

By: Representative Moak

To: Judiciary B

HOUSE BILL NO. 85

1 AN ACT TO AMEND SECTION 99-15-123, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR THE KEEPING OF NONPUBLIC RECORDS IN PRETRIAL
3 INTERVENTION PROGRAMS FOR DETERMINING WHETHER A PERSON IS A FIRST
4 OFFENDER IN SUBSEQUENT PROCEEDINGS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 99-15-123, Mississippi Code of 1972, is
7 amended as follows:

8 99-15-123. (1) In the event an offender successfully
9 completes a pretrial intervention program, the district attorney,
10 with the approval of a circuit court judge of his district, may
11 make a noncriminal disposition of the charge or charges pending
12 against the offender. In such event the record shall be expunged;
13 however, a nonpublic record thereof shall be retained safely for
14 the purpose of use in determining whether in subsequent
15 proceedings, such a person is a first offender.

16 (2) In the event the offender violates the conditions of the
17 program agreement: (a) the district attorney may terminate the
18 offender's participation in the program, (b) the waiver executed
19 pursuant to Section 99-15-115 shall be void on the date the
20 offender is removed from the program for the violation, and (c)
21 the prosecution of pending criminal charges against the offender
22 shall be resumed by the district attorney.

23 **SECTION 2.** This act shall take effect and be in force from
24 and after July 1, 2005.