

By: Senator(s) Ross

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2991

1 AN ACT TO AMEND SECTION 47-5-1003, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE PLACEMENT OF CERTAIN NONVIOLENT OFFENDERS WITHIN
3 ONE YEAR OF RELEASE TO BE PLACED IN HOUSE ARREST PROGRAM OR
4 COMMUNITY WORK CENTERS; TO REPEAL SECTION 47-5-1015, MISSISSIPPI
5 CODE OF 1972, WHICH PLACES A REPEALER ON THE HOUSE ARREST AND
6 INTENSIVE SUPERVISION PROGRAM; AND FOR RELATED PURPOSES.

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

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

10 47-5-1003. (1) An intensive supervision program may be used
11 as an alternative to incarceration for offenders who are low risk
12 and nonviolent as selected by the department or court. Any
13 offender convicted of a sex crime or a felony for the sale or
14 manufacture of a controlled substance under the uniform controlled
15 substances law shall not be placed in the program.

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

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

35 (4) Notwithstanding any law to the contrary, from and after
36 July 1, 2002, offenders who have served at least six (6) months in
37 the custody of the Department of Corrections and who are within
38 one (1) year of eligibility for parole or release may be
39 considered by the Parole Board for either house arrest under the
40 electronic home detention program or for assignment to a
41 residential community work center described in Section 47-5-401.
42 The Department of Corrections must find that the offender poses no
43 threat to society before being placed in a program under this
44 subsection. Any offender who violates an order or condition of
45 the program shall be required to serve the full term to which
46 sentenced either under the house arrest or work center placement
47 or while incarcerated, in the discretion of the Parole Board.

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

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

59 SECTION 2. Section 47-5-1015, Mississippi Code of 1972,
60 which provides that Sections 47-5-1001 through 47-5-1015 shall
61 stand repealed after June 30, 2001, is repealed.

62 SECTION 3. This act shall take effect and be in force from
63 and after its passage.