

By: Senator(s) Jackson, Harden, Jordan,
Frazier, Williamson, Walls, Horhn, Dawkins

To: Judiciary

SENATE BILL NO. 2569
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE PLACEMENT OF CERTAIN OFFENDERS ON HOUSE ARREST OR IN
3 COMMUNITY WORK CENTERS; TO REPEAL SECTION 47-5-1015, MISSISSIPPI
4 CODE OF 1972, WHICH PLACES A REPEALER ON THE HOUSE ARREST AND
5 INTENSIVE SUPERVISION PROGRAM; TO CREATE CODE SECTION 47-7-72,
6 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE DEPARTMENT OF
7 CORRECTIONS FROM ACCEPTING FOR SUPERVISION AN OUT-OF-STATE PAROLEE
8 WHO HAS THREE OR MORE VIOLENT FELONY CONVICTIONS; AND FOR RELATED
9 PURPOSES.

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

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

13 47-5-1003. (1) An intensive supervision program may be used
14 as an alternative to incarceration for offenders who are low risk
15 and nonviolent as selected by the department or court. Any
16 offender convicted of a sex crime or a felony for the sale or
17 manufacture of a controlled substance under the uniform controlled
18 substances law shall not be placed in the program.

19 (2) The court placing an offender in the intensive
20 supervision program may, acting upon the advice and consent of the
21 commissioner at the time of the initial sentencing only, and not
22 later than one (1) year after the defendant has been delivered to
23 the custody of the department, suspend the further execution of
24 the sentence and place the defendant on intensive supervision,
25 except when a death sentence or life imprisonment is the maximum
26 penalty which may be imposed or if the defendant has been confined
27 for the conviction of a felony on a previous occasion in any court
28 or courts of the United States and of any state or territories

29 thereof or has been convicted of a felony involving the use of a
30 deadly weapon.

31 (3) To protect and to ensure the safety of the state's
32 citizens, any offender who violates an order or condition of the
33 intensive supervision program shall be arrested by the
34 correctional field officer and placed in the actual custody of the
35 Department of Corrections. Such offender is under the full and
36 complete jurisdiction of the department and subject to removal
37 from the program by the classification committee.

38 (4) Notwithstanding Section 47-5-138(5) to the contrary,
39 from and after July 1, 2001, offenders are eligible for either
40 house arrest under the electronic home detention program or for
41 assignment to a residential community work center described in
42 Section 47-5-401 if:

43 (a) (i) The offender has served at least fifty percent
44 (50%) of the sentence imposed upon him; and

45 (ii) The offender is within one (1) year of
46 eligibility for parole or release; or

47 (b) The offender has served at least seventy-five
48 percent (75%) of the sentence imposed upon him.

49 (5) When any circuit or county court places an offender in
50 an intensive supervision program, the court shall give notice to
51 the Mississippi Department of Corrections within fifteen (15) days
52 of the court's decision to place the offender in an intensive
53 supervision program. Notice shall be delivered to the central
54 office of the Mississippi Department of Corrections and to the
55 regional office of the department which will be providing
56 supervision to the offender in an intensive supervision program.

57 The courts may not require an offender to complete the
58 intensive supervision program as a condition of probation or
59 post-release supervision.

60 SECTION 2. Section 47-5-1015, Mississippi Code of 1972,
61 which provides that Sections 47-5-1001 through 47-5-1015,

62 Mississippi Code of 1972, shall stand repealed after June 30,
63 2001, is repealed.

64 SECTION 3. The following provision shall be codified as
65 Section 47-7-72, Mississippi Code of 1972:

66 47-7-72. (1) The Department of Corrections shall not accept
67 any person convicted of three (3) or more violent felony offenses
68 placed on probation or released on parole under the Uniform Act
69 for Out-of-State Parolee Suspension.

70 (2) The Department of Corrections shall not consent to any
71 person convicted of three (3) or more violent felony offenses
72 being sent to reside in Mississippi under Section 47-7-71.

73 (3) The Department of Corrections shall immediately notify
74 any state having an out-of-state parolee agreement with
75 Mississippi of this condition and take immediate action to modify
76 such agreements, or to renounce such agreement if a contracting
77 state refuses to agree with the restrictions placed on such
78 agreements with the Department of Corrections under this section.

79 SECTION 4. This act shall take effect and be in force from
80 and after its passage.