

By: Senator(s) Little

To: Judiciary, Division B

SENATE BILL NO. 2127

1 AN ACT TO AMEND SECTION 93-21-113, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE DIVERSION OF DOMESTIC VIOLENCE OFFENDERS IN MUNICIPAL
3 COURT FOR TREATMENT AS IS ALLOWED FOR THOSE CASES IN OTHER COURTS;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-21-113, Mississippi Code of 1972, is
7 amended as follows:

8 93-21-113. Domestic violence shelters through their
9 employees and officials shall, on every occasion other than the
10 initial request for assistance, report to the district attorney,
11 the county attorney, the municipal prosecuting attorney, the
12 appropriate law enforcement official, or other state agencies, any
13 occurrence or instance coming to their attention which would
14 involve the commission of a crime or the failure to perform or
15 render a service or assistance to a victim of domestic violence
16 when required by law to do so.

17 Every county attorney, district attorney, municipal
18 prosecuting attorney or other appropriate law enforcement official
19 who, having had reported to him a case of domestic violence, if
20 the facts submitted be sufficient, shall immediately file charges
21 against the offender on the behalf of the victim. Such
22 prosecutor * * * in plea bargaining with the offender may enter
23 into an agreement whereby the offender shall receive counseling in
24 lieu of further prosecution, and if the offender shall
25 successfully attend counseling as agreed upon for the period of
26 time agreed upon, the county attorney, district attorney or
27 municipal prosecuting attorney, as the case may be, shall pass the
28 case to the file.

29 No county attorney, district attorney or municipal
30 prosecuting attorney shall grant counseling in lieu of prosecution
31 to the same offender more than once.

32 **SECTION 2.** This act shall take effect and be in force from
33 and after its passage.