PURPOSES OF  
114 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 41-29-153 THROUGH  
115 41-29-157, MISSISSIPPI CODE OF 1972, WHICH RELATE TO CERTAIN  
116 FORFEITURE, FOR PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD  
117 SECTIONS 99-15-103 THROUGH 99-15-127, MISSISSIPPI CODE OF 1972,  
118 WHICH RELATE TO PRETRIAL-INTERVENTION, FOR PURPOSES OF POSSIBLE  
119 AMENDMENT; TO BRING FORWARD SECTIONS 9-23-5 THROUGH 9-23-23,  
120 MISSISSIPPI CODE OF 1972, WHICH RELATE TO INTERVENTION COURTS, FOR  
121 PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
122 41-29-139, MISSISSIPPI CODE OF 1972, WHICH RELATES TO CERTAIN  
123 PROHIBITED ACTS, FOR PURPOSES OF POSSIBLE AMENDMENTS; TO BRING  
124 FORWARD SECTIONS 99-19-81 AND 99-19-83, MISSISSIPPI CODE OF 1972,  
125 WHICH RELATE TO HABITUAL OFFENDERS, FOR PURPOSES OF POSSIBLE  
126 AMENDMENTS; TO BRING FORWARD SECTION 21-23-7, MISSISSIPPI CODE OF  
127 1972, WHICH PERTAINS TO THE OPERATION OF MUNICIPAL COURTS, FOR  
128 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

130 **SECTION 1.** Section 47-7-2, Mississippi Code of 1972, is  
131 brought forward as follows:



132           47-7-2. For purposes of this chapter, the following words  
133 shall have the meaning ascribed herein unless the context shall  
134 otherwise require:

135           (a) "Adult" means a person who is seventeen (17) years  
136 of age or older, or any person convicted of any crime not subject  
137 to the provisions of the youth court law, or any person  
138 "certified" to be tried as an adult by any youth court in the  
139 state.

140           (b) "Board" means the State Parole Board.

141           (c) "Parole case plan" means an individualized, written  
142 accountability and behavior change strategy developed by the  
143 department in collaboration with the parole board to prepare  
144 offenders for release on parole at the parole eligibility date.  
145 The case plan shall focus on the offender's criminal risk factors  
146 that, if addressed, reduce the likelihood of reoffending.

147           (d) "Commissioner" means the Commissioner of  
148 Corrections.

149           (e) "Correctional system" means the facilities,  
150 institutions, programs and personnel of the department utilized  
151 for adult offenders who are committed to the custody of the  
152 department.

153           (f) "Criminal risk factors" means characteristics that  
154 increase a person's likelihood of reoffending. These  
155 characteristics include: antisocial behavior; antisocial  
156 personality; criminal thinking; criminal associates; dysfunctional



157 family; low levels of employment or education; poor use of leisure  
158 and recreation; and substance abuse.

159 (g) "Department" means the Mississippi Department of  
160 Corrections.

161 (h) "Detention" means the temporary care of juveniles  
162 and adults who require secure custody for their own or the  
163 community's protection in a physically restricting facility prior  
164 to adjudication, or retention in a physically restricting facility  
165 upon being taken into custody after an alleged parole or probation  
166 violation.

167 (i) "Discharge plan" means an individualized written  
168 document that provides information to support the offender in  
169 meeting the basic needs identified in the pre-release assessment.  
170 This information shall include, but is not limited to: contact  
171 names, phone numbers, and addresses of referrals and resources.

172 (j) "Evidence-based practices" means supervision  
173 policies, procedures, and practices that scientific research  
174 demonstrates reduce recidivism.

175 (k) "Facility" or "institution" means any facility for  
176 the custody, care, treatment and study of offenders which is under  
177 the supervision and control of the department.

178 (l) "Juvenile," "minor" or "youthful" means a person  
179 less than seventeen (17) years of age.



180 (m) "Offender" means any person convicted of a crime or  
181 offense under the laws and ordinances of the state and its  
182 political subdivisions.

183 (n) "Pre-release assessment" means a determination of  
184 an offender's ability to attend to basic needs, including, but not  
185 limited to, transportation, clothing and food, financial  
186 resources, personal identification documents, housing, employment,  
187 education, and health care, following release.

188 (o) "Special meetings" means those meetings called by  
189 the chairman with at least twenty-four (24) hours' notice or a  
190 unanimous waiver of notice.

191 (p) "Supervision plan" means a plan developed by the  
192 community corrections department to manage offenders on probation  
193 and parole in a way that reduces the likelihood they will commit a  
194 new criminal offense or violate the terms of supervision and that  
195 increases the likelihood of obtaining stable housing, employment  
196 and skills necessary to sustain positive conduct.

197 (q) "Technical violation" means an act or omission by  
198 the probationer that violates a condition or conditions of  
199 probation placed on the probationer by the court or the probation  
200 officer.

201 (r) "Transitional reentry center" means a  
202 state-operated or state-contracted facility used to house  
203 offenders leaving the physical custody of the Department of  
204 Corrections on parole, probation or post-release supervision who



205 are in need of temporary housing and services that reduce their  
206 risk to reoffend.

207 (s) "Unit of local government" means a county, city,  
208 town, village or other general purpose political subdivision of  
209 the state.

210 (t) "Risk and needs assessment" means the determination  
211 of a person's risk to reoffend using an actuarial assessment tool  
212 validated on Mississippi corrections populations and the needs  
213 that, when addressed, reduce the risk to reoffend.

214 **SECTION 2.** Section 47-7-3, Mississippi Code of 1972, is  
215 brought forward as follows:

216 47-7-3. (1) Every prisoner who has been convicted of any  
217 offense against the State of Mississippi, and is confined in the  
218 execution of a judgment of such conviction in the Mississippi  
219 Department of Corrections for a definite term or terms of one (1)  
220 year or over, or for the term of his or her natural life, whose  
221 record of conduct shows that such prisoner has observed the rules  
222 of the department, and who has served the minimum required time  
223 for parole eligibility, may be released on parole as set forth  
224 herein:

225 (a) **Habitual offenders.** Except as provided by Sections  
226 99-19-81 through 99-19-87, no person sentenced as a confirmed and  
227 habitual criminal shall be eligible for parole;

228 (b) **Sex offenders.** Any person who has been sentenced  
229 for a sex offense as defined in Section 45-33-23(h) shall not be



230 released on parole except for a person under the age of nineteen  
231 (19) who has been convicted under Section 97-3-67;

232 (c) **Capital offenders.** No person sentenced for the  
233 following offenses shall be eligible for parole:

234 (i) Capital murder committed on or after July 1,  
235 1994, as defined in Section 97-3-19(2);

236 (ii) Any offense to which an offender is sentenced  
237 to life imprisonment under the provisions of Section 99-19-101; or

238 (iii) Any offense to which an offender is  
239 sentenced to life imprisonment without eligibility for parole  
240 under the provisions of Section 99-19-101, whose crime was  
241 committed on or after July 1, 1994;

242 (d) **Murder.** No person sentenced for murder in the  
243 first degree, whose crime was committed on or after June 30, 1995,  
244 or murder in the second degree, as defined in Section 97-3-19,  
245 shall be eligible for parole;

246 (e) **Human trafficking.** No person sentenced for human  
247 trafficking, as defined in Section 97-3-54.1, whose crime was  
248 committed on or after July 1, 2014, shall be eligible for parole;

249 (f) **Drug trafficking.** No person sentenced for  
250 trafficking and aggravated trafficking, as defined in Section  
251 41-29-139(f) through (g), shall be eligible for parole;

252 (g) **Offenses specifically prohibiting parole release.**  
253 No person shall be eligible for parole who is convicted of any  
254 offense that specifically prohibits parole release;





255 (h) (i) **Offenders eligible for parole consideration**  
256 **for offenses committed after June 30, 1995.** Except as provided in  
257 paragraphs (a) through (g) of this subsection, offenders may be  
258 considered eligible for parole release as follows:

259 1. **Nonviolent crimes.** All persons sentenced  
260 for a nonviolent offense shall be eligible for parole only after  
261 they have served twenty-five percent (25%) or ten (10) years,  
262 whichever is less, of the sentence or sentences imposed by the  
263 trial court. For purposes of this paragraph, "nonviolent crime"  
264 means a felony not designated as a crime of violence in Section  
265 97-3-2.

266 2. **Violent crimes.** A person who is sentenced  
267 for a violent offense as defined in Section 97-3-2, except robbery  
268 with a deadly weapon as defined in Section 97-3-79, drive-by  
269 shooting as defined in Section 97-3-109, and carjacking as defined  
270 in Section 97-3-117, shall be eligible for parole only after  
271 having served fifty percent (50%) or twenty (20) years, whichever  
272 is less, of the sentence or sentences imposed by the trial court.  
273 Those persons sentenced for robbery with a deadly weapon as  
274 defined in Section 97-3-79, drive-by shooting as defined in  
275 Section 97-3-109, and carjacking as defined in Section 97-3-117,  
276 shall be eligible for parole only after having served sixty  
277 percent (60%) or twenty-five (25) years, whichever is less, of the  
278 sentence or sentences imposed by the trial court.



279                                   3.   **Nonviolent and nonhabitual drug offenses.**

280   A person who has been sentenced to a drug offense pursuant to  
281   Section 41-29-139(a) through (d), whose crime was committed after  
282   June 30, 1995, shall be eligible for parole only after he has  
283   served twenty-five percent (25%) or ten (10) years, whichever is  
284   less, of the sentence or sentences imposed.

285                           (ii)   **Parole hearing required.**   All persons  
286   eligible for parole under subparagraph (i) of this paragraph (h)  
287   who are serving a sentence or sentences for a crime of violence,  
288   as defined in Section 97-3-2, shall be required to have a parole  
289   hearing before the Parole Board pursuant to Section 47-7-17, prior  
290   to parole release.

291                           (iii)   **Geriatric parole.**   Notwithstanding the  
292   provisions in subparagraph (i) of this paragraph (h), a person  
293   serving a sentence who has reached the age of sixty (60) or older  
294   and who has served no less than ten (10) years of the sentence or  
295   sentences imposed by the trial court shall be eligible for parole.  
296   Any person eligible for parole under this subparagraph (iii) shall  
297   be required to have a parole hearing before the board prior to  
298   parole release.   No inmate shall be eligible for parole under this  
299   subparagraph (iii) of this paragraph (h) if:

300                                   1.   The inmate is sentenced as a habitual  
301   offender under Sections 99-19-81 through 99-19-87;

302                                   2.   The inmate is sentenced for a crime of  
303   violence under Section 97-3-2;



304                   3. The inmate is sentenced for an offense  
305 that specifically prohibits parole release;

306                   4. The inmate is sentenced for trafficking in  
307 controlled substances under Section 41-29-139(f);

308                   5. The inmate is sentenced for a sex crime;  
309 or

310                   6. The inmate has not served one-fourth (1/4)  
311 of the sentence imposed by the court.

312                   (iv) **Parole consideration as authorized by the**  
313 **trial court.** Notwithstanding the provisions of paragraph (a) of  
314 this subsection, any offender who has not committed a crime of  
315 violence under Section 97-3-2 and has served twenty-five percent  
316 (25%) or more of his sentence may be paroled by the State Parole  
317 Board if, after the sentencing judge or if the sentencing judge is  
318 retired, disabled or incapacitated, the senior circuit judge  
319 authorizes the offender to be eligible for parole consideration;  
320 or if the senior circuit judge must be recused, another circuit  
321 judge of the same district or a senior status judge may hear and  
322 decide the matter. A petition for parole eligibility  
323 consideration pursuant to this subparagraph (iv) shall be filed in  
324 the original criminal cause or causes, and the offender shall  
325 serve an executed copy of the petition on the District Attorney.  
326 The court may, in its discretion, require the District Attorney to  
327 respond to the petition.



328           (2) The State Parole Board shall, by rules and regulations,  
329 establish a method of determining a tentative parole hearing date  
330 for each eligible offender taken into the custody of the  
331 Department of Corrections. The tentative parole hearing date  
332 shall be determined within ninety (90) days after the department  
333 has assumed custody of the offender. Except as provided in  
334 Section 47-7-18, the parole hearing date shall occur when the  
335 offender is within thirty (30) days of the month of his parole  
336 eligibility date. Any parole eligibility date shall not be  
337 earlier than as required in this section.

338           (3) Notwithstanding any other provision of law, an inmate  
339 shall not be eligible to receive earned time, good time or any  
340 other administrative reduction of time which shall reduce the time  
341 necessary to be served for parole eligibility as provided in  
342 subsection (1) of this section.

343           (4) Any inmate within forty-eight (48) months of his parole  
344 eligibility date and who meets the criteria established by the  
345 classification board shall receive priority for placement in any  
346 educational development and job-training programs that are part of  
347 his or her parole case plan. Any inmate refusing to participate  
348 in an educational development or job-training program, including,  
349 but not limited to, programs required as part of the case plan,  
350 shall be in jeopardy of noncompliance with the case plan and may  
351 be denied parole.



352 (5) In addition to other requirements, if an offender is  
353 convicted of a drug or driving under the influence felony, the  
354 offender must complete a drug and alcohol rehabilitation program  
355 prior to parole, or the offender shall be required to complete a  
356 postrelease drug and alcohol program as a condition of parole.

357 (6) Except as provided in subsection (1)(a) through (h) of  
358 this section, all other persons shall be eligible for parole after  
359 serving twenty-five percent (25%) of the sentence or sentences  
360 imposed by the trial court, or, if sentenced to thirty (30) years  
361 or more, after serving ten (10) years of the sentence or sentences  
362 imposed by the trial court.

363 (7) The Corrections and Criminal Justice Oversight Task  
364 Force established in Section 47-5-6 shall develop and submit  
365 recommendations to the Governor and to the Legislature annually on  
366 or before December 1st concerning issues relating to juvenile and  
367 habitual offender parole reform and to review and monitor the  
368 implementation of Chapter 479, Laws of 2021.

369 (8) The amendments contained in Chapter 479, Laws of 2021,  
370 shall apply retroactively from and after July 1, 1995.

371 (9) Notwithstanding provisions to the contrary in this  
372 section, a person who was sentenced before July 1, 2021, may be  
373 considered for parole if the person's sentence would have been  
374 parole eligible before July 1, 2021.

375 (10) This section shall stand repealed on July 1, 2027.



376           **SECTION 3.** Section 47-7-3.1, Mississippi Code of 1972, is  
377 brought forward as follows:

378           47-7-3.1. (1) In consultation with the Parole Board, the  
379 department shall develop a case plan for all parole-eligible  
380 inmates to guide an inmate's rehabilitation while in the  
381 department's custody and to reduce the likelihood of recidivism  
382 after release.

383           (2) The case plan shall include, but not be limited to:

384                   (a) Programming and treatment requirements based on the  
385 results of a risk and needs assessment;

386                   (b) Any programming or treatment requirements contained  
387 in the sentencing order; and

388                   (c) General behavior requirements in accordance with  
389 the rules and policies of the department.

390           (3) With respect to parole-eligible inmates admitted to the  
391 department's custody on or after July 1, 2021, the department  
392 shall complete the case plan within ninety (90) days of admission.  
393 With respect to parole-eligible inmates admitted to the  
394 department's custody before July 1, 2021, the department shall  
395 complete the case plan by January 1, 2022.

396           (4) The department shall provide the inmate with a written  
397 copy of the case plan and the inmate's caseworker shall explain  
398 the conditions set forth in the case plan.



399 (a) Within ninety (90) days of admission, the  
400 caseworker shall notify the inmate of their parole eligibility  
401 date as calculated in accordance with Section 47-7-3(3);

402 (b) At the time a parole-eligible inmate receives the  
403 case plan, the department shall send the case plan to the Parole  
404 Board for approval.

405 (5) With respect to parole-eligible inmates admitted to the  
406 department's custody after July 1, 2021, the department shall  
407 ensure that the case plan is achievable prior to the inmate's  
408 parole eligibility date. With respect to parole-eligible inmates  
409 admitted to the department's custody before July 1, 2021, the  
410 department shall, to the extent possible, ensure that the case  
411 plan is achievable prior to the inmate's parole eligibility date  
412 or next parole hearing date, or date of release, whichever is  
413 sooner.

414 (6) The caseworker shall meet with the inmate every eight  
415 (8) weeks from the date the offender received the case plan to  
416 review the inmate's case plan progress.

417 (7) Every four (4) months the department shall  
418 electronically submit a progress report on each parole-eligible  
419 inmate's case plan to the Parole Board. The board may meet to  
420 review an inmate's case plan and may provide written input to the  
421 caseworker on the inmate's progress toward completion of the case  
422 plan.



423 (8) The Parole Board shall provide semiannually to the  
424 Oversight Task Force the number of parole hearings held, the  
425 number of prisoners released to parole without a hearing and the  
426 number of parolees released after a hearing.

427 (9) If the Department of Corrections fails to adequately  
428 provide opportunity and access for the completion of such case  
429 plans, the Department of Corrections shall, to the extent  
430 possible, contract with regional jail facilities that offer  
431 educational development and job-training programs to facilitate  
432 the fulfillment of the case plans of parole-eligible inmates.

433 **SECTION 4.** Section 47-7-3.2, Mississippi Code of 1972, is  
434 brought forward as follows:

435 47-7-3.2. (1) Notwithstanding Section 47-5-138, 47-5-139,  
436 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
437 on or after July 1, 2014, shall be released by the department  
438 until he or she has served no less than the percentage of the  
439 sentence or sentences imposed by the court as set forth below:

440 (a) Twenty-five percent (25%) or ten (10) years,  
441 whichever is less, for a nonviolent crime;

442 (b) Fifty percent (50%) or twenty (20) years, whichever  
443 is less, for a crime of violence pursuant to Section 97-3-2,  
444 except for robbery with a deadly weapon as defined in Section  
445 97-3-79, drive-by shooting as defined in Section 97-3-109, or  
446 carjacking as defined in Section 97-3-117;





447 (c) Sixty percent (60%) or twenty-five (25) years,  
448 whichever is less, for robbery with a deadly weapon as defined in  
449 Section 97-3-79, drive-by shooting as defined in Section 97-3-109,  
450 or carjacking as defined in Section 97-3-117.

451 (2) This section shall not apply to:

452 (a) Offenders sentenced to life imprisonment;

453 (b) Offenders convicted as habitual offenders pursuant  
454 to Sections 99-19-81 through 99-19-87;

455 (c) Offenders serving a sentence for a sex offense; or

456 (d) Offenders serving a sentence for trafficking  
457 pursuant to Section 41-29-139(f).

458 **SECTION 5.** Section 47-7-4, Mississippi Code of 1972, is  
459 brought forward as follows:

460 47-7-4. (1) The commissioner and the medical director of  
461 the department may place an offender who has served not less than  
462 one (1) year of his or her sentence, except an offender convicted  
463 of a sex crime, on conditional medical release. However, a  
464 nonviolent offender who is bedridden may be placed on conditional  
465 medical release regardless of the time served on his or her  
466 sentence. Upon the release of a nonviolent offender who is  
467 bedridden, the state shall not be responsible or liable for any  
468 medical costs that may be incurred if such costs are acquired  
469 after the offender is no longer incarcerated due to his or her  
470 placement on conditional medical release. The commissioner shall  
471 not place an offender on conditional medical release unless the



472 medical director of the department certifies to the commissioner  
473 that (a) the offender is suffering from a significant permanent  
474 physical medical condition with no possibility of recovery; (b)  
475 that his or her further incarceration will serve no rehabilitative  
476 purposes; and (c) that the state would incur unreasonable expenses  
477 as a result of his or her continued incarceration. Any offender  
478 placed on conditional medical release shall be supervised by the  
479 Division of Community Corrections of the department for the  
480 remainder of his or her sentence. An offender's conditional  
481 medical release may be revoked and the offender returned and  
482 placed in actual custody of the department if the offender  
483 violates an order or condition of his or her conditional medical  
484 release. An offender who is no longer bedridden shall be returned  
485 and placed in the actual custody of the department.

486 (2) (a) The State Parole Board may grant a medical parole  
487 and referral to licensed special care facilities for paroled  
488 inmates for an inmate determined to be "medically frail" as  
489 defined in this subsection.

490 (b) For purposes of this subsection (2), the term  
491 "medically frail" means an individual who has a mental or physical  
492 medical condition from which he or she, to a reasonable degree of  
493 medical certainty, is not expected to recover and as a result  
494 cannot perform daily living activities and who is a minimal threat  
495 to society as a result of the mental or physical medical  
496 condition.



497 (c) The following conditions apply to a parole granted  
498 under this subsection (2):

499 (i) An inmate who has been sentenced to capital  
500 punishment is not eligible;

501 (ii) An inmate who has been convicted as a  
502 criminal sex offender is not eligible;

503 (iii) An inmate does not pose a public safety risk  
504 or risk of flight as determined by the State Parole Board;

505 (iv) If the prisoner is incapacitated as a result  
506 of a mental or physical medical condition as prescribed under  
507 paragraph (b) of this subsection, an individual legally entitled  
508 to agree to the inmate's placement agrees to the inmate's  
509 placement in a licensed special care facility for paroled inmates  
510 or in a medical facility where medical care and treatment are  
511 determined to be appropriate for the parolee by the State Parole  
512 Board;

513 (v) An inmate shall agree to the release of his or  
514 her medical records that are directly relevant to the condition or  
515 conditions rendering the inmate medically frail to any prosecuting  
516 attorney of the county from which the inmate was committed before  
517 the State Parole Board determines whether or not to grant parole  
518 under this subsection;

519 (vi) If the inmate is granted parole under this  
520 subsection (2), the inmate shall agree to the quarterly release of  
521 his or her medical records that are directly relevant to the



522 condition or conditions rendering the inmate medically frail at  
523 the request of any prosecuting attorney of the county from which  
524 the inmate was committed;

525 (vii) The parolee shall adhere to the terms of his  
526 or her parole for the length of his or her parole term, and the  
527 parole shall be for a term not less than the time necessary to  
528 reach the prisoner's earliest release date;

529 (viii) The department or the State Parole Board  
530 shall not retain authority over the medical treatment plan for the  
531 inmate granted parole under this subsection (2);

532 (ix) The department and the State Parole Board  
533 shall ensure that the placement and terms and conditions of parole  
534 granted under this subsection (2) do not violate any other state  
535 or federal regulations;

536 (x) A facility utilized by the department to  
537 facilitate parole under this subsection (2) shall be operated in a  
538 manner that ensures the safety of the residents of the facility;

539 (xi) If the inmate recovers from the mental or  
540 physical medical condition that rendered the inmate medically  
541 frail under this subsection (2), the State Parole Board shall  
542 revoke the parole granted under this subsection (2), and the  
543 department shall ensure that the inmate returns to incarceration.

544 (d) The Mississippi Department of Corrections may enter  
545 into contracts to facilitate the housing of paroled inmates under  
546 this subsection (2). The Mississippi Department of Corrections



547 shall appoint a specialist in the appropriate field of medicine,  
548 who is not employed by the department, to evaluate the condition  
549 of the inmate considered for parole under this subsection (2) and  
550 to report on that condition to the department and the State Parole  
551 Board. The State Parole Board shall determine whether the inmate  
552 is medically frail in consultation with the Mississippi Department  
553 of Health.

554       **SECTION 6.** Section 47-7-5, Mississippi Code of 1972, is  
555 brought forward as follows:

556       47-7-5. (1) Effective January 1, 2028, the State Parole  
557 Board, created under former Section 47-7-5, is hereby created,  
558 continued and reconstituted and shall be composed of five (5)  
559 members, one (1) appointed from each Mississippi Supreme Court  
560 District and two (2) from the state at large. The Governor shall  
561 appoint the members to serve at the will and pleasure of the  
562 Governor, with the advice and consent of the Senate, not less than  
563 every four (4) years, provided that three (3) members shall be  
564 appointed in 2028 to a term ending December 31, 2031, and two (2)  
565 members shall be appointed in 2030 to a term ending December 31,  
566 2033. Appointments made at the beginning of the four-year cycle  
567 shall be made to fill any member's term which actually expires  
568 that year and any member's term which expires next until the  
569 majority of the membership of the board or commission is reached.  
570 Appointments made at the beginning of the third year of the  
571 four-year cycle shall be made for the remainder of the membership



572 positions irrespective of the time of their prior appointment.  
573 Any question regarding the order of appointments shall be  
574 determined by the Secretary of State in accordance with the  
575 specific statute. All appointment procedures, vacancy provisions,  
576 interim appointment provisions and removal provisions specifically  
577 provided for in Section 7-1-35, Mississippi Code of 1972, shall be  
578 fully applicable to appointments to the State Parole Board. Any  
579 vacancy shall be filled by the Governor, with the advice and  
580 consent of the Senate. The Governor shall appoint a chairman of  
581 the board.

582 (2) Any person who is appointed to serve on the board shall  
583 possess at least a bachelor's degree or a high school diploma and  
584 four (4) years' work experience. Each member shall devote his  
585 full time to the duties of his office and shall not engage in any  
586 other business or profession or hold any other public office. A  
587 member shall receive compensation or per diem in addition to his  
588 or her salary. Each member shall keep such hours and workdays as  
589 required of full-time state employees under Section 25-1-98.  
590 Individuals shall be appointed to serve on the board without  
591 reference to their political affiliations. Each board member,  
592 including the chairman, may be reimbursed for actual and necessary  
593 expenses as authorized by Section 25-3-41. Each member of the  
594 board shall complete annual training developed based on guidance  
595 from the National Institute of Corrections, the Association of  
596 Paroling Authorities International, or the American Probation and



597 Parole Association. Each first-time appointee of the board shall,  
598 within sixty (60) days of appointment, or as soon as practical,  
599 complete training for first-time Parole Board members developed in  
600 consideration of information from the National Institute of  
601 Corrections, the Association of Paroling Authorities  
602 International, or the American Probation and Parole Association.

603 (3) The board shall have exclusive responsibility for the  
604 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
605 shall have exclusive authority for revocation of the same. The  
606 board shall have exclusive responsibility for investigating  
607 clemency recommendations upon request of the Governor.

608 (4) The board, its members and staff, shall be immune from  
609 civil liability for any official acts taken in good faith and in  
610 exercise of the board's legitimate governmental authority.

611 (5) The budget of the board shall be funded through a  
612 separate line item within the general appropriation bill for the  
613 support and maintenance of the department. Employees of the  
614 department which are employed by or assigned to the board shall  
615 work under the guidance and supervision of the board. There shall  
616 be an executive secretary to the board who shall be responsible  
617 for all administrative and general accounting duties related to  
618 the board. The executive secretary shall keep and preserve all  
619 records and papers pertaining to the board.

620 (6) The board shall have no authority or responsibility for  
621 supervision of offenders granted a release for any reason,



622 including, but not limited to, probation, parole or executive  
623 clemency or other offenders requiring the same through interstate  
624 compact agreements. The supervision shall be provided exclusively  
625 by the staff of the Division of Community Corrections of the  
626 department.

627 (7) (a) The Parole Board is authorized to select and place  
628 offenders in an electronic monitoring program under the conditions  
629 and criteria imposed by the Parole Board. The conditions,  
630 restrictions and requirements of Section 47-7-17 and Sections  
631 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
632 any offender placed in an electronic monitoring program by the  
633 Parole Board.

634 (b) Any offender placed in an electronic monitoring  
635 program under this subsection shall pay the program fee provided  
636 in Section 47-5-1013. The program fees shall be deposited in the  
637 special fund created in Section 47-5-1007.

638 (c) The department shall have absolute immunity from  
639 liability for any injury resulting from a determination by the  
640 Parole Board that an offender be placed in an electronic  
641 monitoring program.

642 (8) (a) The Parole Board shall maintain a central registry  
643 of paroled inmates. The Parole Board shall place the following  
644 information on the registry: name, address, photograph, crime for  
645 which paroled, the date of the end of parole or flat-time date and  
646 other information deemed necessary. The Parole Board shall





647 immediately remove information on a parolee at the end of his  
648 parole or flat-time date.

649 (b) When a person is placed on parole, the Parole Board  
650 shall inform the parolee of the duty to report to the parole  
651 officer any change in address ten (10) days before changing  
652 address.

653 (c) The Parole Board shall utilize an Internet website  
654 or other electronic means to release or publish the information.

655 (d) Records maintained on the registry shall be open to  
656 law enforcement agencies and the public and shall be available no  
657 later than July 1, 2003.

658 (9) An affirmative vote of at least four (4) members of the  
659 Parole Board shall be required to grant parole to an inmate  
660 convicted of capital murder or a sex crime.

661 (10) This section shall stand repealed on July 1, 2027.

662 **SECTION 7.** Section 47-7-6, Mississippi Code of 1972, is  
663 brought forward as follows:

664 47-7-6. (1) The Parole Board, with the assistance of the  
665 Department of Corrections, shall collect the following  
666 information:

667 (a) The number of offenders supervised on parole;

668 (b) The number of offenders released on parole;

669 (c) The number of parole hearings held;

670 (d) The parole grant rate for parolees released with  
671 and without a hearing;



672 (e) The average length of time offenders spend on  
673 parole;

674 (f) The number and percentage of parolees revoked for a  
675 technical violation and returned for a term of imprisonment in a  
676 technical violation center;

677 (g) The number and percentage of parolees revoked for a  
678 technical violation and returned for a term of imprisonment in  
679 another type of department of corrections' facility;

680 (h) The number and percentage of parolees who are  
681 convicted of a new offense and returned for a term of imprisonment  
682 on their current crime as well as the new crime;

683 (i) The number of parolees held on a violation in  
684 county jail awaiting a revocation hearing; and

685 (j) The average length of stay in a county jail for  
686 parolees awaiting a revocation hearing.

687 (2) The Parole Board shall semiannually report information  
688 required in subsection (1) to the Oversight Task Force, and upon  
689 request, shall report such information to the PEER Committee.

690 **SECTION 8.** Section 47-7-9, Mississippi Code of 1972, is  
691 brought forward as follows:

692 47-7-9. (1) The circuit judges and county judges in the  
693 districts to which Division of Community Corrections personnel  
694 have been assigned shall have the power to request of the  
695 department transfer or removal of the division personnel from  
696 their court.



697           (2)   (a)   Division personnel shall investigate all cases  
698 referred to them for investigation by the board, the division or  
699 by any court in which they are authorized to serve. They shall  
700 furnish to each person released under their supervision a written  
701 statement of the conditions of probation, parole, earned-release  
702 supervision, post-release supervision or suspension and shall  
703 instruct the person regarding the same. They shall administer a  
704 risk and needs assessment on each person under their supervision  
705 to measure criminal risk factors and individual needs. They shall  
706 use the results of the risk and needs assessment to guide  
707 supervision responses consistent with evidence-based practices as  
708 to the level of supervision and the practices used to reduce  
709 recidivism. They shall develop a supervision plan for each person  
710 assessed as moderate to high risk to reoffend. They shall keep  
711 informed concerning the conduct and conditions of persons under  
712 their supervision and use all suitable methods that are consistent  
713 with evidence-based practices to aid and encourage them and to  
714 bring about improvements in their conduct and condition and to  
715 reduce the risk of recidivism. They shall keep detailed records  
716 of their work and shall make such reports in writing as the court  
717 or the board may require.

718           (b)   Division personnel shall complete annual training  
719 on evidence-based practices and criminal risk factors, as well as  
720 instructions on how to target these factors to reduce recidivism.



721           (c) The division personnel duly assigned to court  
722 districts are hereby vested with all the powers of police officers  
723 or sheriffs to make arrests or perform any other duties required  
724 of policemen or sheriffs which may be incident to the division  
725 personnel responsibilities. All probation and parole officers  
726 hired on or after July 1, 1994, will be placed in the Law  
727 Enforcement Officers Training Program and will be required to meet  
728 the standards outlined by that program.

729           (d) It is the intention of the Legislature that insofar  
730 as practicable the case load of each division personnel  
731 supervising offenders in the community (hereinafter field  
732 supervisor) shall not exceed the number of cases that may be  
733 adequately handled.

734           (3) (a) Division personnel shall be provided to perform  
735 investigation for the court as provided in this subsection.  
736 Division personnel shall conduct presentence investigations on all  
737 persons convicted of a felony in any circuit court of the state,  
738 prior to sentencing and at the request of the circuit court judge  
739 of the court of conviction. The presentence evaluation report  
740 shall consist of a complete record of the offender's criminal  
741 history, educational level, employment history, psychological  
742 condition and such other information as the department or judge  
743 may deem necessary. Division personnel shall also prepare written  
744 victim impact statements at the request of the sentencing judge as  
745 provided in Section 99-19-157.



746 (b) In order that offenders in the custody of the  
747 department on July 1, 1976, may benefit from the kind of  
748 evaluations authorized in this section, an evaluation report to  
749 consist of the information required hereinabove, supplemented by  
750 an examination of an offender's record while in custody, shall be  
751 compiled by the division upon all offenders in the custody of the  
752 department on July 1, 1976. After a study of such reports by the  
753 State Parole Board those cases which the board believes would  
754 merit some type of executive clemency shall be submitted by the  
755 board to the Governor with its recommendation for the appropriate  
756 executive action.

757 (c) The department is authorized to accept gifts,  
758 grants and subsidies to conduct this activity.

759 **SECTION 9.** Section 47-7-11, Mississippi Code of 1972, is  
760 brought forward as follows:

761 47-7-11. All salaries and expenses incurred in the carrying  
762 out of this chapter shall be paid out of funds appropriated by the  
763 Legislature for the support and maintenance of the Probation and  
764 Parole Board. All accounts, including salaries, shall be approved  
765 and allowed by the board, and the board shall keep a complete  
766 record thereof.

767 **SECTION 10.** Section 47-7-13, Mississippi Code of 1972, is  
768 brought forward as follows:

769 47-7-13. A majority of the board shall constitute a quorum  
770 for the transaction of all business. A decision to parole an



771 offender convicted of murder or a sex-related crime shall require  
772 the affirmative vote of three (3) members. The board shall  
773 maintain, in minute book form, a copy of each of its official  
774 actions with the reasons therefor. Suitable and sufficient office  
775 space and support resources and staff necessary to conducting  
776 Parole Board business shall be provided by the Department of  
777 Corrections. However, the principal place for conducting parole  
778 hearings shall be the State Penitentiary at Parchman.

779 **SECTION 11.** Section 47-7-15, Mississippi Code of 1972, is  
780 brought forward as follows:

781 47-7-15. The board shall adopt an official seal of which the  
782 courts shall take judicial notice. Decisions of the board shall  
783 be made by majority vote, except as provided in Section 47-7-5(9).

784 The board shall keep a record of its acts and shall notify  
785 each institution of its decisions relating to the persons who are  
786 or have been confined therein. At the close of each fiscal year  
787 the board shall submit to the Governor and to the Legislature a  
788 report with statistical and other data of its work.

789 **SECTION 12.** Section 47-7-17, Mississippi Code of 1972, is  
790 brought forward as follows:

791 47-7-17. (1) Within one (1) year after his admission and at  
792 such intervals thereafter as it may determine, the board shall  
793 secure and consider all pertinent information regarding each  
794 offender, except any under sentence of death or otherwise  
795 ineligible for parole, including the circumstances of his offense,



796 his previous social history, his previous criminal record,  
797 including any records of law enforcement agencies or of a youth  
798 court regarding that offender's juvenile criminal history, his  
799 conduct, employment and attitude while in the custody of the  
800 department, the case plan created to prepare the offender for  
801 parole, and the reports of such physical and mental examinations  
802 as have been made. The board shall furnish at least three (3)  
803 months' written notice to each such offender of the date on which  
804 he is eligible for parole.

805 (2) Except as provided in Section 47-7-18, the board shall  
806 require a parole-eligible offender to have a hearing as required  
807 in this chapter before the board and to be interviewed. The  
808 hearing shall be held no later than thirty (30) days prior to the  
809 month of eligibility. No application for parole of a person  
810 convicted of a capital offense shall be considered by the board  
811 unless and until notice of the filing of such application shall  
812 have been published at least once a week for two (2) weeks in a  
813 newspaper published in or having general circulation in the county  
814 in which the crime was committed. The board shall, within thirty  
815 (30) days prior to the scheduled hearing, also give notice of the  
816 filing of the application for parole to the victim of the offense  
817 for which the prisoner is incarcerated and being considered for  
818 parole or, in case the offense be homicide, a designee of the  
819 immediate family of the victim, provided the victim or designated  
820 family member has furnished in writing a current address to the



821 board for such purpose. The victim or designated family member  
822 shall be provided an opportunity to be heard by the board before  
823 the board makes a decision regarding release on parole. The board  
824 shall consider whether any restitution ordered has been paid in  
825 full. Parole release shall, at the hearing, be ordered only for  
826 the best interest of society, not as an award of clemency; it  
827 shall not be considered to be a reduction of sentence or pardon.  
828 An offender shall be placed on parole only when arrangements have  
829 been made for his proper employment or for his maintenance and  
830 care, and when the board believes that he is able and willing to  
831 fulfill the obligations of a law-abiding citizen. When the board  
832 determines that the offender will need transitional housing upon  
833 release in order to improve the likelihood of the offender  
834 becoming a law-abiding citizen, the board may parole the offender  
835 with the condition that the inmate spends no more than six (6)  
836 months in a transitional reentry center. At least fifteen (15)  
837 days prior to the release of an offender on parole, the director  
838 of records of the department shall give the written notice which  
839 is required pursuant to Section 47-5-177. Every offender while on  
840 parole shall remain in the legal custody of the department from  
841 which he was released and shall be amenable to the orders of the  
842 board. Upon determination by the board that an offender is  
843 eligible for release by parole, notice shall also be given within  
844 at least fifteen (15) days before release, by the board to the  
845 victim of the offense or the victim's family member, as indicated





846 above, regarding the date when the offender's release shall occur,  
847 provided a current address of the victim or the victim's family  
848 member has been furnished in writing to the board for such  
849 purpose.

850 (3) For any hearing where an offender has been convicted of  
851 a crime of violence, as set out under Section 97-3-2 or any  
852 offense set out under Section 47-7-3(1)(a) through (g), the board  
853 shall, within thirty (30) days prior to the scheduled hearing,  
854 solicit the written or oral recommendations of the Attorney  
855 General, the attorney who prosecuted the case, the judge who  
856 presided over the case, the chief of police of the municipality  
857 where the offender was convicted and the sheriff of the county  
858 where the offender was convicted.

859 (4) The board shall, within thirty (30) days prior to the  
860 scheduled hearing, also give written or electronic notice of the  
861 filing of the application for parole to the attorney who  
862 prosecuted the case, the judge who presided over the case, the  
863 chief of police of the municipality where the offender was  
864 convicted and the sheriff of the county where the offender was  
865 convicted.

866 (5) If the attorney who prosecuted the case or the judge who  
867 presided over the case is not living or serving, solicitation for  
868 recommendations under subsection (3) and notice under subsection  
869 (4) shall be given to the district attorney and one of the judges  
870 of the court in which the offender was convicted.



871 (6) Failure to provide notice to the victim or the victim's  
872 family member of the filing of the application for parole or of  
873 any decision made by the board regarding parole shall not  
874 constitute grounds for vacating an otherwise lawful parole  
875 determination nor shall it create any right or liability, civilly  
876 or criminally, against the board or any member thereof.

877 (7) A letter of protest against granting an offender parole  
878 shall not be treated as the conclusive and only reason for not  
879 granting parole.

880 (8) The board may adopt such other rules not inconsistent  
881 with law as it may deem proper or necessary with respect to the  
882 eligibility of offenders for parole, the conduct of parole  
883 hearings, or conditions to be imposed upon parolees, including a  
884 condition that the parolee submit, as provided in Section 47-5-601  
885 to any type of breath, saliva or urine chemical analysis test, the  
886 purpose of which is to detect the possible presence of alcohol or  
887 a substance prohibited or controlled by any law of the State of  
888 Mississippi or the United States. The board shall have the  
889 authority to adopt rules related to the placement of certain  
890 offenders on unsupervised parole and for the operation of  
891 transitional reentry centers. However, in no case shall an  
892 offender be placed on unsupervised parole before he has served a  
893 minimum of fifty percent (50%) of the period of supervised parole.

894 **SECTION 13.** Section 47-7-18, Mississippi Code of 1972, is  
895 brought forward as follows:



896           47-7-18 (1) No inmate convicted of a sex offense as defined  
897 by Section 45-33-23(h), a crime of violence as defined by Section  
898 97-3-2, or both, nor an inmate who is eligible for geriatric  
899 parole shall be released on parole without a hearing before the  
900 Parole Board as required by Section 47-7-17. All other inmates  
901 eligible for parole pursuant to Section 47-7-3 shall be released  
902 from incarceration to parole supervision on the inmate's parole  
903 eligibility date, without a hearing before the board, if:

904                   (a) The inmate has met the requirements of the parole  
905 case plan established pursuant to Section 47-7-3.1;

906                   (b) A victim of the offense has not requested the board  
907 conduct a hearing;

908                   (c) The inmate has not received a serious or major  
909 violation report within the past six (6) months;

910                   (d) The inmate has agreed to the conditions of  
911 supervision; and

912                   (e) The inmate has a discharge plan approved by the  
913 board.

914           (2) At least thirty (30) days prior to an inmate's parole  
915 eligibility date, the department shall notify the board in writing  
916 of the inmate's compliance or noncompliance with the case plan.  
917 If an inmate fails to meet a requirement of the case plan, prior  
918 to the parole eligibility date, he or she shall have a hearing  
919 before the board to determine if completion of the case plan can  
920 occur while in the community.



921 (3) Any inmate for whom there is insufficient information  
922 for the department to determine compliance with the case plan  
923 shall have a hearing with the board.

924 (4) A hearing shall be held with the board if requested by  
925 the victim following notification of the inmate's parole release  
926 date pursuant to Section 47-7-17.

927 (5) A hearing shall be held by the board if a law  
928 enforcement official from the community to which the inmate will  
929 return contacts the board or the department and requests a hearing  
930 to consider information relevant to public safety risks posed by  
931 the inmate if paroled at the initial parole eligibility date. The  
932 law enforcement official shall submit an explanation documenting  
933 these concerns for the board to consider.

934 (6) If a parole hearing is held, the board may determine the  
935 inmate has sufficiently complied with the case plan or that the  
936 incomplete case plan is not the fault of the inmate and that  
937 granting parole is not incompatible with public safety, the board  
938 may then parole the inmate with appropriate conditions. If the  
939 board determines that the inmate has sufficiently complied with  
940 the case plan but the discharge plan indicates that the inmate  
941 does not have appropriate housing immediately upon release, the  
942 board may parole the inmate to a transitional reentry center with  
943 the condition that the inmate spends no more than six (6) months  
944 in the center. If the board determines that the inmate has not  
945 substantively complied with the requirement(s) of the case plan it



946 may deny parole. If the board denies parole, the board may  
947 schedule a subsequent parole hearing and, if a new date is  
948 scheduled, the board shall identify the corrective action the  
949 inmate will need to take in order to be granted parole. Any  
950 inmate not released at the time of the inmate's initial parole  
951 date shall have a parole hearing at least every year.

952 **SECTION 14.** Section 47-7-19, Mississippi Code of 1972, is  
953 brought forward as follows:

954 47-7-19. It shall be the duty of all correctional system  
955 officials to grant to the members of the board or its properly  
956 accredited representatives, access at all reasonable times to any  
957 person over whom the board may have jurisdiction under this  
958 chapter; to provide for the board or such representatives  
959 facilities for communicating with and observing the offender; and  
960 to furnish to the board such reports as the board shall require  
961 concerning the conduct and character of any offender in the  
962 Department of Corrections custody and any other facts deemed by  
963 the board pertinent in determining whether such offender shall be  
964 paroled.

965 It shall be the duty of any judge, district attorney, county  
966 attorney, police officer, or other public official of the state,  
967 having information with reference to any person eligible for  
968 parole, to send such information as may be in his possession or  
969 under his control to the board, in writing, upon request of any  
970 member or employee thereof.



971           **SECTION 15.** Section 47-7-21, Mississippi Code of 1972, is  
972 brought forward as follows:

973           47-7-21. All information obtained in the discharge of  
974 official duty by a field officer as an employee of the Department  
975 of Corrections shall be privileged and shall not be disclosed  
976 directly or indirectly to anyone other than to (a) the State  
977 Parole Board, (b) a judge, or (c) law enforcement agencies when  
978 such information is relevant to criminal activity.

979           **SECTION 16.** Section 47-7-23, Mississippi Code of 1972, is  
980 brought forward as follows:

981           47-7-23. Except as otherwise provided by law, the Department  
982 of Corrections shall have the power and duty to make rules for the  
983 conduct of persons heretofore or hereafter placed on parole under  
984 the supervision of the Department of Corrections and for the  
985 investigation and supervision of such persons, which supervision  
986 may include a condition that such persons submit, as provided in  
987 Section 47-5-601, to any type of breath, saliva or urine chemical  
988 analysis test, the purpose of which is to detect the possible  
989 presence of alcohol or a substance prohibited or controlled by any  
990 law of the State of Mississippi or the United States. The  
991 department shall not make any rules which shall be inconsistent  
992 with the rules imposed by the State Parole Board pursuant to  
993 Section 47-7-17 on offenders who are placed on unsupervised  
994 parole.



995           **SECTION 17.** Section 47-7-25, Mississippi Code of 1972, is  
996 brought forward as follows:

997           47-7-25. When an offender is placed on parole he shall  
998 receive, if needed, from the state, civilian clothing and  
999 transportation to the place in which he is to reside. At the  
1000 discretion of the board the offender may be advanced such sum for  
1001 his temporary maintenance as the board may allow. The aforesaid  
1002 gratuities are to be furnished by the Commissioner of Corrections  
1003 who is authorized to charge the actual cost of same in his account  
1004 as Commissioner of Corrections.

1005           **SECTION 18.** Section 47-7-27, Mississippi Code of 1972, is  
1006 brought forward as follows:

1007           47-7-27. (1) The board may, at any time and upon a showing  
1008 of probable violation of parole, issue a warrant for the return of  
1009 any paroled offender to the custody of the department. The  
1010 warrant shall authorize all persons named therein to return the  
1011 paroled offender to actual custody of the department from which he  
1012 was paroled.

1013           (2) Any field supervisor may arrest an offender without a  
1014 warrant or may deputize any other person with power of arrest by  
1015 giving him a written statement setting forth that the offender  
1016 has, in the judgment of that field supervisor, violated the  
1017 conditions of his parole or earned-release supervision. The  
1018 written statement delivered with the offender by the arresting  
1019 officer to the official in charge of the department facility from



1020 which the offender was released or other place of detention  
1021 designated by the department shall be sufficient warrant for the  
1022 detention of the offender.

1023 (3) The field supervisor, after making an arrest, shall  
1024 present to the detaining authorities a similar statement of the  
1025 circumstances of violation. The field supervisor shall at once  
1026 notify the board or department of the arrest and detention of the  
1027 offender and shall submit a written report showing in what manner  
1028 the offender has violated the conditions of parole or  
1029 earned-release supervision. An offender for whose return a  
1030 warrant has been issued by the board shall, after the issuance of  
1031 the warrant, be deemed a fugitive from justice.

1032 (4) Whenever an offender is arrested on a warrant for an  
1033 alleged violation of parole as herein provided, the board shall  
1034 hold an informal preliminary hearing within seventy-two (72) hours  
1035 to determine whether there is reasonable cause to believe the  
1036 person has violated a condition of parole. A preliminary hearing  
1037 shall not be required when the offender is not under arrest on a  
1038 warrant or the offender signed a waiver of a preliminary hearing.  
1039 The preliminary hearing may be conducted electronically.

1040 (5) The right of the State of Mississippi to extradite  
1041 persons and return fugitives from justice, from other states to  
1042 this state, shall not be impaired by this chapter and shall remain  
1043 in full force and effect. An offender convicted of a felony  
1044 committed while on parole, whether in the State of Mississippi or





1045 another state, shall immediately have his parole revoked upon  
1046 presentment of a certified copy of the commitment order to the  
1047 board. If an offender is on parole and the offender is convicted  
1048 of a felony for a crime committed prior to the offender being  
1049 placed on parole, whether in the State of Mississippi or another  
1050 state, the offender may have his parole revoked upon presentment  
1051 of a certified copy of the commitment order to the board.

1052 (6) (a) The board shall hold a hearing for any parolee who  
1053 is detained as a result of a warrant or a violation report within  
1054 twenty-one (21) days of the parolee's admission to detention. The  
1055 board may, in its discretion, terminate the parole or modify the  
1056 terms and conditions thereof. If the board revokes parole for one  
1057 or more technical violations the board shall impose a period of  
1058 imprisonment to be served in a technical violation center operated  
1059 by the department not to exceed ninety (90) days for the first  
1060 revocation and not to exceed one hundred twenty (120) days for the  
1061 second revocation. For the third revocation, the board may impose  
1062 a period of imprisonment to be served in a technical violation  
1063 center for up to one hundred and eighty (180) days or the board  
1064 may impose the remainder of the suspended portion of the sentence.  
1065 For the fourth and any subsequent revocation, the board may impose  
1066 up to the remainder of the suspended portion of the sentence. The  
1067 period of imprisonment in a technical violation center imposed  
1068 under this section shall not be reduced in any manner.



1069           (b) If the board does not hold a hearing or does not  
1070 take action on the violation within the twenty-one-day time frame  
1071 in paragraph (a) of this subsection, the parolee shall be released  
1072 from detention and shall return to parole status. The board may  
1073 subsequently hold a hearing and may revoke parole or may continue  
1074 parole and modify the terms and conditions of parole. If the  
1075 board revokes parole for one or more technical violations the  
1076 board shall impose a period of imprisonment to be served in a  
1077 technical violation center operated by the department not to  
1078 exceed ninety (90) days for the first revocation and not to exceed  
1079 one hundred twenty (120) days for the second revocation. For the  
1080 third revocation, the board may impose a period of imprisonment to  
1081 be served in a technical violation center for up to one hundred  
1082 eighty (180) days or the board may impose the remainder of the  
1083 suspended portion of the sentence. For the fourth and any  
1084 subsequent revocation, the board may impose up to the remainder of  
1085 the suspended portion of the sentence. The period of imprisonment  
1086 in a technical violation center imposed under this section shall  
1087 not be reduced in any manner.

1088           (c) For a parolee charged with one or more technical  
1089 violations who has not been detained awaiting the revocation  
1090 hearing, the board may hold a hearing within a reasonable time.  
1091 The board may revoke parole or may continue parole and modify the  
1092 terms and conditions of parole. If the board revokes parole for  
1093 one or more technical violations the board shall impose a period



1094 of imprisonment to be served in a technical violation center  
1095 operated by the department not to exceed ninety (90) days for the  
1096 first revocation and not to exceed one hundred twenty (120) days  
1097 for the second revocation. For the third revocation, the board  
1098 may impose a period of imprisonment to be served in a technical  
1099 violation center for up to one hundred eighty (180) days or the  
1100 board may impose the remainder of the suspended portion of the  
1101 sentence. For the fourth and any subsequent revocation, the board  
1102 may impose up to the remainder of the suspended portion of the  
1103 sentence. The period of imprisonment in a technical violation  
1104 center imposed under this section shall not be reduced in any  
1105 manner.

1106 (7) Unless good cause for the delay is established in the  
1107 record of the proceeding, the parole revocation charge shall be  
1108 dismissed if the revocation hearing is not held within the thirty  
1109 (30) days of the issuance of the warrant.

1110 (8) The chairman and each member of the board and the  
1111 designated parole revocation hearing officer may, in the discharge  
1112 of their duties, administer oaths, summon and examine witnesses,  
1113 and take other steps as may be necessary to ascertain the truth of  
1114 any matter about which they have the right to inquire.

1115 (9) The board shall provide semiannually to the Oversight  
1116 Task Force the number of warrants issued for an alleged violation  
1117 of parole, the average time between detention on a warrant and  
1118 preliminary hearing, the average time between detention on a



1119 warrant and revocation hearing, the number of ninety-day sentences  
1120 in a technical violation center issued by the board, the number of  
1121 one-hundred-twenty-day sentences in a technical violation center  
1122 issued by the board, the number of one-hundred-eighty-day  
1123 sentences issued by the board, and the number and average length  
1124 of the suspended sentences imposed by the board in response to a  
1125 violation.

1126         **SECTION 19.** Section 47-7-29, Mississippi Code of 1972, is  
1127 brought forward as follows:

1128             47-7-29. Any prisoner who commits a felony while at large  
1129 upon parole or earned-release supervision and who is convicted and  
1130 sentenced therefor shall be required to serve such sentence after  
1131 the original sentence has been completed.

1132         **SECTION 20.** Section 47-7-31, Mississippi Code of 1972, is  
1133 brought forward as follows:

1134             47-7-31. Upon request of the Governor the Department of  
1135 Corrections shall investigate and report to him with respect to  
1136 any case of pardon, commutation of sentence, reprieve, furlough or  
1137 remission of fine or forfeiture.

1138             Any attorney of record in the State of Mississippi  
1139 representing any person whose record is before the department  
1140 shall have the right to inspect such records on file with the  
1141 department.

1142         **SECTION 21.** Section 47-7-33, Mississippi Code of 1972, is  
1143 brought forward as follows:



1144           47-7-33. (1) When it appears to the satisfaction of any  
1145 circuit court or county court in the State of Mississippi having  
1146 original jurisdiction over criminal actions, or to the judge  
1147 thereof, that the ends of justice and the best interest of the  
1148 public, as well as the defendant, will be served thereby, such  
1149 court, in termtime or in vacation, shall have the power, after  
1150 conviction or a plea of guilty, except in a case where a death  
1151 sentence or life imprisonment is the maximum penalty which may be  
1152 imposed, to suspend the imposition or execution of sentence, and  
1153 place the defendant on probation as herein provided, except that  
1154 the court shall not suspend the execution of a sentence of  
1155 imprisonment after the defendant shall have begun to serve such  
1156 sentence. In placing any defendant on probation, the court, or  
1157 judge, shall direct that such defendant be under the supervision  
1158 of the Department of Corrections.

1159           (2) When any circuit or county court places an offender on  
1160 probation, the court shall give notice to the Mississippi  
1161 Department of Corrections within fifteen (15) days of the court's  
1162 decision to place the offender on probation. Notice shall be  
1163 delivered to the central office of the Mississippi Department of  
1164 Corrections and to the regional office of the department which  
1165 will be providing supervision to the offender on probation.

1166           (3) When any circuit court or county court places a person  
1167 on probation in accordance with the provisions of this section and  
1168 that person is ordered to make any payments to his family, if any



1169 member of his family whom he is ordered to support is receiving  
1170 public assistance through the State Department of Human Services,  
1171 the court shall order him to make such payments to the county  
1172 welfare officer of the county rendering public assistance to his  
1173 family, for the sole use and benefit of said family.

1174         **SECTION 22.** Section 47-7-33.1, Mississippi Code of 1972, is  
1175 brought forward as follows:

1176         47-7-33.1. (1) The department shall create a discharge plan  
1177 for any offender returning to the community, regardless of whether  
1178 the person will discharge from the custody of the department, or  
1179 is released on parole, pardon, or otherwise. At least ninety (90)  
1180 days prior to an offender's earliest release date, the  
1181 commissioner shall conduct a pre-release assessment and complete a  
1182 written discharge plan based on the assessment results. The  
1183 discharge plan for parole eligible offenders shall be sent to the  
1184 parole board at least thirty (30) days prior to the offender's  
1185 parole eligibility date for approval. The board may suggest  
1186 changes to the plan that it deems necessary to ensure a successful  
1187 transition.

1188         (2) The pre-release assessment shall identify whether an  
1189 inmate requires assistance obtaining the following basic needs  
1190 upon release: transportation, clothing and food, financial  
1191 resources, identification documents, housing, employment,  
1192 education, health care and support systems. The discharge plan  
1193 shall include information necessary to address these needs and the



1194 steps being taken by the department to assist in this process,  
1195 including an up-to-date version of the information described in  
1196 Section 63-1-309(4). Based on the findings of the assessment, the  
1197 commissioner shall:

1198 (a) Arrange transportation for inmates from the  
1199 correctional facility to their release destination;

1200 (b) Ensure inmates have clean, seasonally appropriate  
1201 clothing, and provide inmates with a list of food providers and  
1202 other basic resources immediately accessible upon release;

1203 (c) Ensure inmates have a provisional driver's license  
1204 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi  
1205 Code of 1972, a regular driver's license if eligible, or a  
1206 state-issued identification card that is not a Department of  
1207 Corrections identification card;

1208 (d) Assist inmates in identifying safe, affordable  
1209 housing upon release. If accommodations are not available,  
1210 determine whether temporary housing is available for at least ten  
1211 (10) days after release. If temporary housing is not available,  
1212 the discharge plan shall reflect that satisfactory housing has not  
1213 been established and the person may be a candidate for  
1214 transitional reentry center placement;

1215 (e) Refer inmates without secured employment to  
1216 employment opportunities;



1217 (f) Provide inmates with contact information of a  
1218 health care facility/provider in the community in which they plan  
1219 to reside;

1220 (g) Notify family members of the release date and  
1221 release plan, if the inmate agrees; and

1222 (h) Refer inmates to a community or a faith-based  
1223 organization that can offer support within the first twenty-four  
1224 (24) hours of release.

1225 (3) A written discharge plan shall be provided to the  
1226 offender and supervising probation officer or parole officer, if  
1227 applicable.

1228 (4) A discharge plan created for a parole-eligible offender  
1229 shall also include supervision conditions and the intensity of  
1230 supervision based on the assessed risk to recidivate and whether  
1231 there is a need for transitional housing. The board shall approve  
1232 discharge plans before an offender is released on parole pursuant  
1233 to this chapter.

1234 **SECTION 23.** Section 47-7-34, Mississippi Code of 1972, is  
1235 brought forward as follows:

1236 47-7-34. (1) When a court imposes a sentence upon a  
1237 conviction for any felony committed after June 30, 1995, the  
1238 court, in addition to any other punishment imposed if the other  
1239 punishment includes a term of incarceration in a state or local  
1240 correctional facility, may impose a term of post-release  
1241 supervision. However, the total number of years of incarceration





1242 plus the total number of years of post-release supervision shall  
1243 not exceed the maximum sentence authorized to be imposed by law  
1244 for the felony committed. The defendant shall be placed under  
1245 post-release supervision upon release from the term of  
1246 incarceration. The period of supervision shall be established by  
1247 the court.

1248 (2) The period of post-release supervision shall be  
1249 conducted in the same manner as a like period of supervised  
1250 probation, including a requirement that the defendant shall abide  
1251 by any terms and conditions as the court may establish. Failure  
1252 to successfully abide by the terms and conditions shall be grounds  
1253 to terminate the period of post-release supervision and to  
1254 recommit the defendant to the correctional facility from which he  
1255 was previously released. Procedures for termination and  
1256 recommitment shall be conducted in the same manner as procedures  
1257 for the revocation of probation and imposition of a suspended  
1258 sentence as required pursuant to Section 47-7-37.

1259 (3) Post-release supervision programs shall be operated  
1260 through the probation and parole unit of the Division of Community  
1261 Corrections of the department. The maximum amount of time that  
1262 the Mississippi Department of Corrections may supervise an  
1263 offender on the post-release supervision program is five (5)  
1264 years.

1265 **SECTION 24.** Section 47-7-35, Mississippi Code of 1972, is  
1266 brought forward as follows:



1267           47-7-35. (1) The courts referred to in Section 47-7-33 or  
1268 47-7-34 shall determine the terms and conditions of probation or  
1269 post-release supervision and may alter or modify, at any time  
1270 during the period of probation or post-release supervision, the  
1271 conditions and may include among them the following or any other:

1272           That the offender shall:

1273           (a) Commit no offense against the laws of this or any  
1274 other state of the United States, or of any federal, territorial  
1275 or tribal jurisdiction of the United States;

1276           (b) Avoid injurious or vicious habits;

1277           (c) Avoid persons or places of disreputable or harmful  
1278 character;

1279           (d) Report to the probation and parole officer as  
1280 directed;

1281           (e) Permit the probation and parole officer to visit  
1282 him at home or elsewhere;

1283           (f) Work faithfully at suitable employment so far as  
1284 possible;

1285           (g) Remain within a specified area;

1286           (h) Pay his fine in one (1) or several sums;

1287           (i) Support his dependents;

1288           (j) Submit, as provided in Section 47-5-601, to any  
1289 type of breath, saliva or urine chemical analysis test, the  
1290 purpose of which is to detect the possible presence of alcohol or



1291 a substance prohibited or controlled by any law of the State of  
1292 Mississippi or the United States;

1293 (k) Register as a sex offender if so required under  
1294 Title 45, Chapter 33.

1295 (2) When any court places a defendant on misdemeanor  
1296 probation, the court must cause to be conducted a search of the  
1297 probationer's name or other identifying information against the  
1298 registration information regarding sex offenders maintained under  
1299 Title 45, Chapter 33. The search may be conducted using the  
1300 Internet site maintained by the Department of Public Safety Sex  
1301 Offender Registry.

1302 **SECTION 25.** Section 47-7-36, Mississippi Code of 1972, is  
1303 brought forward as follows:

1304 47-7-36. (1) Any person who supervises an individual placed  
1305 on parole by the Parole Board or placed on probation by the court  
1306 shall set the times and locations for meetings that are required  
1307 for parole or probation at such times and locations that are  
1308 reasonably designed to accommodate the work schedule of an  
1309 individual on parole or probation who is employed by another  
1310 person or entity.

1311 (2) To effectuate the provisions of this section, the parole  
1312 officer or probation officer may utilize technology portals such  
1313 as Skype, FaceTime or Google video chat, or any other technology  
1314 portal that allows communication between the individual on parole  
1315 or probation and the parole or probation officer, as applicable,



1316 to occur simultaneously in real time by voice and video in lieu of  
1317 requiring a face-to-face in person meeting of such individual and  
1318 the parole or probation officer, as applicable. For individuals  
1319 who are self-employed, the provisions of this subsection shall  
1320 only apply with the agreement of their supervising parole or  
1321 probation officer.

1322 (3) The Department of Corrections shall promulgate rules and  
1323 regulations to implement the provisions of this section. The  
1324 rules and regulations promulgated by the department shall include,  
1325 but are not limited to, minimum standards and guidelines for the  
1326 authorized technology and how it may be used as well as standards  
1327 for determining the eligibility and suitability of an individual  
1328 on parole or probation to meet his or her reporting requirements  
1329 through the use of such technology. The eligibility and  
1330 suitability standards shall include consideration of the severity  
1331 of the individual's underlying criminal conviction and such  
1332 individual's criminal history, supervision level, and past  
1333 supervision history.

1334 (4) This section shall not apply to offenders whose  
1335 employers comply with the requirements of Section 47-7-36.1(1).

1336 **SECTION 26.** Section 47-7-37, Mississippi Code of 1972, is  
1337 brought forward as follows:

1338 47-7-37. (1) The period of probation shall be fixed by the  
1339 court, and may at any time be extended or terminated by the court,  
1340 or judge in vacation. Such period with any extension thereof



1341 shall not exceed five (5) years, except that in cases of desertion  
1342 and/or failure to support minor children, the period of probation  
1343 may be fixed and/or extended by the court for so long as the duty  
1344 to support such minor children exists. The time served on  
1345 probation or post-release supervision may be reduced pursuant to  
1346 Section 47-7-40.

1347 (2) At any time during the period of probation, the court,  
1348 or judge in vacation, may issue a warrant for violating any of the  
1349 conditions of probation or suspension of sentence and cause the  
1350 probationer to be arrested. Any probation and parole officer may  
1351 arrest a probationer without a warrant, or may deputize any other  
1352 officer with power of arrest to do so by giving him a written  
1353 statement setting forth that the probationer has, in the judgment  
1354 of the probation and parole officer, violated the conditions of  
1355 probation. Such written statement delivered with the probationer  
1356 by the arresting officer to the official in charge of a county  
1357 jail or other place of detention shall be sufficient warrant for  
1358 the detention of the probationer.

1359 (3) Whenever an offender is arrested on a warrant for an  
1360 alleged violation of probation as herein provided, the department  
1361 shall hold an informal preliminary hearing within seventy-two (72)  
1362 hours of the arrest to determine whether there is reasonable cause  
1363 to believe the person has violated a condition of probation. A  
1364 preliminary hearing shall not be required when the offender is not  
1365 under arrest on a warrant or the offender signed a waiver of a



1366 preliminary hearing. The preliminary hearing may be conducted  
1367 electronically. If reasonable cause is found, the offender may be  
1368 confined no more than twenty-one (21) days from the admission to  
1369 detention until a revocation hearing is held. If the revocation  
1370 hearing is not held within twenty-one (21) days, the probationer  
1371 shall be released from custody and returned to probation status.

1372 (4) If a probationer or offender is subject to registration  
1373 as a sex offender, the court must make a finding that the  
1374 probationer or offender is not a danger to the public prior to  
1375 release with or without bail. In determining the danger posed by  
1376 the release of the offender or probationer, the court may consider  
1377 the nature and circumstances of the violation and any new offenses  
1378 charged; the offender or probationer's past and present conduct,  
1379 including convictions of crimes and any record of arrests without  
1380 conviction for crimes involving violence or sex crimes; any other  
1381 evidence of allegations of unlawful sexual conduct or the use of  
1382 violence by the offender or probationer; the offender or  
1383 probationer's family ties, length of residence in the community,  
1384 employment history and mental condition; the offender or  
1385 probationer's history and conduct during the probation or other  
1386 supervised release and any other previous supervisions, including  
1387 disciplinary records of previous incarcerations; the likelihood  
1388 that the offender or probationer will engage again in a criminal  
1389 course of conduct; the weight of the evidence against the offender  
1390 or probationer; and any other facts the court considers relevant.



1391           (5) (a) The probation and parole officer after making an  
1392 arrest shall present to the detaining authorities a similar  
1393 statement of the circumstances of violation. The probation and  
1394 parole officer shall at once notify the court of the arrest and  
1395 detention of the probationer and shall submit a report in writing  
1396 showing in what manner the probationer has violated the conditions  
1397 of probation. Within twenty-one (21) days of arrest and detention  
1398 by warrant as herein provided, the court shall cause the  
1399 probationer to be brought before it and may continue or revoke all  
1400 or any part of the probation or the suspension of sentence. If  
1401 the court revokes probation for one or more technical violations,  
1402 the court shall impose a period of imprisonment to be served in  
1403 either a technical violation center or a restitution center not to  
1404 exceed ninety (90) days for the first revocation and not to exceed  
1405 one hundred twenty (120) days for the second revocation. For the  
1406 third revocation, the court may impose a period of imprisonment to  
1407 be served in either a technical violation center or a restitution  
1408 center for up to one hundred eighty (180) days or the court may  
1409 impose the remainder of the suspended portion of the sentence.  
1410 For the fourth and any subsequent revocation, the court may impose  
1411 up to the remainder of the suspended portion of the sentence. The  
1412 period of imprisonment in a technical violation center imposed  
1413 under this section shall not be reduced in any manner.

1414           (b) If the offender is not detained as a result of the  
1415 warrant, the court shall cause the probationer to be brought



1416 before it within a reasonable time and may continue or revoke all  
1417 or any part of the probation or the suspension of sentence, and  
1418 may cause the sentence imposed to be executed or may impose any  
1419 part of the sentence which might have been imposed at the time of  
1420 conviction. If the court revokes probation for one or more  
1421 technical violations, the court shall impose a period of  
1422 imprisonment to be served in either a technical violation center  
1423 or a restitution center not to exceed ninety (90) days for the  
1424 first revocation and not to exceed one hundred twenty (120) days  
1425 for the second revocation. For the third revocation, the court  
1426 may impose a period of imprisonment to be served in either a  
1427 technical violation center or a restitution center for up to one  
1428 hundred eighty (180) days or the court may impose the remainder of  
1429 the suspended portion of the sentence. For the fourth and any  
1430 subsequent revocation, the court may impose up to the remainder of  
1431 the suspended portion of the sentence. The period of imprisonment  
1432 in a technical violation center imposed under this section shall  
1433 not be reduced in any manner.

1434 (c) If the court does not hold a hearing or does not  
1435 take action on the violation within the twenty-one-day period, the  
1436 offender shall be released from detention and shall return to  
1437 probation status. The court may subsequently hold a hearing and  
1438 may revoke probation or may continue probation and modify the  
1439 terms and conditions of probation. If the court revokes probation  
1440 for one or more technical violations, the court shall impose a





1441 period of imprisonment to be served in either a technical  
1442 violation center operated by the department or a restitution  
1443 center not to exceed ninety (90) days for the first revocation and  
1444 not to exceed one hundred twenty (120) days for the second  
1445 revocation. For the third revocation, the court may impose a  
1446 period of imprisonment to be served in either a technical  
1447 violation center or a restitution center for up to one hundred  
1448 eighty (180) days or the court may impose the remainder of the  
1449 suspended portion of the sentence. For the fourth and any  
1450 subsequent revocation, the court may impose up to the remainder of  
1451 the suspended portion of the sentence. The period of imprisonment  
1452 in a technical violation center imposed under this section shall  
1453 not be reduced in any manner.

1454 (d) For an offender charged with a technical violation  
1455 who has not been detained awaiting the revocation hearing, the  
1456 court may hold a hearing within a reasonable time. The court may  
1457 revoke probation or may continue probation and modify the terms  
1458 and conditions of probation. If the court revokes probation for  
1459 one or more technical violations the court shall impose a period  
1460 of imprisonment to be served in either a technical violation  
1461 center operated by the department or a restitution center not to  
1462 exceed ninety (90) days for the first revocation and not to exceed  
1463 one hundred twenty (120) days for the second revocation. For the  
1464 third revocation, the court may impose a period of imprisonment to  
1465 be served in either a technical violation center or a restitution



1466 center for up to one hundred eighty (180) days or the court may  
1467 impose the remainder of the suspended portion of the sentence.  
1468 For the fourth and any subsequent revocation, the court may impose  
1469 up to the remainder of the suspended portion of the sentence. The  
1470 period of imprisonment in a technical violation center imposed  
1471 under this section shall not be reduced in any manner.

1472 (6) If the probationer is arrested in a circuit court  
1473 district in the State of Mississippi other than that in which he  
1474 was convicted, the probation and parole officer, upon the written  
1475 request of the sentencing judge, shall furnish to the circuit  
1476 court or the county court of the county in which the arrest is  
1477 made, or to the judge of such court, a report concerning the  
1478 probationer, and such court or the judge in vacation shall have  
1479 authority, after a hearing, to continue or revoke all or any part  
1480 of probation or all or any part of the suspension of sentence, and  
1481 may in case of revocation proceed to deal with the case as if  
1482 there had been no probation. In such case, the clerk of the court  
1483 in which the order of revocation is issued shall forward a  
1484 transcript of such order to the clerk of the court of original  
1485 jurisdiction, and the clerk of that court shall proceed as if the  
1486 order of revocation had been issued by the court of original  
1487 jurisdiction. Upon the revocation of probation or suspension of  
1488 sentence of any offender, such offender shall be placed in the  
1489 legal custody of the State Department of Corrections and shall be  
1490 subject to the requirements thereof.



1491           (7) Any probationer who removes himself from the State of  
1492 Mississippi without permission of the court placing him on  
1493 probation, or the court to which jurisdiction has been  
1494 transferred, shall be deemed and considered a fugitive from  
1495 justice and shall be subject to extradition as now provided by  
1496 law. No part of the time that one is on probation shall be  
1497 considered as any part of the time that he shall be sentenced to  
1498 serve.

1499           (8) The arresting officer, except when a probation and  
1500 parole officer, shall be allowed the same fees as now provided by  
1501 law for arrest on warrant, and such fees shall be taxed against  
1502 the probationer and paid as now provided by law.

1503           (9) The arrest, revocation and recommitment procedures of  
1504 this section also apply to persons who are serving a period of  
1505 post-release supervision imposed by the court.

1506           (10) Unless good cause for the delay is established in the  
1507 record of the proceeding, the probation revocation charge shall be  
1508 dismissed if the revocation hearing is not held within thirty (30)  
1509 days of the warrant being issued.

1510           (11) The Department of Corrections shall provide  
1511 semiannually to the Oversight Task Force the number of warrants  
1512 issued for an alleged violation of probation or post-release  
1513 supervision, the average time between detention on a warrant and  
1514 preliminary hearing, the average time between detention on a  
1515 warrant and revocation hearing, the number of ninety-day sentences



1516 in a technical violation center issued by the court, the number of  
1517 one-hundred-twenty-day sentences in a technical violation center  
1518 issued by the court, the number of one-hundred-eighty-day  
1519 sentences issued by the court, and the number and average length  
1520 of the suspended sentences imposed by the court in response to a  
1521 violation.

1522       **SECTION 27.** Section 47-7-37.1, Mississippi Code of 1972, is  
1523 brought forward as follows:

1524       47-7-37.1. Notwithstanding any other provision of law to the  
1525 contrary, if a court finds by a preponderance of the evidence,  
1526 that a probationer or a person under post-release supervision has  
1527 committed a felony or absconded, the court may revoke his  
1528 probation and impose any or all of the sentence. For purposes of  
1529 this section, "absconding from supervision" means the failure of a  
1530 probationer to report to his supervising officer for six (6) or  
1531 more consecutive months.

1532       **SECTION 28.** Section 47-7-38, Mississippi Code of 1972, is  
1533 brought forward as follows:

1534       47-7-38. (1) The department shall have the authority to  
1535 impose graduated sanctions as an alternative to judicial  
1536 modification or revocation, as provided in Sections 47-7-27 and  
1537 47-7-37, for offenders on probation, parole, or post-release  
1538 supervision who commit technical violations of the conditions of  
1539 supervision as defined by Section 47-7-2.



1540           (2) The commissioner shall develop a standardized graduated  
1541 sanctions system, which shall include a grid to guide field  
1542 officers in determining the suitable response to a technical  
1543 violation. The commissioner shall promulgate rules and  
1544 regulations for the development and application of the system of  
1545 sanctions. Field officers shall be required to conform to the  
1546 sanction grid developed.

1547           (3) The system of sanctions shall include a list of  
1548 sanctions for the most common types of violations. When  
1549 determining the sanction to impose, the field officer shall take  
1550 into account the offender's assessed risk level, previous  
1551 violations and sanctions, and severity of the current and prior  
1552 violations.

1553           (4) Field officers shall notify the sentencing court when a  
1554 probationer has committed a technical violation or the parole  
1555 board when a parolee has committed a technical violation of the  
1556 type of violation and the sanction imposed. When the technical  
1557 violation is an arrest for a new criminal offense, the field  
1558 officer shall notify the court within forty-eight (48) hours of  
1559 becoming aware of the arrest.

1560           (5) The graduated sanctions that the department may impose  
1561 include, but shall not be limited to:

- 1562                   (a) Verbal warnings;
- 1563                   (b) Increased reporting;
- 1564                   (c) Increased drug and alcohol testing;



1565 (d) Mandatory substance abuse treatment;  
1566 (e) Loss of earned-discharge credits; and  
1567 (f) Incarceration in a county jail for no more than two  
1568 (2) days. Incarceration as a sanction shall not be used more than  
1569 two (2) times per month for a total period incarcerated of no more  
1570 than four (4) days.

1571 (6) The system shall also define positive reinforcements  
1572 that offenders will receive for compliance with conditions of  
1573 supervision. These positive reinforcements shall include, but not  
1574 limited to:

1575 (a) Verbal recognition;  
1576 (b) Reduced reporting; and  
1577 (c) Credits for earned discharge which shall be awarded  
1578 pursuant to Section 47-7-40.

1579 (7) The Department of Corrections shall provide semiannually  
1580 to the Oversight Task Force the number and percentage of offenders  
1581 who have one or more violations during the year, the average  
1582 number of violations per offender during the year and the total  
1583 and average number of incarceration sanctions as defined in  
1584 subsection (5) of this section imposed during the year.

1585 **SECTION 29.** Section 47-7-38.1, Mississippi Code of 1972, is  
1586 brought forward as follows:

1587 47-7-38.1. (1) The Department of Corrections shall  
1588 establish technical violation centers to detain probation and  
1589 parole violators revoked by the court or parole board.



1590           (2) The department shall place an offender in a violation  
1591 center for a technical violation as ordered by the board pursuant  
1592 to Section 47-7-27 and the sentencing court pursuant to Section  
1593 47-7-37.

1594           (3) The violation centers shall be equipped to address the  
1595 underlying factors that led to the offender's violation as  
1596 identified based on the results of a risk and needs assessment.  
1597 At a minimum each violation center shall include substance abuse  
1598 services shown to reduce recidivism and a reduction in the use of  
1599 illicit substances or alcohol, education programs, employment  
1600 preparation and training programs and behavioral programs.

1601           (4) As required by Section 47-5-20(b), the department shall  
1602 notify, by certified mail, each member of the board of supervisors  
1603 of the county in which the violation center shall be located of  
1604 the department's intent to convert an existing department facility  
1605 to a technical violation center.

1606           (5) The department shall establish rules and regulations for  
1607 the implementation and operation of the technical violation  
1608 centers.

1609           (6) The Department of Corrections shall provide to the  
1610 Oversight Task Force semiannually the average daily population of  
1611 the technical violation centers, the number of admissions to the  
1612 technical violation centers, and the average time served in the  
1613 technical violation centers.



1614           **SECTION 30.** Section 47-7-39, Mississippi Code of 1972, is  
1615 brought forward as follows:

1616           47-7-39. If, for good and sufficient reasons, a probationer  
1617 desires to change his residence within or without the state, such  
1618 transfer may be effected by application to his field supervisor  
1619 which transfer shall be subject to the court's consent and subject  
1620 to such regulations as the court, or judge, may require.

1621           **SECTION 31.** Section 47-7-40, Mississippi Code of 1972, is  
1622 brought forward as follows:

1623           47-7-40. (1) The commissioner shall establish rules and  
1624 regulations for implementing the earned-discharge program that  
1625 allows offenders on probation and parole to reduce the period of  
1626 supervision for complying with conditions of probation. The  
1627 department shall have the authority to award earned-discharge  
1628 credits to all offenders placed on probation, parole, or  
1629 post-release supervision who are in compliance with the terms and  
1630 conditions of supervision. An offender serving a Mississippi  
1631 sentence for an eligible offense in any jurisdiction under the  
1632 Interstate Compact for Adult Offender Supervision shall be  
1633 eligible for earned-discharge credits under this section.  
1634 Offenders shall not be denied earned-discharge credits solely  
1635 based on nonpayment of fees or fines if a hardship waiver has been  
1636 granted as provided in Section 47-7-49.

1637           (2) For each full calendar month of compliance with the  
1638 conditions of supervision, earned-discharge credits equal to the





1639 number of days in that month shall be deducted from the offender's  
1640 sentence discharge date. Credits begin to accrue for eligible  
1641 offenders after the first full calendar month of compliance  
1642 supervision conditions. For the purposes of this section, an  
1643 offender is deemed to be in compliance with the conditions of  
1644 supervision if there was no violation of the conditions of  
1645 supervision.

1646 (3) No earned-discharge credits may accrue for a calendar  
1647 month in which a violation report has been submitted, the offender  
1648 has absconded from supervision, the offender is serving a term of  
1649 imprisonment in a technical violation center, or for the months  
1650 between the submission of the violation report and the final  
1651 action on the violation report by the court or the board.

1652 (4) Earned-discharge credits shall be applied to the  
1653 sentence within thirty (30) days of the end of the month in which  
1654 the credits were earned. At least every six (6) months, an  
1655 offender who is serving a sentence eligible for earned-discharge  
1656 credits shall be notified of the current sentence discharge date.

1657 (5) Once the combination of time served on probation, parole  
1658 or post-release supervision, and earned-discharge credits satisfy  
1659 the term of probation, parole, or post-release supervision, the  
1660 board or sentencing court shall order final discharge of the  
1661 offender. No less than sixty (60) days prior to the date of final  
1662 discharge, the department shall notify the sentencing court and  
1663 the board of the impending discharge.



1664 (6) The department shall provide semiannually to the  
1665 Oversight Task Force the number and percentage of offenders who  
1666 qualify for earned discharge in one or more months of the year and  
1667 the average amount of credits earned within the year.

1668 **SECTION 32.** Section 47-7-41, Mississippi Code of 1972, is  
1669 brought forward as follows:

1670 47-7-41. When a probationer shall be discharged from  
1671 probation by the court of original jurisdiction, the field  
1672 supervisor, upon receiving a written request from the probationer,  
1673 shall forward a written report of the record of the probationer to  
1674 the Division of Community Corrections of the department, which  
1675 shall present a copy of this report to the Governor. The Governor  
1676 may, in his discretion, at any time thereafter by appropriate  
1677 executive order restore any civil rights lost by the probationer  
1678 by virtue of his conviction or plea of guilty in the court of  
1679 original jurisdiction.

1680 **SECTION 33.** Section 47-7-43, Mississippi Code of 1972, is  
1681 brought forward as follows:

1682 47-7-43. The provisions of this chapter are hereby extended  
1683 to all persons who, at the effective date thereof, may be on  
1684 parole, or eligible to be placed on parole under existing laws,  
1685 with the same force and effect as if this chapter had been in  
1686 operation at the time such persons were placed on parole or become  
1687 eligible to be placed thereon, as the case may be.



1688           **SECTION 34.** Section 47-7-45, Mississippi Code of 1972, is  
1689 brought forward as follows:

1690           47-7-45. The provisions of this chapter shall not apply to  
1691 probation under the Youth Court Law nor to parole from the Oakley  
1692 Youth Development Center.

1693           **SECTION 35.** Section 47-7-47, Mississippi Code of 1972, is  
1694 brought forward as follows:

1695           47-7-47. (1) The judge of any circuit court may place an  
1696 offender on a program of earned probation, in an intensive  
1697 supervision program or any intervention court authorized by law  
1698 after a period of confinement as set out herein and the judge may  
1699 seek the advice of the commissioner and shall direct that the  
1700 defendant be under the supervision of the department.

1701           (2) (a) Any circuit court or county court may, upon its own  
1702 motion, acting upon the advice and consent of the commissioner not  
1703 earlier than thirty (30) days nor later than three (3) years after  
1704 the defendant has been delivered to the custody of the department,  
1705 incarcerated by order of the court or otherwise sentenced, modify,  
1706 alter or suspend the further execution of the sentence and place  
1707 the defendant on earned probation, in an intensive supervision  
1708 program or any intervention court authorized by law except when a  
1709 death sentence or life imprisonment is the maximum penalty which  
1710 may be imposed or if the defendant has been confined two (2) or  
1711 more times for the conviction of a felony on a previous occasion  
1712 in any court or courts of the United States and of any state or



1713 territories thereof or has been convicted of a felony involving  
1714 the use of a deadly weapon.

1715 (b) The authority granted in this subsection shall be  
1716 exercised by the judge who imposed sentence on the defendant, or  
1717 his successor.

1718 (c) The time limit imposed by paragraph (a) of this  
1719 subsection is not applicable to those defendants sentenced to the  
1720 custody of the department prior to April 14, 1977. Persons who  
1721 are convicted of crimes that carry mandatory sentences shall not  
1722 be eligible for earned probation.

1723 (3) When any circuit or county court places an offender on  
1724 earned probation, the court shall give notice to the Mississippi  
1725 Department of Corrections within fifteen (15) days of the court's  
1726 decision to place the offender on earned probation. Notice shall  
1727 be delivered to the central office of the Mississippi Department  
1728 of Corrections and to the regional office of the department which  
1729 will be providing supervision to the offender on earned probation.

1730 (4) If the court places any person on probation or earned  
1731 probation, the court may order the person, as a condition of  
1732 probation, to a period of confinement and treatment at a private  
1733 or public agency or institution, either within or without the  
1734 state, which treats emotional, mental or drug-related problems.  
1735 Any person who, as a condition of probation, is confined for  
1736 treatment at an out-of-state facility shall be supervised pursuant  
1737 to Section 47-7-71, and any person confined at a private agency



1738 shall not be confined at public expense. Time served in any such  
1739 agency or institution may be counted as time required to meet the  
1740 criteria of subsection (2) (a).

1741 (5) If the court places any person on probation or earned  
1742 probation, the court may order the person to make appropriate  
1743 restitution to any victim of his crime or to society through the  
1744 performance of reasonable work for the benefit of the community.

1745 (6) If the court places any person on probation or earned  
1746 probation, the court may order the person, as a condition of  
1747 probation, to submit, as provided in Section 47-5-601, to any type  
1748 of breath, saliva or urine chemical analysis test, the purpose of  
1749 which is to detect the possible presence of alcohol or a substance  
1750 prohibited or controlled by any law of the State of Mississippi or  
1751 the United States.

1752 **SECTION 36.** Section 47-7-49, Mississippi Code of 1972, is  
1753 brought forward as follows:

1754 47-7-49. (1) Any offender on probation, parole,  
1755 earned-release supervision, post-release supervision, earned  
1756 probation or any other offender under the field supervision of the  
1757 Community Services Division of the department shall pay to the  
1758 department the sum of Fifty-five Dollars (\$55.00) per month by  
1759 certified check or money order unless a hardship waiver is  
1760 granted. An offender shall make the initial payment within sixty  
1761 (60) days after being released from imprisonment unless a hardship  
1762 waiver is granted. A hardship waiver may be granted by the



1763 sentencing court or the Department of Corrections. A hardship  
1764 waiver may not be granted for a period of time exceeding ninety  
1765 (90) days. The commissioner or his designee shall deposit Fifty  
1766 Dollars (\$50.00) of each payment received into a special fund in  
1767 the State Treasury, which is hereby created, to be known as the  
1768 Community Service Revolving Fund. Expenditures from this fund  
1769 shall be made for: (a) the establishment of restitution and  
1770 satellite centers; and (b) the establishment, administration and  
1771 operation of the department's Drug Identification Program and the  
1772 intensive and field supervision program. The Fifty Dollars  
1773 (\$50.00) may be used for salaries and to purchase equipment,  
1774 supplies and vehicles to be used by the Community Services  
1775 Division in the performance of its duties. Expenditures for the  
1776 purposes established in this section may be made from the fund  
1777 upon requisition by the commissioner, or his designee.

1778 Of the remaining amount, Three Dollars (\$3.00) of each  
1779 payment shall be deposited into the Crime Victims' Compensation  
1780 Fund created in Section 99-41-29, and Two Dollars (\$2.00) shall be  
1781 deposited into the Training Revolving Fund created pursuant to  
1782 Section 47-7-51. When a person is convicted of a felony in this  
1783 state, in addition to any other sentence it may impose, the court  
1784 may, in its discretion, order the offender to pay a state  
1785 assessment not to exceed the greater of One Thousand Dollars  
1786 (\$1,000.00) or the maximum fine that may be imposed for the



1787 offense, into the Crime Victims' Compensation Fund created  
1788 pursuant to Section 99-41-29.

1789 Any federal funds made available to the department for  
1790 training or for training facilities, equipment or services shall  
1791 be deposited into the Correctional Training Revolving Fund created  
1792 in Section 47-7-51. The funds deposited in this account shall be  
1793 used to support an expansion of the department's training program  
1794 to include the renovation of facilities for training purposes,  
1795 purchase of equipment and contracting of training services with  
1796 community colleges in the state.

1797 No offender shall be required to make this payment for a  
1798 period of time longer than ten (10) years.

1799 (2) The offender may be imprisoned until the payments are  
1800 made if the offender is financially able to make the payments and  
1801 the court in the county where the offender resides so finds,  
1802 subject to the limitations hereinafter set out. The offender  
1803 shall not be imprisoned if the offender is financially unable to  
1804 make the payments and so states to the court in writing, under  
1805 oath, and the court so finds.

1806 (3) An offender's responsibilities under this section may be  
1807 satisfied by an offender's employer under Section 47-7-36.1(2).

1808 (4) This section shall stand repealed from and after June  
1809 30, 2026.

1810 **SECTION 37.** Section 47-7-51, Mississippi Code of 1972, is  
1811 brought forward as follows:



1812           47-7-51. (1) There is hereby created in the State Treasury  
1813 a special fund, which shall be known as the Correctional Training  
1814 Revolving Fund. This fund shall be used to develop and implement  
1815 the comprehensive correction training program authorized in  
1816 Chapter 509, Laws of 1990. These funds may be used to construct  
1817 and renovate training facilities, purchase training equipment for  
1818 the hiring of instructors, and to pay operating expenses to  
1819 accomplish and fulfill the purposes of the training program.

1820           (2) The Commissioner of Corrections shall establish  
1821 guidelines for the use and accountability of such funds.

1822           **SECTION 38.** Section 47-7-53, Mississippi Code of 1972, is  
1823 brought forward as follows:

1824           47-7-53. If the Parole Board is abolished, the Department of  
1825 Corrections shall assume and exercise all the duties, powers and  
1826 responsibilities of the State Parole Board. The Commissioner of  
1827 Corrections may assign to the appropriate officers and divisions  
1828 any powers and duties deemed appropriate to carry out the duties  
1829 and powers of the Parole Board. Wherever the terms "State Parole  
1830 Board" or "Parole Board" appear in any state law, they shall mean  
1831 the Department of Corrections.

1832           **SECTION 39.** Section 47-7-55, Mississippi Code of 1972, is  
1833 brought forward as follows:

1834           47-7-55. (1) There is hereby created a joint committee of  
1835 the Senate and House of Representatives to be known as the Parole  
1836 Commission, hereinafter referred to as the "commission." The





1837 commission shall study and make recommendations to the Legislature  
1838 related to the abolition of parole, the complete and thorough  
1839 classification of inmates prior to sentencing and sentencing  
1840 standards.

1841 (2) The commission shall consist of the following members:

1842 (a) Three (3) members of the House Judiciary "B"  
1843 Committee and three (3) members of the House Penitentiary  
1844 Committee appointed by the Speaker.

1845 (b) Three (3) members of the Senate Corrections  
1846 Committee and three (3) members of the Senate Judiciary Committee  
1847 appointed by the Lieutenant Governor.

1848 (3) The Chairman of the Senate Corrections Committee and the  
1849 Chairman of the House Penitentiary Committee shall serve as  
1850 cochair of the commission.

1851 (4) The commission shall submit its findings and  
1852 recommendations to the Legislature no later than January 2, 1996.

1853 (5) For attending meetings of the commission, members of the  
1854 commission shall receive per diem as provided by Section 25-3-69,  
1855 and reimbursement of expenses as provided by Section 5-1-47. The  
1856 members of the commission shall obtain the approval of the  
1857 Management Committee of the House of Representatives and the  
1858 Contingent Expense Committee of the Senate for per diem and travel  
1859 expense expenditures of the commission. The members of the  
1860 commission shall not receive per diem or expenses while the  
1861 Legislature is in session. All expenses incurred by and on behalf



1862 of the commission shall be paid from the contingency funds of the  
1863 Senate and the House of Representatives.

1864 (6) In conducting its activities pursuant to this section,  
1865 the commission may elicit the support of and participation by  
1866 federal, state and local agencies and interested associations,  
1867 organizations and individuals. The commission may appoint an  
1868 advisory committee whose members shall serve without compensation.  
1869 The advisory committee may consist of judges, prosecuting  
1870 attorneys, defense attorneys, medical professionals, correctional  
1871 personnel and any other individual or groups that the commission  
1872 desires to place on the advisory committee.

1873 **SECTION 40.** Section 47-5-28, Mississippi Code of 1972, is  
1874 brought forward as follows:

1875 47-5-28. The commissioner shall have the following powers  
1876 and duties:

1877 (a) To implement and administer laws and policy  
1878 relating to corrections and coordinate the efforts of the  
1879 department with those of the federal government and other state  
1880 departments and agencies, county governments, municipal  
1881 governments, and private agencies concerned with providing  
1882 offender services;

1883 (b) To establish standards, in cooperation with other  
1884 state agencies having responsibility as provided by law, provide  
1885 technical assistance, and exercise the requisite supervision as it



1886 relates to correctional programs over all state-supported adult  
1887 correctional facilities and community-based programs;

1888 (c) To promulgate and publish such rules, regulations  
1889 and policies of the department as are needed for the efficient  
1890 government and maintenance of all facilities and programs in  
1891 accord insofar as possible with currently accepted standards of  
1892 adult offender care and treatment;

1893 (d) To provide the Parole Board with suitable and  
1894 sufficient office space and support resources and staff necessary  
1895 to conduct Parole Board business under the guidance of the  
1896 Chairman of the Parole Board;

1897 (e) To contract for transitional reentry center beds  
1898 that will be used as noncorrections housing for offenders released  
1899 from the department on parole, probation or post-release  
1900 supervision but do not have appropriate housing available upon  
1901 release. At least one hundred (100) but no more than eight  
1902 hundred (800) transitional reentry center beds contracted by the  
1903 department and chosen by the Parole Board shall be available for  
1904 the Parole Board to place parolees without appropriate housing;

1905 (f) To designate deputy commissioners while performing  
1906 their officially assigned duties relating to the custody, control,  
1907 transportation, recapture or arrest of any offender within the  
1908 jurisdiction of the department or any offender of any jail,  
1909 penitentiary, public workhouse or overnight lockup of the state or  
1910 any political subdivision thereof not within the jurisdiction of



1911 the department, to the status of peace officers anywhere in the  
1912 state in any matter relating to the custody, control,  
1913 transportation or recapture of such offender, and shall have the  
1914 status of law enforcement officers and peace officers as  
1915 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

1916 For the purpose of administration and enforcement of this  
1917 chapter, deputy commissioners of the Mississippi Department of  
1918 Corrections, who are certified by the Mississippi Board on Law  
1919 Enforcement Officer Standards and Training, have the powers of a  
1920 law enforcement officer of this state. Such powers shall include  
1921 to make arrests and to serve and execute search warrants and other  
1922 valid legal process anywhere within the State of Mississippi while  
1923 performing their officially assigned duties relating to the  
1924 custody, control, transportation, recapture or arrest of any  
1925 offender within the jurisdiction of the department or any offender  
1926 of any jail, penitentiary, public workhouse or overnight lockup of  
1927 the state or any political subdivision thereof not within the  
1928 jurisdiction of the department in any matter relating to the  
1929 custody, control, transportation or recapture of such offender;

1930 (g) To make an annual report to the Governor and the  
1931 Legislature reflecting the activities of the department and make  
1932 recommendations for improvement of the services to be performed by  
1933 the department;



1934 (h) To cooperate fully with periodic independent  
1935 internal investigations of the department and to file the report  
1936 with the Governor and the Legislature;

1937 (i) To contract with licensed special care facilities  
1938 for paroled inmates to provide authorized medical services and  
1939 support services for medically frail inmates who have been paroled  
1940 and who have voluntarily submitted to the Department of Corrections  
1941 an address to one of the licensed care facilities to receive such  
1942 services; and

1943 (j) To perform such other duties necessary to  
1944 effectively and efficiently carry out the purposes of the  
1945 department as may be directed by the Governor.

1946 **SECTION 41.** Section 47-5-931, Mississippi Code of 1972, is  
1947 brought forward as follows:

1948 47-5-931. (1) The Department of Corrections, in its  
1949 discretion, may contract with the board of supervisors of one or  
1950 more counties or with a regional facility operated by one or more  
1951 counties, to provide for housing, care and control of offenders  
1952 who are in the custody of the State of Mississippi. Any facility  
1953 owned or leased by a county or counties for this purpose shall be  
1954 designed, constructed, operated and maintained in accordance with  
1955 American Correctional Association standards, and shall comply with  
1956 all constitutional standards of the United States and the State of  
1957 Mississippi, and with all court orders that may now or hereinafter  
1958 be applicable to the facility. If the Department of Corrections



1959 contracts with more than one (1) county to house state offenders  
1960 in county correctional facilities, excluding a regional facility,  
1961 then the first of such facilities shall be constructed in Sharkey  
1962 County and the second of such facilities shall be constructed in  
1963 Jefferson County.

1964 (2) The Department of Corrections shall contract with the  
1965 board of supervisors of the following counties to house state  
1966 inmates in regional facilities: (a) Marion and Walthall Counties;  
1967 (b) Carroll and Montgomery Counties; (c) Stone and Pearl River  
1968 Counties; (d) Winston and Choctaw Counties; (e) Kemper and Neshoba  
1969 Counties; (f) Alcorn County and any contiguous county in which  
1970 there is located an unapproved jail; (g) Yazoo County and any  
1971 contiguous county in which there is located an unapproved jail;  
1972 (h) Chickasaw County and any contiguous county in which there is  
1973 located an unapproved jail; (i) George and Greene Counties and any  
1974 contiguous county in which there is located an unapproved jail;  
1975 (j) Washington County and any contiguous county in which there is  
1976 located an unapproved jail; (k) Hinds County and any contiguous  
1977 county in which there is located an unapproved jail; (l) Leake  
1978 County and any contiguous county in which there is located an  
1979 unapproved jail; (m) Issaquena County and any contiguous county in  
1980 which there is located an unapproved jail; (n) Jefferson County  
1981 and any contiguous county in which there is located an unapproved  
1982 jail; (o) Franklin County and any contiguous county in which there  
1983 is located an unapproved jail; (p) Holmes County and any



1984 contiguous county in which there is located an unapproved jail;  
1985 and (q) Bolivar County and any contiguous county in which there is  
1986 located an unapproved jail. The Department of Corrections shall  
1987 decide the order of priority of the counties listed in this  
1988 subsection with which it will contract for the housing of state  
1989 inmates. For the purposes of this subsection, the term  
1990 "unapproved jail" means any jail that the local grand jury  
1991 determines should be condemned or has found to be of substandard  
1992 condition or in need of substantial repair or reconstruction.

1993 (3) In addition to the offenders authorized to be housed  
1994 under subsection (1) of this section, the Department of  
1995 Corrections may contract with any regional facility to provide for  
1996 housing, care and control of not more than seventy-five (75)  
1997 additional offenders who are in the custody of the State of  
1998 Mississippi.

1999 (4) The Governor and the Commissioner of Corrections are  
2000 authorized to increase administratively the number of offenders  
2001 who are in the custody of the State of Mississippi that can be  
2002 placed in regional correctional facilities.

2003 **SECTION 42.** Section 47-5-933, Mississippi Code of 1972, is  
2004 brought forward as follows:

2005 47-5-933. The Department of Corrections may contract for the  
2006 purposes set out in Section 47-5-931 for a period of not more than  
2007 twenty (20) years. The contract may provide that the Department  
2008 of Corrections pay a fee of no more than Thirty-two Dollars and



2009 Seventy-one Cents (\$32.71) per day for each offender that is  
2010 housed in the facility. The Department of Corrections may include  
2011 in the contract, as an inflation factor, a three percent (3%)  
2012 annual increase in the contract price. The state shall retain  
2013 responsibility for medical care for state offenders to the extent  
2014 that is required by law; provided, however, the department may  
2015 reimburse each facility for contract medical services as provided  
2016 by law in an amount not to exceed Six Dollars and Twenty-five  
2017 Cents (\$6.25) per day per offender.

2018 **SECTION 43.** Section 47-5-938, Mississippi Code of 1972, is  
2019 brought forward as follows:

2020 47-5-938. (1) Offenders are encouraged to participate in  
2021 work programs. The chief corrections officer as created in  
2022 Section 47-5-935, with ratification of the board of supervisors of  
2023 the county in which a correctional facility established pursuant  
2024 to Sections 47-5-931 through 47-5-941, is located, may enter into  
2025 agreements to provide work for any state offender housed in the  
2026 facility, with the approval of the Commissioner of Corrections, to  
2027 perform any work:

2028 (a) Authorized in the Mississippi Prison Industries Act  
2029 of 1990 as provided in Sections 47-5-531 through 47-5-575;

2030 (b) Authorized in the Prison Agricultural Enterprises  
2031 Act as provided in Sections 47-5-351 through 47-5-357;

2032 (c) Authorized in the Penitentiary-Made Goods Law of  
2033 1978 as provided in Sections 47-5-301 through 47-5-331;





2034 (d) Authorized in the Public Service Work Programs Act  
2035 as provided in Sections 47-5-401 through 47-5-421;

2036 (e) Authorized in Section 47-5-431, which authorizes  
2037 the sheriff to use county or state offenders to pick up trash  
2038 along public roads and state highways.

2039 (2) The chief corrections officer shall promulgate rules and  
2040 regulations as may be necessary to govern the work performance of  
2041 the offenders for the parties to the agreements. Political  
2042 subdivisions of the State of Mississippi including but not limited  
2043 to counties, municipalities, school districts, drainage districts,  
2044 water management districts and joint county-municipal endeavors  
2045 are to have free use of the offender's labor but are responsible  
2046 for reimbursing the facility for costs of transportation, guards,  
2047 meals and other necessary costs when the inmates are providing  
2048 work for that political body. Offenders may be compensated for  
2049 work performed if the agreement so provides.

2050 (3) There is created a special fund in the county treasury  
2051 to be known as the "offender's compensation fund." All  
2052 compensation paid to offenders shall be placed in the special fund  
2053 for use by the offenders to purchase certain goods and other items  
2054 of value as authorized in Section 47-5-109, for offenders housed  
2055 in state correctional facilities. As provided in Section  
2056 47-5-194, no cash is to be paid to offenders. The agreement shall  
2057 provide that a certain portion of the compensation shall be used  
2058 for the welfare of the offenders. All money collected from the



2059 regional jail canteen operations shall be placed in a county  
2060 special fund. Expenditures from that fund can be made by the  
2061 chief corrections officer for any lawful purpose that is in the  
2062 best interest and welfare of the offenders. The chief corrections  
2063 officer, his employees and the county or counties owning the  
2064 facility are given the authority necessary to carry out the  
2065 provisions of this section.

2066 (4) The provisions of this section shall be supplemental to  
2067 any other provisions of law regarding offender labor and work  
2068 programs.

2069 **SECTION 44.** Section 45-1-3, Mississippi Code of 1972, is  
2070 brought forward as follows:

2071 45-1-3. (1) When not otherwise specifically provided, the  
2072 commissioner is authorized to make and promulgate reasonable rules  
2073 and regulations to be coordinated, and carry out the general  
2074 provisions of the Highway Safety Patrol and Driver's License Law  
2075 of 1938.

2076 (2) The commissioner shall have the authority to administer  
2077 oaths.

2078 (3) Notwithstanding any other provision of law, with written  
2079 approval from the Executive Director of the Department of Finance  
2080 and Administration, the commissioner may enter into a lease or  
2081 sublease agreement for space in the Department of Public Safety  
2082 headquarters building with a third party for the purpose of  
2083 providing services and assistance to the department and its



2084 employees. The proceeds received from the lease under this  
2085 subsection shall be paid to the State Treasurer for deposit into  
2086 the General Fund.

2087 **SECTION 45.** Section 9-23-11, Mississippi Code of 1972, is  
2088 brought forward as follows:

2089 9-23-11. (1) The Administrative Office of Courts shall  
2090 establish, implement and operate a uniform certification process  
2091 for all intervention courts and other problem-solving courts  
2092 including juvenile courts, veterans courts or any other court  
2093 designed to adjudicate criminal actions involving an identified  
2094 classification of criminal defendant to ensure funding for  
2095 intervention courts supports effective and proven practices that  
2096 reduce recidivism and substance dependency among their  
2097 participants.

2098 (2) The Administrative Office of Courts shall establish a  
2099 certification process that ensures any new or existing  
2100 intervention court meets minimum standards for intervention court  
2101 operation.

2102 (a) These standards shall include, but are not limited  
2103 to:

2104 (i) The use of evidence-based practices including,  
2105 but not limited to, the use of a valid and reliable risk and needs  
2106 assessment tool to identify participants and deliver appropriate  
2107 interventions;



2108 (ii) Targeting medium to high-risk offenders for  
2109 participation;

2110 (iii) The use of current, evidence-based  
2111 interventions proven to reduce dependency on drugs or alcohol, or  
2112 both;

2113 (iv) Frequent testing for alcohol or drugs;

2114 (v) Coordinated strategy between all intervention  
2115 court program personnel involving the use of graduated clinical  
2116 interventions;

2117 (vi) Ongoing judicial interaction with each  
2118 participant; and

2119 (vii) Monitoring and evaluation of intervention  
2120 court program implementation and outcomes through data collection  
2121 and reporting.

2122 (b) Intervention court certification applications shall  
2123 include:

2124 (i) A description of the need for the intervention  
2125 court;

2126 (ii) The targeted population for the intervention  
2127 court;

2128 (iii) The eligibility criteria for intervention  
2129 court participants;

2130 (iv) A description of the process for identifying  
2131 appropriate participants including the use of a risk and needs  
2132 assessment and a clinical assessment;



2133 (v) A description of the intervention court  
2134 intervention components, including anticipated budget and  
2135 implementation plan;

2136 (vi) The data collection plan which shall include  
2137 collecting the following data:

2138 1. Total number of participants;

2139 2. Total number of successful participants;

2140 3. Total number of unsuccessful participants  
2141 and the reason why each participant did not complete the program;

2142 4. Total number of participants who were  
2143 arrested for a new criminal offense while in the intervention  
2144 court program;

2145 5. Total number of participants who were  
2146 convicted of a new felony or misdemeanor offense while in the  
2147 intervention court program;

2148 6. Total number of participants who committed  
2149 at least one (1) violation while in the intervention court program  
2150 and the resulting sanction(s);

2151 7. Results of the initial risk and needs  
2152 assessment or other clinical assessment conducted on each  
2153 participant; and

2154 8. Total number of applications for screening  
2155 by race, gender, offenses charged, indigence and, if not accepted,  
2156 the reason for nonacceptance; and



2157                   9. Any other data or information as required  
2158 by the Administrative Office of Courts.

2159                   (c) Every intervention court shall be certified under  
2160 the following schedule:

2161                   (i) An intervention court application submitted  
2162 after July 1, 2014, shall require certification of the  
2163 intervention court based on the proposed drug court plan.

2164                   (ii) An intervention court initially established  
2165 and certified after July 1, 2014, shall be recertified after its  
2166 second year of funded operation on a time frame consistent with  
2167 the other certified courts of its type.

2168                   (iii) A certified adult felony intervention court  
2169 in existence on December 31, 2018, must submit a recertification  
2170 petition by July 1, 2019, and be recertified under the  
2171 requirements of this section on or before December 31, 2019; after  
2172 the recertification, all certified adult felony intervention  
2173 courts must submit a recertification petition every two (2) years  
2174 to the Administrative Office of Courts. The recertification  
2175 process must be completed by December 31st of every odd calendar  
2176 year.

2177                   (iv) A certified youth, family, misdemeanor or  
2178 chancery intervention court in existence on December 31, 2018,  
2179 must submit a recertification petition by July 31, 2020, and be  
2180 recertified under the requirements of this section by December 31,  
2181 2020. After the recertification, all certified youth, family,



2182 misdemeanor and chancery intervention courts must submit a  
2183 recertification petition every two (2) years to the Administrative  
2184 Office of Courts. The recertification process must be completed  
2185 by December 31st of every even calendar year.

2186 (3) All certified intervention courts shall measure  
2187 successful completion of the drug court based on those  
2188 participants who complete the program without a new criminal  
2189 conviction.

2190 (4) (a) All certified drug courts must collect and submit  
2191 to the Administrative Office of Courts each month, the following  
2192 data:

2193 (i) Total number of participants at the beginning  
2194 of the month;

2195 (ii) Total number of participants at the end of  
2196 the month;

2197 (iii) Total number of participants who began the  
2198 program in the month;

2199 (iv) Total number of participants who successfully  
2200 completed the intervention court in the month;

2201 (v) Total number of participants who left the  
2202 program in the month;

2203 (vi) Total number of participants who were  
2204 arrested for a new criminal offense while in the intervention  
2205 court program in the month;



2206 (vii) Total number of participants who were  
2207 convicted for a new criminal arrest while in the intervention  
2208 court program in the month; and

2209 (viii) Total number of participants who committed  
2210 at least one (1) violation while in the intervention court program  
2211 and any resulting sanction(s).

2212 (b) By August 1, 2015, and each year thereafter, the  
2213 Administrative Office of Courts shall report to the PEER Committee  
2214 the information in subsection (4)(a) of this section in a  
2215 sortable, electronic format.

2216 (5) All certified intervention courts may individually  
2217 establish rules and may make special orders and rules as necessary  
2218 that do not conflict with the rules promulgated by the Supreme  
2219 Court or the Administrative Office of Courts.

2220 (6) A certified intervention court may appoint the full- or  
2221 part-time employees it deems necessary for the work of the  
2222 intervention court and shall fix the compensation of those  
2223 employees. Such employees shall serve at the will and pleasure of  
2224 the judge or the judge's designee.

2225 (7) The Administrative Office of Courts shall promulgate  
2226 rules and regulations to carry out the certification and  
2227 re-certification process and make any other policies not  
2228 inconsistent with this section to carry out this process.





2229 (8) A certified intervention court established under this  
2230 chapter is subject to the regulatory powers of the Administrative  
2231 Office of Courts as set forth in Section 9-23-17.

2232 **SECTION 46.** Section 99-39-5, Mississippi Code of 1972, is  
2233 brought forward as follows:

2234 99-39-5. (1) Any person sentenced by a court of record of  
2235 the State of Mississippi, including a person currently  
2236 incarcerated, civilly committed, on parole or probation or subject  
2237 to sex offender registration for the period of the registration or  
2238 for the first five (5) years of the registration, whichever is the  
2239 shorter period, may file a motion to vacate, set aside or correct  
2240 the judgment or sentence, a motion to request forensic DNA testing  
2241 of biological evidence, or a motion for an out-of-time appeal if  
2242 the person claims:

2243 (a) That the conviction or the sentence was imposed in  
2244 violation of the Constitution of the United States or the  
2245 Constitution or laws of Mississippi;

2246 (b) That the trial court was without jurisdiction to  
2247 impose sentence;

2248 (c) That the statute under which the conviction and/or  
2249 sentence was obtained is unconstitutional;

2250 (d) That the sentence exceeds the maximum authorized by  
2251 law;



2252 (e) That there exists evidence of material facts, not  
2253 previously presented and heard, that requires vacation of the  
2254 conviction or sentence in the interest of justice;

2255 (f) That there exists biological evidence secured in  
2256 relation to the investigation or prosecution attendant to the  
2257 petitioner's conviction not tested, or, if previously tested, that  
2258 can be subjected to additional DNA testing, that would provide a  
2259 reasonable likelihood of more probative results, and that testing  
2260 would demonstrate by reasonable probability that the petitioner  
2261 would not have been convicted or would have received a lesser  
2262 sentence if favorable results had been obtained through such  
2263 forensic DNA testing at the time of the original prosecution.

2264 (g) That his plea was made involuntarily;

2265 (h) That his sentence has expired; his probation,  
2266 parole or conditional release unlawfully revoked; or he is  
2267 otherwise unlawfully held in custody;

2268 (i) That he is entitled to an out-of-time appeal; or

2269 (j) That the conviction or sentence is otherwise  
2270 subject to collateral attack upon any grounds of alleged error  
2271 heretofore available under any common law, statutory or other  
2272 writ, motion, petition, proceeding or remedy.

2273 (2) A motion for relief under this article shall be made  
2274 within three (3) years after the time in which the petitioner's  
2275 direct appeal is ruled upon by the Supreme Court of Mississippi  
2276 or, in case no appeal is taken, within three (3) years after the



2277 time for taking an appeal from the judgment of conviction or  
2278 sentence has expired, or in case of a guilty plea, within three  
2279 (3) years after entry of the judgment of conviction. Excepted  
2280 from this three-year statute of limitations are those cases in  
2281 which the petitioner can demonstrate either:

2282           (a) (i) That there has been an intervening decision of  
2283 the Supreme Court of either the State of Mississippi or the United  
2284 States which would have actually adversely affected the outcome of  
2285 his conviction or sentence or that he has evidence, not reasonably  
2286 discoverable at the time of trial, which is of such nature that it  
2287 would be practically conclusive that had such been introduced at  
2288 trial it would have caused a different result in the conviction or  
2289 sentence; or

2290           (ii) That, even if the petitioner pled guilty or  
2291 nolo contendere, or confessed or admitted to a crime, there exists  
2292 biological evidence not tested, or, if previously tested, that can  
2293 be subjected to additional DNA testing that would provide a  
2294 reasonable likelihood of more probative results, and that testing  
2295 would demonstrate by reasonable probability that the petitioner  
2296 would not have been convicted or would have received a lesser  
2297 sentence if favorable results had been obtained through such  
2298 forensic DNA testing at the time of the original prosecution.

2299           (b) Likewise excepted are those cases in which the  
2300 petitioner claims that his sentence has expired or his probation,  
2301 parole or conditional release has been unlawfully revoked.



2302 Likewise excepted are filings for post-conviction relief in  
2303 capital cases which shall be made within one (1) year after  
2304 conviction.

2305 (3) This motion is not a substitute for, nor does it affect,  
2306 any remedy incident to the proceeding in the trial court, or  
2307 direct review of the conviction or sentence.

2308 (4) Proceedings under this article shall be subject to the  
2309 provisions of Section 99-19-42.

2310 (5) For the purposes of this article:

2311 (a) "Biological evidence" means the contents of a  
2312 sexual assault examination kit and any item that contains blood,  
2313 semen, hair, saliva, skin tissue, fingernail scrapings, bone,  
2314 bodily fluids or other identifiable biological material that was  
2315 collected as part of the criminal investigation or may reasonably  
2316 be used to incriminate or exculpate any person for the offense.  
2317 This definition applies whether that material is catalogued  
2318 separately, such as on a slide, swab or in a test tube, or is  
2319 present on other evidence, including, but not limited to,  
2320 clothing, ligatures, bedding or other household material, drinking  
2321 cups, cigarettes or other items;

2322 (b) "DNA" means deoxyribonucleic acid.

2323 **SECTION 47.** Section 99-39-27, Mississippi Code of 1972, is  
2324 brought forward as follows:



2325           99-39-27. (1) The application for leave to proceed in the  
2326 trial court filed with the Supreme Court under Section 99-39-7  
2327 shall name the State of Mississippi as the respondent.

2328           (2) The application shall contain the original and two (2)  
2329 executed copies of the motion proposed to be filed in the trial  
2330 court together with such other supporting pleadings and  
2331 documentation as the Supreme Court by rule may require.

2332           (3) The prisoner shall serve an executed copy of the  
2333 application upon the Attorney General simultaneously with the  
2334 filing of the application with the court.

2335           (4) The original motion, together with all files, records,  
2336 transcripts and correspondence relating to the judgment under  
2337 attack, shall promptly be examined by the court.

2338           (5) Unless it appears from the face of the application,  
2339 motion, exhibits and the prior record that the claims presented by  
2340 those documents are not procedurally barred under Section 99-39-21  
2341 and that they further present a substantial showing of the denial  
2342 of a state or federal right, the court shall by appropriate order  
2343 deny the application. The court may, in its discretion, require  
2344 the Attorney General upon sufficient notice to respond to the  
2345 application.

2346           (6) The court, upon satisfaction of the standards set forth  
2347 in this article, is empowered to grant the application.

2348           (7) In granting the application the court, in its  
2349 discretion, may:



2350 (a) Where sufficient facts exist from the face of the  
2351 application, motion, exhibits, the prior record and the state's  
2352 response, together with any exhibits submitted with those  
2353 documents, or upon stipulation of the parties, grant or deny any  
2354 or all relief requested in the attached motion.

2355 (b) Allow the filing of the motion in the trial court  
2356 for further proceedings under Sections 99-39-13 through 99-39-23.

2357 (8) No application or relief shall be granted without the  
2358 Attorney General being given at least five (5) days to respond.

2359 (9) The dismissal or denial of an application under this  
2360 section is a final judgment and shall be a bar to a second or  
2361 successive application under this article. Excepted from this  
2362 prohibition is an application filed under Section 99-19-57(2),  
2363 raising the issue of the offender's supervening mental illness  
2364 before the execution of a sentence of death. A dismissal or  
2365 denial of an application relating to mental illness under Section  
2366 99-19-57(2) shall be res judicata on the issue and shall likewise  
2367 bar any second or successive applications on the issue. Likewise  
2368 excepted from this prohibition are those cases in which the  
2369 prisoner can demonstrate either that there has been an intervening  
2370 decision of the Supreme Court of either the State of Mississippi  
2371 or the United States that would have actually adversely affected  
2372 the outcome of his conviction or sentence or that he has evidence,  
2373 not reasonably discoverable at the time of trial, that is of such  
2374 nature that it would be practically conclusive that, if it had



2375 been introduced at trial, it would have caused a different result  
2376 in the conviction or sentence. Likewise exempted are those cases  
2377 in which the prisoner claims that his sentence has expired or his  
2378 probation, parole or conditional release has been unlawfully  
2379 revoked.

2380 (10) Proceedings under this section shall be subject to the  
2381 provisions of Section 99-19-42.

2382 (11) Post-conviction proceedings in which the defendant is  
2383 under sentence of death shall be governed by rules established by  
2384 the Supreme Court as well as the provisions of this section.

2385 **SECTION 48.** Section 41-29-153, Mississippi Code of 1972, is  
2386 brought forward as follows:

2387 41-29-153. (a) The following are subject to forfeiture:

2388 (1) All controlled substances which have been  
2389 manufactured, distributed, dispensed or acquired in violation of  
2390 this article or in violation of Article 5 of this chapter or  
2391 Chapter 137 of this title;

2392 (2) All raw materials, products and equipment of any  
2393 kind which are used, or intended for use, in manufacturing,  
2394 compounding, processing, delivering, importing, or exporting any  
2395 controlled substance in violation of this article or in violation  
2396 of Article 5 of this chapter or Chapter 137 of this title;

2397 (3) All property which is used, or intended for use, as  
2398 a container for property described in paragraph (1) or (2) of this  
2399 subsection;



2400 (4) All conveyances, including aircraft, vehicles or  
2401 vessels, which are used, or intended for use, to transport, or in  
2402 any manner to facilitate the transportation, sale, receipt,  
2403 possession or concealment of property described in paragraph (1)  
2404 or (2) of this subsection, however:

2405 A. No conveyance used by any person as a common  
2406 carrier in the transaction of business as a common carrier is  
2407 subject to forfeiture under this section unless it appears that  
2408 the owner or other person in charge of the conveyance is a  
2409 consenting party or privy to a violation of this article;

2410 B. No conveyance is subject to forfeiture under  
2411 this section by reason of any act or omission proved by the owner  
2412 thereof to have been committed or omitted without his knowledge or  
2413 consent; if the confiscating authority has reason to believe that  
2414 the conveyance is a leased or rented conveyance, then the  
2415 confiscating authority shall notify the owner of the conveyance  
2416 within five (5) days of the confiscation;

2417 C. A forfeiture of a conveyance encumbered by a  
2418 bona fide security interest is subject to the interest of the  
2419 secured party if he neither had knowledge of nor consented to the  
2420 act or omission;

2421 D. A conveyance is not subject to forfeiture for a  
2422 violation of Section 41-29-139(c) (2) (A) 1, 2 or (B)1 or (C)1, 2,  
2423 3;





2424 (5) All money, deadly weapons, books, records, and  
2425 research products and materials, including formulas, microfilm,  
2426 tapes and data which are used, or intended for use, in violation  
2427 of this article or in violation of Article 5 of this chapter or  
2428 Chapter 137 of this title;

2429 (6) All drug paraphernalia as defined in Section  
2430 41-29-105(v); and

2431 (7) Everything of value, including real estate,  
2432 furnished, or intended to be furnished, in exchange for a  
2433 controlled substance in violation of this article, all proceeds  
2434 traceable to such an exchange, and all monies, negotiable  
2435 instruments, businesses or business investments, securities, and  
2436 other things of value used, or intended to be used, to facilitate  
2437 any violation of this article. All monies, coin and currency  
2438 found in close proximity to forfeitable controlled substances, to  
2439 forfeitable drug manufacturing or distributing paraphernalia, or  
2440 to forfeitable records of the importation, manufacture or  
2441 distribution of controlled substances are presumed to be  
2442 forfeitable under this paragraph; the burden of proof is upon  
2443 claimants of the property to rebut this presumption.

2444 A. No property shall be forfeited under the  
2445 provisions of subsection (a)(7) of this section, to the extent of  
2446 the interest of an owner, by reason of any act or omission  
2447 established by him to have been committed or omitted without his  
2448 knowledge or consent.



2449                   B. Neither personal property encumbered by a bona  
2450 fide security interest nor real estate encumbered by a bona fide  
2451 mortgage, deed of trust, lien or encumbrance shall be forfeited  
2452 under the provisions of subsection (a)(7) of this section, to the  
2453 extent of the interest of the secured party or the interest of the  
2454 mortgagee, holder of a deed of trust, lien or encumbrance by  
2455 reason of any act or omission established by him to have been  
2456 committed or omitted without his knowledge or consent.

2457           (b) Property subject to forfeiture may be seized by the  
2458 bureau, local law enforcement officers, enforcement officers of  
2459 the Mississippi Department of Transportation, highway patrolmen,  
2460 the board, the State Board of Pharmacy, or law enforcement  
2461 officers of the Mississippi Department of Revenue or Mississippi  
2462 Department of Health acting with their duties in accordance with  
2463 the Mississippi Medical Cannabis Act, upon process issued by any  
2464 appropriate court having jurisdiction over the property. Seizure  
2465 without process may be made if:

2466                   (1) The seizure is incident to an arrest or a search  
2467 under a search warrant or an inspection under an administrative  
2468 inspection warrant;

2469                   (2) The property subject to seizure has been the  
2470 subject of a prior judgment in favor of the state in a criminal  
2471 injunction or forfeiture proceeding based upon this article;

2472                   (3) The bureau, the board, local law enforcement  
2473 officers, enforcement officers of the Mississippi Department of



2474 Transportation, or highway patrolmen, the State Board of Pharmacy,  
2475 or law enforcement officers of the Mississippi Department of  
2476 Revenue or Mississippi Department of Health acting with their  
2477 duties in accordance with the Mississippi Medical Cannabis Act,  
2478 have probable cause to believe that the property is directly or  
2479 indirectly dangerous to health or safety;

2480           (4) The bureau, local law enforcement officers,  
2481 enforcement officers of the Mississippi Department of  
2482 Transportation, highway patrolmen, the board, the State Board of  
2483 Pharmacy, or law enforcement officers of the Mississippi  
2484 Department of Revenue or Mississippi Department of Health acting  
2485 with their duties in accordance with the Mississippi Medical  
2486 Cannabis Act, have probable cause to believe that the property was  
2487 used or is intended to be used in violation of this article; or

2488           (5) The seizing law enforcement agency obtained a  
2489 seizure warrant as described in subsection (f) of this section.

2490           (c) Controlled substances listed in Schedule I of Section  
2491 41-29-113 that are possessed, transferred, sold, or offered for  
2492 sale in violation of this article are contraband and shall be  
2493 seized and summarily forfeited to the state. Controlled  
2494 substances listed in the said Schedule I, which are seized or come  
2495 into the possession of the state, the owners of which are unknown,  
2496 are contraband and shall be summarily forfeited to the state.

2497           (d) Species of plants from which controlled substances in  
2498 Schedules I and II of Sections 41-29-113 and 41-29-115 may be



2499 derived which have been planted or cultivated in violation of this  
2500 article, or of which the owners or cultivators are unknown, or  
2501 which are wild growths, may be seized and summarily forfeited to  
2502 the state.

2503 (e) The failure, upon demand by the bureau and/or local law  
2504 enforcement officers, or their authorized agents, or highway  
2505 patrolmen designated by the bureau, the board, the State Board of  
2506 Pharmacy, or law enforcement officers of the Mississippi  
2507 Department of Revenue or Mississippi Department of Health acting  
2508 with their duties in accordance with the Mississippi Medical  
2509 Cannabis Act, of the person in occupancy or in control of land or  
2510 premises upon which the species of plants are growing or being  
2511 stored, to produce an appropriate registration, or proof that he  
2512 is the holder thereof, constitutes authority for the seizure and  
2513 forfeiture of the plants.

2514 (f) (1) When any property is seized under the Uniform  
2515 Controlled Substances Law, except as otherwise provided in  
2516 paragraph (3) of this subsection, by a law enforcement agency with  
2517 the intent to be forfeited, the law enforcement agency that seized  
2518 the property shall obtain a seizure warrant from the county or  
2519 circuit court having jurisdiction of such property within  
2520 seventy-two (72) hours of any seizure, excluding weekends and  
2521 holidays. Any law enforcement agency that fails to obtain a  
2522 seizure warrant within seventy-two (72) hours as required by this  
2523 section shall notify the person from whom the property was seized



2524 that it will not be forfeited and shall provide written  
2525 instructions advising the person how to retrieve the seized  
2526 property.

2527 (2) A circuit or county judge having jurisdiction of  
2528 any property other than a controlled substance, raw material or  
2529 paraphernalia, may issue a seizure warrant upon proper oath or  
2530 affirmation from a law enforcement agency. The law enforcement  
2531 agency that is seeking a seizure warrant shall provide the  
2532 following information to the judge:

2533 A. Probable cause to believe that the property was  
2534 used or intended to be used in violation of this article;

2535 B. The name of the person from whom the property  
2536 was seized; and

2537 C. A detailed description of the property which is  
2538 seized, including the value of the property.

2539 (3) This subsection does not apply to seizures  
2540 performed pursuant to Section 41-29-157 when property is  
2541 specifically set forth in a search and seizure warrant.

2542 **SECTION 49.** Section 41-29-154, Mississippi Code of 1972, is  
2543 brought forward as follows:

2544 41-29-154. Any controlled substance or paraphernalia seized  
2545 under the authority of this article or any other law of  
2546 Mississippi or of the United States, shall be destroyed,  
2547 adulterated and disposed of or otherwise rendered harmless and  
2548 disposed of, upon written authorization of the director,



2549 Commissioner of the Mississippi Department of Revenue or the State  
2550 Health Officer of the Mississippi Department of Health, as  
2551 applicable, after such substance or paraphernalia has served its  
2552 usefulness as evidence or after such substance or paraphernalia is  
2553 no longer useful for training or demonstration purposes.

2554 A record of the disposition of such substances and  
2555 paraphernalia and the method of destruction or adulteration  
2556 employed along with the names of witnesses to such destruction or  
2557 adulteration shall be retained by the director.

2558 No substance or paraphernalia shall be disposed of, destroyed  
2559 or rendered harmless under the authority of this section without  
2560 an order from the director, Commissioner of the Mississippi  
2561 Department of Revenue or the State Health Officer of the  
2562 Mississippi Department of Health, as applicable, and without at  
2563 least two (2) officers or agents of the bureau present as  
2564 witnesses.

2565 **SECTION 50.** Section 41-29-155, Mississippi Code of 1972, is  
2566 brought forward as follows:

2567 41-29-155. The trial courts of this state shall have  
2568 jurisdiction to restrain or enjoin violations of this article.

2569 The defendant may demand trial by jury for an alleged  
2570 violation of an injunction or restraining order under this  
2571 section.

2572 **SECTION 51.** Section 41-29-157, Mississippi Code of 1972, is  
2573 brought forward as follows:



2574 41-29-157. (a) Except as otherwise provided in Section  
2575 41-29-107.1, issuance and execution of administrative inspection  
2576 warrants and search warrants shall be as follows, except as  
2577 provided in subsection (c) of this section:

2578 (1) A judge of any state court of record, or any  
2579 justice court judge within his jurisdiction, and upon proper oath  
2580 or affirmation showing probable cause, may issue warrants for the  
2581 purpose of conducting administrative inspections authorized by  
2582 this article or rules thereunder, and seizures of property  
2583 appropriate to the inspections. For purposes of the issuance of  
2584 administrative inspection warrants, probable cause exists upon  
2585 showing a valid public interest in the effective enforcement of  
2586 this article or rules thereunder, sufficient to justify  
2587 administrative inspection of the area, premises, building or  
2588 conveyance in the circumstances specified in the application for  
2589 the warrant. All such warrants shall be served during normal  
2590 business hours;

2591 (2) A search warrant shall issue only upon an affidavit  
2592 of a person having knowledge or information of the facts alleged,  
2593 sworn to before the judge or justice court judge and establishing  
2594 the grounds for issuing the warrant. If the judge or justice  
2595 court judge is satisfied that grounds for the application exist or  
2596 that there is probable cause to believe they exist, he shall issue  
2597 a warrant identifying the area, premises, building or conveyance



2598 to be searched, the purpose of the search, and, if appropriate,  
2599 the type of property to be searched, if any. The warrant shall:

2600 (A) State the grounds for its issuance and the  
2601 name of each person whose affidavit has been taken in support  
2602 thereof;

2603 (B) Be directed to a person authorized by Section  
2604 41-29-159 to execute it;

2605 (C) Command the person to whom it is directed to  
2606 inspect the area, premises, building or conveyance identified for  
2607 the purpose specified, and if appropriate, direct the seizure of  
2608 the property specified;

2609 (D) Identify the item or types of property to be  
2610 seized, if any;

2611 (E) Direct that it be served and designate the  
2612 judge or magistrate to whom it shall be returned;

2613 (3) A warrant issued pursuant to this section must be  
2614 executed and returned within ten (10) days of its date unless,  
2615 upon a showing of a need for additional time, the court orders  
2616 otherwise. If property is seized pursuant to a warrant, a copy  
2617 shall be given to the person from whom or from whose premises the  
2618 property is taken, together with a receipt for the property taken.  
2619 The return of the warrant shall be made promptly, accompanied by a  
2620 written inventory of any property taken. The inventory shall be  
2621 made in the presence of the person executing the warrant and of  
2622 the person from whose possession or premises the property was





2623 taken, if present, or in the presence of at least one (1) credible  
2624 person other than the person executing the warrant. A copy of the  
2625 inventory shall be delivered to the person from whom or from whose  
2626 premises the property was taken and to the applicant for the  
2627 warrant;

2628 (4) The judge or justice court judge who has issued a  
2629 warrant shall attach thereto a copy of the return and all papers  
2630 returnable in connection therewith and file them with the clerk of  
2631 the appropriate state court for the judicial district in which the  
2632 inspection was made.

2633 (b) The Mississippi Bureau of Narcotics, the State Board of  
2634 Pharmacy, the State Board of Medical Licensure, the State Board of  
2635 Dental Examiners, the Mississippi Board of Nursing or the State  
2636 Board of Optometry may make administrative inspections of  
2637 controlled premises in accordance with the following provisions:

2638 (1) For purposes of this section only, "controlled  
2639 premises" means:

2640 (A) Places where persons registered or exempted  
2641 from registration requirements under this article are required to  
2642 keep records; and

2643 (B) Places including factories, warehouses,  
2644 establishments and conveyances in which persons registered or  
2645 exempted from registration requirements under this article are  
2646 permitted to hold, manufacture, compound, process, sell, deliver,  
2647 or otherwise dispose of any controlled substance.



2648           (2) When authorized by an administrative inspection  
2649 warrant issued in accordance with the conditions imposed in this  
2650 section, an officer or employee designated by the Mississippi  
2651 Bureau of Narcotics, the State Board of Pharmacy, the State Board  
2652 of Medical Licensure, the State Board of Dental Examiners, the  
2653 Mississippi Board of Nursing or the State Board of Optometry, upon  
2654 presenting the warrant and appropriate credentials to the owner,  
2655 operator or agent in charge, may enter controlled premises for the  
2656 purpose of conducting an administrative inspection.

2657           (3) When authorized by an administrative inspection  
2658 warrant, an officer or employee designated by the Mississippi  
2659 Bureau of Narcotics, the State Board of Pharmacy, the State Board  
2660 of Medical Licensure, the State Board of Dental Examiners, the  
2661 Mississippi Board of Nursing or the State Board of Optometry may:

2662                   (A) Inspect and copy records required by this  
2663 article to be kept;

2664                   (B) Inspect, within reasonable limits and in a  
2665 reasonable manner, controlled premises and all pertinent  
2666 equipment, finished and unfinished material, containers and  
2667 labeling found therein, and, except as provided in paragraph (5)  
2668 of this subsection, all other things therein, including records,  
2669 files, papers, processes, controls and facilities bearing on  
2670 violation of this article; and

2671                   (C) Inventory any stock of any controlled  
2672 substance therein and obtain samples thereof.



2673                   (4) This section does not prevent the inspection  
2674 without a warrant of books and records pursuant to an  
2675 administrative subpoena, nor does it prevent entries and  
2676 administrative inspections, including seizures of property,  
2677 without a warrant:

2678                   (A) If the owner, operator or agent in charge of  
2679 the controlled premises consents;

2680                   (B) In situations presenting imminent danger to  
2681 health or safety;

2682                   (C) In situations involving inspection of  
2683 conveyances if there is reasonable cause to believe that the  
2684 mobility of the conveyance makes it impracticable to obtain a  
2685 warrant;

2686                   (D) In any other exceptional or emergency  
2687 circumstance where time or opportunity to apply for a warrant is  
2688 lacking; or

2689                   (E) In all other situations in which a warrant is  
2690 not constitutionally required.

2691                   (5) An inspection authorized by this section shall not  
2692 extend to financial data, sales data, other than shipment data, or  
2693 pricing data unless the owner, operator or agent in charge of the  
2694 controlled premises consents in writing.

2695                   (c) Any agent of the bureau authorized to execute a search  
2696 warrant involving controlled substances, the penalty for which is  
2697 imprisonment for more than one (1) year, may, without notice of



2698 his authority and purpose, break open an outer door or inner door,  
2699 or window of a building, or any part of the building, if the judge  
2700 issuing the warrant:

2701 (1) Is satisfied that there is probable cause to  
2702 believe that:

2703 (A) The property sought may, and, if such notice  
2704 is given, will be easily and quickly destroyed or disposed of; or

2705 (B) The giving of such notice will immediately  
2706 endanger the life or safety of the executing officer or another  
2707 person; and

2708 (2) Has included in the warrant a direction that the  
2709 officer executing the warrant shall not be required to give such  
2710 notice.

2711 Any officer acting under such warrant shall, as soon as  
2712 practical, after entering the premises, identify himself and give  
2713 the reasons and authority for his entrance upon the premises.

2714 Search warrants which include the instruction that the  
2715 executing officer shall not be required to give notice of  
2716 authority and purpose as authorized by this subsection shall be  
2717 issued only by the county court or county judge in vacation,  
2718 chancery court or by the chancellor in vacation, by the circuit  
2719 court or circuit judge in vacation, or by a justice of the  
2720 Mississippi Supreme Court.

2721 This subsection shall expire and stand repealed from and  
2722 after July 1, 1974, except that the repeal shall not affect the



2723 validity or legality of any search authorized under this  
2724 subsection and conducted prior to July 1, 1974.

2725         **SECTION 52.** Section 99-15-103, Mississippi Code of 1972, is  
2726 brought forward as follows:

2727             99-15-103. For purposes of Sections 99-15-101 through  
2728 99-15-127, the following words shall have the meaning ascribed  
2729 herein unless the context shall otherwise require:

2730             (a) "Prosecutorial discretion" means the power of the  
2731 district attorney to consider all circumstances of criminal  
2732 proceedings and to determine whether any legal action is to be  
2733 taken and, if so taken, of what kind and degree and to what  
2734 conclusion.

2735             (b) "Noncriminal disposition" means the dismissal of a  
2736 criminal charge without prejudice to the state to reinstate  
2737 criminal proceedings on motion of the district attorney.

2738         **SECTION 53.** Section 99-15-105, Mississippi Code of 1972, is  
2739 brought forward as follows:

2740             99-15-105. (1) Each district attorney, with the consent of  
2741 a circuit court judge of his district, shall have the  
2742 prosecutorial discretion as defined herein and may as a matter of  
2743 such prosecutorial discretion establish a pretrial intervention  
2744 program in the circuit court districts.

2745             (2) A pretrial intervention program shall be under the  
2746 direct supervision and control of the district attorney.



2747 (3) An offender must make application to an intervention  
2748 program within the time prescribed by the district attorney.

2749 **SECTION 54.** Section 99-15-107, Mississippi Code of 1972, is  
2750 brought forward as follows:

2751 99-15-107. A person shall not be eligible for the  
2752 intervention program provided by Sections 99-15-101 through  
2753 99-15-127 if the person has been charged with:

2754 (a) Any crime of violence listed in Section 97-3-2;

2755 (b) Any offense pertaining to trafficking in a  
2756 controlled substance, as provided in Section 41-29-139(f); or

2757 (c) Any crime of fraud or embezzlement committed in a  
2758 public office pursuant to Section 97-7-11 or 97-11-31, amounting  
2759 to or exceeding Ten Thousand Dollars (\$10,000.00).

2760 **SECTION 55.** Section 99-15-109, Mississippi Code of 1972, is  
2761 brought forward as follows:

2762 99-15-109. (1) Intervention shall be appropriate only when:

2763 (a) The offender is eighteen (18) years of age or  
2764 older;

2765 (b) There is substantial likelihood that justice will  
2766 be served if the offender is placed in an intervention program;

2767 (c) It is determined that the needs of the offender and  
2768 the state can better be met outside the traditional criminal  
2769 justice process;

2770 (d) It is apparent that the offender poses no threat to  
2771 the community;



2772 (e) It appears that the offender is unlikely to be  
2773 involved in further criminal activity;

2774 (f) The offender, in those cases where it is required,  
2775 is likely to respond quickly to rehabilitative treatment;

2776 (g) The offender has no significant history of prior  
2777 delinquency or criminal activity;

2778 (h) The offender has been indicted and is represented  
2779 by an attorney; and

2780 (i) The court has determined that the office of  
2781 district attorney or the Department of Corrections has sufficient  
2782 support staff to administer such intervention program.

2783 (2) When jurisdiction in a case involving a child is  
2784 acquired by the circuit court pursuant to a transfer from the  
2785 youth court, the provision of subsection (1)(a) of this section  
2786 shall not be applicable.

2787 (3) Notwithstanding any other provision of this section, in  
2788 all criminal cases wherein an offender has been held in contempt  
2789 of court for failure to pay fines or restitution, the offender may  
2790 be placed in pretrial intervention for the purpose of collecting  
2791 unpaid restitution and fines regardless of any prior criminal  
2792 conviction, whether felony or misdemeanor.

2793 **SECTION 56.** Section 99-15-111, Mississippi Code of 1972, is  
2794 brought forward as follows:

2795 99-15-111. Prior to admittance of an offender into an  
2796 intervention program, the district attorney may require the



2797 offender to furnish information concerning the offender's past  
2798 criminal record, education and work record, family history,  
2799 medical or psychiatric treatment or care received, psychological  
2800 tests taken and other information which, in the district  
2801 attorney's opinion, bears on the decision as to whether the  
2802 offender should be admitted.

2803       **SECTION 57.** Section 99-15-113, Mississippi Code of 1972, is  
2804 brought forward as follows:

2805       99-15-113. Prior to any person's admittance to a pretrial  
2806 intervention program the victim, if any, of the crime for which  
2807 the applicant is charged and the law enforcement agency employing  
2808 the arresting officer shall be asked to comment in writing as to  
2809 whether or not the applicant should be allowed to enter an  
2810 intervention program. In each case involving admission to an  
2811 intervention program, the district attorney and a circuit court  
2812 judge of his district shall consider the recommendations of the  
2813 law enforcement agency and the victim, if any, in making a  
2814 decision.

2815       **SECTION 58.** Section 99-15-115, Mississippi Code of 1972, is  
2816 brought forward as follows:

2817       99-15-115. An offender who enters an intervention program  
2818 shall:

2819               (a) Waive, in writing and contingent upon his  
2820 successful completion of the program, his or her right to a speedy  
2821 trial;





2822 (b) Agree, in writing, to the tolling while in the  
2823 program of all periods of limitation established by statutes or  
2824 rules of court;

2825 (c) Agree, in writing, to the conditions of the  
2826 intervention program established by the district attorney which  
2827 shall not require or include a guilty plea;

2828 (d) In the event there is a victim of the crime, agree,  
2829 in writing, to make restitution to the victim within a specified  
2830 period of time and in an amount to be determined by the district  
2831 attorney and approved by the court; and

2832 (e) Agree, in writing, to waive extradition.

2833 **SECTION 59.** Section 99-15-117, Mississippi Code of 1972, is  
2834 brought forward as follows:

2835 99-15-117. In any case in which an offender agrees to an  
2836 intervention program, a specific agreement shall be made between  
2837 the district attorney and the offender. This agreement shall  
2838 include the terms of the intervention program, the length of the  
2839 program, which shall not exceed three (3) years, and a section  
2840 therein stating the period of time after which the prosecutor will  
2841 either dismiss the charge or seek a conviction based upon that  
2842 charge. The agreement shall be signed by the offender and his or  
2843 her counsel and filed in the district attorney's office. Before an  
2844 offender is admitted to an intervention program, the court having  
2845 jurisdiction of the charge must approve of the offender's  
2846 admission to the program and the terms of the agreement.



2847           **SECTION 60.** Section 99-15-119, Mississippi Code of 1972, is  
2848 brought forward as follows:

2849           99-15-119. In all cases where an offender is accepted for  
2850 intervention a written report shall be made and retained on file  
2851 in the district attorney's office, regardless of whether or not  
2852 the offender successfully completes the intervention program. The  
2853 district attorney shall furnish to the Mississippi Justice  
2854 Information Center personal identification information on each  
2855 person accepted for intervention. This information shall only be  
2856 released by the Mississippi Justice Information Center in those  
2857 cases where a district attorney inquires as to whether a person  
2858 has previously been accepted into an intervention program.

2859           **SECTION 61.** Section 99-15-121, Mississippi Code of 1972, is  
2860 brought forward as follows:

2861           99-15-121. Prior to the completion of the pretrial  
2862 intervention program the offender shall make restitution, as  
2863 determined by the district attorney and approved by the court, to  
2864 the victim, if any, and shall pay any expenses to the  
2865 administrator of this program which are incurred as a result of  
2866 his participation in the program. The amount of such expenses  
2867 shall be determined by the district attorney and made part of the  
2868 initial agreement between the district attorney and the offender.

2869           **SECTION 62.** Section 99-15-123, Mississippi Code of 1972, is  
2870 brought forward as follows:



2871           99-15-123. (1) In the event an offender successfully  
2872 completes a pretrial intervention program, the court shall make a  
2873 noncriminal disposition of the charge or charges pending against  
2874 the offender.

2875           (2) In the event the offender violates the conditions of the  
2876 program agreement: (a) the district attorney may terminate the  
2877 offender's participation in the program, (b) the waiver executed  
2878 pursuant to Section 99-15-115 shall be void on the date the  
2879 offender is removed from the program for the violation, and (c)  
2880 the prosecution of pending criminal charges against the offender  
2881 shall be resumed by the district attorney.

2882           (3) Upon petition therefor, the court shall expunge the  
2883 record of any case in which an arrest was made, the person  
2884 arrested was released and the case was dismissed or the charges  
2885 were dropped or there was no disposition of such case.

2886           **SECTION 63.** Section 99-15-125, Mississippi Code of 1972, is  
2887 brought forward as follows:

2888           99-15-125. No law enforcement officer shall refer to,  
2889 mention and/or offer participation in this program as an  
2890 inducement to any statement, confession or waiver of any  
2891 constitutional rights of any person accused of a crime except  
2892 those enumerated in Section 99-15-115.

2893           **SECTION 64.** Section 99-15-127, Mississippi Code of 1972, is  
2894 brought forward as follows:



2895           99-15-127. The Department of Corrections, Division of  
2896 Community Corrections, is directed to support Sections 99-15-101  
2897 through 99-15-127 to the extent that field support personnel are  
2898 available in circuit court districts, and the Commissioner of  
2899 Corrections shall certify to the court that the Division of  
2900 Community Corrections has sufficient field parole officers to  
2901 supervise and oversee those individuals who may be placed in this  
2902 program by the court.

2903           **SECTION 65.** Section 9-23-5, Mississippi Code of 1972, is  
2904 brought forward as follows:

2905           9-23-5. For the purposes of this chapter, the following  
2906 words and phrases shall have the meanings ascribed unless the  
2907 context clearly requires otherwise:

2908           (a) "Chemical" tests means the analysis of an  
2909 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)  
2910 saliva, (vi) urine, or (vii) other bodily substance to determine  
2911 the presence of alcohol or a controlled substance.

2912           (b) "Crime of violence" means an offense listed in  
2913 Section 97-3-2.

2914           (c) "Intervention court" means a drug court, mental  
2915 health court, veterans court or problem-solving court that  
2916 utilizes an immediate and highly structured intervention process  
2917 for eligible defendants or juveniles that brings together mental  
2918 health professionals, substance abuse professionals, local social  
2919 programs and intensive judicial monitoring.



2920 (d) "Evidence-based practices" means supervision  
2921 policies, procedures and practices that scientific research  
2922 demonstrates reduce recidivism.

2923 (e) "Risk and needs assessment" means the use of an  
2924 actuarial assessment tool validated on a Mississippi corrections  
2925 population to determine a person's risk to reoffend and the  
2926 characteristics that, if addressed, reduce the risk to reoffend.

2927 **SECTION 66.** Section 9-23-7, Mississippi Code of 1972, is  
2928 brought forward as follows:

2929 9-23-7. The Administrative Office of Courts shall be  
2930 responsible for certification and monitoring of local intervention  
2931 courts according to standards promulgated by the State  
2932 Intervention Courts Advisory Committee.

2933 **SECTION 67.** Section 9-23-9, Mississippi Code of 1972, is  
2934 brought forward as follows:

2935 9-23-9. (1) The State Intervention Courts Advisory  
2936 Committee is established to develop and periodically update  
2937 proposed statewide evaluation plans and models for monitoring all  
2938 critical aspects of intervention courts. The committee must  
2939 provide the proposed evaluation plans to the Chief Justice and the  
2940 Administrative Office of Courts. The committee shall be chaired  
2941 by the Director of the Administrative Office of Courts or a  
2942 designee of the director and shall consist of eleven (11) members  
2943 all of whom shall be appointed by the Supreme Court. The members  
2944 shall be broadly representative of the courts, mental health,



2945 veterans affairs, law enforcement, corrections, criminal defense  
2946 bar, prosecutors association, juvenile justice, child protective  
2947 services and substance abuse treatment communities.

2948 (2) The State Intervention Courts Advisory Committee may  
2949 also make recommendations to the Chief Justice, the Director of  
2950 the Administrative Office of Courts and state officials concerning  
2951 improvements to intervention court policies and procedures  
2952 including the intervention court certification process. The  
2953 committee may make suggestions as to the criteria for eligibility,  
2954 and other procedural and substantive guidelines for intervention  
2955 court operation.

2956 (3) The State Intervention Courts Advisory Committee shall  
2957 act as arbiter of disputes arising out of the operation of  
2958 intervention courts established under this chapter and make  
2959 recommendations to improve the intervention courts; it shall also  
2960 make recommendations to the Supreme Court necessary and incident  
2961 to compliance with established rules.

2962 (4) The State Intervention Courts Advisory Committee shall  
2963 establish through rules and regulations a viable and fiscally  
2964 responsible plan to expand the number of adult and juvenile  
2965 intervention court programs operating in Mississippi. These rules  
2966 and regulations shall include plans to increase participation in  
2967 existing and future programs while maintaining their voluntary  
2968 nature.



2969           (5) The State Intervention Courts Advisory Committee shall  
2970 receive and review the monthly reports submitted to the  
2971 Administrative Office of Courts by each certified intervention  
2972 court and provide comments and make recommendations, as necessary,  
2973 to the Chief Justice and the Director of the Administrative Office  
2974 of Courts.

2975           **SECTION 68.** Section 9-23-11, Mississippi Code of 1972, is  
2976 brought forward as follows:

2977           9-23-11. (1) The Administrative Office of Courts shall  
2978 establish, implement and operate a uniform certification process  
2979 for all intervention courts and other problem-solving courts  
2980 including juvenile courts, veterans courts or any other court  
2981 designed to adjudicate criminal actions involving an identified  
2982 classification of criminal defendant to ensure funding for  
2983 intervention courts supports effective and proven practices that  
2984 reduce recidivism and substance dependency among their  
2985 participants.

2986           (2) The Administrative Office of Courts shall establish a  
2987 certification process that ensures any new or existing  
2988 intervention court meets minimum standards for intervention court  
2989 operation.

2990           (a) These standards shall include, but are not limited  
2991 to:

2992                   (i) The use of evidence-based practices including,  
2993 but not limited to, the use of a valid and reliable risk and needs



2994 assessment tool to identify participants and deliver appropriate  
2995 interventions;

2996 (ii) Targeting medium to high-risk offenders for  
2997 participation;

2998 (iii) The use of current, evidence-based  
2999 interventions proven to reduce dependency on drugs or alcohol, or  
3000 both;

3001 (iv) Frequent testing for alcohol or drugs;

3002 (v) Coordinated strategy between all intervention  
3003 court program personnel involving the use of graduated clinical  
3004 interventions;

3005 (vi) Ongoing judicial interaction with each  
3006 participant; and

3007 (vii) Monitoring and evaluation of intervention  
3008 court program implementation and outcomes through data collection  
3009 and reporting.

3010 (b) Intervention court certification applications shall  
3011 include:

3012 (i) A description of the need for the intervention  
3013 court;

3014 (ii) The targeted population for the intervention  
3015 court;

3016 (iii) The eligibility criteria for intervention  
3017 court participants;





3018 (iv) A description of the process for identifying  
3019 appropriate participants including the use of a risk and needs  
3020 assessment and a clinical assessment;

3021 (v) A description of the intervention court  
3022 intervention components, including anticipated budget and  
3023 implementation plan;

3024 (vi) The data collection plan which shall include  
3025 collecting the following data:

- 3026 1. Total number of participants;
- 3027 2. Total number of successful participants;
- 3028 3. Total number of unsuccessful participants  
3029 and the reason why each participant did not complete the program;
- 3030 4. Total number of participants who were  
3031 arrested for a new criminal offense while in the intervention  
3032 court program;
- 3033 5. Total number of participants who were  
3034 convicted of a new felony or misdemeanor offense while in the  
3035 intervention court program;
- 3036 6. Total number of participants who committed  
3037 at least one (1) violation while in the intervention court program  
3038 and the resulting sanction(s);
- 3039 7. Results of the initial risk and needs  
3040 assessment or other clinical assessment conducted on each  
3041 participant; and



3042                   8. Total number of applications for screening  
3043 by race, gender, offenses charged, indigence and, if not accepted,  
3044 the reason for nonacceptance; and

3045                   9. Any other data or information as required  
3046 by the Administrative Office of Courts.

3047                   (c) Every intervention court shall be certified under  
3048 the following schedule:

3049                   (i) An intervention court application submitted  
3050 after July 1, 2014, shall require certification of the  
3051 intervention court based on the proposed drug court plan.

3052                   (ii) An intervention court initially established  
3053 and certified after July 1, 2014, shall be recertified after its  
3054 second year of funded operation on a time frame consistent with  
3055 the other certified courts of its type.

3056                   (iii) A certified adult felony intervention court  
3057 in existence on December 31, 2018, must submit a recertification  
3058 petition by July 1, 2019, and be recertified under the  
3059 requirements of this section on or before December 31, 2019; after  
3060 the recertification, all certified adult felony intervention  
3061 courts must submit a recertification petition every two (2) years  
3062 to the Administrative Office of Courts. The recertification  
3063 process must be completed by December 31st of every odd calendar  
3064 year.

3065                   (iv) A certified youth, family, misdemeanor or  
3066 chancery intervention court in existence on December 31, 2018,



3067 must submit a recertification petition by July 31, 2020, and be  
3068 recertified under the requirements of this section by December 31,  
3069 2020. After the recertification, all certified youth, family,  
3070 misdemeanor and chancery intervention courts must submit a  
3071 recertification petition every two (2) years to the Administrative  
3072 Office of Courts. The recertification process must be completed  
3073 by December 31st of every even calendar year.

3074 (3) All certified intervention courts shall measure  
3075 successful completion of the drug court based on those  
3076 participants who complete the program without a new criminal  
3077 conviction.

3078 (4) (a) All certified drug courts must collect and submit  
3079 to the Administrative Office of Courts each month, the following  
3080 data:

3081 (i) Total number of participants at the beginning  
3082 of the month;

3083 (ii) Total number of participants at the end of  
3084 the month;

3085 (iii) Total number of participants who began the  
3086 program in the month;

3087 (iv) Total number of participants who successfully  
3088 completed the intervention court in the month;

3089 (v) Total number of participants who left the  
3090 program in the month;



3091 (vi) Total number of participants who were  
3092 arrested for a new criminal offense while in the intervention  
3093 court program in the month;

3094 (vii) Total number of participants who were  
3095 convicted for a new criminal arrest while in the intervention  
3096 court program in the month; and

3097 (viii) Total number of participants who committed  
3098 at least one (1) violation while in the intervention court program  
3099 and any resulting sanction(s).

3100 (b) By August 1, 2015, and each year thereafter, the  
3101 Administrative Office of Courts shall report to the PEER Committee  
3102 the information in subsection (4)(a) of this section in a  
3103 sortable, electronic format.

3104 (5) All certified intervention courts may individually  
3105 establish rules and may make special orders and rules as necessary  
3106 that do not conflict with the rules promulgated by the Supreme  
3107 Court or the Administrative Office of Courts.

3108 (6) A certified intervention court may appoint the full- or  
3109 part-time employees it deems necessary for the work of the  
3110 intervention court and shall fix the compensation of those  
3111 employees. Such employees shall serve at the will and pleasure of  
3112 the judge or the judge's designee.

3113 (7) The Administrative Office of Courts shall promulgate  
3114 rules and regulations to carry out the certification and



3115 re-certification process and make any other policies not  
3116 inconsistent with this section to carry out this process.

3117 (8) A certified intervention court established under this  
3118 chapter is subject to the regulatory powers of the Administrative  
3119 Office of Courts as set forth in Section 9-23-17.

3120 **SECTION 69.** Section 9-23-13, Mississippi Code of 1972, is  
3121 brought forward as follows:

3122 9-23-13. (1) An intervention court's alcohol and drug  
3123 intervention component shall provide for eligible individuals,  
3124 either directly or through referrals, a range of necessary court  
3125 intervention services, including, but not limited to, the  
3126 following:

3127 (a) Screening using a valid and reliable assessment  
3128 tool effective for identifying alcohol and drug dependent persons  
3129 for eligibility and appropriate services;

3130 (b) Clinical assessment; for a DUI offense, if the  
3131 person has two (2) or more DUI convictions, the court shall order  
3132 the person to undergo an assessment that uses a standardized  
3133 evidence-based instrument performed by a physician to determine  
3134 whether the person has a diagnosis for alcohol and/or drug  
3135 dependence and would likely benefit from a court-approved  
3136 medication-assisted treatment indicated and approved for the  
3137 treatment of alcohol and/or drug dependence by the United States  
3138 Food and Drug Administration, as specified in the most recent  
3139 Diagnostic and Statistical Manual of Mental Disorders published by



3140 the American Psychiatric Association. Upon considering the  
3141 results of the assessment, the court may refer the person to a  
3142 rehabilitative program that offers one or more forms of  
3143 court-approved medications that are approved for the treatment of  
3144 alcohol and/or drug dependence by the United States Food and Drug  
3145 Administration;

3146 (c) Education;

3147 (d) Referral;

3148 (e) Service coordination and case management; and

3149 (f) Counseling and rehabilitative care.

3150 (2) Any inpatient treatment or inpatient detoxification  
3151 program ordered by the court shall be certified by the Department  
3152 of Mental Health, other appropriate state agency or the equivalent  
3153 agency of another state.

3154 (3) All intervention courts shall make available the option  
3155 for participants to use court-approved medication-assisted  
3156 treatment while participating in the programs of the court in  
3157 accordance with the recommendations of the National Drug Court  
3158 Institute.

3159 **SECTION 70.** Section 9-23-15, Mississippi Code of 1972, is  
3160 brought forward as follows:

3161 9-23-15. (1) In order to be eligible for alternative  
3162 sentencing through a local intervention court, the participant  
3163 must satisfy each of the following criteria:



3164 (a) The participant cannot have any felony convictions  
3165 for any offenses that are crimes of violence as defined in Section  
3166 97-3-2 within the previous ten (10) years.

3167 (b) The crime before the court cannot be a crime of  
3168 violence as defined in Section 97-3-2.

3169 (c) Other criminal proceedings alleging commission of a  
3170 crime of violence cannot be pending against the participant.

3171 (d) The participant cannot be charged with burglary of  
3172 a dwelling under Section 97-17-23(2) or 97-17-37.

3173 (e) The crime before the court cannot be a charge of  
3174 driving under the influence of alcohol or any other drug or drugs  
3175 that resulted in the death of a person.

3176 (f) The crime charged cannot be one of trafficking in  
3177 controlled substances under Section 41-29-139(f), nor can the  
3178 participant have a prior conviction for same.

3179 (2) Participation in the services of an alcohol and drug  
3180 intervention component shall be open only to the individuals over  
3181 whom the court has jurisdiction, except that the court may agree  
3182 to provide the services for individuals referred from another  
3183 intervention court. In cases transferred from another  
3184 jurisdiction, the receiving judge shall act as a special master  
3185 and make recommendations to the sentencing judge.

3186 (3) (a) As a condition of participation in an intervention  
3187 court, a participant may be required to undergo a chemical test or  
3188 a series of chemical tests as specified by the intervention court.



3189 A participant is liable for the costs of all chemical tests  
3190 required under this section, regardless of whether the costs are  
3191 paid to the intervention court or the laboratory; however, if  
3192 testing is available from other sources or the program itself, the  
3193 judge may waive any fees for testing. The judge may waive all  
3194 fees if the applicant is determined to be indigent.

3195 (b) A laboratory that performs a chemical test under  
3196 this section shall report the results of the test to the  
3197 intervention court.

3198 (4) A person does not have a right to participate in  
3199 intervention court under this chapter. The court having  
3200 jurisdiction over a person for a matter before the court shall  
3201 have the final determination about whether the person may  
3202 participate in intervention court under this chapter. However,  
3203 any person meeting the eligibility criteria in subsection (1) of  
3204 this section shall, upon request, be screened for admission to  
3205 intervention court.

3206 **SECTION 71.** Section 9-23-17, Mississippi Code of 1972, is  
3207 brought forward as follows:

3208 9-23-17. With regard to any intervention court, the  
3209 Administrative Office of Courts shall do the following:

3210 (a) Certify and re-certify intervention court  
3211 applications that meet standards established by the Administrative  
3212 Office of Courts in accordance with this chapter.





3213 (b) Ensure that the structure of the intervention  
3214 component complies with rules adopted under this section and  
3215 applicable federal regulations.

3216 (c) Revoke the authorization of a program upon a  
3217 determination that the program does not comply with rules adopted  
3218 under this section and applicable federal regulations.

3219 (d) Make agreements and contracts to effectuate the  
3220 purposes of this chapter with:

3221 (i) Another department, authority or agency of the  
3222 state;

3223 (ii) Another state;

3224 (iii) The federal government;

3225 (iv) A state-supported or private university; or

3226 (v) A public or private agency, foundation,  
3227 corporation or individual.

3228 (e) Directly, or by contract, approve and certify any  
3229 intervention component established under this chapter.

3230 (f) Require, as a condition of operation, that each  
3231 intervention court created or funded under this chapter be  
3232 certified by the Administrative Office of Courts.

3233 (g) Collect monthly data reports submitted by all  
3234 certified intervention courts, provide those reports to the State  
3235 Intervention Courts Advisory Committee, compile an annual report  
3236 summarizing the data collected and the outcomes achieved by all



3237 certified intervention courts and submit the annual report to the  
3238 Oversight Task Force.

3239 (h) Every three (3) years contract with an external  
3240 evaluator to conduct an evaluation of the effectiveness of the  
3241 intervention court program, both statewide and individual  
3242 intervention court programs, in complying with the key components  
3243 of the intervention courts adopted by the National Association of  
3244 Drug Court Professionals.

3245 (i) Adopt rules to implement this chapter.

3246 **SECTION 72.** Section 9-23-19, Mississippi Code of 1972, is  
3247 brought forward as follows:

3248 9-23-19. (1) All monies received from any source by the  
3249 intervention court shall be accumulated in a fund to be used only  
3250 for intervention court purposes. Any funds remaining in this fund  
3251 at the end of a fiscal year shall not lapse into any general fund,  
3252 but shall be retained in the Intervention Court Fund for the  
3253 funding of further activities by the intervention court.

3254 (2) An intervention court may apply for and receive the  
3255 following:

3256 (a) Gifts, bequests and donations from private sources.

3257 (b) Grant and contract money from governmental sources.

3258 (c) Other forms of financial assistance approved by the  
3259 court to supplement the budget of the intervention court.

3260 (3) The costs of participation in an alcohol and drug  
3261 intervention program required by the certified intervention court



3262 may be paid by the participant or out of user fees or such other  
3263 state, federal or private funds that may, from time to time, be  
3264 made available.

3265 (4) The court may assess such reasonable and appropriate  
3266 fees to be paid to the local Intervention Court Fund for  
3267 participation in an alcohol or drug intervention program; however,  
3268 all fees may be waived if the applicant is determined to be  
3269 indigent.

3270 **SECTION 73.** Section 9-23-21, Mississippi Code of 1972, is  
3271 brought forward as follows:

3272 9-23-21. The director and members of the professional and  
3273 administrative staff of the intervention court who perform duties  
3274 in good faith under this chapter are immune from civil liability  
3275 for:

3276 (a) Acts or omissions in providing services under this  
3277 chapter; and

3278 (b) The reasonable exercise of discretion in  
3279 determining eligibility to participate in the intervention court.

3280 **SECTION 74.** Section 9-23-23, Mississippi Code of 1972, is  
3281 brought forward as follows:

3282 9-23-23. If the participant completes all requirements  
3283 imposed upon him by the intervention court, including the payment  
3284 of fines and fees assessed and not waived by the court, the charge  
3285 and prosecution shall be dismissed. If the defendant or  
3286 participant was sentenced at the time of entry of plea of guilty,



3287 the successful completion of the intervention court order and  
3288 other requirements of probation or suspension of sentence will  
3289 result in the record of the criminal conviction or adjudication  
3290 being expunged. However, no expunction of any implied consent  
3291 violation shall be allowed.

3292 **SECTION 75.** Section 41-29-139, Mississippi Code of 1972, is  
3293 brought forward as follows:

3294 41-29-139. (a) **Transfer and possession with intent to**  
3295 **transfer.** Except as authorized by this article, it is unlawful  
3296 for any person knowingly or intentionally:

3297 (1) To sell, barter, transfer, manufacture, distribute,  
3298 dispense or possess with intent to sell, barter, transfer,  
3299 manufacture, distribute or dispense, a controlled substance; or

3300 (2) To create, sell, barter, transfer, distribute,  
3301 dispense or possess with intent to create, sell, barter, transfer,  
3302 distribute or dispense, a counterfeit substance.

3303 (b) **Punishment for transfer and possession with intent to**  
3304 **transfer.** Except as otherwise provided in Section 41-29-142, any  
3305 person who violates subsection (a) of this section shall be, if  
3306 convicted, sentenced as follows:

3307 (1) For controlled substances classified in Schedule I  
3308 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
3309 marijuana or synthetic cannabinoids:



3310 (A) If less than two (2) grams or ten (10) dosage  
3311 units, by imprisonment for not more than eight (8) years or a fine  
3312 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

3313 (B) If two (2) or more grams or ten (10) or more  
3314 dosage units, but less than ten (10) grams or twenty (20) dosage  
3315 units, by imprisonment for not less than three (3) years nor more  
3316 than twenty (20) years or a fine of not more than Two Hundred  
3317 Fifty Thousand Dollars (\$250,000.00), or both.

3318 (C) If ten (10) or more grams or twenty (20) or  
3319 more dosage units, but less than thirty (30) grams or forty (40)  
3320 dosage units, by imprisonment for not less than five (5) years nor  
3321 more than thirty (30) years or a fine of not more than Five  
3322 Hundred Thousand Dollars (\$500,000.00), or both.

3323 (2) (A) For marijuana:

3324 1. If thirty (30) grams or less, by  
3325 imprisonment for not more than three (3) years or a fine of not  
3326 more than Three Thousand Dollars (\$3,000.00), or both;

3327 2. If more than thirty (30) grams but less  
3328 than two hundred fifty (250) grams, by imprisonment for not more  
3329 than five (5) years or a fine of not more than Five Thousand  
3330 Dollars (\$5,000.00), or both;

3331 3. If two hundred fifty (250) or more grams  
3332 but less than five hundred (500) grams, by imprisonment for not  
3333 less than three (3) years nor more than ten (10) years or a fine  
3334 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;



3335                   4. If five hundred (500) or more grams but  
3336 less than one (1) kilogram, by imprisonment for not less than five  
3337 (5) years nor more than twenty (20) years or a fine of not more  
3338 than Twenty Thousand Dollars (\$20,000.00), or both.

3339                   (B) For synthetic cannabinoids:

3340                   1. If ten (10) grams or less, by imprisonment  
3341 for not more than three (3) years or a fine of not more than Three  
3342 Thousand Dollars (\$3,000.00), or both;

3343                   2. If more than ten (10) grams but less than  
3344 twenty (20) grams, by imprisonment for not more than five (5)  
3345 years or a fine of not more than Five Thousand Dollars  
3346 (\$5,000.00), or both;

3347                   3. If twenty (20) or more grams but less than  
3348 forty (40) grams, by imprisonment for not less than three (3)  
3349 years nor more than ten (10) years or a fine of not more than  
3350 Fifteen Thousand Dollars (\$15,000.00), or both;

3351                   4. If forty (40) or more grams but less than  
3352 two hundred (200) grams, by imprisonment for not less than five  
3353 (5) years nor more than twenty (20) years or a fine of not more  
3354 than Twenty Thousand Dollars (\$20,000.00), or both.

3355                   (3) For controlled substances classified in Schedules  
3356 III and IV, as set out in Sections 41-29-117 and 41-29-119:

3357                   (A) If less than two (2) grams or ten (10) dosage  
3358 units, by imprisonment for not more than five (5) years or a fine  
3359 of not more than Five Thousand Dollars (\$5,000.00), or both;



3360 (B) If two (2) or more grams or ten (10) or more  
3361 dosage units, but less than ten (10) grams or twenty (20) dosage  
3362 units, by imprisonment for not more than eight (8) years or a fine  
3363 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

3364 (C) If ten (10) or more grams or twenty (20) or  
3365 more dosage units, but less than thirty (30) grams or forty (40)  
3366 dosage units, by imprisonment for not more than fifteen (15) years  
3367 or a fine of not more than One Hundred Thousand Dollars  
3368 (\$100,000.00), or both;

3369 (D) If thirty (30) or more grams or forty (40) or  
3370 more dosage units, but less than five hundred (500) grams or two  
3371 thousand five hundred (2,500) dosage units, by imprisonment for  
3372 not more than twenty (20) years or a fine of not more than Two  
3373 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

3374 (4) For controlled substances classified in Schedule V,  
3375 as set out in Section 41-29-121:

3376 (A) If less than two (2) grams or ten (10) dosage  
3377 units, by imprisonment for not more than one (1) year or a fine of  
3378 not more than Five Thousand Dollars (\$5,000.00), or both;

3379 (B) If two (2) or more grams or ten (10) or more  
3380 dosage units, but less than ten (10) grams or twenty (20) dosage  
3381 units, by imprisonment for not more than five (5) years or a fine  
3382 of not more than Ten Thousand Dollars (\$10,000.00), or both;

3383 (C) If ten (10) or more grams or twenty (20) or  
3384 more dosage units, but less than thirty (30) grams or forty (40)



3385 dosage units, by imprisonment for not more than ten (10) years or  
3386 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
3387 both;

3388 (D) For thirty (30) or more grams or forty (40) or  
3389 more dosage units, but less than five hundred (500) grams or two  
3390 thousand five hundred (2,500) dosage units, by imprisonment for  
3391 not more than fifteen (15) years or a fine of not more than Fifty  
3392 Thousand Dollars (\$50,000.00), or both.

3393 (c) **Simple possession.** Except as otherwise provided under  
3394 subsection (i) of this section for actions that are lawful under  
3395 the Mississippi Medical Cannabis Act and in compliance with rules  
3396 and regulations adopted thereunder, it is unlawful for any person  
3397 knowingly or intentionally to possess any controlled substance  
3398 unless the substance was obtained directly from, or pursuant to, a  
3399 valid prescription or order of a practitioner while acting in the  
3400 course of his professional practice, or except as otherwise  
3401 authorized by this article. The penalties for any violation of  
3402 this subsection (c) with respect to a controlled substance  
3403 classified in Schedules I, II, III, IV or V, as set out in Section  
3404 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
3405 marijuana or synthetic cannabinoids, shall be based on dosage unit  
3406 as defined herein or the weight of the controlled substance as set  
3407 forth herein as appropriate:

3408 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
3409 case of a liquid solution, one (1) milliliter. In the case of





3410 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
3411 stamp, square, dot, microdot, tablet or capsule of a controlled  
3412 substance.

3413 For any controlled substance that does not fall within the  
3414 definition of the term "dosage unit," the penalties shall be based  
3415 upon the weight of the controlled substance.

3416 The weight set forth refers to the entire weight of any  
3417 mixture or substance containing a detectable amount of the  
3418 controlled substance.

3419 If a mixture or substance contains more than one (1)  
3420 controlled substance, the weight of the mixture or substance is  
3421 assigned to the controlled substance that results in the greater  
3422 punishment.

3423 A person shall be charged and sentenced as follows for a  
3424 violation of this subsection with respect to:

3425 (1) A controlled substance classified in Schedule I or  
3426 II, except marijuana and synthetic cannabinoids:

3427 (A) If less than one-tenth (0.1) gram or two (2)  
3428 dosage units, the violation is a misdemeanor and punishable by  
3429 imprisonment for not more than one (1) year or a fine of not more  
3430 than One Thousand Dollars (\$1,000.00), or both.

3431 (B) If one-tenth (0.1) gram or more or two (2) or  
3432 more dosage units, but less than two (2) grams or ten (10) dosage  
3433 units, by imprisonment for not more than three (3) years or a fine  
3434 of not more than Fifty Thousand Dollars (\$50,000.00), or both.



3435 (C) If two (2) or more grams or ten (10) or more  
3436 dosage units, but less than ten (10) grams or twenty (20) dosage  
3437 units, by imprisonment for not more than eight (8) years or a fine  
3438 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
3439 or both.

3440 (D) If ten (10) or more grams or twenty (20) or  
3441 more dosage units, but less than thirty (30) grams or forty (40)  
3442 dosage units, by imprisonment for not less than three (3) years  
3443 nor more than twenty (20) years or a fine of not more than Five  
3444 Hundred Thousand Dollars (\$500,000.00), or both.

3445 (2) (A) Marijuana and synthetic cannabinoids:

3446 1. If thirty (30) grams or less of marijuana  
3447 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
3448 not less than One Hundred Dollars (\$100.00) nor more than Two  
3449 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
3450 (2) (A) may be enforceable by summons if the offender provides  
3451 proof of identity satisfactory to the arresting officer and gives  
3452 written promise to appear in court satisfactory to the arresting  
3453 officer, as directed by the summons. A second conviction under  
3454 this section within two (2) years is a misdemeanor punishable by a  
3455 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
3456 (60) days in the county jail, and mandatory participation in a  
3457 drug education program approved by the Division of Alcohol and  
3458 Drug Abuse of the State Department of Mental Health, unless the  
3459 court enters a written finding that a drug education program is



3460 inappropriate. A third or subsequent conviction under this  
3461 paragraph (2)(A) within two (2) years is a misdemeanor punishable  
3462 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
3463 more than One Thousand Dollars (\$1,000.00) and confinement for not  
3464 more than six (6) months in the county jail.

3465       Upon a first or second conviction under this paragraph  
3466 (2)(A), the courts shall forward a report of the conviction to the  
3467 Mississippi Bureau of Narcotics which shall make and maintain a  
3468 private, nonpublic record for a period not to exceed two (2) years  
3469 from the date of conviction. The private, nonpublic record shall  
3470 be solely for the use of the courts in determining the penalties  
3471 which attach upon conviction under this paragraph (2)(A) and shall  
3472 not constitute a criminal record for the purpose of private or  
3473 administrative inquiry and the record of each conviction shall be  
3474 expunged at the end of the period of two (2) years following the  
3475 date of such conviction;

3476               2. Additionally, a person who is the operator  
3477 of a motor vehicle, who possesses on his person or knowingly keeps  
3478 or allows to be kept in a motor vehicle within the area of the  
3479 vehicle normally occupied by the driver or passengers, more than  
3480 one (1) gram, but not more than thirty (30) grams of marijuana or  
3481 not more than ten (10) grams of synthetic cannabinoids is guilty  
3482 of a misdemeanor and, upon conviction, may be fined not more than  
3483 One Thousand Dollars (\$1,000.00) or confined for not more than  
3484 ninety (90) days in the county jail, or both. For the purposes of



3485 this subsection, such area of the vehicle shall not include the  
3486 trunk of the motor vehicle or the areas not normally occupied by  
3487 the driver or passengers if the vehicle is not equipped with a  
3488 trunk. A utility or glove compartment shall be deemed to be  
3489 within the area occupied by the driver and passengers.

3490 (B) Marijuana:

3491 1. If more than thirty (30) grams but less  
3492 than two hundred fifty (250) grams, by a fine of not more than One  
3493 Thousand Dollars (\$1,000.00), or confinement in the county jail  
3494 for not more than one (1) year, or both; or by a fine of not more  
3495 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
3496 custody of the Department of Corrections for not more than three  
3497 (3) years, or both;

3498 2. If two hundred fifty (250) or more grams  
3499 but less than five hundred (500) grams, by imprisonment for not  
3500 less than two (2) years nor more than eight (8) years or by a fine  
3501 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

3502 3. If five hundred (500) or more grams but  
3503 less than one (1) kilogram, by imprisonment for not less than four  
3504 (4) years nor more than sixteen (16) years or a fine of not more  
3505 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

3506 4. If one (1) kilogram or more but less than  
3507 five (5) kilograms, by imprisonment for not less than six (6)  
3508 years nor more than twenty-four (24) years or a fine of not more  
3509 than Five Hundred Thousand Dollars (\$500,000.00), or both;



3510                   5. If five (5) kilograms or more, by  
3511 imprisonment for not less than ten (10) years nor more than thirty  
3512 (30) years or a fine of not more than One Million Dollars  
3513 (\$1,000,000.00), or both.

3514                   (C) Synthetic cannabinoids:

3515                   1. If more than ten (10) grams but less than  
3516 twenty (20) grams, by a fine of not more than One Thousand Dollars  
3517 (\$1,000.00), or confinement in the county jail for not more than  
3518 one (1) year, or both; or by a fine of not more than Three  
3519 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
3520 the Department of Corrections for not more than three (3) years,  
3521 or both;

3522                   2. If twenty (20) or more grams but less than  
3523 forty (40) grams, by imprisonment for not less than two (2) years  
3524 nor more than eight (8) years or by a fine of not more than Fifty  
3525 Thousand Dollars (\$50,000.00), or both;

3526                   3. If forty (40) or more grams but less than  
3527 two hundred (200) grams, by imprisonment for not less than four  
3528 (4) years nor more than sixteen (16) years or a fine of not more  
3529 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

3530                   4. If two hundred (200) or more grams, by  
3531 imprisonment for not less than six (6) years nor more than  
3532 twenty-four (24) years or a fine of not more than Five Hundred  
3533 Thousand Dollars (\$500,000.00), or both.



3534           (3) A controlled substance classified in Schedule III,  
3535 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
3536 conviction, may be punished as follows:

3537           (A) If less than fifty (50) grams or less than one  
3538 hundred (100) dosage units, the offense is a misdemeanor and  
3539 punishable by not more than one (1) year or a fine of not more  
3540 than One Thousand Dollars (\$1,000.00), or both.

3541           (B) If fifty (50) or more grams or one hundred  
3542 (100) or more dosage units, but less than one hundred fifty (150)  
3543 grams or five hundred (500) dosage units, by imprisonment for not  
3544 less than one (1) year nor more than four (4) years or a fine of  
3545 not more than Ten Thousand Dollars (\$10,000.00), or both.

3546           (C) If one hundred fifty (150) or more grams or  
3547 five hundred (500) or more dosage units, but less than three  
3548 hundred (300) grams or one thousand (1,000) dosage units, by  
3549 imprisonment for not less than two (2) years nor more than eight  
3550 (8) years or a fine of not more than Fifty Thousand Dollars  
3551 (\$50,000.00), or both.

3552           (D) If three hundred (300) or more grams or one  
3553 thousand (1,000) or more dosage units, but less than five hundred  
3554 (500) grams or two thousand five hundred (2,500) dosage units, by  
3555 imprisonment for not less than four (4) years nor more than  
3556 sixteen (16) years or a fine of not more than Two Hundred Fifty  
3557 Thousand Dollars (\$250,000.00), or both.



3558           (d) **Paraphernalia.** (1) Except as otherwise provided under  
3559 subsection (i) of this section for actions that are lawful under  
3560 the Mississippi Medical Cannabis Act and in compliance with rules  
3561 and regulations adopted thereunder, it is unlawful for a person  
3562 who is not authorized by the State Board of Medical Licensure,  
3563 State Board of Pharmacy, or other lawful authority to use, or to  
3564 possess with intent to use, paraphernalia to plant, propagate,  
3565 cultivate, grow, harvest, manufacture, compound, convert, produce,  
3566 process, prepare, test, analyze, pack, repack, store, contain,  
3567 conceal, inject, ingest, inhale or otherwise introduce into the  
3568 human body a controlled substance in violation of the Uniform  
3569 Controlled Substances Law. Any person who violates this  
3570 subsection (d) (1) is guilty of a misdemeanor and, upon conviction,  
3571 may be confined in the county jail for not more than six (6)  
3572 months, or fined not more than Five Hundred Dollars (\$500.00), or  
3573 both; however, no person shall be charged with a violation of this  
3574 subsection when such person is also charged with the possession of  
3575 thirty (30) grams or less of marijuana under subsection (c) (2) (A)  
3576 of this section.

3577           (2) It is unlawful for any person to deliver, sell,  
3578 possess with intent to deliver or sell, or manufacture with intent  
3579 to deliver or sell, paraphernalia, knowing, or under circumstances  
3580 where one reasonably should know, that it will be used to plant,  
3581 propagate, cultivate, grow, harvest, manufacture, compound,  
3582 convert, produce, process, prepare, test, analyze, pack, repack,



3583 store, contain, conceal, inject, ingest, inhale, or otherwise  
3584 introduce into the human body a controlled substance in violation  
3585 of the Uniform Controlled Substances Law. Except as provided in  
3586 subsection (d) (3), a person who violates this subsection (d) (2) is  
3587 guilty of a misdemeanor and, upon conviction, may be confined in  
3588 the county jail for not more than six (6) months, or fined not  
3589 more than Five Hundred Dollars (\$500.00), or both.

3590 (3) Any person eighteen (18) years of age or over who  
3591 violates subsection (d) (2) of this section by delivering or  
3592 selling paraphernalia to a person under eighteen (18) years of age  
3593 who is at least three (3) years his junior is guilty of a  
3594 misdemeanor and, upon conviction, may be confined in the county  
3595 jail for not more than one (1) year, or fined not more than One  
3596 Thousand Dollars (\$1,000.00), or both.

3597 (4) It is unlawful for any person to place in any  
3598 newspaper, magazine, handbill, or other publication any  
3599 advertisement, knowing, or under circumstances where one  
3600 reasonably should know, that the purpose of the advertisement, in  
3601 whole or in part, is to promote the sale of objects designed or  
3602 intended for use as paraphernalia. Any person who violates this  
3603 subsection is guilty of a misdemeanor and, upon conviction, may be  
3604 confined in the county jail for not more than six (6) months, or  
3605 fined not more than Five Hundred Dollars (\$500.00), or both.

3606 (e) It shall be unlawful for any physician practicing  
3607 medicine in this state to prescribe, dispense or administer any





3608 amphetamine or amphetamine-like anorectics and/or central nervous  
3609 system stimulants classified in Schedule II, pursuant to Section  
3610 41-29-115, for the exclusive treatment of obesity, weight control  
3611 or weight loss. Any person who violates this subsection, upon  
3612 conviction, is guilty of a misdemeanor and may be confined for a  
3613 period not to exceed six (6) months, or fined not more than One  
3614 Thousand Dollars (\$1,000.00), or both.

3615 (f) **Trafficking.** (1) Any person trafficking in controlled  
3616 substances shall be guilty of a felony and, upon conviction, shall  
3617 be imprisoned for a term of not less than ten (10) years nor more  
3618 than forty (40) years and shall be fined not less than Five  
3619 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
3620 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
3621 reduced or suspended. The person shall not be eligible for  
3622 probation or parole, the provisions of Sections 41-29-149,  
3623 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

3624 (2) "Trafficking in controlled substances" as used  
3625 herein means:

3626 (A) A violation of subsection (a) of this section  
3627 involving thirty (30) or more grams or forty (40) or more dosage  
3628 units of a Schedule I or II controlled substance except marijuana  
3629 and synthetic cannabinoids;

3630 (B) A violation of subsection (a) of this section  
3631 involving five hundred (500) or more grams or two thousand five



3632 hundred (2,500) or more dosage units of a Schedule III, IV or V  
3633 controlled substance;

3634 (C) A violation of subsection (c) of this section  
3635 involving thirty (30) or more grams or forty (40) or more dosage  
3636 units of a Schedule I or II controlled substance except marijuana  
3637 and synthetic cannabinoids;

3638 (D) A violation of subsection (c) of this section  
3639 involving five hundred (500) or more grams or two thousand five  
3640 hundred (2,500) or more dosage units of a Schedule III, IV or V  
3641 controlled substance; or

3642 (E) A violation of subsection (a) of this section  
3643 involving one (1) kilogram or more of marijuana or two hundred  
3644 (200) grams or more of synthetic cannabinoids.

3645 (g) **Aggravated trafficking.** Any person trafficking in  
3646 Schedule I or II controlled substances, except marijuana and  
3647 synthetic cannabinoids, of two hundred (200) grams or more shall  
3648 be guilty of aggravated trafficking and, upon conviction, shall be  
3649 sentenced to a term of not less than twenty-five (25) years nor  
3650 more than life in prison and shall be fined not less than Five  
3651 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
3652 (\$1,000,000.00). The twenty-five-year sentence shall be a  
3653 mandatory sentence and shall not be reduced or suspended. The  
3654 person shall not be eligible for probation or parole, the  
3655 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
3656 the contrary notwithstanding.



3657 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
3658 of this section, a person who has been convicted of an offense  
3659 under this section that requires the judge to impose a prison  
3660 sentence which cannot be suspended or reduced and is ineligible  
3661 for probation or parole may, at the discretion of the court,  
3662 receive a sentence of imprisonment that is no less than  
3663 twenty-five percent (25%) of the sentence prescribed by the  
3664 applicable statute. In considering whether to apply the departure  
3665 from the sentence prescribed, the court shall conclude that:

3666 (A) The offender was not a leader of the criminal  
3667 enterprise;

3668 (B) The offender did not use violence or a weapon  
3669 during the crime;

3670 (C) The offense did not result in a death or  
3671 serious bodily injury of a person not a party to the criminal  
3672 enterprise; and

3673 (D) The interests of justice are not served by the  
3674 imposition of the prescribed mandatory sentence.

3675 The court may also consider whether information and  
3676 assistance were furnished to a law enforcement agency, or its  
3677 designee, which, in the opinion of the trial judge, objectively  
3678 should or would have aided in the arrest or prosecution of others  
3679 who violate this subsection. The accused shall have adequate  
3680 opportunity to develop and make a record of all information and  
3681 assistance so furnished.



3682 (2) If the court reduces the prescribed sentence  
3683 pursuant to this subsection, it must specify on the record the  
3684 circumstances warranting the departure.

3685 (i) This section does not apply to any of the actions that  
3686 are lawful under the Mississippi Medical Cannabis Act and in  
3687 compliance with rules and regulations adopted thereunder.

3688 **SECTION 76.** Section 99-19-81, Mississippi Code of 1972, is  
3689 brought forward as follows:

3690 99-19-81. Every person convicted in this state of a felony  
3691 who shall have been convicted twice previously of any felony or  
3692 federal crime upon charges separately brought and arising out of  
3693 separate incidents at different times and who shall have been  
3694 sentenced to separate terms of one (1) year or more in any state  
3695 and/or federal penal institution, whether in this state or  
3696 elsewhere, shall be sentenced to the maximum term of imprisonment  
3697 prescribed for such felony unless the court provides an  
3698 explanation in its sentencing order setting forth the cause for  
3699 deviating from the maximum sentence, and such sentence shall not  
3700 be reduced or suspended nor shall such person be eligible for  
3701 parole or probation.

3702 **SECTION 77.** Section 99-19-83, Mississippi Code of 1972, is  
3703 brought forward as follows:

3704 99-19-83. Every person convicted in this state of a felony  
3705 who shall have been convicted twice previously of any felony or  
3706 federal crime upon charges separately brought and arising out of



3707 separate incidents at different times and who shall have been  
3708 sentenced to and served separate terms of one (1) year or more,  
3709 whether served concurrently or not, in any state and/or federal  
3710 penal institution, whether in this state or elsewhere, and where  
3711 any one (1) of such felonies shall have been a crime of violence,  
3712 as defined by Section 97-3-2, shall be sentenced to life  
3713 imprisonment, and such sentence shall not be reduced or suspended  
3714 nor shall such person be eligible for parole, probation or any  
3715 other form of early release from actual physical custody within  
3716 the Department of Corrections.

3717         **SECTION 78.** Section 21-23-7, Mississippi Code of 1972, is  
3718 brought forward as follows:

3719         21-23-7. (1) The municipal judge shall hold court in a  
3720 public building designated by the governing authorities of the  
3721 municipality, or may hold court in an adult detention center as  
3722 provided under this subsection, and may hold court every day  
3723 except Sundays and legal holidays if the business of the  
3724 municipality so requires; provided, however, the municipal judge  
3725 may hold court outside the boundaries of the municipality but not  
3726 more than within a sixty-mile radius of the municipality to handle  
3727 preliminary matters and criminal matters such as initial  
3728 appearances and felony preliminary hearings. The municipal judge  
3729 may hold court outside the boundaries of the municipality but not  
3730 more than within a one-mile radius of the municipality for any  
3731 purpose; however, a municipal judge may hold court outside the



3732 boundaries of the municipality more than within a one-mile radius  
3733 of the municipality when accepting a plea of a defendant at an  
3734 adult detention center within the county. The municipal judge  
3735 shall have the jurisdiction to hear and determine, without a jury  
3736 and without a record of the testimony, all cases charging  
3737 violations of the municipal ordinances and state misdemeanor laws  
3738 made offenses against the municipality and to punish offenders  
3739 therefor as may be prescribed by law. Except as otherwise  
3740 provided by law, criminal proceedings shall be brought by sworn  
3741 complaint filed in the municipal court. Such complaint shall  
3742 state the essential elements of the offense charged and the  
3743 statute or ordinance relied upon. Such complaint shall not be  
3744 required to conclude with a general averment that the offense is  
3745 against the peace and dignity of the state or in violation of the  
3746 ordinances of the municipality. He may sit as a committing court  
3747 in all felonies committed within the municipality, and he shall  
3748 have the power to bind over the accused to the grand jury or to  
3749 appear before the proper court having jurisdiction to try the  
3750 same, and to set the amount of bail or refuse bail and commit the  
3751 accused to jail in cases not bailable. The municipal judge is a  
3752 conservator of the peace within his municipality. He may conduct  
3753 preliminary hearings in all violations of the criminal laws of  
3754 this state occurring within the municipality, and any person  
3755 arrested for a violation of law within the municipality may be  
3756 brought before him for initial appearance. The municipal court



3757 shall have jurisdiction of any case remanded to it by a circuit  
3758 court grand jury. The municipal court shall have civil  
3759 jurisdiction over actions filed pursuant to and as provided in  
3760 Title 93, Chapter 21, Mississippi Code of 1972, the Protection  
3761 from Domestic Abuse Act.

3762 (2) In the discretion of the court, where the objects of  
3763 justice would be more likely met, as an alternative to imposition  
3764 or payment of fine and/or incarceration, the municipal judge shall  
3765 have the power to sentence convicted offenders to work on a public  
3766 service project where the court has established such a program of  
3767 public service by written guidelines filed with the clerk for  
3768 public record. Such programs shall provide for reasonable  
3769 supervision of the offender and the work shall be commensurate  
3770 with the fine and/or incarceration that would have ordinarily been  
3771 imposed. Such program of public service may be utilized in the  
3772 implementation of the provisions of Section 99-19-20, and public  
3773 service work thereunder may be supervised by persons other than  
3774 the sheriff.

3775 (3) The municipal judge may solemnize marriages, take oaths,  
3776 affidavits and acknowledgments, and issue orders, subpoenas,  
3777 summonses, citations, warrants for search and arrest upon a  
3778 finding of probable cause, and other such process under seal of  
3779 the court to any county or municipality, in a criminal case, to be  
3780 executed by the lawful authority of the county or the municipality



3781 of the respondent, and enforce obedience thereto. The absence of  
3782 a seal shall not invalidate the process.

3783 (4) When a person shall be charged with an offense in  
3784 municipal court punishable by confinement, the municipal judge,  
3785 being satisfied that such person is an indigent person and is  
3786 unable to employ counsel, may, in the discretion of the court,  
3787 appoint counsel from the membership of The Mississippi Bar  
3788 residing in his county who shall represent him. Compensation for  
3789 appointed counsel in criminal cases shall be approved and allowed  
3790 by the municipal judge and shall be paid by the municipality. The  
3791 maximum compensation shall not exceed Two Hundred Dollars  
3792 (\$200.00) for any one (1) case. The governing authorities of a  
3793 municipality may, in their discretion, appoint a public  
3794 defender(s) who must be a licensed attorney and who shall receive  
3795 a salary to be fixed by the governing authorities.

3796 (5) The municipal judge of any municipality is hereby  
3797 authorized to suspend the sentence and to suspend the execution of  
3798 the sentence, or any part thereof, on such terms as may be imposed  
3799 by the municipal judge. However, the suspension of imposition or  
3800 execution of a sentence hereunder may not be revoked after a  
3801 period of two (2) years. The municipal judge shall have the power  
3802 to establish and operate a probation program, dispute resolution  
3803 program and other practices or procedures appropriate to the  
3804 judiciary and designed to aid in the administration of justice.  
3805 Any such program shall be established by the court with written





3806 policies and procedures filed with the clerk of the court for  
3807 public record. Subsequent to original sentencing, the municipal  
3808 judge, in misdemeanor cases, is hereby authorized to suspend  
3809 sentence and to suspend the execution of a sentence, or any part  
3810 thereof, on such terms as may be imposed by the municipal judge,  
3811 if (a) the judge or his or her predecessor was authorized to order  
3812 such suspension when the sentence was originally imposed; and (b)  
3813 such conviction (i) has not been appealed; or (ii) has been  
3814 appealed and the appeal has been voluntarily dismissed.

3815 (6) Upon prior notice to the municipal prosecuting attorney  
3816 and upon a showing in open court of rehabilitation, good conduct  
3817 for a period of two (2) years since the last conviction in any  
3818 court and that the best interest of society would be served, the  
3819 court may, in its discretion, order the record of conviction of a  
3820 person of any or all misdemeanors in that court expunged, and upon  
3821 so doing the said person thereafter legally stands as though he  
3822 had never been convicted of the said misdemeanor(s) and may  
3823 lawfully so respond to any query of prior convictions. This order  
3824 of expunction does not apply to the confidential records of law  
3825 enforcement agencies and has no effect on the driving record of a  
3826 person maintained under Title 63, Mississippi Code of 1972, or any  
3827 other provision of said Title 63.

3828 (7) Notwithstanding the provisions of subsection (6) of this  
3829 section, a person who was convicted in municipal court of a  
3830 misdemeanor before reaching his twenty-third birthday, excluding



3831 conviction for a traffic violation, and who is a first offender,  
3832 may utilize the provisions of Section 99-19-71, to expunge such  
3833 misdemeanor conviction.

3834 (8) In the discretion of the court, a plea of nolo  
3835 contendere may be entered to any charge in municipal court. Upon  
3836 the entry of a plea of nolo contendere the court shall convict the  
3837 defendant of the offense charged and shall proceed to sentence the  
3838 defendant according to law. The judgment of the court shall  
3839 reflect that the conviction was on a plea of nolo contendere. An  
3840 appeal may be made from a conviction on a plea of nolo contendere  
3841 as in other cases.

3842 (9) Upon execution of a sworn complaint charging a  
3843 misdemeanor, the municipal court may, in its discretion and in  
3844 lieu of an arrest warrant, issue a citation requiring the  
3845 appearance of the defendant to answer the charge made against him.  
3846 On default of appearance, an arrest warrant may be issued for the  
3847 defendant. The clerk of the court or deputy clerk may issue such  
3848 citations.

3849 (10) The municipal court shall have the power to make rules  
3850 for the administration of the court's business, which rules, if  
3851 any, shall be in writing filed with the clerk of the court and  
3852 shall include the enactment of rules related to the court's  
3853 authority to issue domestic abuse protection orders pursuant to  
3854 Section 93-21-1 et seq.



3855 (11) The municipal court shall have the power to impose  
3856 punishment of a fine of not more than One Thousand Dollars  
3857 (\$1,000.00) or six (6) months imprisonment, or both, for contempt  
3858 of court. The municipal court may have the power to impose  
3859 reasonable costs of court, not in excess of the following:

3860	Dismissal of any affidavit, complaint or charge	
3861	in municipal court.....	\$ 50.00
3862	Suspension of a minor's driver's license in lieu of	
3863	conviction.....	\$ 50.00
3864	Service of scire facias or return "not found".....	\$ 20.00
3865	Causing search warrant to issue or causing	
3866	prosecution without reasonable cause or refusing to	
3867	cooperate after initiating action.....	\$ 100.00
3868	Certified copy of the court record.....	\$ 5.00
3869	Service of arrest warrant for failure to answer	
3870	citation or traffic summons.....	\$ 25.00
3871	Jail cost per day - actual jail cost paid by the municipality	
3872	but not to exceed.....	\$ 35.00
3873	Service of court documents related to the filing	
3874	of a petition or issuance of a protection from domestic	
3875	abuse order under Title 93, Chapter 21, Mississippi Code of	
3876	1972.....	\$ 25.00
3877	Any other item of court cost.....	\$ 50.00
3878	No filing fee or such cost shall be imposed for the bringing	
3879	of an action in municipal court.	



3880           (12) A municipal court judge shall not dismiss a criminal  
3881 case but may transfer the case to the justice court of the county  
3882 if the municipal court judge is prohibited from presiding over the  
3883 case by the Canons of Judicial Conduct and provided that venue and  
3884 jurisdiction are proper in the justice court. Upon transfer of  
3885 any such case, the municipal court judge shall give the municipal  
3886 court clerk a written order to transmit the affidavit or complaint  
3887 and all other records and evidence in the court's possession to  
3888 the justice court by certified mail or to instruct the arresting  
3889 officer to deliver such documents and records to the justice  
3890 court. There shall be no court costs charged for the transfer of  
3891 the case to the justice court.

3892           (13) A municipal court judge shall expunge the record of any  
3893 case in which an arrest was made, the person arrested was released  
3894 and the case was dismissed or the charges were dropped, there was  
3895 no disposition of such case or the person was found not guilty at  
3896 trial.

3897           (14) For violations of municipal ordinances related to real  
3898 property, the municipal judge shall have the power to order a  
3899 defendant to remedy violations within a reasonable time period as  
3900 set by the judge, and at the discretion of the judge, the judge  
3901 may simultaneously authorize the municipality, at its request, the  
3902 option to remedy the violation itself, through the use of its own  
3903 employees or its contractors, without further notice should the  
3904 defendant fail to fully do so within the time period set by the



3905 judge. Subsequent to the municipality remedying the violation,  
3906 the municipality may petition the court to assess documented  
3907 cleanup costs to the defendant, and, if, following a hearing on  
3908 such petition, the judge determines (a) the violations were not  
3909 remedied by the defendant within the time required by the court,  
3910 (b) that the municipality remedied the violation itself after such  
3911 time period expired and (c) that the costs incurred by the  
3912 municipality were reasonable, the court may assess the costs to  
3913 the defendant as a judgement, which may be enrolled in the office  
3914 of the circuit clerk.

3915         **SECTION 79.** This act shall take effect and be in force from  
3916 and after July 1, 2025.

