

By: Representative Fleming

To: Corrections

HOUSE BILL NO. 7

1 AN ACT TO AMEND SECTION 47-7-37, MISSISSIPPI CODE OF 1972, TO
2 DECREASE FROM FIVE TO TWO YEARS THE MAXIMUM DURATION OF A PERIOD
3 OF PROBATION; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 47-7-37, Mississippi Code of 1972, is
6 amended as follows:

7 47-7-37. The period of probation shall be fixed by the
8 court, and may at any time be extended or terminated by the court,
9 or judge in vacation. Such period with any extension thereof
10 shall not exceed two (2) years, except that in cases of desertion
11 and/or failure to support minor children, the period of probation
12 may be fixed and/or extended by the court for so long as the duty
13 to support such minor children exists.

14 At any time during the period of probation the court, or
15 judge in vacation, may issue a warrant for violating any of the
16 conditions of probation or suspension of sentence and cause the
17 probationer to be arrested. Any probation and parole officer may
18 arrest a probationer without a warrant, or may deputize any other
19 officer with power of arrest to do so by giving him a written
20 statement setting forth that the probationer has, in the judgment
21 of the probation and parole officer, violated the conditions of
22 probation. Such written statement delivered with the probationer
23 by the arresting officer to the official in charge of a county
24 jail or other place of detention shall be sufficient warrant for
25 the detention of the probationer.

26 The probation and parole officer after making an arrest shall
27 present to the detaining authorities a similar statement of the

28 circumstances of violation. The probation and parole officer
29 shall at once notify the court of the arrest and detention of the
30 probationer and shall submit a report in writing showing in what
31 manner the probationer has violated the conditions of probation.
32 Thereupon, or upon an arrest by warrant as herein provided, the
33 court, in termtime or vacation, shall cause the probationer to be
34 brought before it and may continue or revoke all or any part of
35 the probation or the suspension of sentence, and may cause the
36 sentence imposed to be executed or may impose any part of the
37 sentence which might have been imposed at the time of conviction.

38 If the probationer is arrested in a circuit court district in
39 the State of Mississippi other than that in which he was
40 convicted, the probation and parole officer, upon the written
41 request of the sentencing judge, shall furnish to the circuit
42 court or the county court of the county in which the arrest is
43 made, or to the judge of such court, a report concerning the
44 probationer, and such court or the judge in vacation shall have
45 authority, after a hearing, to continue or revoke all or any part
46 of probation or all or any part of the suspension of sentence, and
47 may in case of revocation proceed to deal with the case as if
48 there had been no probation. In such case, the clerk of the court
49 in which the order of revocation is issued shall forward a
50 transcript of such order to the clerk of the court of original
51 jurisdiction, and the clerk of that court shall proceed as if the
52 order of revocation had been issued by the court of original
53 jurisdiction. Upon the revocation of probation or suspension of
54 sentence of any offender, such offender shall be placed in the
55 legal custody of the State Department of Corrections and shall be
56 subject to the requirements thereof.

57 Any probationer who removes himself from the State of
58 Mississippi without permission of the court placing him on
59 probation, or the court to which jurisdiction has been
60 transferred, shall be deemed and considered a fugitive from

61 justice and shall be subject to extradition as now provided by
62 law. No part of the time that one is on probation shall be
63 considered as any part of the time that he shall be sentenced to
64 serve.

65 The arresting officer, except when a probation and parole
66 officer, shall be allowed the same fees as now provided by law for
67 arrest on warrant, and such fees shall be taxed against the
68 probationer and paid as now provided by law.

69 The arrest, revocation and recommitment procedures of this
70 section also apply to persons who are serving a period of
71 post-release supervision imposed by the court.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2004.