

By: Representatives Gipson, Dixon, Snowden,  
Taylor

To: Judiciary B; Corrections

HOUSE BILL NO. 585  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 9-23-3, 9-23-5, 9-23-9, 9-23-11,  
2 9-23-13, 9-23-15, 9-23-17 AND 9-23-19, MISSISSIPPI CODE OF 1972,  
3 TO REVISE DRUG COURT PROVISIONS REGARDING LEGISLATIVE INTENT,  
4 DEFINITIONS, THE ADVISORY COMMITTEE, INTERVENTION COMPONENTS AND  
5 SERVICES, PARTICIPATION, AUTHORITY AND FUNDING; TO AMEND SECTION  
6 99-15-26, MISSISSIPPI CODE OF 1972, TO REVISE NONADJUDICATED  
7 PROBATION; TO AMEND SECTION 47-7-33, MISSISSIPPI CODE OF 1972, TO  
8 REVISE PROBATION; TO AMEND SECTIONS 47-5-1003 AND 47-5-1007,  
9 MISSISSIPPI CODE OF 1972, TO REVISE INTENSIVE SUPERVISION AND  
10 ELECTRONIC HOME DETENTION; TO AMEND SECTION 99-15-107, MISSISSIPPI  
11 CODE OF 1972, TO REVISE ELIGIBILITY FOR THE PRETRIAL INTERVENTION  
12 PROGRAM; TO AMEND SECTIONS 97-17-39, 97-17-41, 97-17-42, 97-17-43,  
13 97-17-47, 97-17-62, 97-17-64, 97-17-67, 97-17-70, 97-17-71,  
14 97-21-29, 97-21-33, 97-21-37, 97-21-59, 97-23-19, 97-23-93,  
15 97-23-94, 97-45-3, 97-45-5, 97-45-7 AND 97-45-9, MISSISSIPPI CODE  
16 OF 1972, TO REVISE THE THRESHOLD MONETARY AMOUNT REGARDING  
17 PROPERTY AND CERTAIN OTHER CRIMES THAT DESIGNATES SUCH CRIMES AS  
18 MISDEMEANORS AND FELONIES AND TO REVISE CERTAIN PENALTIES; TO  
19 BRING FORWARD SECTION 97-45-19, MISSISSIPPI CODE OF 1972; TO  
20 CREATE SECTION 97-43-3.1, MISSISSIPPI CODE OF 1972, TO PROVIDE  
21 THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONDUCT AN ORGANIZED  
22 THEFT OR FRAUD ENTERPRISE; TO AMEND SECTIONS 41-29-139 AND  
23 41-29-313, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES RELATED  
24 TO CERTAIN CONTROLLED SUBSTANCES; TO CREATE SECTION 97-3-2,  
25 MISSISSIPPI CODE OF 1972, TO DEFINE CRIMES OF VIOLENCE; TO AMEND  
26 SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO REVISE PAROLE  
27 ELIGIBILITY; TO AMEND SECTION 47-5-138.1, MISSISSIPPI CODE OF  
28 1972, TO REVISE EXCEPTIONS FOR ELIGIBILITY FOR TRUSTY TIME; TO  
29 PROVIDE FOR INMATE CASE PLANNING; TO PROVIDE PAROLE RELEASE  
30 PROCEDURES; TO AMEND SECTIONS 47-7-17 AND 47-5-157, MISSISSIPPI  
31 CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 47-7-2, MISSISSIPPI  
32 CODE OF 1972, TO DEFINE CERTAIN TERMS; TO PROVIDE FOR REENTRY  
33 PLANNING FOR INMATES; TO AMEND SECTIONS 45-33-41, 47-5-173 AND  
34 47-5-177, MISSISSIPPI CODE OF 1972, TO REVISE VICTIM NOTIFICATION



35 PROVISIONS; TO AMEND SECTIONS 47-7-5 AND 47-7-9, MISSISSIPPI CODE  
36 OF 1972, TO REVISE TRAINING REQUIREMENTS; TO PROVIDE FOR GRADUATED  
37 SANCTIONS AND INCENTIVES; TO PROVIDE FOR EARNED DISCHARGE; TO  
38 AMEND SECTIONS 47-7-27, 47-7-34, 47-7-37, 47-5-901 AND 47-5-911,  
39 MISSISSIPPI CODE OF 1972, TO REVISE PAROLE VIOLATION HEARINGS  
40 PROVISIONS; TO ESTABLISH TECHNICAL VIOLATION CENTERS IN THE  
41 DEPARTMENT OF CORRECTIONS; TO AMEND SECTIONS 47-5-10 AND 47-5-26,  
42 MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 47-5-28,  
43 MISSISSIPPI CODE OF 1972, TO REVISE THE DUTIES AND  
44 RESPONSIBILITIES OF THE COMMISSIONER OF THE DEPARTMENT OF  
45 CORRECTIONS; TO REQUIRE COUNTY CLERKS, MUNICIPAL CLERKS AND  
46 JUSTICE COURT CLERKS TO FILE CERTAIN INFORMATION WITH THE  
47 MISSISSIPPI JUDICIAL COLLEGE; TO PROVIDE FOR FISCAL IMPACT NOTES;  
48 TO CREATE THE SENTENCING AND CRIMINAL JUSTICE OVERSIGHT TASK  
49 FORCE; TO PROVIDE FOR THE MEMBERSHIP, DUTIES AND POWERS OF THE  
50 TASK FORCE; TO MAKE A STATEMENT OF LEGISLATIVE INTENT AND PURPOSE  
51 TO PROVIDE VETERANS TREATMENT COURTS; TO AUTHORIZE CREATION OF A  
52 VETERANS TREATMENT COURT PROGRAM BY THE CIRCUIT COURTS; TO PROVIDE  
53 CONDITIONS FOR ELIGIBILITY FOR PARTICIPATION IN A PROGRAM; TO TASK  
54 THE ADMINISTRATIVE OFFICE OF COURTS WITH SUPERVISORY  
55 RESPONSIBILITY; TO REQUIRE THE STATE DRUG COURT ADVISORY COMMITTEE  
56 WITH THE RESPONSIBILITY TO DEVELOP STATEWIDE RULES AND POLICIES  
57 FOR VETERANS TREATMENT COURTS; TO CREATE THE VETERANS TREATMENT  
58 COURTS FUNDS; TO PROVIDE FOR IMMUNITY OF THE STAFF MEMBERS OF  
59 VETERANS TREATMENT COURTS FOR THEIR GOOD-FAITH ACTS; AND FOR  
60 RELATED PURPOSES.

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

62 **SECTION 1.** Section 9-23-3, Mississippi Code of 1972, is  
63 amended as follows:

64 9-23-3. (1) The Legislature of Mississippi recognizes the  
65 critical need for judicial intervention to reduce the incidence of  
66 alcohol and drug use, alcohol and drug addiction, and crimes  
67 committed as a result of alcohol and drug use and alcohol and drug  
68 addiction. It is the intent of the Legislature to facilitate  
69 local drug court alternative orders adaptable to chancery,  
70 circuit, county, youth, municipal and justice courts.

71 (2) The goals of the drug courts under this chapter include  
72 the following:



73 (a) To reduce alcoholism and other drug dependencies  
74 among adult and juvenile offenders and defendants and among  
75 respondents in juvenile petitions for abuse, neglect or both;

76 (b) To reduce criminal and delinquent recidivism and  
77 the incidence of child abuse and neglect;

78 (c) To reduce the alcohol-related and other  
79 drug-related court workload;

80 (d) To increase personal, familial and societal  
81 accountability of adult and juvenile offenders and defendants and  
82 respondents in juvenile petitions for abuse, neglect or  
83 both; \* \* \*~~and~~

84 (e) To promote effective interaction and use of  
85 resources among criminal and juvenile justice personnel, child  
86 protective services personnel and community agencies \* \* \*~~;~~ and

87 (f) To use corrections resources more effectively by  
88 redirecting prison-bound offenders whose criminal conduct is  
89 driven in part by drug and alcohol dependence to intensive  
90 supervision and clinical treatment available in the drug court.

91 **SECTION 2.** Section 9-23-5, Mississippi Code of 1972, is  
92 amended as follows:

93 9-23-5. For the purposes of this chapter, the following  
94 words and phrases shall have the meanings ascribed unless the  
95 context clearly requires otherwise:

96 (a) "Chemical" tests means the analysis of an  
97 individual's: (i) blood, (ii) breath, (iii) hair, (iv) sweat, (v)



98 saliva, (vi) urine, or (vii) other bodily substance to determine  
99 the presence of alcohol or a controlled substance.

100 (b) "Crime of violence" means an offense listed in  
101 Section 97-3-2.

102 ( \* \* \* ac) "Drug court" means an immediate and highly  
103 structured intervention process for substance abuse treatment of  
104 eligible defendants or juveniles that:

105 (i) Brings together substance abuse professionals,  
106 local social programs and intensive judicial monitoring; and

107 (ii) Follows the key components of drug courts  
108 published by the Drug Court Program Office of the United States  
109 Department of Justice.

110 \* \* \* ~~(b) "Chemical tests" means the analysis of an individual's:~~  
111 ~~(i) blood, (ii) breath, (iii) hair, (iv) sweat, (v) saliva, (vi)~~  
112 ~~urine; or (vii) other bodily substance to determine the presence~~  
113 ~~of alcohol or a controlled substance.~~

114 (d) "Evidence-based practices" means supervision  
115 policies, procedures and practices that scientific research  
116 demonstrates reduce recidivism.

117 (e) "Risk and needs assessment" means the use of an  
118 actuarial assessment tool validated on a Mississippi corrections  
119 population to determine a person's risk to reoffend and the  
120 characteristics that, if addressed, reduce the risk to reoffend.

121 **SECTION 3.** Section 9-23-9, Mississippi Code of 1972, is  
122 amended as follows:



123           9-23-9. (1) The State Drug Courts Advisory Committee is  
124 established to develop and periodically update proposed statewide  
125 evaluation plans and models for monitoring all critical aspects of  
126 drug courts. The committee must provide the proposed evaluation  
127 plans to the Chief Justice and the Administrative Office of  
128 Courts. The committee shall be chaired by the Director of the  
129 Administrative Office of Courts and shall consist of not less than  
130 seven (7) members nor more than eleven (11) members appointed by  
131 the Supreme Court and broadly representative of the courts, law  
132 enforcement, corrections, juvenile justice, child protective  
133 services and substance abuse treatment communities.

134           (2) The State Drug Courts Advisory Committee may also make  
135 recommendations to the Chief Justice, the Director of the  
136 Administrative Office of Courts and state officials concerning  
137 improvements to drug court policies and procedures including the  
138 drug court certification process. The committee may make  
139 suggestions as to the criteria for eligibility, and other  
140 procedural and substantive guidelines for drug court operation.

141           (3) The State Drug Courts Advisory Committee shall act as  
142 arbiter of disputes arising out of the operation of drug courts  
143 established under this chapter and make recommendations to improve  
144 the drug courts; it shall also make recommendations to the Supreme  
145 Court necessary and incident to compliance with established rules.

146           (4) The State Drug Courts Advisory Committee shall establish  
147 through rules and regulations a viable and fiscally responsible



148 plan to expand the number of adult and juvenile drug court  
149 programs operating in Mississippi. These rules and regulations  
150 shall include plans to increase participation in existing and  
151 future programs while maintaining their voluntary nature.

152 (5) The State Drug Courts Advisory Committee shall receive  
153 and review the monthly reports submitted to the Administrative  
154 Office of Courts by each certified drug court and provide comments  
155 and make recommendations, as necessary, to the Chief Justice and  
156 the Director of the Administrative Office of Courts.

157 **SECTION 4.** Section 9-23-11, Mississippi Code of 1972, is  
158 amended as follows:

159 9-23-11. (1) \* \* \* ~~A drug court may establish an alcohol~~  
160 ~~and drug intervention component provided all the following~~  
161 ~~requirements are met:~~

162 ~~————— (a) The drug court established by the court is~~  
163 ~~certified by the Administrative Office of Courts;~~

164 ~~————— (b) The court that established the drug court~~  
165 ~~determines that in order to fully implement the purposes of the~~  
166 ~~drug court that the drug and alcohol intervention component is~~  
167 ~~necessary; and~~

168 ~~————— (c) The court must submit a petition for approval to~~  
169 ~~the Administrative Office of Courts containing the following:~~

170 ~~————— (i) A full description of a proposed intervention~~  
171 ~~component.~~

172 ~~————— (ii) A budget supported by statistics.~~



173 ~~(iii) Details on the implementation of the~~  
174 ~~intervention component. The Administrative Office of Courts shall~~  
175 ~~establish, implement and operate a uniform certification process~~  
176 ~~for all drug courts and other problem-solving courts including~~  
177 ~~juvenile courts, veterans courts or any other court designed to~~  
178 ~~adjudicate criminal actions involving an identified classification~~  
179 ~~of criminal defendant to ensure funding for drug courts supports~~  
180 ~~effective and proven practices that reduce recidivism and~~  
181 ~~substance dependency among their participants.~~

182 (2) \* \* \*~~Each individual drug court judge may establish rules~~  
183 ~~and may make special orders and rules as necessary that do not~~  
184 ~~conflict with rules promulgated by the Supreme Court The~~  
185 ~~Administrative Office of Courts shall establish a certification~~  
186 ~~process that ensures any new or existing drug court meets minimum~~  
187 ~~standards for drug court operation.~~

188 (a) These standards shall include, but are not limited  
189 to:

190 (i) The use of evidence-based practices including,  
191 but not limited to, the use of a valid and reliable risk and needs  
192 assessment tool to identify participants and deliver appropriate  
193 interventions;

194 (ii) Targeting medium to high risk offenders for  
195 participation;



196 (iii) The use of current, evidence-based  
197 interventions proven to reduce dependency on drugs or alcohol, or  
198 both;

199 (iv) Frequent testing for alcohol or drugs;

200 (v) Coordinated strategy between all drug court  
201 program personnel involving the use of graduated clinical  
202 interventions;

203 (vi) Ongoing judicial interaction with each  
204 participant; and

205 (vii) Monitoring and evaluation of drug court  
206 program implementation and outcomes through data collection and  
207 reporting.

208 (b) Drug court certification applications shall  
209 include:

210 (i) A description of the need for the drug court;

211 (ii) The targeted population for the drug court;

212 (iii) The eligibility criteria for drug court  
213 participants;

214 (iv) A description of the process for identifying  
215 appropriate participants including the use of a risk and needs  
216 assessment and a clinical assessment;

217 (v) A description of the drug court intervention  
218 components including anticipated budget and implementation plan;

219 (vi) The data collection plan which shall include  
220 collecting the following data:



- 221 1. Total number of participants;
- 222 2. Total number of successful participants;
- 223 3. Total number of unsuccessful participants  
224 and the reason why each participant did not complete the program;
- 225 4. Total number of participants who were  
226 arrested for a new criminal offense while in the drug court  
227 program;
- 228 5. Total number of participants who were  
229 convicted of a new felony or misdemeanor offense while in the drug  
230 court program;
- 231 6. Total number of participants who committed  
232 at least one (1) violation while in the drug court program and the  
233 resulting sanction(s);
- 234 7. Results of the initial risk and needs  
235 assessment or other clinical assessment conducted on each  
236 participant; and
- 237 8. Any other data or information as required  
238 by the Administrative Office of Courts.
- 239 (c) Every drug court shall be certified under the  
240 following schedule:
- 241 (i) A drug court application submitted after the  
242 effective date of this act shall require certification of the drug  
243 court based on the proposed drug court plan;



244 (ii) A drug court established after the effective  
245 date of this act shall be recertified after its second year of  
246 funded operation;

247 (iii) A drug court in existence on the effective  
248 date of this act must submit a certification petition within one  
249 (1) year of the effective date of this act and be certified  
250 pursuant to the requirements of this section prior to expending  
251 drug court resources budgeted for fiscal year 2016; and

252 (iv) All drug courts shall submit a  
253 re-certification petition every two (2) years to the  
254 Administrative Office of Courts after the initial certification.

255 ~~(3) \* \* \* A drug court may appoint such full- or part-time~~  
256 ~~employees it deems necessary for the work of the drug court and~~  
257 ~~shall fix the compensation of those employees. Such employees~~  
258 ~~shall serve at the will and pleasure of the judge or the judge's~~  
259 ~~designee~~ All certified drug courts shall measure successful  
260 completion of the drug court based on those participants who  
261 complete the program without a new criminal conviction.

262 ~~(4) \* \* \* Drug court employees or contractors shall perform~~  
263 ~~duties the court assigns.~~ (a) All certified drug courts must  
264 collect and submit to the Administrative Office of Courts each  
265 month, the following data:

266 (i) Total number of participants at the beginning  
267 of the month;



268 (ii) Total number of participants at the end of  
269 the month;

270 (iii) Total number of participants who began the  
271 program in the month;

272 (iv) Total number of participants who successfully  
273 completed the drug court in the month;

274 (v) Total number of participants who left the  
275 program in the month;

276 (vi) Total number of participants who were  
277 arrested for a new criminal offense while in the drug court  
278 program in the month;

279 (vii) Total number of participants who were  
280 convicted for a new criminal arrest while in the drug court  
281 program in the month; and

282 (viii) Total number of participants who committed  
283 at least one (1) violation while in the drug court program and any  
284 resulting sanction(s).

285 (b) By August 1, 2015, and each year thereafter, the  
286 Administrative Office of Courts shall report to the PEER Committee  
287 the information in subsection (4)(a) of this section in a  
288 sortable, electronic format.

289 ~~(5) \* \* \* A drug court established under this chapter is~~  
290 ~~subject to the regulatory powers of the Administrative Office of~~  
291 ~~Courts as set forth in Section 9-23-15~~ All certified drug courts  
292 may individually establish rules and may make special orders and



293 rules as necessary that do not conflict with the rules promulgated  
294 by the Supreme Court or the Administrative Office of Courts.

295 (6) \* \* \* ~~Each individual drug court is responsible for the~~  
296 ~~administration of the drug and alcohol intervention component of~~  
297 ~~that court~~ A certified drug court may appoint the full- or  
298 part-time employees it deems necessary for the work of the drug  
299 court and shall fix the compensation of those employees. Such  
300 employees shall serve at the will and pleasure of the judge or the  
301 judge's designee.

302 (7) \* \* \* ~~(a) The costs of participation in an alcohol and~~  
303 ~~drug services component required by the drug court established by~~  
304 ~~this chapter may be paid by the participant or out of user fees or~~  
305 ~~such other state, federal or private funds that may, from time to~~  
306 ~~time, be made available~~ The Administrative Office of Courts shall  
307 promulgate rules and regulations to carry out the certification  
308 and re-certification process and make any other policies not  
309 inconsistent with this section to carry out this process.

310 (8) A certified drug court established under this chapter is  
311 subject to the regulatory powers of the Administrative Office of  
312 Courts as set forth in Section 9-23-17.

313 **SECTION 5.** Section 9-23-13, Mississippi Code of 1972, is  
314 amended as follows:

315 9-23-13. (1) A drug court's alcohol and drug intervention  
316 component \* \* \* ~~may~~ shall provide for eligible individuals, either  
317 directly or through referrals, a range of necessary court



318 intervention services, including, but not limited to, the  
319 following:

320 (a) Screening using a valid and reliable assessment  
321 tool effective for identifying alcohol and drug dependent persons  
322 for eligibility and \* \* \*~~other~~ appropriate services;

323 (b) Clinical assessment;

324 (c) Education;

325 (d) Referral;

326 (e) Service coordination and case management; and

327 (f) Counseling and rehabilitative care.

328 (2) Any inpatient treatment or inpatient detoxification  
329 program ordered by the court shall be certified by the Department  
330 of Mental Health, other appropriate state agency or the equivalent  
331 agency of another state.

332 **SECTION 6.** Section 9-23-15, Mississippi Code of 1972, is  
333 amended as follows:

334 9-23-15. (1) In order to be eligible for alternative  
335 sentencing through a local drug court, the participant must  
336 satisfy each of the following criteria:

337 (a) The participant cannot have any felony convictions  
338 for any offenses that are crimes of violence as defined in Section  
339 97-3-2 within the previous ten (10) years.

340 (b) The crime before the court cannot be a crime of  
341 violence as defined in Section 97-3-2.



342 (c) Other criminal proceedings alleging commission of a  
343 crime of violence cannot be pending against the participant.

344 (d) The participant cannot \* \* \*~~have been~~ be currently  
345 charged with burglary of \* \* \*~~an occupied~~ a dwelling under Section  
346 97-17-23(2) or 97-17-37.

347 (e) The crime before the court cannot be a charge of  
348 driving under the influence of alcohol or any other drug or drugs  
349 that resulted in the death of a person.

350 (f) The crime charged cannot be one  
351 of \* \* \*~~distribution, sale, possession with intent to distribute,~~  
352 ~~production, manufacture or cultivation of~~ trafficking in  
353 controlled substances under Section 41-29-139(f), nor can the  
354 participant have a prior conviction for same.

355 (2) Participation in the services of an alcohol and drug  
356 intervention component shall be open only to the individuals over  
357 whom the court has jurisdiction, except that the court may agree  
358 to provide the services for individuals referred from another drug  
359 court. In cases transferred from another jurisdiction, the  
360 receiving judge shall act as a special master and make  
361 recommendations to the sentencing judge.

362 (3) (a) As a condition of participation in a drug court, a  
363 participant may be required to undergo a chemical test or a series  
364 of chemical tests as specified by the drug court. A participant  
365 is liable for the costs of all chemical tests required under this  
366 section, regardless of whether the costs are paid to the drug



367 court or the laboratory; however, if testing is available from  
368 other sources or the program itself, the judge may waive any fees  
369 for testing.

370 (b) A laboratory that performs a chemical test under  
371 this section shall report the results of the test to the drug  
372 court.

373 (4) A person does not have a right to participate in drug  
374 court under this chapter. The court having jurisdiction over a  
375 person for a matter before the court shall have the final  
376 determination about whether the person may participate in drug  
377 court under this chapter.

378 **SECTION 7.** Section 9-23-17, Mississippi Code of 1972, is  
379 amended as follows:

380 9-23-17. With regard to any drug court established under  
381 this chapter, the Administrative Office of Courts \* \* \*~~may~~ shall  
382 do the following:

383 (a) Certify and re-certify drug court applications that  
384 meet standards established by Administrative Office of Courts in  
385 accordance with this chapter.

386 ( \* \* \*~~a~~b) Ensure that the structure of the  
387 intervention component complies with rules adopted under this  
388 section and applicable federal regulations.

389 ( \* \* \*~~b~~c) Revoke the authorization of a program upon a  
390 determination that the program does not comply with rules adopted  
391 under this section and applicable federal regulations.



392 ( \* \* \*ed) Make agreements and contracts to effectuate  
393 the purposes of this chapter with:

394 (i) Another department, authority or agency of the  
395 state;

396 (ii) Another state;

397 (iii) The federal government;

398 (iv) A state-supported or private university; or

399 (v) A public or private agency, foundation,  
400 corporation or individual.

401 ( \* \* \*de) Directly, or by contract, approve and  
402 certify any intervention component established under this \* \* \*  
403 ~~act~~ chapter.

404 ( \* \* \*ef) Require, as a condition of operation, that  
405 each drug court created or funded under this chapter be certified  
406 by the Administrative Office of Courts.

407 (g) Collect monthly data reports submitted by all  
408 certified drug courts, provide those reports to the State Drug  
409 Courts Advisory Committee, compile an annual report summarizing  
410 the data collected and the outcomes achieved by all certified drug  
411 courts and submit the annual report to the Oversight Task Force.

412 (h) Every three (3) years contract with an external  
413 evaluator to conduct an evaluation of the effectiveness of the  
414 drug court program, both statewide and individual drug court  
415 programs, in complying with the key components of the drug courts  
416 adopted by the National Association of Drug Court Professionals.



417 ( \* \* \*~~fi~~) Adopt rules to implement this chapter.

418 **SECTION 8.** Section 9-23-19, Mississippi Code of 1972, is  
419 amended as follows:

420 9-23-19. (1) All monies received from any source by the  
421 drug court shall be accumulated in a fund to be used only for drug  
422 court purposes. Any funds remaining in this fund at the end of a  
423 fiscal year shall not lapse into any general fund, but shall be  
424 retained in the drug court fund for the funding of further  
425 activities by the drug court.

426 (2) A drug court may apply for and receive the following:

427 (a) Gifts, bequests and donations from private sources.

428 (b) Grant and contract money from governmental sources.

429 (c) Other forms of financial assistance approved by the  
430 court to supplement the budget of the drug court.

431 (3) The costs of participation in an alcohol and drug  
432 intervention program required by the certified drug court may be  
433 paid by the participant or out of user fees or such other state,  
434 federal or private funds that may, from time to time, be made  
435 available.

436 (4) The court may assess such reasonable and appropriate  
437 fees to be paid to the local drug court fund for participation in  
438 an alcohol or drug intervention program.

439 **SECTION 9.** Section 99-15-26, Mississippi Code of 1972, is  
440 amended as follows:



441 99-15-26. (1) (a) In all criminal cases, felony and  
442 misdemeanor, other than crimes against the person, a crime of  
443 violence as defined in Section 97-3-2 or a violation of Section  
444 97-11-31, the circuit or county court shall be empowered, upon the  
445 entry of a plea of guilty by a criminal defendant made on or after  
446 July 1, 2014, to withhold acceptance of the plea and sentence  
447 thereon pending successful completion of such conditions as may be  
448 imposed by the court pursuant to subsection (2) of this section.

449 (b) In all misdemeanor criminal cases, other than  
450 crimes against the person, the justice or municipal court shall be  
451 empowered, upon the entry of a plea of guilty by a criminal  
452 defendant, to withhold acceptance of the plea and sentence thereon  
453 pending successful completion of such conditions as may be imposed  
454 by the court pursuant to subsection (2) of this section.

455 (c) Notwithstanding Section 97-3-2, in all criminal  
456 cases charging a misdemeanor of domestic violence as defined in  
457 Section 99-3-7(5) or aggravated domestic violence as defined in  
458 Section 97-3-7(4), a circuit, county, justice or municipal court  
459 shall be empowered, upon the entry of a plea of guilty by the  
460 criminal defendant, to withhold acceptance of the plea and  
461 sentence thereon pending successful completion of such conditions  
462 as may be imposed by the court pursuant to subsection (2) of this  
463 section.

464 (d) No person having previously qualified under the  
465 provisions of this section \* \* \* ~~or having ever been convicted of~~



466 ~~a felony~~ shall be eligible to qualify for release in accordance  
467 with this section for a repeat offense. A person shall not be  
468 eligible to qualify for release in accordance with this section  
469 if \* \* \* ~~such person has been charged (i) with an offense~~  
470 ~~pertaining to the sale, barter, transfer, manufacture,~~  
471 ~~distribution or dispensing of a controlled substance, or the~~  
472 ~~possession with intent to sell, barter, transfer, manufacture,~~  
473 ~~distribute or dispense a controlled substance, as provided in~~  
474 ~~Section 41-29-139(a)(1), except for a charge under said provision~~  
475 ~~when the controlled substance involved is one (1) ounce or less of~~  
476 ~~marijuana; (ii) with an offense pertaining to the possession of~~  
477 ~~one (1) kilogram or more of marijuana as provided in Section~~  
478 ~~41-29-139(c)(2)(F) and (G); or (iii) with an offense under the~~  
479 ~~Mississippi Implied Consent Law~~ charged with the offense of  
480 trafficking of a controlled substance as provided in Section  
481 41-29-139(f).

482 (2) (a) Conditions which the circuit, county, justice or  
483 municipal court may impose under subsection (1) of this section  
484 shall consist of:

485 (i) Reasonable restitution to the victim of the  
486 crime.

487 (ii) Performance of not more than nine hundred  
488 sixty (960) hours of public service work approved by the court.

489 (iii) Payment of a fine not to exceed the  
490 statutory limit.



491 (iv) Successful completion of drug, alcohol,  
492 psychological or psychiatric treatment, successful completion of a  
493 program designed to bring about the cessation of domestic abuse,  
494 or any combination thereof, if the court deems treatment  
495 necessary.

496 (v) The circuit or county court, in its  
497 discretion, may require the defendant to remain in the program  
498 subject to good behavior for a period of time not to exceed five  
499 (5) years. The justice or municipal court, in its discretion, may  
500 require the defendant to remain in the program subject to good  
501 behavior for a period of time not to exceed two (2) years.

502 (b) Conditions which the circuit or county court may  
503 impose under subsection (1) of this section also include  
504 successful completion of a regimented inmate discipline program.

505 (3) When the court has imposed upon the defendant the  
506 conditions set out in this section, the court shall release the  
507 bail bond, if any.

508 (4) Upon successful completion of the court-imposed  
509 conditions permitted by subsection (2) of this section, the court  
510 shall direct that the cause be dismissed and the case be closed.

511 (5) Upon petition therefor, the court shall expunge the  
512 record of any case in which an arrest was made, the person  
513 arrested was released and the case was dismissed or the charges  
514 were dropped or there was no disposition of such case.



515 (6) This section shall take effect and be in force from and  
516 after March 31, 1983.

517 **SECTION 10.** Section 47-7-33, Mississippi Code of 1972, is  
518 amended as follows:

519 47-7-33. (1) When it appears to the satisfaction of any  
520 circuit court or county court in the State of Mississippi having  
521 original jurisdiction over criminal actions, or to the judge  
522 thereof, that the ends of justice and the best interest of the  
523 public, as well as the defendant, will be served thereby, such  
524 court, in termtime or in vacation, shall have the power, after  
525 conviction or a plea of guilty, except in a case where a death  
526 sentence or life imprisonment is the maximum penalty which may be  
527 imposed \* \* \*~~or where the defendant has been convicted of a felony~~  
528 ~~on a previous occasion in any court or courts of the United States~~  
529 ~~and of any state or territories thereof,~~ to suspend the imposition  
530 or execution of sentence, and place the defendant on probation as  
531 herein provided, except that the court shall not suspend the  
532 execution of a sentence of imprisonment after the defendant shall  
533 have begun to serve such sentence. In placing any defendant on  
534 probation, the court, or judge, shall direct that such defendant  
535 be under the supervision of the Department of Corrections.

536 (2) When any circuit or county court places an offender on  
537 probation, the court shall give notice to the Mississippi  
538 Department of Corrections within fifteen (15) days of the court's  
539 decision to place the offender on probation. Notice shall be



540 delivered to the central office of the Mississippi Department of  
541 Corrections and to the regional office of the department which  
542 will be providing supervision to the offender on probation.

543 (3) When any circuit court or county court places a person  
544 on probation in accordance with the provisions of this section and  
545 that person is ordered to make any payments to his family, if any  
546 member of his family whom he is ordered to support is receiving  
547 public assistance through the State Department of \* \* \* ~~Public~~  
548 ~~Welfare~~ Human Services, the court shall order him to make such  
549 payments to the county welfare officer of the county rendering  
550 public assistance to his family, for the sole use and benefit of  
551 said family.

552 **SECTION 11.** Section 47-5-1003, Mississippi Code of 1972, is  
553 amended as follows:

554 47-5-1003. (1) An intensive supervision program may be used  
555 as an alternative to incarceration for offenders who are \* \* \* ~~low~~  
556 ~~risk and nonviolent~~ not convicted of a crime of violence pursuant  
557 to Section 97-3-2 as selected by the \* \* \* ~~department or~~ court and  
558 for juvenile offenders as provided in Section 43-21-605. Any  
559 offender convicted of a sex crime shall not be placed in the  
560 program.

561 (2) The court \* \* \* ~~or the department~~ may place the defendant  
562 on intensive supervision, except when a death sentence or life  
563 imprisonment is the maximum penalty which may be imposed \* \* \* ~~or~~  
564 ~~if the defendant has been convicted of a felony committed after~~



565 ~~having been confined for the conviction of a felony on a previous~~  
566 ~~occasion in any court or courts of the United States and of any~~  
567 ~~state or territories thereof or has been convicted of a felony~~  
568 ~~involving the use of a deadly weapon by a court or judge.~~

569 (3) To protect and to ensure the safety of the state's  
570 citizens, any offender who violates an order or condition of the  
571 intensive supervision program may be arrested by the correctional  
572 field officer and placed in the actual custody of the Department  
573 of Corrections. Such offender is under the full and complete  
574 jurisdiction of the department and subject to removal from the  
575 program by the classification hearing officer.

576 (4) When any circuit or county court places an offender in  
577 an intensive supervision program, the court shall give notice to  
578 the Mississippi Department of Corrections within fifteen (15) days  
579 of the court's decision to place the offender in an intensive  
580 supervision program. Notice shall be delivered to the central  
581 office of the Mississippi Department of Corrections and to the  
582 regional office of the department which will be providing  
583 supervision to the offender in an intensive supervision program.

584 The courts may not require an offender to participate in the  
585 intensive supervision program during a term of probation or  
586 post-release supervision.

587 (5) The Department of Corrections shall \* \* \*~~submit a report~~  
588 ~~to the chairperson of the House Corrections Committee and the~~  
589 ~~chairperson of the Senate Corrections Committee on the~~



590 ~~effectiveness of the intensive supervision program before January~~  
591 ~~1, 2010~~ provide to the Oversight Task Force all relevant data  
592 regarding the offenders participating in the intensive supervision  
593 program including the number of offenders admitted to the program  
594 annually, the number of offenders who leave the program annually  
595 and why they leave, the number of offenders who are arrested or  
596 convicted annually and the circumstances of the arrest and any  
597 other information requested.

598       **SECTION 12.** Section 47-5-1007, Mississippi Code of 1972, is  
599 amended as follows:

600       47-5-1007. (1) Any participant in the intensive supervision  
601 program who engages in employment shall pay a monthly fee to the  
602 department for each month such person is enrolled in the program.  
603 The department may waive the monthly fee if the offender is a  
604 full-time student or is engaged in vocational training. Juvenile  
605 offenders shall pay a monthly fee of not less than Ten Dollars  
606 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a  
607 sliding scale using the standard of need for each family that is  
608 used to calculate TANF benefits. Money received by the department  
609 from participants in the program shall be deposited into a special  
610 fund which is hereby created in the State Treasury. It shall be  
611 used, upon appropriation by the Legislature, for the purpose of  
612 helping to defray the costs involved in administering and  
613 supervising such program. Unexpended amounts remaining in such  
614 special fund at the end of a fiscal year shall not lapse into the



615 State General Fund, and any interest earned on amounts in such  
616 special fund shall be deposited to the credit of the special fund.

617 (2) The participant shall admit any correctional officer  
618 into his residence at any time for purposes of verifying the  
619 participant's compliance with the conditions of his detention.

620 (3) The participant shall make the necessary arrangements to  
621 allow for correctional officers to visit the participant's place  
622 of education or employment at any time, based upon the approval of  
623 the educational institution or employer, for the purpose of  
624 verifying the participant's compliance with the conditions of his  
625 detention.

626 (4) The participant shall acknowledge and participate with  
627 the approved electronic monitoring device as designated by the  
628 department at any time for the purpose of verifying the  
629 participant's compliance with the conditions of his detention.

630 (5) The participant shall be responsible for and shall  
631 maintain the following:

632 (a) A working telephone line in the participant's home;

633 (b) A monitoring device in the participant's home, or  
634 on the participant's person, or both; and

635 (c) A monitoring device in the participant's home and  
636 on the participant's person in the absence of a telephone.

637 (6) The participant shall obtain approval from the  
638 correctional field officer before the participant changes  
639 residence.



640 (7) The participant shall not commit another crime during  
641 the period of home detention ordered by the court or department.

642 (8) Notice shall be given to the participant that violation  
643 of the order of home detention shall subject the participant to  
644 prosecution for the crime of escape as a felony.

645 (9) The participant shall abide by other conditions as set  
646 by the court or the department.

647 **SECTION 13.** Section 99-15-107, Mississippi Code of 1972, is  
648 amended as follows:

649 99-15-107. A person shall not be considered for intervention  
650 if he or she has \* \* \* ~~previously been accepted into an~~  
651 ~~intervention program nor shall intervention be considered for~~  
652 ~~those individuals~~ been charged with any crime of  
653 violence \* \* \* ~~including, but not limited to, murder, aggravated~~  
654 ~~assault, rape, armed robbery, manslaughter or burglary of a~~  
655 ~~dwelling house~~ pursuant to Section 97-3-2. A person shall not be  
656 eligible for acceptance into the intervention program provided by  
657 Sections 99-15-101 through 99-15-127 if such person has been  
658 charged \* \* \* ~~(a) with an offense pertaining to \* \* \* the sale,~~  
659 ~~barter, transfer, manufacture, distribution or dispensing of a~~  
660 ~~controlled substance, or the possession with intent to sell,~~  
661 ~~barter, transfer, manufacture, distribute or dispense~~ trafficking  
662 in a controlled substance, \* \* \* ~~or the possession with intent to~~  
663 ~~sell, barter, transfer, manufacture, distribute or dispense a~~  
664 ~~controlled substance, as provided in Section 41-29-139(a)(1),~~



665 ~~Mississippi Code of 1972, except for a charge under said provision~~  
666 ~~when the controlled substance involved is one (1) ounce or less of~~  
667 ~~marihuana; or (b) with an offense pertaining to the possession of~~  
668 ~~one (1) kilogram or more of marihuana as provided in Section~~  
669 ~~41-29-139 \* \* \*(a)(1), Mississippi Code of 1972, except for a~~  
670 ~~charge under said provision when the controlled substance involved~~  
671 ~~is one (1) ounce or less of marijuana; or (b) with an offense~~  
672 ~~pertaining to the possession of one (1) kilogram or more of~~  
673 ~~marijuana as provided in Section 41-29-139(c)(2)(D), Mississippi~~  
674 ~~Code of 1972(f).~~

675       **SECTION 14.** Section 97-17-39, Mississippi Code of 1972, is  
676 amended as follows:

677       97-17-39. If any person, by any means whatever, shall \* \* \*  
678 ~~wilfully~~ willfully or mischievously injure or destroy any of the  
679 burial vaults, urns, memorials, vases, foundations, bases or other  
680 similar items in a cemetery, or injure or destroy any of the work,  
681 materials, or furniture of any courthouse or jail, or other public  
682 building, or schoolhouse or church, or deface any of the walls or  
683 other parts thereof, or shall write, or make any drawings or  
684 character, or do any other act, either on or in said building or  
685 the walls thereof, or shall deface or injure the trees, fences,  
686 pavements, or soil, on the grounds belonging thereto, or an  
687 ornamental or shade tree on any public road or street leading  
688 thereto, such person, upon conviction, for such offense, shall be  
689 punished as follows:



690 (a) If the damage caused by the destruction or  
691 defacement of such property has a value of less than \* \* \*~~Three~~  
692 ~~Hundred Dollars (\$300.00)~~ Five Hundred Dollars (\$500.00), any  
693 person who is convicted of \* \* \*~~such~~ this offense \* \* \*~~shall~~ may  
694 be fined not more than One Thousand Dollars (\$1,000.00) or be  
695 imprisoned in the county jail for not more than one (1) year, or  
696 both \* \* \*~~-~~ if the court finds substantial and compelling reasons  
697 why the offender cannot be safely and effectively supervised in  
698 the community, is not amenable to community-based treatment, or  
699 poses a significant risk to public safety. If such a finding is  
700 not made, the court shall suspend the sentence of imprisonment and  
701 impose a period of probation not exceeding one (1) year or a fine  
702 of not more than One Thousand Dollars (\$1,000.00), or both. Any  
703 person convicted of a third or subsequent offense under this  
704 subsection where the value of the property is not less than Five  
705 Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary  
706 for a term not exceeding three (3) years or fined an amount not  
707 exceeding Two Thousand Dollars (\$2,000.00), or both.

708 (b) If the damage caused by the destruction or  
709 defacement of such property has a value equal to or  
710 exceeding \* \* \*~~Three Hundred Dollars (\$300.00)~~ Five Hundred  
711 Dollars (\$500.00) or more but less than Five Thousand Dollars  
712 (\$5,000.00), any person who is convicted of \* \* \*~~such~~ this offense  
713 shall be fined not more than Five Thousand Dollars (\$5,000.00) or



714 be imprisoned in the State Penitentiary for up to five (5) years,  
715 or both.

716 (c) If the damage caused by the destruction or  
717 defacement of such property has a value of Five Thousand Dollars  
718 (\$5,000.00) or more but less than Twenty-five Thousand Dollars  
719 (\$25,000.00), any person who is convicted of this offense shall be  
720 fined not more than Ten Thousand Dollars (\$10,000.00) or be  
721 imprisoned in the Penitentiary for up to ten (10) years, or both.

722 (d) If the damage caused by the destruction or  
723 defacement of such property has a value of Twenty-five Thousand  
724 Dollars (\$25,000.00) or more, any person who is convicted of this  
725 offense shall be fined not more than Ten Thousand Dollars  
726 (\$10,000.00) or be imprisoned in the Penitentiary for up to twenty  
727 (20) years, or both.

728 **SECTION 15.** Section 97-17-41, Mississippi Code of 1972, is  
729 amended as follows:

730 97-17-41. (1) \* \* \*~~Every~~ Any person who shall be convicted  
731 of taking and carrying away, feloniously, the personal property of  
732 another, of the value of \* \* \*~~Five Hundred Dollars (\$500.00)~~ One  
733 Thousand Dollars (\$1,000.00) or more, but less than Five Thousand  
734 Dollars (\$5,000.00), shall be guilty of grand larceny, and shall  
735 be imprisoned in the Penitentiary for a term not  
736 exceeding \* \* \*~~ten (10)~~ five (5) years; or shall be fined not more  
737 than Ten Thousand Dollars (\$10,000.00), or both. The total value  
738 of property taken and carried away by the person from a single



739 victim shall be aggregated in determining the gravity of the  
740 offense.

741 (2) Any person who shall be convicted of taking and carrying  
742 away, feloniously, the personal property of another, of the value  
743 of Five Thousand Dollars (\$5,000.00) or more, but less than  
744 Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of  
745 grand larceny, and shall be imprisoned in the Penitentiary for a  
746 term not exceeding ten (10) years; or shall be fined not more than  
747 Ten Thousand Dollars (\$10,000.00), or both. The total value of  
748 property taken and carried away by the person from a single victim  
749 shall be aggregated in determining the gravity of the offense.

750 (3) Any person who shall be convicted of taking and carrying  
751 away, feloniously, the personal property of another, of the value  
752 of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be  
753 guilty of grand larceny, and shall be imprisoned in the  
754 Penitentiary for a term not exceeding twenty (20) years; or shall  
755 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.  
756 The total value of property taken and carried away by the person  
757 from a single victim shall be aggregated in determining the  
758 gravity of the offense.

759 ( \* \* \*24) \* \* \*—Every (a) Any person who shall be  
760 convicted of taking and carrying away, feloniously, the property  
761 of a church, synagogue, temple or other established place of  
762 worship, of the value of \* \* \*~~Five Hundred Dollars (\$500.00)~~ One  
763 Thousand Dollars (\$1,000.00) or more, shall be guilty of grand



764 larceny, and shall be imprisoned in the Penitentiary for a term  
765 not exceeding ten (10) years, or shall be fined not more than Ten  
766 Thousand Dollars (\$10,000.00), or both.

767 (b) Any person who shall be convicted of taking and  
768 carrying away, feloniously, the property of a church, synagogue,  
769 temple or other established place of worship, of the value of  
770 Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty  
771 of grand larceny, and shall be imprisoned in the Penitentiary for  
772 a term not exceeding twenty (20) years, or shall be fined not more  
773 than Ten Thousand Dollars (\$10,000.00), or both. The total value  
774 of property taken and carried away by the person from a single  
775 victim shall be aggregated in determining the gravity of the  
776 offense.

777 **SECTION 16.** Section 97-17-42, Mississippi Code of 1972, is  
778 amended as follows:

779 97-17-42. (1) Any person who shall, willfully and without  
780 authority, take possession of or take away a motor vehicle of any  
781 value belonging to another, with intent to either permanently or  
782 temporarily convert it or to permanently or temporarily deprive  
783 the owner of possession or ownership, and any person who knowingly  
784 shall aid and abet in the taking possession or taking away of the  
785 motor vehicle, shall be guilty of \* \* \*~~a felony larceny~~ and shall  
786 be punished \* \* \*~~by commitment to the Department of Corrections~~  
787 ~~for not more than ten (10) years by commitment to the Department~~  
788 ~~of Corrections for not more than ten (10) years~~ based on the value



789 of the motor vehicle involved according to the schedule in Section  
790 97-17-41. If the value of the motor vehicle involved is One  
791 Thousand Dollars (\$1,000.00) or less, the person shall be punished  
792 according to the schedule in Section 97-17-43.

793 (2) Any person convicted under this section who causes  
794 damage to any motor vehicle shall be ordered by the court to pay  
795 restitution to the owner or owners of the motor vehicle or  
796 vehicles damaged.

797 (3) This section shall not apply to the enforcement of a  
798 security interest in a motor vehicle.

799 (4) Any person who shall be convicted for a second or  
800 subsequent offense under this section shall be imprisoned in the  
801 Penitentiary for a term not exceeding \* \* \* ~~fifteen (15) years~~  
802 twice the term authorized based on the value of the motor vehicle  
803 involved in the subsequent offense according to the schedule in  
804 Section 97-17-41 or shall be fined not more than Ten Thousand  
805 Dollars (\$10,000.00), or both.

806 **SECTION 17.** Section 97-17-43, Mississippi Code of 1972, is  
807 amended as follows:

808 97-17-43. (1) If any person shall feloniously take, steal  
809 and carry away any personal property of another under the value  
810 of \* \* \* ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars  
811 (\$1,000.00), he shall be guilty of petit larceny and, upon  
812 conviction, \* \* \* ~~shall~~ may be punished by \* \* \* ~~a term of probation~~  
813 ~~not exceeding one (1) year or a fine not exceeding One Thousand~~



814 ~~Dollars (\$1,000.00), or both. The court may impose a sentence of~~  
815 ~~imprisonment in the county jail not exceeding six (6) months or by~~  
816 ~~a fine not exceeding One Thousand Dollars (\$1,000.00), or both if~~  
817 ~~the court finds substantial and compelling reasons why the~~  
818 ~~offender cannot be safely and effectively supervised in the~~  
819 ~~community, is not amenable to community-based treatment, or poses~~  
820 ~~a significant risk to public safety. If such a finding is not~~  
821 ~~made, the court shall suspend the sentence of imprisonment and~~  
822 ~~impose a period of probation not exceeding one (1) year or a fine~~  
823 ~~not exceeding One Thousand Dollars (\$1,000.00), or both. The~~  
824 ~~total value of property taken, stolen or carried away by the~~  
825 ~~person from a single victim shall be aggregated in determining the~~  
826 ~~gravity of the offense. Any person convicted of a third or~~  
827 ~~subsequent offense under this section where the value of the~~  
828 ~~property is not less than Five Hundred Dollars (\$500.00), shall be~~  
829 ~~imprisoned in the Penitentiary for a term not exceeding three (3)~~  
830 ~~years or fined an amount not exceeding One Thousand Dollars~~  
831 ~~(\$1,000.00), or both.~~

832 (2) If any person shall feloniously take, steal and carry  
833 away any property of a church, synagogue, temple or other  
834 established place of worship under the value of \* \* \*~~Five Hundred~~  
835 ~~Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), he shall be  
836 guilty of petit larceny and, upon conviction, \* \* \*~~shall~~ may be  
837 punished by \* \* \*~~a term of probation not exceeding one (1) year.~~  
838 ~~The court may impose a sentence of imprisonment in the county jail~~



839 not exceeding one (1) year or by fine not exceeding Two Thousand  
840 Dollars (\$2,000.00), or both if the court finds substantial and  
841 compelling reasons why the offender cannot be safely and  
842 effectively supervised in the community, is not amenable to  
843 community-based treatment, or poses a significant risk to public  
844 safety. If such a finding is not made, the court shall suspend  
845 the sentence of imprisonment and impose a period of probation not  
846 exceeding one (1) year or a fine not exceeding Two Thousand  
847 Dollars (\$2,000.00), or both. Any person convicted of a third or  
848 subsequent offense under this section where the value of the  
849 property is not less than Five Hundred Dollars (\$500.00), shall be  
850 imprisoned in the Penitentiary for a term not exceeding three (3)  
851 years or fined an amount not exceeding Two Thousand Dollars  
852 (\$2,000.00), or both.

853 (3) Any person who leaves the premises of an establishment  
854 at which motor fuel offered for retail sale was dispensed into the  
855 fuel tank of a motor vehicle by driving away in that motor vehicle  
856 without having made due payment or authorized charge for the motor  
857 fuel so dispensed, with intent to defraud the retail  
858 establishment, shall be guilty of petit larceny and punished as  
859 provided in subsection (1) of this section and, upon any second or  
860 subsequent such offense, the driver's license of the person shall  
861 be suspended as follows:



862 (a) The person shall submit the driver's license to the  
863 court upon conviction and the court shall forward the driver's  
864 license to the Department of Public Safety.

865 (b) The first suspension of a driver's license under  
866 this subsection shall be for a period of six (6) months.

867 (c) A second or subsequent suspension of a driver's  
868 license under this subsection shall be for a period of one (1)  
869 year.

870 (d) At the expiration of the suspension period, and  
871 upon payment of a restoration fee of Twenty-five Dollars (\$25.00),  
872 the suspension shall terminate and the Department of Public Safety  
873 shall return the person's driver's license to the person. The  
874 restoration fee shall be in addition to the fees provided for in  
875 Title 63, Chapter 1, and shall be deposited into the State General  
876 Fund in accordance with Section 45-1-23.

877 **SECTION 18.** Section 97-17-47, Mississippi Code of 1972, is  
878 amended as follows:

879 97-17-47. If any person shall sever from the soil of another  
880 any produce growing thereon, or shall sever from any building,  
881 gate, fence, railing, or other improvement or enclosure any part  
882 thereof, and shall take and convert the same to his own use with  
883 intent to steal the same, he shall be guilty of larceny in the  
884 same manner and of the same degree as if the article so taken had  
885 been severed at some previous and different time and shall be



886 punished based on the value of the property involved according to  
887 the schedule in Sections 97-17-41 and 97-17-43.

888         **SECTION 19.** Section 97-17-62, Mississippi Code of 1972, is  
889 amended as follows:

890             97-17-62. (1) (a) It is unlawful to obtain custody of  
891 personal property or equipment by trick, deceit, fraud or willful  
892 false representation with intent to defraud the owner or any  
893 person in lawful possession of the personal property or equipment.

894             (b) It is unlawful to hire or lease personal property  
895 or equipment from any person who is in lawful possession of the  
896 personal property or equipment with intent to defraud that person  
897 of the rental due under the rental agreement.

898             (c) It is unlawful to abandon or willfully refuse to  
899 redeliver personal property as required under a rental agreement  
900 without the consent of the lessor or the lessor's agent with  
901 intent to defraud the lessor or the lessor's agent.

902             (d) A person who violates this subsection (1) shall be  
903 guilty of a misdemeanor, punishable as provided in Section  
904 97-17-43, unless the value of the personal property or equipment  
905 is of a value of \* \* \*~~Five Hundred Dollars (\$500.00)~~ One Thousand  
906 Dollars (\$1,000.00) or more; in that event the violation  
907 constitutes a felony, \* \* \*~~punishable as provided in~~ and shall be  
908 punished based on the property involved according to the schedule  
909 in Section 97-17-41.



910           (2)   (a)   In prosecutions under this section, the following  
911 acts are prima facie evidence of fraudulent intent: obtaining the  
912 property or equipment under false pretenses; absconding without  
913 payment; or removing or attempting to remove the property or  
914 equipment from the county without the express written consent of  
915 the lessor or the lessor's agent.

916                   (b)   Demand for return of overdue property or equipment  
917 and for payment of amounts due may be made personally, by hand  
918 delivery, or by certified mail, return receipt requested, to the  
919 lessee's address shown in the rental contract.

920                   (c)   In a prosecution under subsection (1)(c):

921                           (i)   Failure to redeliver the property or equipment  
922 within five (5) days after hand delivery to or return receipt from  
923 the lessee is prima facie evidence of fraudulent intent. Notice  
924 that is returned undelivered after mailing to the address given by  
925 the lessee at the time of rental shall be deemed equivalent to  
926 return receipt from the lessee.

927                           (ii)   Failure to pay any amount due which is  
928 incurred as the result of the failure to redeliver property after  
929 the rental period expires is prima facie evidence of fraudulent  
930 intent. Amounts due include unpaid rental for the time period  
931 during which the property or equipment was not returned, and  
932 include the lesser of the cost of repairing or replacing the  
933 property or equipment, as necessary, if it has been damaged or not  
934 returned.



935           **SECTION 20.** Section 97-17-64, Mississippi Code of 1972, is  
936 amended as follows:

937           97-17-64. (1) A person who obtains personal property of  
938 another under a lease or rental agreement is guilty of theft if he  
939 exercises unlawful or unauthorized control over the property with  
940 purpose to deprive the owner thereof. As used in this section,  
941 the word "deprive" means to withhold property of another  
942 permanently or for so extended a period that a significant portion  
943 of its economic value, or the use or benefit thereof, is lost to  
944 the owner; or to withhold the property with intent to restore it  
945 to the owner only upon payment of a reward or other compensation;  
946 or to conceal, abandon or dispose of the property so as to make it  
947 unlikely that the owner will recover it; or to sell, give, pledge,  
948 or otherwise transfer any interest in the property.

949           (2) It shall be prima facie evidence of purpose to deprive  
950 when a person:

951           (a) In obtaining such property presents identification  
952 or information which is materially false, fictitious, misleading  
953 or not current, with respect to such person's name, address, place  
954 of employment, or any other material matter; or

955           (b) Fails to return such property to the owner or his  
956 representative within ten (10) days after proper notice following  
957 the expiration of the term for which such person's use, possession  
958 or control of the property is authorized; or



959 (c) Fails to contact the owner or his representative to  
960 make arrangements to return such property within ten (10) days  
961 after proper notice following the expiration of the term for which  
962 such person's use, possession or control of such property is  
963 authorized.

964 (3) For the purpose of this section, "proper notice" means  
965 either actual notification as may be otherwise proven beyond a  
966 reasonable doubt or a written demand for return of the property  
967 mailed to the defendant, which satisfies the following procedure:

968 (a) The written demand must be mailed to the defendant  
969 by certified or registered mail with return receipt attached,  
970 which return receipt by its terms must be signed by the defendant  
971 personally and not by his representative;

972 (b) The written demand must be mailed to the defendant  
973 at either the address given at the time he obtained the property  
974 or the defendant's last-known address if later furnished in  
975 writing by the defendant to the owner or his representative; and

976 (c) The return receipt bearing the defendant's  
977 signature must be returned to the owner or his representative.

978 (4) It shall be an affirmative defense to prosecution under  
979 this section that:

980 (a) The defendant was unaware that the property was  
981 that of another; or



982 (b) The defendant acted under an honest claim of right  
983 to the property involved or that he had a right to acquire or  
984 dispose of it as he did; or

985 (c) The defendant was physically incapacitated and  
986 unable to request or obtain permission of the owner to retain the  
987 property; or

988 (d) The property was in such a condition, through no  
989 fault of the defendant, that it could not be returned within the  
990 requisite time after receipt of proper notice.

991 (5) Any person convicted of the offense of theft under this  
992 section shall be:

993 (a) Guilty of a misdemeanor when the value of the  
994 personal property is less than \* \* \*~~Two Hundred Fifty Dollars~~  
995 ~~(\$250.00)~~ One Thousand Dollars (\$1,000.00) and may be punished by  
996 a fine of not more than Two Hundred Fifty Dollars (\$250.00), or  
997 by \* \* \*~~a term of probation not exceeding one (1) year.~~ ~~The court~~  
998 ~~may impose a sentence of imprisonment in the county jail for a~~  
999 term of not more than six (6) months, by both such fine and  
1000 imprisonment if the court finds substantial and compelling reasons  
1001 why the offender cannot be safely and effectively supervised in  
1002 the community, is not amenable to community-based treatment, or  
1003 poses a significant risk to public safety. If such a finding is  
1004 not made, the court shall suspend the sentence of imprisonment and  
1005 impose a period of probation not exceeding one (1) year or a fine  
1006 not exceeding Two Hundred Fifty Dollars (\$250.00), or both. Any



1007 person convicted of a third or subsequent offense under this  
1008 subsection where the value of the property is not less than Five  
1009 Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary  
1010 for a term not exceeding three (3) years or fined an amount not  
1011 exceeding One Thousand Dollars (\$1,000.00); or

1012 (b) Guilty of a felony when the value of the personal  
1013 property is \* \* \*~~Two Hundred Fifty Dollars (\$250.00)~~ One Thousand  
1014 Dollars (\$1,000.00) or more and punished by a fine of not more  
1015 than One Thousand Dollars (\$1,000.00), or by imprisonment in the  
1016 State Penitentiary for a term of not more than \* \* \*~~three (3)~~ five  
1017 (5) years, or by both such fine and imprisonment.

1018 **SECTION 21.** Section 97-17-67, Mississippi Code of 1972, is  
1019 amended as follows:

1020 97-17-67. (1) Every person who shall maliciously or  
1021 mischievously destroy, disfigure, or injure, or cause to be  
1022 destroyed, disfigured, or injured, any property of another, either  
1023 real or personal, shall be guilty of malicious mischief.

1024 (2) If the value of the property destroyed, disfigured or  
1025 injured is \* \* \*~~Five Hundred Dollars (\$500.00)~~ One Thousand  
1026 Dollars (\$1,000.00) or less, it shall be a misdemeanor and may be  
1027 punishable by a fine of not more than One Thousand Dollars  
1028 (\$1,000.00) or \* \* \*~~imprisonment by a term of probation~~  
1029 imprisonment in the county jail not exceeding twelve (12)  
1030 months \* \* \*~~in the county jail, or both \* \* \*~~ if the court finds  
1031 substantial and compelling reasons why the offender cannot be



1032 safely and effectively supervised in the community, is not  
1033 amenable to community-based treatment, or poses a significant risk  
1034 to public safety. If such a finding is not made, the court shall  
1035 suspend the sentence of imprisonment and impose a period of  
1036 probation not exceeding one (1) year or a fine of not more than  
1037 One Thousand Dollars (\$1,000.00), or both. Any person convicted  
1038 of a third or subsequent offense under this subsection where the  
1039 value of the property is not less than Five Hundred Dollars  
1040 (\$500.00), shall be imprisoned in the Penitentiary for a term not  
1041 exceeding three (3) years or fined an amount not exceeding One  
1042 Thousand Dollars (\$1,000.00), or both.

1043 (3) If the value of the property destroyed, disfigured or  
1044 injured is in excess of \* \* \*~~Five Hundred Dollars (\$500.00)~~ One  
1045 Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars  
1046 (\$5,000.00), it shall be a felony punishable by a fine not  
1047 exceeding Ten Thousand Dollars (\$10,000.00) or imprisonment in the  
1048 Penitentiary not exceeding five (5) years, or both.

1049 (4) If the value of the property is Five Thousand Dollars  
1050 (\$5,000.00) or more but less than Twenty-five Thousand Dollars  
1051 (\$25,000.00), it shall be punishable by a fine of not more than  
1052 Ten Thousand Dollars (\$10,000.00) or imprisonment in the  
1053 Penitentiary not exceeding ten (10) years, or both.

1054 (5) If the value of the property is Twenty-five Thousand  
1055 Dollars (\$25,000.00) or more, it shall be punishable by a fine of



1056 not more than Ten Thousand Dollars (\$10,000.00) or imprisonment in  
1057 the Penitentiary not exceeding twenty (20) years, or both.

1058 ( \* \* \*46) In all cases restitution to the victim for all  
1059 damages shall be ordered. The value of property destroyed,  
1060 disfigured or injured by the same party as part of a common crime  
1061 against the same or multiple victims may be aggregated together  
1062 and if the value exceeds One Thousand Dollars (\$1,000.00), shall  
1063 be a felony.

1064 ( \* \* \*57) For purposes of this statute, value shall be the  
1065 cost of repair or replacement of the property damaged or  
1066 destroyed.

1067 ( \* \* \*68) Anyone who by any word, deed or act directly or  
1068 indirectly urges, aids, abets, suggests or otherwise instills in  
1069 the mind of another the will to so act shall be considered a  
1070 principal in the commission of said crime and shall be punished in  
1071 the same manner.

1072 **SECTION 22.** Section 97-17-70, Mississippi Code of 1972, is  
1073 amended as follows:

1074 97-17-70. (1) A person commits the crime of receiving  
1075 stolen property if he intentionally possesses, receives, retains  
1076 or disposes of stolen property knowing that it has been stolen or  
1077 having reasonable grounds to believe it has been stolen, unless  
1078 the property is possessed, received, retained or disposed of with  
1079 intent to restore it to the owner.



1080 (2) The fact that the person who stole the property has not  
1081 been convicted, apprehended or identified is not a defense to a  
1082 charge of receiving stolen property.

1083 (3) (a) Evidence that the person charged under this section  
1084 stole the property that is the subject of the charge of receiving  
1085 stolen property is not a defense to a charge under this section;  
1086 however, dual charges of both stealing and receiving the same  
1087 property shall not be brought against a single defendant in a  
1088 single jurisdiction.

1089 (b) Proof that a defendant stole the property that is  
1090 the subject of a charge under this section shall be prima facie  
1091 evidence that the defendant had knowledge that the property was  
1092 stolen.

1093 (4) Any person who shall be convicted of receiving stolen  
1094 property which exceeds \* \* \*~~Five Hundred Dollars (\$500.00)~~ One  
1095 Thousand Dollars (\$1,000.00) or more, but less than Five Thousand  
1096 Dollars (\$5,000.00) in value shall be \* \* \*~~committed to~~ punished  
1097 by imprisonment in the custody of the State Department of  
1098 Corrections for a term not exceeding \* \* \*~~ten (10)~~ five (5) years  
1099 or by a fine of not more than Ten Thousand Dollars (\$10,000.00),  
1100 or both.

1101 (5) Any person who shall be convicted of receiving stolen  
1102 property which \* \* \*~~does not~~ exceeds \* \* \*~~Five Hundred Dollars~~  
1103 ~~(\$500.00)~~ Five Thousand Dollars (\$5,000.00) or more but less than  
1104 Twenty-five Thousand Dollars (\$25,000.00) in value shall be



1105 punished by imprisonment \* \* \*~~for not more than six (6) months or~~  
1106 ~~by a fine of not more than One Thousand Dollars (\$1,000.00), in~~  
1107 the custody of the State Department of Corrections for a term not  
1108 exceeding ten (10) years or by a fine of not more than Ten  
1109 Thousand Dollars (\$10,000.00), or both.

1110 (6) Any person who shall be convicted of receiving stolen  
1111 property which exceeds Twenty-five Thousand Dollars (\$25,000.00)  
1112 in value shall be punished by imprisonment in the custody of the  
1113 State Department of Corrections for a term not exceeding twenty  
1114 (20) years or by a fine of not more than Ten Thousand Dollars  
1115 (\$10,000.00), or both.

1116 (7) Any person who shall be convicted of receiving stolen  
1117 property which does not exceed One Thousand Dollars (\$1,000.00) in  
1118 value may be punished by imprisonment in the county jail for not  
1119 more than six (6) months or by a fine of not more than One  
1120 Thousand Dollars (\$1,000.00), or both if the court finds  
1121 substantial and compelling reasons why the offender cannot be  
1122 safely and effectively supervised in the community, is not  
1123 amenable to community-based treatment, or poses a significant risk  
1124 to public safety. If such a finding is not made, the court shall  
1125 suspend the sentence of imprisonment and impose a period of  
1126 probation not exceeding one (1) year or a fine of not more than  
1127 One Thousand Dollars (\$1,000.00), or both. Any person convicted  
1128 of a third or subsequent offense under this subsection where the  
1129 value of the property is not less than Five Hundred Dollars



1130 (\$500.00), shall be imprisoned in the Penitentiary for a term not  
1131 exceeding three (3) years or fined an amount not exceeding One  
1132 Thousand Dollars (\$1,000.00), or both.

1133 **SECTION 23.** Section 97-17-71, Mississippi Code of 1972, is  
1134 amended as follows:

1135 97-17-71. (1) For the purposes of this section, the  
1136 following terms shall have the meanings ascribed in this section:

1137 (a) "Railroad materials" means any materials, equipment  
1138 and parts used in the construction, operation, protection and  
1139 maintenance of a railroad.

1140 (b) "Copper materials" means any copper wire, bars,  
1141 rods or tubing, including copper wire or cable or coaxial cable of  
1142 the type used by public utilities, common carriers or  
1143 communication services providers, whether wireless or wire line,  
1144 copper air conditioner evaporator coil or condenser, aluminum  
1145 copper radiators not attached to a motor vehicle, or any  
1146 combination of these.

1147 (c) "Aluminum materials" means any aluminum cable,  
1148 bars, rods or tubing of the type used to construct utility,  
1149 communication or broadcasting towers, aluminum utility wire and  
1150 aluminum irrigation pipes or tubing. "Aluminum materials" does  
1151 not include aluminum cans that have served their original economic  
1152 purpose.

1153 (d) "Law enforcement officer" means any person  
1154 appointed or employed full time by the state or any political



1155 subdivision thereof, or by the state military department as  
1156 provided in Section 33-1-33, who is duly sworn and vested with  
1157 authority to bear arms and make arrests, and whose primary  
1158 responsibility is the prevention and detection of crime, the  
1159 apprehension of criminals and the enforcement of the criminal  
1160 traffic laws of this state or the ordinances of any political  
1161 subdivision thereof.

1162 (e) "Metal property" means materials as defined in this  
1163 section as railroad track materials, copper materials and aluminum  
1164 materials and electrical, communications or utility brass, metal  
1165 covers for service access and entrances to sewers and storm  
1166 drains, metal bridge pilings, irrigation wiring and other metal  
1167 property attached to or part of center pivots, grain bins,  
1168 stainless steel sinks, catalytic converters not attached to a  
1169 motor vehicle and metal beer kegs. Metal property does not  
1170 include ferrous materials not listed in this section.

1171 (f) "Person" means an individual, partnership,  
1172 corporation, joint venture, trust, limited liability company,  
1173 association or any other legal or commercial entity.

1174 (g) "Personal identification card" means any government  
1175 issued photographic identification card.

1176 (h) "Photograph" or "photographically" means a still  
1177 photographic image, including images captured in digital format,  
1178 that are of such quality that the persons and objects depicted are  
1179 clearly identifiable.



1180 (i) "Purchase transaction" means a transaction in which  
1181 a person gives consideration in exchange for metal property.

1182 (j) "Purchaser" means a person who gives consideration  
1183 in exchange for metal property.

1184 (k) "Record" or "records" means a paper, electronic or  
1185 other method of storing information.

1186 (l) "Scrap metal dealer" means any person who is  
1187 engaged, from a fixed location or otherwise, in the business of  
1188 paying compensation for metal property that has served its  
1189 original economic purpose, whether or not the person is engaged in  
1190 the business of performing the manufacturing process by which  
1191 metals are converted into raw material products consisting of  
1192 prepared grades and having an existing or potential economic  
1193 value.

1194 (2) Every scrap metal dealer or other purchaser shall keep  
1195 an accurate and legible record in which he shall enter the  
1196 following information for each purchase transaction:

1197 (a) The name, address and age of the person from whom  
1198 the metal property is purchased as obtained from the seller's  
1199 personal identification card;

1200 (b) The date and place of each acquisition of the metal  
1201 property;

1202 (c) The weight, quantity or volume and a general  
1203 physical description of the type of metal property, such as wire,



1204 tubing, extrusions or casting, purchased in a purchase  
1205 transaction;

1206 (d) The amount of consideration given in a purchase  
1207 transaction for the metal property;

1208 (e) The vehicle license tag number, state of issue and  
1209 the make and type of the vehicle used to deliver the metal  
1210 property to the purchaser;

1211 (f) If a person other than the seller delivers the  
1212 metal property to the purchaser, the name, address and age of the  
1213 person who delivers the metal property;

1214 (g) A signed statement from the person receiving  
1215 consideration in the purchase transaction stating that he is the  
1216 rightful owner of the metal property or is entitled to sell the  
1217 metal property being sold;

1218 (h) (i) A scanned copy or a photocopy of the personal  
1219 identification card of the person receiving consideration in the  
1220 purchase transaction; or

1221 (ii) If a person other than the seller delivers  
1222 the metal property to the purchaser, a scanned copy or a photocopy  
1223 of the personal identification card of the person delivering the  
1224 metal property to the purchaser; and

1225 (i) A photograph, videotape or similar likeness of the  
1226 person receiving consideration or any person other than the seller  
1227 who delivers the metal property to the purchaser in which the  
1228 person's facial features are clearly visible and in which the



1229 metal property the person is selling or delivering is clearly  
1230 visible.

1231       Such records shall be maintained by the scrap metal dealer or  
1232 purchaser for not less than two (2) years from the date of the  
1233 purchase transaction, and such records shall be made available to  
1234 any law enforcement officer during usual and customary business  
1235 hours.

1236       (3) The purchaser of metal property must hold the metal  
1237 property separate and identifiable from other purchases for not  
1238 less than three (3) business days from the date of purchase. The  
1239 purchaser shall also photographically capture the metal property  
1240 in the same form, without change, in which the metal property was  
1241 acquired, and maintain the photograph for a period of not less  
1242 than two (2) years. The time and date shall be digitally recorded  
1243 on the photograph, and the identity of the person taking the  
1244 photograph shall be recorded. The purchaser shall permit any law  
1245 enforcement officer to make an inspection of the metal property  
1246 during the holding period, and of all photographs of the metal  
1247 property. Any photograph of metal property taken and maintained  
1248 pursuant to this subsection shall be admissible in any civil or  
1249 criminal proceeding.

1250       (4) During the usual and customary business hours of a scrap  
1251 metal dealer or other purchaser, a law enforcement officer, after  
1252 proper identification as a law enforcement officer, shall have the



1253 right to inspect all purchased metal property in the possession of  
1254 the scrap metal dealer or purchaser.

1255 (5) (a) Whenever a law enforcement officer has reasonable  
1256 cause to believe that any item of metal property in the possession  
1257 of a scrap metal dealer or other purchaser has been stolen, a law  
1258 enforcement officer who has an affidavit from the alleged rightful  
1259 owner of the property identifying the property with specificity,  
1260 including any identifying markings, may issue and deliver a  
1261 written hold notice to the scrap metal dealer or other purchaser.  
1262 The hold notice shall specifically identify those items of metal  
1263 property that are believed to have been stolen and that are  
1264 subject to the hold notice. Upon receipt of the notice, the scrap  
1265 metal dealer or other purchaser may not process or remove the  
1266 metal property identified in the notice from the place of business  
1267 of the scrap metal dealer or purchaser for fifteen (15) calendar  
1268 days after receipt of the notice, unless sooner released by a law  
1269 enforcement officer.

1270 (b) No later than the expiration of the fifteen-day  
1271 period, a law enforcement officer, after receiving additional  
1272 substantive evidence beyond the initial affidavit, may issue and  
1273 deliver a second written hold notice, which shall be an extended  
1274 hold notice. The extended hold notice shall specifically identify  
1275 those items of metal property that are believed to have been  
1276 stolen and that are subject to the extended hold notice. Upon  
1277 receipt of the extended hold notice, the scrap metal dealer or



1278 purchaser may not process or remove the items of metal property  
1279 identified in the notice from the place of business of the scrap  
1280 metal dealer or purchaser for fifteen (15) calendar days after  
1281 receipt of the extended hold notice, unless sooner released by a  
1282 law enforcement officer.

1283 (c) At the expiration of the hold period or, if  
1284 extended in accordance with this subsection, at the expiration of  
1285 the extended hold period, the hold is automatically released, then  
1286 the scrap metal dealer or purchaser may dispose of the metal  
1287 property unless other disposition has been ordered by a court of  
1288 competent jurisdiction.

1289 (d) If the scrap metal dealer or other purchaser  
1290 contests the identification or ownership of the metal property,  
1291 the party other than the scrap metal dealer or other purchaser  
1292 claiming ownership of any metal property in the possession of a  
1293 scrap metal dealer or other purchaser, provided that a timely  
1294 report of the theft of the metal property was made to the proper  
1295 authorities, may bring a civil action in the circuit court of the  
1296 county in which the scrap metal dealer or purchaser is located.  
1297 The petition for the action shall include the means of  
1298 identification of the metal property utilized by the petitioner to  
1299 determine ownership of the metal property in the possession of the  
1300 scrap metal dealer or other purchaser.

1301 (e) When a lawful owner recovers stolen metal property  
1302 from a scrap metal dealer or other purchaser who has complied with



1303 this section, and the person who sold the metal property to the  
1304 scrap metal dealer or other purchaser is convicted of a violation  
1305 of this section, or theft by receiving stolen property under  
1306 Section 97-17-70, the court shall order the convicted person to  
1307 make full restitution to the scrap metal dealer or other  
1308 purchaser, including, without limitation, attorney's fees, court  
1309 costs and other expenses.

1310 (6) This section shall not apply to purchases of metal  
1311 property from any of the following:

1312 (a) A law enforcement officer acting in an official  
1313 capacity;

1314 (b) A trustee in bankruptcy, executor, administrator or  
1315 receiver who has presented proof of such status to the scrap metal  
1316 dealer;

1317 (c) Any public official acting under a court order who  
1318 has presented proof of such status to the scrap metal dealer;

1319 (d) A sale on the execution, or by virtue of any  
1320 process issued by a court, if proof thereof has been presented to  
1321 the scrap metal dealer; or

1322 (e) A manufacturing, industrial or other commercial  
1323 vendor that generates or sells regulated metal property in the  
1324 ordinary course of its business.

1325 (7) It shall be unlawful for any person to give a false  
1326 statement of ownership or to give a false or altered  
1327 identification or vehicle tag number and receive money or other



1328 consideration from a scrap metal dealer or other purchaser in  
1329 return for metal property.

1330 (8) A scrap metal dealer or other purchaser shall not enter  
1331 into any cash transactions in payment for the purchase of metal  
1332 property. Payment shall be made by check issued to the seller of  
1333 the metal, made payable to the name and address of the seller and  
1334 mailed to the recorded address of the seller, or by electronic  
1335 funds transfer. Payment shall not be made for a period of three  
1336 (3) days after the purchase transaction.

1337 (9) If a person acquiring metal property fails to maintain  
1338 the records or to hold such materials for the period of time  
1339 prescribed by this section, such failure shall be prima facie  
1340 evidence that the person receiving the metal property received it  
1341 knowing it to be stolen in violation of Section 97-17-70.

1342 (10) It shall be unlawful for any person to transport or  
1343 cause to be transported for himself or another from any point  
1344 within this state to any point outside this state any metal  
1345 property, unless the person or entity first reports to the sheriff  
1346 of the county from which he departs this state transporting such  
1347 materials the same information that a purchaser in this state  
1348 would be required to obtain and keep in a record as set forth in  
1349 subsection (2) of this section. In such a case the sheriff  
1350 receiving the report shall keep the information in records  
1351 maintained in his office as a public record available for  
1352 inspection by any person at all reasonable times. This section



1353 shall not apply to a public utility, as that term is defined in  
1354 Section 77-3-3, engaged in carrying on utility operations; to a  
1355 railroad, as that term is defined in Section 77-9-5; to a  
1356 communications service provider, whether wireless or wire line; to  
1357 a scrap metal dealer; or to a person identified in subsection (6)  
1358 as being exempt from the provisions of this section.

1359 (11) It shall be unlawful for a scrap metal dealer or other  
1360 purchaser to knowingly purchase or possess a metal beer keg, or a  
1361 metal syrup tank generally used by the soft drink industry,  
1362 whether damaged or undamaged, or any reasonably recognizable part  
1363 thereof, on any premises that the dealer uses to buy, sell, store,  
1364 shred, melt, cut or otherwise alter scrap metal. However, it  
1365 shall not be unlawful to purchase or possess a metal syrup tank  
1366 generally used by the soft drink industry if the scrap metal  
1367 dealer or other purchaser obtains a bill of sale at the time of  
1368 purchase from a seller if the seller is a manufacturer of such  
1369 tanks, a soft drink company or a soft drink distributor.

1370 (12) It shall be unlawful to sell to a scrap metal dealer  
1371 any bronze vase and/or marker, memorial, statue, plaque, or other  
1372 bronze object used at a cemetery or other location where deceased  
1373 persons are interred or memorialized, or for any such dealer to  
1374 purchase those objects, unless the source of the bronze is known  
1375 and notice is provided to the municipal or county law enforcement  
1376 agency where the dealer is located. The notice shall identify all  
1377 names, letters, dates and symbols on the bronze and a photograph



1378 of the bronze shall be attached thereto. Written permission from  
1379 the cemetery and the appropriate law enforcement agency must be  
1380 received before any type of bronze described in this subsection  
1381 may be purchased, processed, sold or melted.

1382 (13) It shall be unlawful for any scrap metal dealer to  
1383 purchase any manhole cover and other similar types of utility  
1384 access covers, including storm drain covers, or any metal property  
1385 clearly identified as belonging to a political subdivision of the  
1386 state or a municipality, unless that metal property is purchased  
1387 from the political subdivision, the municipal utility or the  
1388 manufacturer of the metal. Any purchaser who purchases metal  
1389 property in bulk shall be allowed twenty-four (24) hours to  
1390 determine if any metal property prohibited by this subsection is  
1391 included in a bulk purchase. If such prohibited metal property is  
1392 included in a bulk purchase, the purchaser shall notify law  
1393 enforcement no later than twenty-four (24) hours after the  
1394 purchase.

1395 (14) It shall be unlawful for a scrap metal dealer or other  
1396 purchaser to purchase metal property from a person younger than  
1397 eighteen (18) years of age.

1398 (15) Metal property may not be purchased, acquired or  
1399 collected between the hours of 9:00 p.m. and 6:00 a.m.

1400 (16) Except as provided in this subsection, any person  
1401 willfully or knowingly violating the provisions of this section  
1402 shall, upon conviction thereof, be deemed guilty of a misdemeanor,



1403 and shall be punished by a fine not to exceed One Thousand Dollars  
1404 (\$1,000.00) per offense, unless the purchase transaction or  
1405 transactions related to the violation, in addition to any costs  
1406 which are, or would be, incurred in repairing or in the attempt to  
1407 recover any property damaged in the theft of or removal of the  
1408 metal property, are in aggregate an amount which exceeds \* \* \*~~Five~~  
1409 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) but  
1410 less than Five Thousand Dollars (\$5,000.00), in which case the  
1411 person shall be guilty of a felony and shall be imprisoned in the  
1412 custody of the Department of Corrections for a term not to  
1413 exceed \* \* \*~~ten (10)~~ five (5) years, fined not more than Ten  
1414 Thousand Dollars (\$10,000.00), or both. Any person found guilty  
1415 of stealing metal property or receiving metal property, knowing it  
1416 to be stolen in violation of Section 97-17-70, shall be ordered to  
1417 make full restitution to the victim, including, without  
1418 limitation, restitution for property damage that resulted from the  
1419 theft of the property.

1420 (17) If the purchase transaction or transactions related to  
1421 the violation, in addition to any costs which are, or would be,  
1422 incurred in repairing or in the attempt to recover any property  
1423 damaged in the theft of or removal of the metal property, are in  
1424 aggregate an amount which exceeds Five Thousand Dollars  
1425 (\$5,000.00) but less than Twenty-five Thousand Dollars  
1426 (\$25,000.00), the person shall be guilty of a felony and shall be  
1427 imprisoned in the custody of the Department of Corrections for a



1428 term not to exceed ten (10) years, fined not more than Ten  
1429 Thousand Dollars (\$10,000.00), or both.

1430 (18) If the purchase transaction or transactions related to  
1431 the violation, in addition to any costs which are, or would be,  
1432 incurred in repairing or in the attempt to recover any property  
1433 damaged in the theft of or removal of the metal property, are in  
1434 aggregate an amount which exceeds Twenty-five Thousand Dollars  
1435 (\$25,000.00), the person shall be guilty of a felony and shall be  
1436 imprisoned in the custody of the Department of Corrections for a  
1437 term not to exceed twenty (20) years, fined not more than Ten  
1438 Thousand Dollars (\$10,000.00), or both.

1439 ( \* \* \*~~17~~19) This section shall not be construed to repeal  
1440 other criminal laws. Whenever conduct proscribed by any provision  
1441 of this section is also proscribed by any other provision of law,  
1442 the provision which carries the more serious penalty shall be  
1443 applied.

1444 ( \* \* \*~~18~~20) This section shall apply to all businesses  
1445 regulated under this section without regard to the location within  
1446 the State of Mississippi.

1447 ( \* \* \*~~19~~21) This section shall not be construed to prohibit  
1448 municipalities and counties from enacting and implementing  
1449 ordinances, rules and regulations that impose stricter  
1450 requirements relating to purchase transactions.

1451 **SECTION 24.** Section 97-21-29, Mississippi Code of 1972, is  
1452 amended as follows:



1453 97-21-29. If any person shall, with intent to injure or  
1454 defraud, make any instrument in his own name, intended to create,  
1455 increase, discharge, defeat, or diminish any pecuniary obligation,  
1456 right or interest, or to transfer or affect any property whatever,  
1457 and shall utter and pass it under the pretense that it is the act  
1458 of another who bears the same name, he shall be guilty of forgery  
1459 and shall be punished according to the schedule in Section  
1460 97-21-33.

1461 **SECTION 25.** Section 97-21-33, Mississippi Code of 1972, is  
1462 amended as follows:

1463 97-21-33. \* \* \*~~Persons~~ (1) Any person convicted of  
1464 forgery \* \* \* shall when the amount of value involved is under One  
1465 Thousand Dollars (\$1,000.00) may be punished by imprisonment in  
1466 the \* \* \* Penitentiary county jail for a term of not \* \* \* less more  
1467 than \* \* \* ten (10) years six (6) months, or by a fine of not more  
1468 than \* \* \* Ten Thousand Dollars (\$10,000.00) One Thousand Dollars  
1469 (\$1,000.00), or both \* \* \*; provided, however, that if the court  
1470 finds substantial and compelling reasons why the offender cannot  
1471 be safely and effectively supervised in the community, is not  
1472 amenable to community-based treatment, or poses a significant risk  
1473 to public safety. If such a finding is not made, the court shall  
1474 suspend the sentence of imprisonment and impose a period of  
1475 probation not exceeding one (1) year or a fine of not more than  
1476 One Thousand Dollars (\$1,000.00), or both. The total value of the  
1477 forgery by the person from a single victim shall be aggregated in



1478 determining the gravity of the offense. Any person convicted of a  
1479 third or subsequent offense under this subsection where the value  
1480 of the property is not less than Five Hundred Dollars (\$500.00),  
1481 shall be punished by imprisonment in the Penitentiary for a term  
1482 not exceeding three (3) years or by a fine not exceeding One  
1483 Thousand Dollars (\$1,000.00), or both.

1484 (2) Any person convicted of forgery when the amount of value  
1485 involved is \* \* \*~~less than Five Hundred Dollars (\$500.00) in lieu~~  
1486 ~~of the punishment above provided for, the person convicted may One~~  
1487 Thousand Dollars (\$1,000.00) or more but less than Five Thousand  
1488 Dollars (\$5,000.00) shall be punished by imprisonment in  
1489 the \* \* \*~~county jail for a term of not more than six (6) months,~~  
1490 ~~or by a fine of not more than One Thousand Dollars (\$1,000.00), or~~  
1491 ~~both, within the discretion of the court~~ Penitentiary for a term  
1492 not more than five (5) years, or a fine of not more than Ten  
1493 Thousand Dollars (\$10,000.00), or both.

1494 (3) Any person convicted of forgery when the amount of value  
1495 involved is Five Thousand Dollars (\$5,000.00) or more, but less  
1496 than Twenty-five Thousand Dollars (\$25,000.00) shall be imprisoned  
1497 in the Penitentiary for a term not exceeding ten (10) years, or be  
1498 fined not more than Ten Thousand Dollars (\$10,000.00), or both.

1499 (4) Any person convicted of forgery when the amount of value  
1500 involved is Twenty-five Thousand Dollars (\$25,000.00) or more,  
1501 shall be imprisoned in the Penitentiary for a term not exceeding  
1502 twenty (20) years, or be fined not more than Ten Thousand Dollars



1503 (\$10,000.00), or both. The total value of the forgery by the  
1504 person from a single victim shall be aggregated in determining the  
1505 gravity of the offense.

1506 **SECTION 26.** Section 97-21-37, Mississippi Code of 1972, is  
1507 amended as follows:

1508 97-21-37. Every person who shall have in his possession any  
1509 forged, altered or counterfeited negotiable note, bill, draft, or  
1510 other evidence of debt issued or purported to have been issued by  
1511 any corporation or company duly authorized for that purpose by the  
1512 laws of the United States or of this state, or of any other state,  
1513 government, or country, or any other forged, altered, or  
1514 counterfeit, instrument the forgery of which is declared by the  
1515 provisions of this chapter to be punishable, knowing the same to  
1516 be forged, altered, or counterfeited, with intention to utter the  
1517 same as true or as false, or to cause the same to be uttered, with  
1518 intent to injure or defraud, shall be guilty of forgery and shall  
1519 be punished according to the schedule in Section 97-21-33.

1520 **SECTION 27.** Section 97-21-59, Mississippi Code of 1972, is  
1521 amended as follows:

1522 97-21-59. Every person who shall be convicted of having  
1523 uttered or published as true, and with intent to defraud, any  
1524 forged, altered, or counterfeit instrument, or any counterfeit  
1525 gold or silver coin, the forgery, altering, or counterfeiting of  
1526 which is declared by the provisions of this chapter to be an  
1527 offense, knowing such instrument or coin to be forged, altered, or



1528 counterfeited, shall suffer the punishment herein provided for  
1529 forgery, pursuant to Section 97-21-33.

1530 **SECTION 28.** Section 97-23-19, Mississippi Code of 1972, is  
1531 amended as follows:

1532 97-23-19. If any person shall embezzle or fraudulently  
1533 secrete, conceal, or convert to his own use, or make way with, or  
1534 secrete with intent to embezzle or convert to his own use, any  
1535 goods, rights in action, money, or other valuable security,  
1536 effects, or property of any kind or description which shall have  
1537 come or been entrusted to his care or possession by virtue of his  
1538 office, position, place, or employment, either in mass or  
1539 otherwise, he shall be guilty of embezzlement.

1540 (a) Any person guilty of embezzlement of any goods,  
1541 rights of action, money, or other valuable security, effects or  
1542 property of any kind or description with a value of less than One  
1543 Thousand Dollars (\$1,000.00), shall be guilty of misdemeanor  
1544 embezzlement, and, upon conviction thereof, may be sentenced to a  
1545 term of imprisonment in the county jail not exceeding six (6)  
1546 months, or fined not more than One Thousand Dollars (\$1,000.00),  
1547 or both if the court finds substantial and compelling reasons why  
1548 the offender cannot be safely and effectively supervised in the  
1549 community, is not amenable to community-based treatment or poses a  
1550 significant risk to public safety. If such a finding is not made,  
1551 the court shall suspend the sentence of imprisonment and impose a  
1552 period of probation not exceeding one (1) year or a fine of not



1553 more than One Thousand Dollars (\$1,000.00) or both. Any person  
1554 convicted of a third or subsequent offense under this subsection  
1555 where the value of the property is not less than Five Hundred  
1556 Dollars (\$500.00), shall be imprisoned in the Penitentiary for a  
1557 term not exceeding three (3) years or fined an amount not  
1558 exceeding Two Thousand Dollars (\$2,000.00), or both.

1559 (b) Any person guilty of embezzlement of any goods,  
1560 rights in action, money, or other valuable security, effects or  
1561 property of any kind or description with a value of \* \* \*Five  
1562 Hundred Dollars (\$500.00) One Thousand Dollars (\$1,000.00) or more  
1563 but less than Five Thousand Dollars (\$5,000.00), \* \* \*he shall be  
1564 guilty of felony embezzlement, and, upon conviction thereof, shall  
1565 be imprisoned in the custody of the Department of Corrections not  
1566 more than \* \* \*ten (10) five (5) years, or fined not more  
1567 than \* \* \*Twenty-five Thousand Dollars (\$25,000.00) Five Thousand  
1568 Dollars (\$5,000.00), or both. \* \* \*If the value of such goods,  
1569 rights in action, money or other valuable security, effects, or  
1570 property of any kind is less than Five Hundred Dollars (\$500.00),  
1571 he shall be guilty of misdemeanor embezzlement, and, upon  
1572 conviction thereof, shall be imprisoned in the county jail not  
1573 more than six (6) months, or fined not more than One Thousand  
1574 Dollars (\$1,000.00), or both.

1575 (c) Any person guilty of embezzlement of any goods,  
1576 rights in action, money, or other valuable security, effects or  
1577 property of any kind or description with a value of Five Thousand



1578 Dollars (\$5,000.00) or more but less than Twenty-five Thousand  
1579 Dollars (\$25,000.00), shall be guilty of felony embezzlement, and,  
1580 upon conviction thereof, shall be imprisoned in the Penitentiary  
1581 for not more than ten (10) years, or fined not more than  
1582 Twenty-five Thousand Dollars (\$25,000.00), or both.

1583 (d) Any person guilty of embezzlement of any goods,  
1584 rights in action, money, or other valuable security, effects or  
1585 property of any kind or description with a value of Twenty-five  
1586 Thousand Dollars (\$25,000.00) or more, shall be guilty of felony  
1587 embezzlement, and, upon conviction thereof, shall be imprisoned in  
1588 the Penitentiary not more than twenty (20) years, or fined not  
1589 more than Twenty-five Thousand Dollars (\$25,000.00), or both.

1590 **SECTION 29.** Section 97-23-93, Mississippi Code of 1972, is  
1591 amended as follows:

1592 97-23-93. (1) Any person who shall \* \* \* ~~wilfully~~ willfully  
1593 and unlawfully take possession of any merchandise owned or held by  
1594 and offered or displayed for sale by any merchant, store or other  
1595 mercantile establishment with the intention and purpose of  
1596 converting such merchandise to his own use without paying the  
1597 merchant's stated price therefor shall be guilty of the crime of  
1598 shoplifting and, upon conviction, shall be punished as is provided  
1599 in this section.

1600 (2) The requisite intention to convert merchandise without  
1601 paying the merchant's stated price for the merchandise is



1602 presumed, and shall be prima facie evidence thereof, when such  
1603 person, alone or in concert with another person, willfully:

1604 (a) Conceals the unpurchased merchandise;

1605 (b) Removes or causes the removal of unpurchased  
1606 merchandise from a store or other mercantile establishment;

1607 (c) Alters, transfers or removes any price-marking, any  
1608 other marking which aids in determining value affixed to the  
1609 unpurchased merchandise, or any tag or device used in electronic  
1610 surveillance of unpurchased merchandise;

1611 (d) Transfers the unpurchased merchandise from one  
1612 container to another; or

1613 (e) Causes the cash register or other sales recording  
1614 device to reflect less than the merchant's stated price for the  
1615 unpurchased merchandise.

1616 (3) Evidence of stated price or ownership of merchandise may  
1617 include, but is not limited to:

1618 (a) The actual merchandise or the container which held  
1619 the merchandise alleged to have been shoplifted; or

1620 (b) The content of the price tag or marking from such  
1621 merchandise; or

1622 (c) Properly identified photographs of such  
1623 merchandise.

1624 (4) Any merchant or his agent or employee may testify at a  
1625 trial as to the stated price or ownership of merchandise.



1626 (5) A person convicted of shoplifting merchandise for which  
1627 the merchant's stated price is less than or equal to \* \* \*~~Five~~  
1628 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) shall  
1629 be punished as follows:

1630 (a) Upon a first shoplifting conviction the defendant  
1631 shall be guilty of a misdemeanor and fined not more than One  
1632 Thousand Dollars (\$1,000.00), or punished by imprisonment in the  
1633 county jail not to exceed six (6) months, or by both \* \* \*~~such~~  
1634 ~~fine and imprisonment~~ if the court finds substantial and  
1635 compelling reasons why the offender cannot be safely and  
1636 effectively supervised in the community, is not amenable to  
1637 community-based treatment, or poses a significant risk to public  
1638 safety. If such a finding is not made, the court shall suspend  
1639 the sentence of imprisonment and impose a period of probation not  
1640 exceeding one (1) year or a fine of not more than One Thousand  
1641 Dollars (\$1,000.00).

1642 (b) Upon a second shoplifting conviction the defendant  
1643 shall be guilty of a misdemeanor and fined not more than One  
1644 Thousand Dollars (\$1,000.00) or punished by imprisonment in the  
1645 county jail for a term not to exceed six (6) months, or by  
1646 both \* \* \*~~such fine and imprisonment. The court may impose a~~  
1647 ~~sentence of imprisonment in the county jail for a term not~~  
1648 ~~exceeding one (1) year~~ if the court finds substantial and  
1649 compelling reasons why the offender cannot be safely and  
1650 effectively supervised in the community, is not amenable to



1651 community-based treatment, or poses a significant risk to public  
1652 safety. If such a finding is not made, the court shall suspend  
1653 the sentence of imprisonment and impose a period of probation not  
1654 exceeding one (1) year or a fine of not more than One Thousand  
1655 Dollars (\$1,000.00), or both.

1656 (6) Upon a third or subsequent shoplifting conviction where  
1657 the value of the shoplifted merchandise is not less than Five  
1658 Hundred Dollars (\$500.00) or greater than One Thousand Dollars  
1659 (\$1,000.00), the defendant shall be guilty of a felony and fined  
1660 not more than \* \* \*~~Five Thousand Dollars (\$5,000.00)~~ One Thousand  
1661 Dollars (\$1,000.00), or imprisoned for a term not  
1662 exceeding \* \* \*~~five (5)~~ three (3) years, or by both such fine and  
1663 imprisonment.

1664 (7) A person convicted of shoplifting merchandise for which  
1665 the merchant's stated price exceeds \* \* \*~~Five Hundred Dollars~~  
1666 ~~(\$500.00)~~ One Thousand Dollars (\$1,000.00) shall be guilty of a  
1667 felony and, upon conviction, punished as provided in Section  
1668 97-17-41 for the offense of grand larceny.

1669 (8) In determining the number of prior shoplifting  
1670 convictions for purposes of imposing punishment under this  
1671 section, the court shall disregard all such convictions occurring  
1672 more than seven (7) years prior to the shoplifting offense in  
1673 question.

1674 (9) For the purpose of determining the gravity of the  
1675 offense under subsection (7) of this section, the prosecutor may



1676 aggregate the value of merchandise shoplifted from three (3) or  
1677 more separate mercantile establishments within the same legal  
1678 jurisdiction over a period of thirty (30) or fewer days.

1679 **SECTION 30.** Section 97-23-94, Mississippi Code of 1972, is  
1680 amended as follows:

1681 97-23-94. (1) In addition to any other offense and penalty  
1682 provided by law, it shall be unlawful for any person eighteen (18)  
1683 years of age or older to encourage, aid or abet any person under  
1684 the age of eighteen (18) years to commit the crime of shoplifting  
1685 as defined in Section 97-23-93. In addition to any other penalty  
1686 provided by law, any person who violates this section shall be  
1687 punished as follows:

1688 (a) Upon a first conviction the defendant shall be  
1689 guilty of a misdemeanor and fined not more than Seven Hundred  
1690 Fifty Dollars (\$750.00), or punished by imprisonment not to exceed  
1691 thirty (30) days, or by both such fine and imprisonment.

1692 (b) Upon a second conviction the defendant shall be  
1693 guilty of a misdemeanor and fined not more than One Thousand  
1694 Dollars (\$1,000.00) or punished by imprisonment not to exceed  
1695 ninety (90) days, or by both such fine and imprisonment.

1696 (c) Upon a third or subsequent conviction the defendant  
1697 shall be guilty of a felony and fined One Thousand Dollars  
1698 (\$1,000.00), or imprisoned for a term not exceeding \* \* \* ~~five (5)~~  
1699 three (3) years, or by both such fine and imprisonment.



1700 (2) In addition to the penalties prescribed in subsection  
1701 (1) of this section, the court is authorized to require the  
1702 defendant to make restitution to the owner of the property where  
1703 shoplifting occurred in an amount equal to twice the value of such  
1704 property.

1705 **SECTION 31.** Section 97-45-3, Mississippi Code of 1972, is  
1706 amended as follows:

1707 97-45-3. (1) Computer fraud is the accessing or causing to  
1708 be accessed of any computer, computer system, computer network or  
1709 any part thereof with the intent to:

1710 (a) Defraud;

1711 (b) Obtain money, property or services by means of  
1712 false or fraudulent conduct, practices or representations; or  
1713 through the false or fraudulent alteration, deletion or insertion  
1714 of programs or data; or

1715 (c) Insert or attach or knowingly create the  
1716 opportunity for an unknowing and unwanted insertion or attachment  
1717 of a set of instructions or a computer program into a computer  
1718 program, computer, computer system, or computer network, that is  
1719 intended to acquire, alter, damage, delete, disrupt, or destroy  
1720 property or otherwise use the services of a computer program,  
1721 computer, computer system or computer network.

1722 (2) Whoever commits the offense of computer fraud \* \* \*  
1723 shall when the damage or loss or attempted damage or loss amounts  
1724 to a value of less than One Thousand Dollars (\$1,000.00) may be



1725 punished, upon conviction, by a fine of not more than One Thousand  
1726 Dollars (\$1,000.00), or by imprisonment for not more than six (6)  
1727 months in the county jail, or by both \* \* \* ~~such fine and~~  
1728 ~~imprisonment.~~ if the court finds substantial and compelling  
1729 reasons why the offender cannot be safely and effectively  
1730 supervised in the community, is not amenable to community-based  
1731 treatment, or poses a significant risk to public safety. If such  
1732 a finding is not made, the court shall suspend the sentence of  
1733 imprisonment and impose a period of probation not exceeding one  
1734 (1) year or a fine of not more than One Thousand Dollars  
1735 (\$1,000.00), or both. Any person convicted of a third or  
1736 subsequent offense under this subsection where the value of the  
1737 property is not less than Five Hundred Dollars (\$500.00), shall be  
1738 imprisoned in the Penitentiary for a term not exceeding three (3)  
1739 years or fined an amount not exceeding Two Thousand Dollars  
1740 (\$2,000.00), or both.

1741 \* \* \* ~~However,~~ (3) Whoever commits the offense of computer  
1742 fraud when the damage or loss or attempted damage or loss amounts  
1743 to a value of \* \* \* ~~Five Hundred Dollars (\$500.00) One Thousand~~  
1744 Dollars (\$1,000.00) or more but less than Five Thousand Dollars  
1745 (\$5,000.00), \* \* \* ~~the offender~~ may be punished, upon conviction,  
1746 by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
1747 imprisonment for not more than five (5) years, or by both such  
1748 fine and imprisonment.



1749       (4) Whoever commits the offense of computer fraud when the  
1750 damage or loss or attempted damage or loss amounts to a value of  
1751 Five Thousand Dollars (\$5,000.00) or more but less than  
1752 Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon  
1753 conviction, by a fine of not more than Ten Thousand Dollars  
1754 (\$10,000.00) or by imprisonment for not more than ten (10) years,  
1755 or by both such fine and imprisonment.

1756       (5) Whoever commits the offense of computer fraud when the  
1757 damage or loss or attempted damage or loss amounts to a value of  
1758 Twenty-five Thousand Dollars (\$25,000.00) or more, may be  
1759 punished, upon conviction, by a fine of not more than Ten Thousand  
1760 Dollars (\$10,000.00) or by imprisonment for not more than twenty  
1761 (20) years, or by both such fine and imprisonment.

1762       ( \* \* \*36) The definition of the term "computer network"  
1763 includes the Internet, as defined in Section 230 of Title II of  
1764 the Communications Act of 1934, Chapter 652, 110 Stat. 137,  
1765 codified at 47 USCS 230.

1766       **SECTION 32.** Section 97-45-5, Mississippi Code of 1972, is  
1767 amended as follows:

1768       97-45-5. (1) An offense against computer users is the  
1769 intentional:

1770           (a) Denial to an authorized user, without consent, of  
1771 the full and effective use of or access to a computer, a computer  
1772 system, a computer network or computer services; or



1773 (b) Use or disclosure to another, without consent, of  
1774 the numbers, codes, passwords or other means of access to a  
1775 computer, a computer system, a computer network or computer  
1776 services.

1777 (2) Whoever commits an offense against computer users \* \* \*  
1778 shall when the damage or loss or attempted damage or loss amounts  
1779 to a value of less than One Thousand Dollars (\$1,000.00) may be  
1780 punished, upon conviction, by a fine of not more than One Thousand  
1781 Dollars (\$1,000.00), or by imprisonment for not more than six (6)  
1782 months in the county jail, or by both \* \* \*such fine and  
1783 imprisonment. However, if the court finds substantial and  
1784 compelling reasons why the offender cannot be safely and  
1785 effectively supervised in the community, is not amenable to  
1786 community-based treatment, or poses a significant risk to public  
1787 safety. If such a finding is not made, the court shall suspend  
1788 the sentence of imprisonment and impose a period of probation not  
1789 exceeding one (1) year or a fine of not more than One Thousand  
1790 Dollars (\$1,000.00), or both. The total value of property taken,  
1791 stolen or carried away by the person from a single victim shall be  
1792 aggregated in determining the gravity of the offense. Any person  
1793 convicted of a third or subsequent offense under this subsection  
1794 where the value of the property is not less than Five Hundred  
1795 Dollars (\$500.00), shall be imprisoned in the Penitentiary for a  
1796 term not exceeding three (3) years or fined an amount not  
1797 exceeding One Thousand Dollars (\$1,000.00), or both.



1798       (3) Whoever commits an offense against computer users when  
1799 the damage or loss amounts to a value of \* \* \*~~One Hundred Dollars~~  
1800 ~~(\$100.00) One Thousand Dollars (\$1,000.00) or more but less than~~  
1801 Five Thousand Dollars (\$5,000.00), \* \* \*~~the offender~~ may be  
1802 punished, upon conviction, by a fine of not more than Ten Thousand  
1803 Dollars (\$10,000.00), or imprisonment for not more than five (5)  
1804 years, or by both such fine and imprisonment.

1805       (4) Whoever commits an offense against computer users when  
1806 the damage or loss amounts to a value of Five Thousand Dollars  
1807 (\$5,000.00) or more but less than Twenty-five Thousand Dollars  
1808 (\$25,000.00), may be punished, upon conviction, by a fine of not  
1809 more than Ten Thousand Dollars (\$10,000.00), or imprisonment for  
1810 not more than ten (10) years, or by both such fine and  
1811 imprisonment.

1812       (5) Whoever commits an offense against computer users when  
1813 the damage or loss amounts to a value of Twenty-five Thousand  
1814 Dollars (\$25,000.00) or more, may be punished, upon conviction, by  
1815 a fine of not more than Ten Thousand Dollars (\$10,000.00), or  
1816 imprisonment for not more than twenty (20) years, or by both such  
1817 fine and imprisonment.

1818       **SECTION 33.** Section 97-45-7, Mississippi Code of 1972, is  
1819 amended as follows:

1820       97-45-7. (1) An offense against computer equipment or  
1821 supplies is the intentional modification or destruction, without



1822 consent, of computer equipment or supplies used or intended to be  
1823 used in a computer, computer system or computer network.

1824 (2) Whoever commits an offense against computer equipment or  
1825 supplies \* \* \* ~~shall~~ when the damage or loss or attempted damage  
1826 or loss amounts to a value of less than One Thousand Dollars  
1827 (\$1,000.00) may be punished, upon conviction, by a fine of not  
1828 more than One Thousand Dollars (\$1,000.00), or by imprisonment for  
1829 not more than six (6) months in the county jail, or both \* \* \* ~~such~~  
1830 ~~fine and imprisonment.~~ However, if the court finds substantial  
1831 and compelling reasons why the offender cannot be safely and  
1832 effectively supervised in the community, is not amenable to  
1833 community-based treatment, or poses a significant risk to public  
1834 safety. If such a finding is not made, the court shall suspend  
1835 the sentence of imprisonment and impose a period of probation not  
1836 exceeding one (1) year or a fine of not more than One Thousand  
1837 Dollars (\$1,000.00), or both. The total value of property taken,  
1838 stolen or carried away by the person from a single victim shall be  
1839 aggregated in determining the gravity of the offense. Any person  
1840 convicted of a third or subsequent offense under this subsection  
1841 where the value of the property is not less than Five Hundred  
1842 Dollars (\$500.00), shall be imprisoned in the Penitentiary for a  
1843 term not exceeding three (3) years or fined an amount not  
1844 exceeding One Thousand Dollars (\$1,000.00), or both.

1845 (3) Whoever commits an offense against computer equipment or  
1846 supplies when the damage or loss amounts to a value of \* \* \* ~~One~~



1847 ~~Hundred Dollars (\$100.00)~~ One Thousand Dollars (\$1,000.00) or  
1848 more \* \* \*~~the offender~~ but less than Five Thousand Dollars  
1849 (\$5,000.00), may be punished, upon conviction, by a fine of not  
1850 more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for  
1851 not more than five (5) years, or by both such fine and  
1852 imprisonment.

1853 (4) Whoever commits an offense against computer equipment or  
1854 supplies when the damage or loss amounts to a value of Five  
1855 Thousand Dollars (\$5,000.00) or more but less than Twenty-five  
1856 Thousand Dollars (\$25,000.00), may be punished, upon conviction,  
1857 by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
1858 imprisonment for not more than ten (10) years, or by both such  
1859 fine and imprisonment.

1860 (5) Whoever commits an offense against computer equipment or  
1861 supplies when the damage or loss amounts to a value of Twenty-five  
1862 Thousand Dollars (\$25,000.00) or more, may be punished, upon  
1863 conviction, by a fine of not more than Ten Thousand Dollars  
1864 (\$10,000.00) or by imprisonment for not more than twenty (20)  
1865 years, or by both such fine and imprisonment.

1866 **SECTION 34.** Section 97-45-9, Mississippi Code of 1972, is  
1867 amended as follows:

1868 97-45-9. (1) An offense against intellectual property is  
1869 the intentional:

1870 (a) Destruction, insertion or modification, without  
1871 consent, of intellectual property; or



1872 (b) Disclosure, use, copying, taking or accessing,  
1873 without consent, of intellectual property.

1874 (2) Whoever commits an offense against intellectual  
1875 property \* \* \* ~~shall~~ when the damage or loss or attempted damage  
1876 or loss amounts to a value of less than One Thousand Dollars  
1877 (\$1,000.00) may be punished, upon conviction, by a fine of not  
1878 more than One Thousand Dollars (\$1,000.00), or by imprisonment for  
1879 not more than six (6) months in the county jail, or by both \* \* \*  
1880 such fine and imprisonment. However, if the court finds  
1881 substantial and compelling reasons why the offender cannot be  
1882 safely and effectively supervised in the community, is not  
1883 amenable to community-based treatment, or poses a significant risk  
1884 to public safety. If such a finding is not made, the court shall  
1885 suspend the sentence of imprisonment and impose a period of  
1886 probation not exceeding one (1) year or a fine of not more than  
1887 One Thousand Dollars (\$1,000.00), or both. The total value of  
1888 property taken, stolen or carried away by the person from a single  
1889 victim shall be aggregated in determining the gravity of the  
1890 offense. Any person convicted of a third or subsequent offense  
1891 under this subsection where the value of the property is not less  
1892 than Five Hundred Dollars (\$500.00), shall be imprisoned in the  
1893 Penitentiary for a term not exceeding three (3) years or fined an  
1894 amount not exceeding One Thousand Dollars (\$1,000.00), or by both.

1895 (3) Whoever commits an offense against intellectual property  
1896 when the damage or loss amounts to a value of \* \* \* ~~One Hundred~~



1897 ~~Dollars (\$100.00)~~ One Thousand Dollars (\$1,000.00) or more but  
1898 less than Five Thousand Dollars (\$5,000.00), the offender may be  
1899 punished, upon conviction, by a fine of not more than Ten Thousand  
1900 Dollars (\$10,000.00) or by imprisonment for not more than five (5)  
1901 years, or by both such fine and imprisonment.

1902 (4) Whoever commits an offense against intellectual property  
1903 when the damage or loss amounts to a value of Five Thousand  
1904 Dollars (\$5,000.00) or more but less than Twenty-five Thousand  
1905 Dollars (\$25,000.00), may be punished, upon conviction, by a fine  
1906 of not more than Ten Thousand Dollars (\$10,000.00) or by  
1907 imprisonment for not more than ten (10) years, or by both such  
1908 fine and imprisonment.

1909 (5) Whoever commits an offense against intellectual property  
1910 when the damage or loss amounts to a value of Twenty-five Thousand  
1911 Dollars (\$25,000.00) or more, may be punished, upon conviction, by  
1912 a fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
1913 imprisonment for not more than twenty (20) years, or by both such  
1914 fine and imprisonment.

1915 ( \* \* \*36) The provisions of this section shall not apply to  
1916 the disclosure, use, copying, taking, or accessing by proper means  
1917 as defined in this chapter.

1918 **SECTION 35.** Section 97-45-19, Mississippi Code of 1972, is  
1919 brought forward as follows:

1920 97-45-19. (1) A person shall not obtain or attempt to  
1921 obtain personal identity information of another person with the



1922 intent to unlawfully use that information for any of the following  
1923 purposes without that person's authorization:

1924 (a) To obtain financial credit.

1925 (b) To purchase or otherwise obtain or lease any real  
1926 or personal property.

1927 (c) To obtain employment.

1928 (d) To obtain access to medical records or information  
1929 contained in medical records.

1930 (e) To commit any illegal act.

1931 (2) (a) A person who violates this section is guilty of a  
1932 felony punishable by imprisonment for not less than two (2) nor  
1933 more than fifteen (15) years or a fine of not more than Ten  
1934 Thousand Dollars (\$10,000.00), or both.

1935 (b) Notwithstanding the provisions of paragraph (a) of  
1936 this subsection (2), if the violation involves an amount of less  
1937 than Two Hundred Fifty Dollars (\$250.00), a person who violates  
1938 this section may be found guilty of a misdemeanor punishable by  
1939 imprisonment in the county jail for a term of not more than six  
1940 (6) months, or by a fine of not more than One Thousand Dollars  
1941 (\$1,000.00), or both, in the discretion of the court.

1942 (c) For purposes of determining the amount of the  
1943 violation, the value of all goods, property, services and other  
1944 things of value obtained or attempted to be obtained by the use of  
1945 an individual's identity information shall be aggregated.



1946 (3) This section does not prohibit the person from being  
1947 charged with, convicted of, or sentenced for any other violation  
1948 of law committed by that person using information obtained in  
1949 violation of this section.

1950 (4) This section does not apply to a person who obtains or  
1951 attempts to obtain personal identity information of another person  
1952 pursuant to the discovery process of a civil action, an  
1953 administrative proceeding or an arbitration proceeding.

1954 (5) Upon the request of a person whose identifying  
1955 information was appropriated, the Attorney General may provide  
1956 assistance to the victim in obtaining information to correct  
1957 inaccuracies or errors in the person's credit report or other  
1958 identifying information; however, no legal representation shall be  
1959 afforded such person by the Office of the Attorney General.

1960 (6) A person convicted under this section or under Section  
1961 97-19-85 shall be ordered to pay restitution as provided in  
1962 Section 99-37-1 et seq., and any legal interest in addition to any  
1963 other fine or imprisonment which may be imposed.

1964 **SECTION 36.** The following shall be codified as Section  
1965 97-43-3.1., Mississippi Code of 1972:

1966 97-43-3.1. (1) It shall be unlawful for any person to  
1967 conduct, organize, supervise or manage, directly or indirectly, an  
1968 organized theft or fraud enterprise. Organized theft or fraud  
1969 enterprise applies to conduct proscribed in the following  
1970 provisions:



1971 (a) Section 97-23-93, which relates to shoplifting;  
1972 (b) Sections 97-45-3 and 97-45-5, which relate to  
1973 computer fraud;  
1974 (c) Section 97-45-19, which relates to fraudulent use  
1975 of identity;  
1976 (d) Section 97-9-79, which relates to false  
1977 information;  
1978 (e) Section 97-19-83, which relates to fraud by mail or  
1979 other means of communication;  
1980 (f) Section 97-19-85, which relates to the fraudulent  
1981 use of a social security number, credit card or debit card number  
1982 or other identifying information; and  
1983 (g) Section 97-45-19, which relates to obtaining  
1984 personal identity information of another person without  
1985 authorization.

1986 (2) It shall be unlawful for any person who has, with  
1987 criminal intent, received any proceeds or services derived,  
1988 directly or indirectly, from an organized theft or fraud  
1989 enterprise.

1990 (3) For the purposes of this section, an "organized theft or  
1991 fraud enterprise" means any association of two (2) or more persons  
1992 who engage in the conduct of or are associated for the purpose of  
1993 effectuating the transfer or sale of merchandise, services or  
1994 information that has a pecuniary value that causes a loss to the  
1995 victim.



1996 (4) The value of the merchandise or services or the  
1997 pecuniary loss involved in a violation of this section may be  
1998 aggregated in determining the grade of the offense where the acts  
1999 or conduct constituting a violation were committed pursuant to one  
2000 (1) scheme or course of conduct, whether from the same person or  
2001 several persons, or were committed in furtherance of or in  
2002 conjunction with an organized theft or fraud enterprise.

2003 (5) Any person convicted under this section shall be, upon  
2004 conviction, guilty of a felony and punished by a term of  
2005 imprisonment of not more than twenty (20) years or fined not more  
2006 than Twenty-five Thousand Dollars (\$25,000.00), or both.

2007 **SECTION 37.** Section 41-29-139, Mississippi Code of 1972, is  
2008 amended as follows:

2009 41-29-139. (a) Except as authorized by this article, it is  
2010 unlawful for any person knowingly or intentionally:

2011 (1) To sell, barter, transfer, manufacture, distribute,  
2012 dispense or possess with intent to sell, barter, transfer,  
2013 manufacture, distribute or dispense, a controlled substance; or

2014 (2) To create, sell, barter, transfer, distribute,  
2015 dispense or possess with intent to create, sell, barter, transfer,  
2016 distribute or dispense, a counterfeit substance.

2017 (b) Except as otherwise provided in \* \* \*~~subsections (f) and~~  
2018 ~~(g) of this section or in~~ Section 41-29-142, any person who  
2019 violates subsection (a) of this section in the following amounts  
2020 shall be, if convicted, sentenced as follows:



2021 (1) In the case of controlled substances classified in  
2022 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
2023 except thirty (30) grams or less of marijuana or synthetic  
2024 cannabinoids, and except a first offender as defined in Section  
2025 41-29-149(e) who violates subsection (a) of this section with  
2026 respect to less than one (1) kilogram but more than thirty (30)  
2027 grams of marijuana or synthetic cannabinoids, such person may,  
2028 upon conviction \* \* \*, ~~be imprisoned for not more than thirty (30)~~  
2029 ~~years and shall be fined not less than Five Thousand Dollars~~  
2030 ~~(\$5,000.00) nor more than One Million Dollars (\$1,000,000.00), or~~  
2031 ~~both;~~ for an amount of the controlled substance of:

2032 (A) Less than two (2) grams or ten (10) dosage  
2033 units, be imprisoned for not more than eight (8) years or fined  
2034 not more than Fifty Thousand Dollars (\$50,000.00), or both.

2035 (B) Two (2) grams or ten (10) dosage units or more  
2036 but less than ten (10) grams or twenty (20) dosage units, be  
2037 imprisoned for not less than three (3) years nor more than twenty  
2038 (20) years or fined not more than Two Hundred Fifty Thousand  
2039 Dollars (\$250,000.00), or both.

2040 (C) Ten (10) grams or twenty (20) dosage units or  
2041 more, but less than thirty (30) grams or forty (40) dosage units,  
2042 be imprisoned for not less five (5) years nor more than thirty  
2043 (30) years or fined not more than Five Hundred Thousand Dollars  
2044 (\$500,000.00).



2045 (2) In the case of a first offender who violates  
2046 subsection (a) of this section with an amount less than one (1)  
2047 kilogram but more than thirty (30) grams of marijuana or synthetic  
2048 cannabinoids as classified in Schedule I, as set out in Section  
2049 41-29-113, such person is guilty of a felony and, upon conviction,  
2050 may be imprisoned for not more than \* \* \*~~twenty (20)~~ five (5)  
2051 years or fined not more than Thirty Thousand Dollars (\$30,000.00),  
2052 or both;

2053 (3) In the case of thirty (30) grams or less of  
2054 marijuana or synthetic cannabinoids, such person may, upon  
2055 conviction, be imprisoned for not more than three (3) years or  
2056 fined not more than Three Thousand Dollars (\$3,000.00), or both;

2057 (4) In the case of controlled substances classified in  
2058 Schedules III and IV, as set out in Sections 41-29-117 and  
2059 41-29-119, such person may, upon conviction \* \* \*, ~~be imprisoned~~  
2060 ~~for not more than twenty (20) years and shall be fined not less~~  
2061 ~~than One Thousand Dollars (\$1,000.00) nor more than Two Hundred~~  
2062 ~~Fifty Thousand Dollars (\$250,000.00), or both; and for an amount~~  
2063 of the controlled substance of:

2064 (A) Less than two (2) grams or ten (10) dosage  
2065 units, be imprisoned for not more than eight (8) years or fined  
2066 not more than Five Thousand Dollars (\$5,000.00), or both;

2067 (B) Two (2) grams or ten (10) dosage units or more  
2068 but less than ten (10) grams or twenty (20) dosage units, be



2069 imprisoned for not more than eight (8) years or fined not more  
2070 than Fifty Thousand Dollars (\$50,000.00), or both;

2071 (C) Ten (10) grams or twenty (20) dosage units or  
2072 more but less than thirty (30) grams or forty (40) dosage units,  
2073 be imprisoned for not more than fifteen (15) years or fined not  
2074 more than One Hundred Thousand Dollars (\$100,000.00).

2075 (5) In the case of controlled substances classified in  
2076 Schedule V, as set out in Section 41-29-121, such person may, upon  
2077 conviction \* \* ~~be imprisoned for not more than ten (10) years and~~  
2078 ~~shall be fined not less than One Thousand Dollars (\$1,000.00) nor~~  
2079 ~~more than Fifty Thousand Dollars (\$50,000.00), or both.~~ for an  
2080 amount of the controlled substance of:

2081 (A) Less than two (2) grams or ten (10) dosage  
2082 units, be imprisoned for not more than one (1) year or fined not  
2083 more than Five Thousand Dollars (\$5,000.00), or both;

2084 (B) Two (2) grams or ten (10) dosage units or more  
2085 but less than ten (10) grams or twenty (20) dosage units, be  
2086 imprisoned for not more than five (5) years or fined not more than  
2087 Ten Thousand Dollars (\$10,000.00), or both;

2088 (C) Ten (10) grams or twenty (20) dosage units or  
2089 more but less than thirty (30) grams or forty (40) dosage units,  
2090 be imprisoned for not more than ten (10) years or fined not more  
2091 than Twenty Thousand Dollars (\$20,000.00).

2092 (c) It is unlawful for any person knowingly or intentionally  
2093 to possess any controlled substance unless the substance was



2094 obtained directly from, or pursuant to, a valid prescription or  
2095 order of a practitioner while acting in the course of his  
2096 professional practice, or except as otherwise authorized by this  
2097 article. The penalties for any violation of this subsection (c)  
2098 with respect to a controlled substance classified in Schedules I,  
2099 II, III, IV or V, as set out in Section 41-29-113, 41-29-115,  
2100 41-29-117, 41-29-119 or 41-29-121, including marijuana or  
2101 synthetic cannabinoids, shall be based on dosage unit as defined  
2102 herein or the weight of the controlled substance as set forth  
2103 herein as appropriate:

2104 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
2105 case of a liquid solution, one (1) milliliter. In the case of  
2106 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
2107 stamp, square, dot, microdot, tablet or capsule of a controlled  
2108 substance.

2109 For any controlled substance that does not fall within the  
2110 definition of the term "dosage unit," the penalties shall be based  
2111 upon the weight of the controlled substance.

2112 The weight set forth refers to the entire weight of any  
2113 mixture or substance containing a detectable amount of the  
2114 controlled substance.

2115 If a mixture or substance contains more than one (1)  
2116 controlled substance, the weight of the mixture or substance is  
2117 assigned to the controlled substance that results in the greater  
2118 punishment.



2119 Any person who violates this subsection with respect to:

2120 (1) A controlled substance classified in Schedule I or  
2121 II, except marijuana or synthetic cannabinoids, in the following  
2122 amounts shall be charged and sentenced as follows:

2123 (A) Less than one-tenth (0.1) gram or \* \* \* ~~one~~  
2124 ~~(1) two (2) dosage units~~ \* \* \* ~~or less may~~ shall be charged as a  
2125 misdemeanor \* \* \* ~~or felony~~ and, upon conviction, may be  
2126 imprisoned \* \* \*. ~~If charged by indictment as a felony: by~~  
2127 ~~imprisonment not less than one (1) nor more than four (4) years~~  
2128 ~~and a fine of not more than Ten Thousand Dollars (\$10,000.00). If~~  
2129 ~~charged as a misdemeanor: by imprisonment for up to one (1)~~  
2130 ~~year \* \* \* and a fine~~ or fined not more than One Thousand Dollars  
2131 (\$1,000.00), or both.

2132 (B) One-tenth (0.1) gram or two (2) dosage units  
2133 or more but less than two (2) grams or \* \* \* ~~two (2) dosage units~~  
2134 ~~but less than ten (10) dosage units, \* \* \* by imprisonment may be~~  
2135 imprisoned for not \* \* \* ~~less than two (2) years nor more~~  
2136 ~~than \* \* \* eight (8)~~ three (3) years \* \* \* ~~and or~~ or a fine of not more  
2137 than Fifty Thousand Dollars (\$50,000.00), or both.

2138 (C) Two (2) grams or ten (10) dosage units or more  
2139 but less than ten (10) grams or \* \* \* ~~ten (10) dosage units but~~  
2140 ~~less than twenty (20) dosage units, \* \* \* by imprisonment may be~~  
2141 imprisoned for not \* \* \* ~~less than four (4) years nor more~~  
2142 than \* \* \* ~~sixteen (16)~~ eight (8) years and \* \* \* ~~a fine of~~ fined



2143 not more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or  
2144 both.

2145 (D) Ten (10) grams or twenty (20) dosage units or  
2146 more but less than thirty (30) grams or \* \* \* ~~twenty (20) dosage~~  
2147 ~~units but not more than~~ forty (40) dosage units, \* \* \* ~~by~~  
2148 ~~imprisonment~~ may be imprisoned for not less than \* \* \* ~~six (6)~~  
2149 ~~three (3) years nor more than~~ \* \* \* ~~twenty-four (24)~~ twenty (20)  
2150 years and \* \* \* ~~a fine of~~ fined not more than Five Hundred Thousand  
2151 Dollars (\$500,000.00), or both.

2152 \* \* \* ~~————— E) Thirty (30) grams or more or forty (40) dosage~~  
2153 ~~units or more, by imprisonment for not less than ten (10) years~~  
2154 ~~nor more than thirty (30) years and a fine of not more than One~~  
2155 ~~Million Dollars (\$1,000,000.00).~~

2156 (2) Marijuana or synthetic cannabinoids in the  
2157 following amounts shall be charged and sentenced as follows:

2158 (A) Thirty (30) grams or less by a fine of not  
2159 less than One Hundred Dollars (\$100.00) nor more than Two Hundred  
2160 Fifty Dollars (\$250.00). The provisions of this paragraph shall  
2161 be enforceable by summons, provided the offender provides proof of  
2162 identity satisfactory to the arresting officer and gives written  
2163 promise to appear in court satisfactory to the arresting officer,  
2164 as directed by the summons. A second conviction under this  
2165 section within two (2) years shall be punished by a fine of Two  
2166 Hundred Fifty Dollars (\$250.00) and not less than five (5) days  
2167 nor more than sixty (60) days in the county jail and mandatory



2168 participation in a drug education program, approved by the  
2169 Division of Alcohol and Drug Abuse of the State Department of  
2170 Mental Health, unless the court enters a written finding that such  
2171 drug education program is inappropriate. A third or subsequent  
2172 conviction under this section within two (2) years is a  
2173 misdemeanor punishable by a fine of not less than Two Hundred  
2174 Fifty Dollars (\$250.00) nor more than Five Hundred Dollars  
2175 (\$500.00) and confinement for not less than five (5) days nor more  
2176 than six (6) months in the county jail. Upon a first or second  
2177 conviction under this section, the courts shall forward a report  
2178 of such conviction to the Mississippi Bureau of Narcotics which  
2179 shall make and maintain a private, nonpublic record for a period  
2180 not to exceed two (2) years from the date of conviction. The  
2181 private, nonpublic record shall be solely for the use of the  
2182 courts in determining the penalties which attach upon conviction  
2183 under this section and shall not constitute a criminal record for  
2184 the purpose of private or administrative inquiry and the record of  
2185 each conviction shall be expunged at the end of the period of two  
2186 (2) years following the date of such conviction;

2187 (B) Additionally, a person who is the operator of  
2188 a motor vehicle, who possesses on his person or knowingly keeps or  
2189 allows to be kept in a motor vehicle within the area of the  
2190 vehicle normally occupied by the driver or passengers, more than  
2191 one (1) gram, but not more than thirty (30) grams, of marijuana or  
2192 synthetic cannabinoids is guilty of a misdemeanor and, upon



2193 conviction, may be fined not more than One Thousand Dollars  
2194 (\$1,000.00) and confined for not more than ninety (90) days in the  
2195 county jail. For the purposes of this subsection, such area of  
2196 the vehicle shall not include the trunk of the motor vehicle or  
2197 the areas not normally occupied by the driver or passengers if the  
2198 vehicle is not equipped with a trunk. A utility or glove  
2199 compartment shall be deemed to be within the area occupied by the  
2200 driver and passengers;

2201 (C) More than thirty (30) grams but less than two  
2202 hundred fifty (250) grams may be fined not more than One Thousand  
2203 Dollars (\$1,000.00), or confined in the county jail for not more  
2204 than one (1) year, or both; or fined not more than Three Thousand  
2205 Dollars (\$3,000.00), or imprisoned in the State Penitentiary for  
2206 not more than three (3) years, or both;

2207 (D) Two hundred fifty (250) grams but less than  
2208 five hundred (500) grams, by imprisonment for not less than two  
2209 (2) years nor more than eight (8) years \* \* \*~~and~~ or by a fine of  
2210 not more than Fifty Thousand Dollars (\$50,000.00), or both;

2211 (E) Five hundred (500) grams but less than one (1)  
2212 kilogram, by imprisonment for not less than four (4) years nor  
2213 more than sixteen (16) years \* \* \*~~and~~ or a fine of less than Two  
2214 Hundred Fifty Thousand Dollars (\$250,000.00), or both;

2215 (F) One (1) kilogram but less than five (5)  
2216 kilograms, by imprisonment for not less than six (6) years nor



2217 more than twenty-four (24) years \* \* \* ~~and~~ or a fine of not more  
2218 than Five Hundred Thousand Dollars (\$500,000.00), or both;

2219 (G) Five (5) kilograms or more, by imprisonment  
2220 for not less than ten (10) years nor more than thirty (30)  
2221 years \* \* \* ~~and~~ or a fine of not more than One Million Dollars  
2222 (\$1,000,000.00), or both.

2223 (3) A controlled substance classified in Schedule III,  
2224 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
2225 conviction, may be punished as follows:

2226 (A) Less than fifty (50) grams or less than one  
2227 hundred (100) dosage units is a misdemeanor and punishable by not  
2228 more than one (1) year \* \* \* ~~and~~ or a fine of not more than One  
2229 Thousand Dollars (\$1,000.00), or both.

2230 (B) Fifty (50) grams \* \* \* ~~but less than one~~  
2231 ~~hundred fifty (150) grams~~ or one hundred (100) dosage units or  
2232 more but less than one hundred fifty (150) grams or five hundred  
2233 (500) dosage units, by imprisonment for not less than one (1) year  
2234 nor more than four (4) years \* \* \* ~~and~~ or a fine of not more than  
2235 Ten Thousand Dollars (\$10,000.00), or both.

2236 (C) One hundred fifty (150) grams or Five Hundred  
2237 (500) dosage units or more but less than three hundred (300) grams  
2238 or \* \* \* ~~five hundred (500) dosage units but less than~~ one thousand  
2239 (1,000) dosage units, by imprisonment for not less than two (2)  
2240 years nor more than eight (8) years \* \* \* ~~and~~ or a fine of not  
2241 more than Fifty Thousand Dollars (\$50,000.00), or both.



2242 (D) Three hundred (300) grams or one thousand  
2243 (1,000) dosage units or more but less than five hundred (500)  
2244 grams or \* \* \* ~~one thousand (1,000) dosage units but less than two~~  
2245 ~~thousand five hundred (2,500) dosage units, by imprisonment for~~  
2246 ~~not less than four (4) years nor more than sixteen (16)~~  
2247 ~~years \* \* \* and~~ or a fine of not more than Two Hundred Fifty  
2248 Thousand Dollars (\$250,000.00), or both.

2249 \* \* \* ~~(E) Five hundred (500) grams or more or two thousand five~~  
2250 ~~hundred (2,500) dosage units or more, by imprisonment for not less~~  
2251 ~~than six (6) years nor more than twenty-four (24) years and a fine~~  
2252 ~~of not more than Five Hundred Thousand Dollars (\$500,000.00).~~

2253 (d) (1) It is unlawful for a person who is not authorized  
2254 by the State Board of Medical Licensure, State Board of Pharmacy,  
2255 or other lawful authority to use, or to possess with intent to  
2256 use, paraphernalia to plant, propagate, cultivate, grow, harvest,  
2257 manufacture, compound, convert, produce, process, prepare, test,  
2258 analyze, pack, repack, store, contain, conceal, inject, ingest,  
2259 inhale or otherwise introduce into the human body a controlled  
2260 substance in violation of the Uniform Controlled Substances Law.  
2261 Any person who violates this subsection is guilty of a misdemeanor  
2262 and, upon conviction, may be confined in the county jail for not  
2263 more than six (6) months, or fined not more than Five Hundred  
2264 Dollars (\$500.00), or both; however, no person shall be charged  
2265 with a violation of this subsection when such person is also  
2266 charged with the possession of one (1) ounce or less of marijuana



2267 or synthetic cannabinoids under subsection (c) (2) (A) of this  
2268 section.

2269           (2) It is unlawful for any person to deliver, sell,  
2270 possess with intent to deliver or sell, or manufacture with intent  
2271 to deliver or sell, paraphernalia, knowing, or under circumstances  
2272 where one reasonably should know, that it will be used to plant,  
2273 propagate, cultivate, grow, harvest, manufacture, compound,  
2274 convert, produce, process, prepare, test, analyze, pack, repack,  
2275 store, contain, conceal, inject, ingest, inhale, or otherwise  
2276 introduce into the human body a controlled substance in violation  
2277 of the Uniform Controlled Substances Law. Any person who violates  
2278 this subsection is guilty of a misdemeanor and, upon conviction,  
2279 may be confined in the county jail for not more than six (6)  
2280 months, or fined not more than Five Hundred Dollars (\$500.00), or  
2281 both.

2282           (3) Any person eighteen (18) years of age or over who  
2283 violates subsection (d) (2) of this section by delivering or  
2284 selling paraphernalia to a person under eighteen (18) years of age  
2285 who is at least three (3) years his junior is guilty of a  
2286 misdemeanor and, upon conviction, may be confined in the county  
2287 jail for not more than one (1) year, or fined not more than One  
2288 Thousand Dollars (\$1,000.00), or both.

2289           (4) It is unlawful for any person to place in any  
2290 newspaper, magazine, handbill, or other publication any  
2291 advertisement, knowing, or under circumstances where one



2292 reasonably should know, that the purpose of the advertisement, in  
2293 whole or in part, is to promote the sale of objects designed or  
2294 intended for use as paraphernalia. Any person who violates this  
2295 subsection is guilty of a misdemeanor and, upon conviction, may be  
2296 confined in the county jail for not more than six (6) months, or  
2297 fined not more than Five Hundred Dollars (\$500.00), or both.

2298 (e) It shall be unlawful for any physician practicing  
2299 medicine in this state to prescribe, dispense or administer any  
2300 amphetamine or amphetamine-like anorectics and/or central nervous  
2301 system stimulants classified in Schedule II, pursuant to Section  
2302 41-29-115, for the exclusive treatment of obesity, weight control  
2303 or weight loss. Any person who violates this subsection, upon  
2304 conviction, is guilty of a misdemeanor and may be confined for a  
2305 period not to exceed six (6) months, or fined not more than One  
2306 Thousand Dollars (\$1,000.00), or both.

2307 \* \* \* ~~(f) Except as otherwise authorized in this article, any~~  
2308 ~~person twenty-one (21) years of age or older who knowingly sells,~~  
2309 ~~barters, transfers, manufactures, distributes or dispenses during~~  
2310 ~~any twelve (12) consecutive month period: (i) ten (10) pounds or~~  
2311 ~~more of marihuana or synthetic cannabinoids; (ii) two (2) ounces~~  
2312 ~~or more of heroin; (iii) two (2) or more ounces of cocaine or of~~  
2313 ~~any mixture containing cocaine as described in Section~~  
2314 ~~41-29-105(s), Mississippi Code of 1972; (iv) two (2) or more~~  
2315 ~~ounces of methamphetamine; or (v) one hundred (100) or more dosage~~  
2316 ~~units of morphine, Demerol, Dilaudid, oxycodone hydrochloride or a~~



2317 ~~derivative thereof, or 3,4-methylenedioxymethamphetamine (MDMA)~~  
2318 ~~shall be guilty of a felony and, upon conviction thereof, shall be~~  
2319 ~~sentenced to life imprisonment and such sentence shall not be~~  
2320 ~~reduced or suspended nor shall such person be eligible for~~  
2321 ~~probation or parole, the provisions of Sections 41-29-149,~~  
2322 ~~47-5-139, 47-7-3 and 47-7-33, Mississippi Code of 1972, to the~~  
2323 ~~contrary notwithstanding. The provisions of this subsection shall~~  
2324 ~~not apply to any person who furnishes information and assistance~~  
2325 ~~to the bureau or its designee which, in the opinion of the trial~~  
2326 ~~judge objectively should or would have aided in the arrest or~~  
2327 ~~prosecution of others who violate this subsection. The accused~~  
2328 ~~shall have adequate opportunity to develop and make a record of~~  
2329 ~~all information and assistance so furnished.~~

2330       ( \* \* \*gf) (1) Any person trafficking in controlled  
2331 substances shall be guilty of a felony and, upon conviction, shall  
2332 be imprisoned for a term of \* \* \*~~thirty (30)~~ not less than ten  
2333 (10) years nor more than forty (40) years. \* \* \*~~and such~~ The  
2334 ten-year mandatory sentence shall not be reduced or  
2335 suspended \* \* \*~~nor shall such.~~ The person shall not be eligible  
2336 for probation or parole, the provisions of Sections 41-29-149,  
2337 47-5-139, 47-7-3 and 47-7-33, Mississippi Code of 1972, to the  
2338 contrary notwithstanding during the sentence and shall be fined  
2339 not less than Five Thousand Dollars (\$5,000.00) nor more than One  
2340 Million Dollars (\$1,000,000.00).



2341 (2) "Trafficking in controlled substances" as used  
2342 herein means \* \* \* ~~to engage in three (3) or more component~~  
2343 ~~offenses within any twelve (12) consecutive month period where at~~  
2344 ~~least two (2) of the component offenses occurred in different~~  
2345 ~~counties. A component offense is any act which would constitute a~~  
2346 ~~violation of subsection (a) of this section. Prior convictions~~  
2347 ~~shall not be used as component offenses to establish the charge of~~  
2348 ~~trafficking in controlled substances.:~~

2349 (A) A violation of subsection (a) of this section  
2350 involving thirty (30) grams or forty (40) dosage units or more of  
2351 a Schedule I or II substance except marijuana;

2352 (B) A violation of subsection (c) of this section  
2353 involving five hundred (500) grams or two thousand five hundred  
2354 (2,500) dosage units of a Schedule III, IV or V substance;

2355 (C) A violation of subsection (c) of this section  
2356 involving thirty (30) grams or forty (40) dosage units or more of  
2357 a Schedule I or II substance except marijuana; or

2358 (D) A violation of subsection (a) of this section  
2359 involving one (1) kilogram or more of marijuana or synthetic  
2360 cannabinoids.

2361 (3) \* \* \* ~~The charge of trafficking in controlled~~  
2362 ~~substances shall be set forth in one (1) count of an indictment~~  
2363 ~~with each of the component offenses alleged therein and it may be~~  
2364 ~~charged and tried in any county where a component offense~~  
2365 ~~occurred. An indictment for trafficking in controlled substances~~



2366 ~~may also be returned by the State Grand Jury of Mississippi~~  
2367 ~~provided at least two (2) of the component offenses occurred in~~  
2368 ~~different circuit court districts. The provisions of this~~  
2369 ~~subsection shall not apply to any person who furnishes information~~  
2370 ~~and assistance to the bureau, or its designee, which, in the~~  
2371 ~~opinion of the trial judge objectively should or would have aided~~  
2372 ~~in the arrest or prosecution of others who violate this~~  
2373 ~~subsection. The accused shall have adequate opportunity to~~  
2374 ~~develop and make a record of all information and assistance so~~  
2375 ~~furnished.~~

2376 (g) Any person trafficking in Schedule I or II substances,  
2377 except marijuana, of two hundred (200) grams or more shall be  
2378 guilty of aggravated trafficking and, upon conviction, shall be  
2379 sentenced to a term of not less than twenty-five (25) years nor  
2380 more than life in prison. The twenty-five-year sentence shall be  
2381 a mandatory sentence and shall not be reduced or suspended. The  
2382 person shall not be eligible for probation or parole, the  
2383 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33,  
2384 Mississippi Code of 1972, to the contrary notwithstanding during  
2385 the sentence and shall be fined not less than Five Thousand  
2386 Dollars (\$5,000.00) nor more than One Million Dollars  
2387 (\$1,000,000.00).

2388 (h) (1) Notwithstanding any provision of this section, a  
2389 person who has been convicted of an offense under this section  
2390 that requires the judge to impose a prison sentence which cannot



2391 be suspended or reduced and is ineligible for probation or parole  
2392 may, at the discretion of the court, receive a sentence of  
2393 imprisonment that is no less than twenty-five percent (25%) of the  
2394 sentence prescribed by the applicable statute. In considering  
2395 whether to apply the departure from the sentence prescribed, the  
2396 court shall conclude that:

2397 (A) The offender was not a leader of the criminal  
2398 enterprise;

2399 (B) The offender did not use violence or a weapon  
2400 during the crime;

2401 (C) The offense did not result in a death or  
2402 serious bodily injury of a person not a party to the criminal  
2403 enterprise; and

2404 (D) The interests of justice are not served by the  
2405 imposition of the prescribed mandatory sentence.

2406 (2) If the court reduces the prescribed sentence  
2407 pursuant to this subsection, it must specify on the record the  
2408 circumstances warranting the departure.

2409 **SECTION 38.** Section 41-29-313, Mississippi Code of 1972, is  
2410 amended as follows:

2411 41-29-313. (1) (a) Except as authorized in this section,  
2412 it is unlawful for any person to knowingly or intentionally:

2413 (i) Purchase, possess, transfer, manufacture,  
2414 attempt to manufacture or distribute any two (2) or more of the



2415 listed precursor chemicals or drugs in any amount with the intent  
2416 to unlawfully manufacture a controlled substance;

2417           (ii) Purchase, possess, transfer, manufacture,  
2418 attempt to manufacture or distribute any two (2) or more of the  
2419 listed precursor chemicals or drugs in any amount, knowing, or  
2420 under circumstances where one reasonably should know, that the  
2421 listed precursor chemical or drug will be used to unlawfully  
2422 manufacture a controlled substance;

2423           (b) The term "precursor drug or chemical" means a drug  
2424 or chemical that, in addition to legitimate uses, may be used in  
2425 manufacturing a controlled substance in violation of this chapter.  
2426 The term includes any salt, optical isomer or salt of an optical  
2427 isomer, whenever the existence of a salt, optical isomer or salt  
2428 of optical isomer is possible within the specific chemical  
2429 designation. The chemicals or drugs listed in this section are  
2430 included by whatever official, common, usual, chemical or trade  
2431 name designated. A "precursor drug or chemical" includes, but is  
2432 not limited to, the following:

- 2433           (i) Ether;
- 2434           (ii) Anhydrous ammonia;
- 2435           (iii) Ammonium nitrate;
- 2436           (iv) Pseudoephedrine;
- 2437           (v) Ephedrine;
- 2438           (vi) Denatured alcohol (Ethanol);
- 2439           (vii) Lithium;



- 2440 (viii) Freon;
- 2441 (ix) Hydrochloric acid;
- 2442 (x) Hydriodic acid;
- 2443 (xi) Red phosphorous;
- 2444 (xii) Iodine;
- 2445 (xiii) Sodium metal;
- 2446 (xiv) Sodium hydroxide;
- 2447 (xv) Muriatic acid;
- 2448 (xvi) Sulfuric acid;
- 2449 (xvii) Hydrogen chloride gas;
- 2450 (xviii) Potassium;
- 2451 (xix) Methanol;
- 2452 (xx) Isopropyl alcohol;
- 2453 (xxi) Hydrogen peroxide;
- 2454 (xxii) Hexanes;
- 2455 (xxiii) Heptanes;
- 2456 (xxiv) Acetone;
- 2457 (xxv) Toluene;
- 2458 (xxvi) Xylenes.

2459 (c) Any person who violates this subsection (1), upon  
2460 conviction, is guilty of a felony and may be imprisoned for a  
2461 period not to exceed \* \* \*~~thirty (30)~~ eight (8) years \* \* \*~~and or~~  
2462 shall be fined not less than Five Thousand Dollars (\$5,000.00) nor  
2463 more than \* \* \*~~One Million Dollars (\$1,000,000.00)~~ Fifty Thousand  
2464 Dollars (\$50,000.00), or both \* \* \*~~fine and imprisonment.~~



2465 (d) Any person who violates this subsection (1) while  
2466 also in possession of two (2) grams or less of a controlled  
2467 substance that can be manufactured by using the precursor drugs or  
2468 chemicals, upon conviction, is guilty of a felony and may be  
2469 imprisoned for a period not to exceed eight (8) years or a fine of  
2470 not less than Fifty Thousand Dollars (\$50,000.00), or both.

2471 (e) Any person who violates this subsection (1) while  
2472 also in possession of more than two (2) grams but less than ten  
2473 (10) grams of a controlled substance that can be manufactured by  
2474 using the precursor drugs or chemicals, upon conviction, is guilty  
2475 of a felony and may be imprisoned for a period not to exceed ten  
2476 (10) years or a fine of not less than Fifty Thousand Dollars  
2477 (\$50,000.00), or both.

2478 (f) Any person who violates this subsection (1) while  
2479 also in possession of more than ten (10) grams but less than  
2480 thirty (30) grams of a controlled substance that can be  
2481 manufactured by using the precursor drugs or chemicals, upon  
2482 conviction, is guilty of a felony and may be imprisoned for a  
2483 period no less than three (3) years nor more than twenty (20)  
2484 years or a fine of not less than Two Hundred Fifty Thousand  
2485 Dollars (\$250,000.00), or both.

2486 (g) Any person who violates this subsection (1) while  
2487 also in possession of a quantity of more than thirty (30) grams of  
2488 a controlled substance that can be manufactured by using the  
2489 precursor drugs or chemicals, upon conviction, is guilty of a



2490 felony and may be imprisoned for a period no less than three (3)  
2491 years nor more than twenty (20) years or a fine of not less than  
2492 Two Hundred Fifty Thousand Dollars (\$250,000.00), or both.

2493 (2) (a) It is unlawful for any person to knowingly or  
2494 intentionally steal or unlawfully take or carry away any amount of  
2495 anhydrous ammonia or to break, cut, or in any manner damage the  
2496 valve or locking mechanism on an anhydrous ammonia tank with the  
2497 intent to steal or unlawfully take or carry away anhydrous  
2498 ammonia.

2499 (b) (i) It is unlawful for any person to purchase,  
2500 possess, transfer or distribute any amount of anhydrous ammonia  
2501 knowing, or under circumstances where one reasonably should know,  
2502 that the anhydrous ammonia will be used to unlawfully manufacture  
2503 a controlled substance.

2504 (ii) The possession of any amount of anhydrous  
2505 ammonia in a container unauthorized for containment of anhydrous  
2506 ammonia pursuant to Section 75-57-9 shall be prima facie evidence  
2507 of intent to use the anhydrous ammonia to unlawfully manufacture a  
2508 controlled substance.

2509 (c) (i) It is unlawful for any person to purchase,  
2510 possess, transfer or distribute two hundred fifty (250) dosage  
2511 units or fifteen (15) grams in weight (dosage unit and weight as  
2512 defined in Section 41-29-139) of pseudoephedrine or ephedrine,  
2513 knowing, or under circumstances where one reasonably should know,



2514 that the pseudoephedrine or ephedrine will be used to unlawfully  
2515 manufacture a controlled substance.

2516 (ii) Except as provided in this subparagraph,  
2517 possession of one or more products containing more than  
2518 twenty-four (24) grams of ephedrine or pseudoephedrine shall  
2519 constitute a rebuttable presumption of intent to use the product  
2520 as a precursor to methamphetamine or another controlled substance.  
2521 The rebuttable presumption established by this subparagraph shall  
2522 not apply to the following persons who are lawfully possessing the  
2523 identified drug products in the course of legitimate business:

2524 1. A retail distributor of the drug products  
2525 described in this subparagraph possessing a valid business license  
2526 or wholesaler;

2527 2. A wholesale drug distributor, or its  
2528 agents, licensed by the Mississippi State Board of Pharmacy;

2529 3. A manufacturer of drug products described  
2530 in this subparagraph, or its agents, licensed by the Mississippi  
2531 State Board of Pharmacy;

2532 4. A pharmacist licensed by the Mississippi  
2533 State Board of Pharmacy; or

2534 5. A licensed health care professional  
2535 possessing the drug products described in this subparagraph (ii)  
2536 in the course of carrying out his profession.

2537 (d) Any person who violates this subsection (2), upon  
2538 conviction, is guilty of a felony and may be imprisoned for a



2539 period not to exceed five (5) years and shall be fined not more  
2540 than Five Thousand Dollars (\$5,000.00), or both fine and  
2541 imprisonment.

2542 (3) Nothing in this section shall preclude any farmer from  
2543 storing or using any of the listed precursor drugs or chemicals  
2544 listed in this section in the normal pursuit of farming  
2545 operations.

2546 (4) Nothing in this section shall preclude any wholesaler,  
2547 retailer or pharmacist from possessing or selling the listed  
2548 precursor drugs or chemicals in the normal pursuit of business.

2549 (5) Any person who violates the provisions of this section  
2550 with children under the age of eighteen (18) years present may be  
2551 subject to a term of imprisonment or a fine, or both, of twice  
2552 that provided in this section.

2553 (6) Any person who violates the provisions of this section  
2554 when the offense occurs in any hotel or apartment building or  
2555 complex may be subject to a term of imprisonment or a fine, or  
2556 both, of twice that provided in this section. For the purposes of  
2557 this subsection (6), the following terms shall have the meanings  
2558 ascribed to them:

2559 (a) "Hotel" means a hotel, inn, motel, tourist court,  
2560 apartment house, rooming house or any other place where sleeping  
2561 accommodations are furnished or offered for pay if four (4) or  
2562 more rooms are available for transient guests.



2563 (b) "Apartment building" means any building having four  
2564 (4) or more dwelling units, including, without limitation, a  
2565 condominium building.

2566 (7) Any person who violates the provisions of this section  
2567 who has in his possession any firearm, either at the time of the  
2568 commission of the offense or at the time any arrest is made, may  
2569 be subject to a term of imprisonment or a fine, or both, of twice  
2570 that provided in this section.

2571 (8) Any person who violates the provisions of this section  
2572 upon any premises upon which any booby trap has been installed or  
2573 rigged may be subject to a term of imprisonment or a fine, or  
2574 both, of twice that provided in this section. For the purposes of  
2575 this subsection, the term "booby trap" means any concealed or  
2576 camouflaged device designed to cause bodily injury when triggered  
2577 by any action of a person making contact with the device. The  
2578 term includes guns, ammunition or explosive devices attached to  
2579 trip wires or other triggering mechanisms, sharpened stakes,  
2580 nails, spikes, electrical devices, lines or wires with hooks  
2581 attached, and devices designed for the production of toxic fumes  
2582 or gases.

2583 **SECTION 39.** The following shall be codified as Section  
2584 97-3-2, Mississippi Code of 1972:

2585 97-3-2. (1) The following shall be classified as crimes of  
2586 violence:



2587 (a) Driving under the influence as provided in Sections  
2588 63-11-30(5) and 63-11-30(12)(d);

2589 (b) Murder and attempted murder as provided in Sections  
2590 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;

2591 (c) Aggravated assault as provided in Sections  
2592 97-3-7(2)(a) and (b) and 97-3-7(4)(a);

2593 (d) Manslaughter as provided in Sections 97-3-27,  
2594 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43,  
2595 97-3-45 and 97-3-47;

2596 (e) Killing of an unborn child as provided in Sections  
2597 97-3-37(2)(a) and 97-3-37(2)(b);

2598 (f) Kidnapping as provided in Section 97-3-53;

2599 (g) Human trafficking as provided in Section 97-3-54.1;

2600 (h) Poisoning as provided in Section 97-3-61;

2601 (i) Rape as provided in Sections 97-3-65 and 97-3-71;

2602 (j) Robbery as provided in Sections 97-3-73 and  
2603 97-3-79;

2604 (k) Sexual battery as provided in Section 97-3-95;

2605 (l) Drive-by shooting or bombing as provided in Section  
2606 97-3-109;

2607 (m) Carjacking as provided in Section 97-3-117;

2608 (n) Felonious neglect, abuse or battery of a child as  
2609 provided in Section 97-5-39;

2610 (o) Burglary of a dwelling as provided in Sections  
2611 97-17-23 and 97-17-37;



2612 (p) Use of explosives or weapons of mass destruction as  
2613 provided in Section 97-37-25;

2614 (q) Statutory rape as provided in Section 97-3-65(1),  
2615 but this classification is rebuttable on hearing by a judge;

2616 (r) Exploitation of a child as provided in Section  
2617 97-5-33;

2618 (s) Gratification of lust as provided in Section  
2619 97-5-23; and

2620 (t) Shooting into a dwelling as provided in Section  
2621 97-37-29.

2622 (2) In any felony offense with a maximum sentence of no less  
2623 than five (5) years, upon conviction, the judge may find and place  
2624 in the sentencing order, on the record in open court, that the  
2625 offense, while not listed in subsection (1) of this section, shall  
2626 be classified as a crime of violence if the facts show that the  
2627 defendant used physical force, or made a credible attempt or  
2628 threat of physical force against another person as part of the  
2629 criminal act. No person convicted of a crime of violence listed  
2630 in this section is eligible for parole or for early release from  
2631 the custody of the Department of Corrections until the person has  
2632 served at least fifty percent (50%) of the sentence imposed by the  
2633 court.

2634 **SECTION 40.** Section 47-7-3, Mississippi Code of 1972, is  
2635 amended as follows:



2636 47-7-3. (1) Every prisoner who has been convicted of any  
2637 offense against the State of Mississippi, and is confined in the  
2638 execution of a judgment of such conviction in the Mississippi  
2639 Department of Corrections for a definite term or terms of one (1)  
2640 year or over, or for the term of his or her natural life, whose  
2641 record of conduct shows that such prisoner has observed the rules  
2642 of the department, and who has served not less than one-fourth  
2643 (1/4) of the total of such term or terms for which such prisoner  
2644 was sentenced, or, if sentenced to serve a term or terms of thirty  
2645 (30) years or more, or, if sentenced for the term of the natural  
2646 life of such prisoner, has served not less than ten (10) years of  
2647 such life sentence, may be released on parole as hereinafter  
2648 provided, except that:

2649 (a) No prisoner convicted as a confirmed and habitual  
2650 criminal under the provisions of Sections 99-19-81 through  
2651 99-19-87 shall be eligible for parole;

2652 (b) Any person who shall have been convicted of a sex  
2653 crime shall not be released on parole except for a person under  
2654 the age of nineteen (19) who has been convicted under Section  
2655 97-3-67;

2656 \* \* \* ~~(c) No one shall be eligible for parole until he~~  
2657 ~~shall have served one (1) year of his sentence, unless such person~~  
2658 ~~has accrued any meritorious earned time allowances, in which case~~  
2659 ~~he shall be eligible for parole if he has served (i) nine (9)~~  
2660 ~~months of his sentence or sentences, when his sentence or~~



2661 ~~sentences is two (2) years or less; (ii) ten (10) months of his~~  
2662 ~~sentence or sentences when his sentence or sentences is more than~~  
2663 ~~two (2) years but no more than five (5) years; and (iii) one (1)~~  
2664 ~~year of his sentence or sentences when his sentence or sentences~~  
2665 ~~is more than five (5) years;~~

2666 ( \* \* \*dc) (i) No person shall be eligible for parole  
2667 who shall, on or after January 1, 1977, be convicted of robbery or  
2668 attempted robbery through the display of a firearm until he shall  
2669 have served ten (10) years if sentenced to a term or terms of more  
2670 than ten (10) years or if sentenced for the term of the natural  
2671 life of such person. If such person is sentenced to a term or  
2672 terms of ten (10) years or less, then such person shall not be  
2673 eligible for parole. The provisions of this paragraph

2674 ( \* \* \*dc) (i) shall also apply to any person who shall commit  
2675 robbery or attempted robbery on or after July 1, 1982, through the  
2676 display of a deadly weapon. This paragraph ( \* \* \*dc) (i) shall  
2677 not apply to persons convicted after September 30, 1994;

2678 (ii) No person shall be eligible for parole who  
2679 shall, on or after October 1, 1994, be convicted of robbery,  
2680 attempted robbery or carjacking as provided in Section 97-3-115 et  
2681 seq., through the display of a firearm or drive-by shooting as  
2682 provided in Section 97-3-109. The provisions of this paragraph  
2683 ( \* \* \*dc) (ii) shall also apply to any person who shall commit  
2684 robbery, attempted robbery, carjacking or a drive-by shooting on  
2685 or after October 1, 1994, through the display of a deadly weapon.



2686 This paragraph (c)(ii) shall not apply to persons convicted after  
2687 July 1, 2014;

2688 ( \* \* \*ed) No person shall be eligible for parole who,  
2689 on or after July 1, 1994, is charged, tried, convicted and  
2690 sentenced to life imprisonment without eligibility for parole  
2691 under the provisions of Section 99-19-101;

2692 ( \* \* \*fe) No person shall be eligible for parole who  
2693 is charged, tried, convicted and sentenced to life imprisonment  
2694 under the provisions of Section 99-19-101;

2695 \* \* \* ~~(g) Notwithstanding the provisions of subsection (1)(c),~~  
2696 ~~a person who is convicted of aggravated domestic violence shall~~  
2697 ~~not be eligible for parole until he shall have served one (1) year~~  
2698 ~~of his sentence;~~

2699 ( \* \* \*hf) No person shall be eligible for parole who  
2700 is convicted or whose suspended sentence is revoked after June 30,  
2701 1995, except that an offender convicted of only nonviolent crimes  
2702 after June 30, 1995, may be eligible for parole if the offender  
2703 meets the requirements in subsection (1) and this paragraph. In  
2704 addition to other requirements, if an offender is convicted of a  
2705 drug or driving under the influence felony, the offender must  
2706 complete a drug and alcohol rehabilitation program prior to parole  
2707 or the offender may be required to complete a post-release drug  
2708 and alcohol program as a condition of parole. For purposes of  
2709 this paragraph, "nonviolent crime" means a felony other than  
2710 homicide, robbery, manslaughter, sex crimes, arson, burglary of an



2711 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
2712 of vulnerable adults, felonies with enhanced penalties, the sale  
2713 or manufacture of a controlled substance under the Uniform  
2714 Controlled Substances Law, felony child abuse, or exploitation or  
2715 any crime under Section 97-5-33 or Section 97-5-39(2) or  
2716 97-5-39(1) (b), 97-5-39(1) (c) or a violation of Section  
2717 63-11-30(5). An offender convicted of a violation under Section  
2718 41-29-139(a), not exceeding the amounts specified under Section  
2719 41-29-139(b), may be eligible for parole. In addition, an  
2720 offender incarcerated for committing the crime of possession of a  
2721 controlled substance under the Uniform Controlled Substances Law  
2722 after July 1, 1995, shall be eligible for parole. This paragraph  
2723 (f) shall not apply to persons convicted on or after July 1, 2014;  
2724 (g) (i) No person who, on or after July 1, 2014, is  
2725 convicted of a crime of violence pursuant to Section 97-3-2, a sex  
2726 crime or an offense that specifically prohibits parole release,  
2727 shall be eligible for parole. All persons convicted of any other  
2728 offense on or after July 1, 2014, are eligible for parole after  
2729 they have served one-fourth (1/4) of the sentence or sentences  
2730 imposed by the trial court.  
2731 (ii) Notwithstanding the provisions in paragraph  
2732 (i) of this subsection, a person serving a sentence who has  
2733 reached the age of sixty (60) or older and who has served no less  
2734 than ten (10) years of the sentence or sentences imposed by the  
2735 trial court shall be eligible for parole. Any person eligible for



2736 parole under this subsection shall be required to have a parole  
2737 hearing before the board prior to parole release. No inmate shall  
2738 be eligible for parole under this paragraph of this subsection if:

2739 1. The inmate is sentenced as a habitual  
2740 offender under Sections 99-19-81 through 99-19-87;

2741 2. The inmate is sentenced for a crime of  
2742 violence under Section 97-3-2;

2743 3. The inmate is sentenced for an offense  
2744 that specifically prohibits parole release;

2745 4. The inmate is sentenced for trafficking in  
2746 controlled substances under Section 41-29-139(f);

2747 5. The inmate is sentenced for a sex crime;  
2748 or

2749 6. The inmate has not served one-fourth (1/4)  
2750 of the sentence imposed by the court.

2751 (iii) Notwithstanding the provisions of paragraph  
2752 (1)(a) of this section, any nonviolent offender who has served  
2753 twenty-five percent (25%) or more of his sentence may be paroled  
2754 if the sentencing judge or if the sentencing judge is retired,  
2755 disabled or incapacitated, the senior circuit judge, recommends  
2756 parole to the Parole Board and the Parole Board approves.

2757 (2) Notwithstanding any other provision of law, an inmate  
2758 shall not be eligible to receive earned time, good time or any  
2759 other administrative reduction of time which shall reduce the time  
2760 necessary to be served for parole eligibility as provided in



2761 subsection (1) of this section \* \* \* ~~however, this subsection~~  
2762  ~~shall not apply to the advancement of parole eligibility dates~~  
2763  ~~pursuant to the Prison Overcrowding Emergency Powers Act.~~  
2764  ~~Moreover, meritorious earned time allowances may be used to reduce~~  
2765  ~~the time necessary to be served for parole eligibility as provided~~  
2766  ~~in paragraph (c) of subsection (1) of this section.~~

2767 (3) The State Parole Board shall, by rules and regulations,  
2768 establish a method of determining a tentative parole hearing date  
2769 for each eligible offender taken into the custody of the  
2770 Department of Corrections. The tentative parole hearing date  
2771 shall be determined within ninety (90) days after the department  
2772 has assumed custody of the offender. \* \* \*~~Such tentative parole~~  
2773  ~~hearing date shall be calculated by a formula taking into account~~  
2774  ~~the offender's age upon first commitment, number of prior~~  
2775  ~~incarcerations, prior probation or parole failures, the severity~~  
2776  ~~and the violence of the offense committed, employment history,~~  
2777  ~~whether the offender served in the United States Armed Forces and~~  
2778  ~~has an honorable discharge, and other criteria which in the~~  
2779  ~~opinion of the board tend to validly and reliably predict the~~  
2780  ~~length of incarceration necessary before the offender can be~~  
2781  ~~successfully paroled.~~ The parole hearing date shall occur when  
2782 the offender is within thirty (30) days of the month of his parole  
2783 eligibility date. The parole eligibility date shall not be  
2784 earlier than one-fourth (1/4) of the prison sentence or sentences  
2785 imposed by the court.



2786 (4) Any inmate within twenty-four (24) months of his parole  
2787 eligibility date and who meets the criteria established by the  
2788 classification board shall receive priority for placement in any  
2789 educational development and job training programs that are part of  
2790 his or her parole case plan. Any inmate refusing to participate  
2791 in an educational development or job training program that is part  
2792 of the case plan may be \* \* \*~~ineligible for parole~~ in jeopardy of  
2793 noncompliance with the case plan and may be denied parole.

2794 **SECTION 41.** Section 47-5-138.1, Mississippi Code of 1972, is  
2795 amended as follows:

2796 47-5-138.1. (1) In addition to any other administrative  
2797 reduction of sentence, an offender in trusty status as defined by  
2798 the classification board of the Department of Corrections may be  
2799 awarded a trusty-time allowance of thirty (30) days' reduction of  
2800 sentence for each thirty (30) days of participation during any  
2801 calendar month in an approved program while in trusty status,  
2802 including satisfactory participation in education or instructional  
2803 programs, satisfactory participation in work projects and  
2804 satisfactory participation in any special incentive program.

2805 (2) An offender in trusty status shall not be eligible for a  
2806 reduction of sentence under this section if:

- 2807 (a) The offender was sentenced to life imprisonment;
- 2808 (b) The offender was convicted as an habitual offender  
2809 under Sections 99-19-81 through 99-19-87;
- 2810 (c) The offender was convicted of a sex crime;



2811 (d) The offender has not served the mandatory time  
2812 required for parole eligibility, as prescribed under Section  
2813 47-7-3, for a conviction of robbery or attempted robbery through  
2814 the display of a deadly weapon, carjacking through the display of  
2815 a deadly weapon or a drive-by shooting; or

2816 \* \* \* ~~(e) The offender was convicted of possession with the~~  
2817 ~~intent to deliver or sell a controlled substance under Section~~  
2818 ~~41-29-139; or~~

2819 ( \* \* \* fe) The offender was convicted of trafficking in  
2820 controlled substances under Section 41-29-139.

2821 **SECTION 42.** The following shall be codified in Chapter 7,  
2822 Title 47, Mississippi Code of 1972:

2823 47-7- . (1) Notwithstanding Sections 47-5-138, 47-5-139,  
2824 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
2825 on or after July 1, 2014, shall be released by the department  
2826 until he or she has served no less than fifty percent (50%) of a  
2827 sentence for a crime of violence pursuant to Section 97-3-2 or  
2828 twenty-five percent (25%) of any other sentence imposed by the  
2829 court.

2830 (2) This section shall not apply to:

2831 (a) Offenders sentenced to life imprisonment;

2832 (b) Offenders convicted as habitual offenders pursuant  
2833 to Sections 99-19-81 through 99-19-87;

2834 (c) Offenders serving a sentence for a sex offense; or



2835 (d) Offenders serving a sentence for trafficking  
2836 pursuant to Section 41-29-139(f).

2837 **SECTION 43.** The following shall be codified in Chapter 7,  
2838 Title 47, Mississippi Code of 1972:

2839 47-7- . (1) In consultation with the Parole Board, the  
2840 department shall develop a case plan for all parole eligible  
2841 inmates to guide an inmate's rehabilitation while in the  
2842 department's custody and to reduce the likelihood of recidivism  
2843 after release.

2844 (2) Within ninety (90) days of admission, the department  
2845 shall complete a case plan on all inmates which shall include, but  
2846 not limited to:

2847 (a) Programming and treatment requirements based on the  
2848 results of a risk and needs assessment;

2849 (b) Any programming or treatment requirements contained  
2850 in the sentencing order; and

2851 (c) General behavior requirements in accordance with  
2852 the rules and policies of the department.

2853 (3) The department shall provide the inmate with a written  
2854 copy of the case plan and the inmate's caseworker shall explain  
2855 the conditions set forth in the case plan.

2856 (a) Within ninety (90) days of admission, the  
2857 caseworker shall notify the inmate of their parole eligibility  
2858 date as calculated in accordance with Section 47-7-3(3);



2859 (b) At the time a parole-eligible inmate receives the  
2860 case plan, the department shall send the case plan to the Parole  
2861 Board for approval.

2862 (4) The department shall ensure that the case plan is  
2863 achievable prior to inmate's parole eligibility date.

2864 (5) The caseworker shall meet with the inmate every eight  
2865 (8) weeks from the date the offender received the case plan to  
2866 review the inmate's case plan progress.

2867 (6) Every four (4) months the department shall  
2868 electronically submit a progress report on each parole-eligible  
2869 inmate's case plan to the Parole Board. The board may meet to  
2870 review an inmate's case plan and may provide written input to the  
2871 caseworker on the inmate's progress toward completion of the case  
2872 plan.

2873 (7) The Parole Board shall provide semiannually to the  
2874 Oversight Task Force the number of parole hearings held, the  
2875 number of prisoners released to parole without a hearing and the  
2876 number of parolees released after a hearing.

2877 **SECTION 44.** The following shall be codified in Chapter 7,  
2878 Title 47, Mississippi Code of 1972:

2879 47-7- . (1) Each inmate eligible for parole pursuant to  
2880 Section 47-7-3, shall be released from incarceration to parole  
2881 supervision on the inmate's parole eligibility date, without a  
2882 hearing before the board, if:



2883 (a) The inmate has met the requirements of the parole  
2884 case plan established pursuant to Section 43 of this act;

2885 (b) A victim of the offense has not requested the board  
2886 conduct a hearing;

2887 (c) The inmate has not received a serious or major  
2888 violation report within the past six (6) months;

2889 (d) The inmate has agreed to the conditions of  
2890 supervision; and

2891 (e) The inmate has a discharge plan approved by the  
2892 board.

2893 (2) At least thirty (30) days prior to an inmate's parole  
2894 eligibility date, the department shall notify the board in writing  
2895 of the inmate's compliance or noncompliance with the case plan.  
2896 If an inmate fails to meet a requirement of the case plan, prior  
2897 to the parole eligibility date, he or she shall have a hearing  
2898 before the board to determine if completion of the case plan can  
2899 occur while in the community.

2900 (3) Any inmate for whom there is insufficient information  
2901 for the department to determine compliance with the case plan  
2902 shall have a hearing with the board.

2903 (4) A hearing shall be held with the board if requested by  
2904 the victim following notification of the inmate's parole release  
2905 date pursuant to Section 47-7-17.

2906 (5) A hearing shall be held by the board if a law  
2907 enforcement official from the community to which the inmate will



2908 return contacts the board or the department and requests a hearing  
2909 to consider information relevant to public safety risks posed by  
2910 the inmate if paroled at the initial parole eligibility date. The  
2911 law enforcement official shall submit an explanation documenting  
2912 these concerns for the board to consider.

2913 (6) If a parole hearing is held, the board may determine the  
2914 inmate has sufficiently complied with the case plan or that the  
2915 incomplete case plan is not the fault of the inmate and that  
2916 granting parole is not incompatible with public safety, the board  
2917 may then parole the inmate with appropriate conditions. If the  
2918 board determines that the inmate has sufficiently complied with  
2919 the case plan but the discharge plan indicates that the inmate  
2920 does not have appropriate housing immediately upon release, the  
2921 board may parole the inmate to a transitional reentry center with  
2922 the condition that the inmate spends no more than six (6) months  
2923 in the center. If the board determines that the inmate has not  
2924 substantively complied with the requirement(s) of the case plan it  
2925 may deny parole. If the board denies parole, the board may  
2926 schedule a subsequent parole hearing and, if a new date is  
2927 scheduled, the board shall identify the corrective action the  
2928 inmate will need to take in order to be granted parole. Any  
2929 inmate not released at the time of the inmate's initial parole  
2930 date shall have a parole hearing at least every year.

2931 **SECTION 45.** Section 47-7-17, Mississippi Code of 1972, is  
2932 amended as follows:



2933 47-7-17. Within one (1) year after his admission and at such  
2934 intervals thereafter as it may determine, the board shall secure  
2935 and consider all pertinent information regarding each offender,  
2936 except any under sentence of death or otherwise ineligible for  
2937 parole, including the circumstances of his offense, his previous  
2938 social history, his previous criminal record, including any  
2939 records of law enforcement agencies or of a youth court regarding  
2940 that offender's juvenile criminal history, his conduct, employment  
2941 and attitude while in the custody of the department, the case plan  
2942 created to prepare the offender for parole, and the reports of  
2943 such physical and mental examinations as have been made. The  
2944 board shall furnish at least three (3) months' written notice to  
2945 each such offender of the date on which he is eligible for parole.

2946 Before ruling on the application for parole of any offender,  
2947 the board may \* \* \* ~~have the~~ require a parole-eligible  
2948 offender \* \* \* appear before it and interview him to have a  
2949 hearing as required in this chapter before the board and to be  
2950 interviewed. The hearing shall be held \* \* \* ~~two (2) months~~ no  
2951 later than thirty (30) days prior to the month of  
2952 eligibility \* \* \* ~~in order for the department to address any~~  
2953 ~~special conditions required by the board.~~ No application for  
2954 parole of a person convicted of a capital offense shall be  
2955 considered by the board unless and until notice of the filing of  
2956 such application shall have been published at least once a week  
2957 for two (2) weeks in a newspaper published in or having general



2958 circulation in the county in which the crime was committed. The  
2959 board shall, within thirty (30) days prior to the scheduled  
2960 hearing, also give notice of the filing of the application for  
2961 parole to the victim of the offense for which the prisoner is  
2962 incarcerated and being considered for parole or, in case the  
2963 offense be homicide, a designee of the immediate family of the  
2964 victim, provided the victim or designated family member has  
2965 furnished in writing a current address to the board for such  
2966 purpose. \* \* \*A Parole release shall, at the hearing, be ordered  
2967 only for the best interest of society, not as an award of  
2968 clemency; it shall not be considered to be a reduction of sentence  
2969 or pardon. An offender shall be placed on parole only when  
2970 arrangements have been made for his proper employment or for his  
2971 maintenance and care, and when the board believes that he is able  
2972 and willing to fulfill the obligations of a law-abiding citizen.  
2973 When the board determines that the offender will need transitional  
2974 housing upon release in order to improve the likelihood of him or  
2975 her becoming a law-abiding citizen, the board may parole the  
2976 offender with the condition that the inmate spends no more than  
2977 six (6) months in a transitional reentry center. \* \* \*Within  
2978 forty-eight (48) hours At least fifteen (15) days prior to the  
2979 release of an offender on parole, the director of records of the  
2980 department shall give the written notice which is required  
2981 pursuant to Section 47-5-177. Every offender while on parole  
2982 shall remain in the legal custody of the department from which he



2983 was released and shall be amenable to the orders of the  
2984 board. \* \* \*~~The board, upon rejecting the application for parole~~  
2985 ~~of any offender, shall within thirty (30) days following such~~  
2986 ~~rejection furnish that offender in general terms the reasons~~  
2987 ~~therefor in writing.~~ Upon determination by the board that an  
2988 offender is eligible for release by parole, notice shall also be  
2989 given within at least fifteen (15) days before release, by the  
2990 board to the victim of the offense or the victim's family member,  
2991 as indicated above, regarding the date when the offender's release  
2992 shall occur, provided a current address of the victim or the  
2993 victim's family member has been furnished in writing to the board  
2994 for such purpose.

2995 Failure to provide notice to the victim or the victim's  
2996 family member of the filing of the application for parole or of  
2997 any decision made by the board regarding parole shall not  
2998 constitute grounds for vacating an otherwise lawful parole  
2999 determination nor shall it create any right or liability, civilly  
3000 or criminally, against the board or any member thereof.

3001 A letter of protest against granting an offender parole shall  
3002 not be treated as the conclusive and only reason for not granting  
3003 parole.

3004 The board may adopt such other rules not inconsistent with  
3005 law as it may deem proper or necessary with respect to the  
3006 eligibility of offenders for parole, the conduct of parole  
3007 hearings, or conditions to be imposed upon parolees, including a



3008 condition that the parolee submit, as provided in Section 47-5-601  
3009 to any type of breath, saliva or urine chemical analysis test, the  
3010 purpose of which is to detect the possible presence of alcohol or  
3011 a substance prohibited or controlled by any law of the State of  
3012 Mississippi or the United States. The board shall have the  
3013 authority to adopt rules \* \* \* ~~permitting~~ related to the placement  
3014 of certain offenders \* \* \* to be placed on unsupervised parole and  
3015 for the operation of transitional reentry centers. However, in no  
3016 case shall an offender be placed on unsupervised parole before he  
3017 has served a minimum of \* \* \* ~~three (3) years~~ fifty percent (50%)  
3018 of the period of supervised parole.

3019 **SECTION 46.** Section 47-5-157, Mississippi Code of 1972, is  
3020 amended as follows:

3021 47-5-157. When an offender is entitled to a discharge from  
3022 the custody of the department, or is released therefrom on parole,  
3023 pardon, or otherwise, the commissioner or his designee shall  
3024 prepare and deliver to him a written discharge or release, as the  
3025 case may be, dated and signed by him with seal annexed, giving the  
3026 offender's name, the name of the offense or offenses for which he  
3027 was convicted, the term of sentence imposed and the date thereof,  
3028 the county in which he was sentenced, the amount of commutation  
3029 received, if any, the trade he has learned, if any, his  
3030 proficiency in same, and such description of the offender as may  
3031 be practicable and the discharge plan developed as required by  
3032 law. \* \* \* ~~Within forty-eight (48) hours~~ At least fifteen (15)



3033 days prior to the release of an offender as described herein, the  
3034 director of records of the department shall give the written  
3035 notice which is required pursuant to Section 47-5-177. \* \* \*He  
3036 The offender shall be furnished, if needed, suitable civilian  
3037 clothes, a Mississippi driver's license, or a state identification  
3038 card that is not a department-issued identification card and all  
3039 money held to his credit by any official of the correctional  
3040 system shall be delivered to him.

3041 The amount of money which an offender is entitled to receive  
3042 from the State of Mississippi when he is discharged from the state  
3043 correctional system shall be determined as follows:

3044 (a) If he has continuously served his sentence in one  
3045 (1) year or less flat time, he shall be given Fifteen Dollars  
3046 (\$15.00).

3047 (b) If he has served his sentence in more than one (1)  
3048 year flat time and in less than ten (10) years flat time, he shall  
3049 be given Twenty-five Dollars (\$25.00).

3050 (c) If he has continuously served his sentence in ten  
3051 (10) or more years flat time, he shall be given Seventy-five  
3052 Dollars (\$75.00).

3053 (d) If he has continuously served his sentence in  
3054 twenty (20) or more years flat time, he shall be given One Hundred  
3055 Dollars (\$100.00).



3056           There shall be given in addition to the above specified  
3057 monies in subsections (a), (b), (c) and (d), a bus ticket to the  
3058 county of conviction or to a state line of Mississippi.

3059           **SECTION 47.** Section 47-7-2, Mississippi Code of 1972, is  
3060 amended as follows:

3061           47-7-2. For purposes of this chapter, the following words  
3062 shall have the meaning ascribed herein unless the context shall  
3063 otherwise require:

3064           (a) "Adult" means a person who is seventeen (17) years  
3065 of age or older, or any person convicted of any crime not subject  
3066 to the provisions of the youth court law, or any person  
3067 "certified" to be tried as an adult by any youth court in the  
3068 state.

3069           (b) "Board" means the State Parole Board.

3070           (c) "Parole case plan" means an individualized, written  
3071 accountability and behavior change strategy developed by the  
3072 department in collaboration with the parole board to prepare  
3073 offenders for release on parole at the parole eligibility date.  
3074 The case plan shall focus on the offender's criminal risk factors  
3075 that, if addressed, reduce the likelihood of reoffending.

3076           ( \* \* \*~~ed~~) "Commissioner" means the Commissioner of  
3077 Corrections.

3078           ( \* \* \*~~ed~~) "Correctional system" means the facilities,  
3079 institutions, programs and personnel of the department utilized



3080 for adult offenders who are committed to the custody of the  
3081 department.

3082 (f) "Criminal risk factors" means characteristics that  
3083 increase a person's likelihood of reoffending. These  
3084 characteristics include: antisocial behavior; antisocial  
3085 personality; criminal thinking; criminal associates; dysfunctional  
3086 family; low levels of employment or education; poor use of leisure  
3087 and recreation; and substance abuse.

3088 ( \* \* \*eg) "Department" means the Mississippi  
3089 Department of Corrections.

3090 ( \* \* \*fh) "Detention" means the temporary care of  
3091 juveniles and adults who require secure custody for their own or  
3092 the community's protection in a physically restricting facility  
3093 prior to adjudication, or retention in a physically restricting  
3094 facility upon being taken into custody after an alleged parole or  
3095 probation violation.

3096 (i) "Discharge plan" means an individualized written  
3097 document that provides information to support the offender in  
3098 meeting the basic needs identified in the pre-release assessment.  
3099 This information shall include, but is not limited to: contact  
3100 names, phone numbers, and addresses of referrals and resources.

3101 (j) "Evidence-based practices" means supervision  
3102 policies, procedures, and practices that scientific research  
3103 demonstrates reduce recidivism.



3104 ( \* \* \*gk) "Facility" or "institution" means any  
3105 facility for the custody, care, treatment and study of offenders  
3106 which is under the supervision and control of the department.

3107 ( \* \* \*hl) "Juvenile," "minor" or "youthful" means a  
3108 person less than seventeen (17) years of age.

3109 ( \* \* \*im) "Offender" means any person convicted of a  
3110 crime or offense under the laws and ordinances of the state and  
3111 its political subdivisions.

3112 (n) "Pre-release assessment" means a determination of  
3113 an offender's ability to attend to basic needs, including, but not  
3114 limited to, transportation, clothing and food, financial  
3115 resources, personal identification documents, housing, employment,  
3116 education, and health care, following release.

3117 ( \* \* \*jo) "Special meetings" means those meetings  
3118 called by the chairman with at least twenty-four (24) hours'  
3119 notice or a unanimous waiver of notice.

3120 (p) "Supervision plan" means a plan developed by the  
3121 community corrections department to manage offenders on probation  
3122 and parole in a way that reduces the likelihood they will commit a  
3123 new criminal offense or violate the terms of supervision and that  
3124 increases the likelihood of obtaining stable housing, employment  
3125 and skills necessary to sustain positive conduct.

3126 (q) "Technical violation" means an act or omission by  
3127 the probationer that violates a condition or conditions of



3128 probation placed on the probationer by the court or the probation  
3129 officer.

3130 (r) "Transitional reentry center" means a  
3131 state-operated or state-contracted facility used to house  
3132 offenders leaving the physical custody of the Department of  
3133 Corrections on parole, probation or post-release supervision who  
3134 are in need of temporary housing and services that reduce their  
3135 risk to reoffend.

3136 ( \* \* \*~~§~~) "Unit of local government" means a county,  
3137 city, town, village or other general purpose political subdivision  
3138 of the state.

3139 (t) "Risk and needs assessment" means the determination  
3140 of a person's risk to reoffend using an actuarial assessment tool  
3141 validated on Mississippi corrections populations and the needs  
3142 that, when addressed, reduce the risk to reoffend.

3143 **SECTION 48.** The following shall be codified in Chapter 7,  
3144 Title 47, Mississippi Code of 1972:

3145 47-7- . (1) The department shall create a discharge plan  
3146 for any offender returning to the community, regardless of whether  
3147 the person will discharge from the custody of the department, or  
3148 is released on parole, pardon, or otherwise. At least ninety (90)  
3149 days prior to an offender's earliest release date, the  
3150 commissioner shall conduct a pre-release assessment and complete a  
3151 written discharge plan based on the assessment results. The  
3152 discharge plan for parole eligible offenders shall be sent to the



3153 parole board at least thirty (30) days prior to the offender's  
3154 parole eligibility date for approval. The board may suggest  
3155 changes to the plan that it deems necessary to ensure a successful  
3156 transition.

3157 (2) The pre-release assessment shall identify whether an  
3158 inmate requires assistance obtaining the following basic needs  
3159 upon release: transportation, clothing and food, financial  
3160 resources, identification documents, housing, employment,  
3161 education, health care and support systems. The discharge plan  
3162 shall include information necessary to address these needs and the  
3163 steps being taken by the department to assist in this process.

3164 Based on the findings of the assessment, the commissioner shall:

3165 (a) Arrange transportation for inmates from the  
3166 correctional facility to their release destination;

3167 (b) Ensure inmates have clean, seasonally appropriate  
3168 clothing, and provide inmates with a list of food providers and  
3169 other basic resources immediately accessible upon release;

3170 (c) Ensure inmates have a driver's license or a  
3171 state-issued identification card that is not a Department of  
3172 Corrections identification card;

3173 (d) Assist inmates in identifying safe, affordable  
3174 housing upon release. If accommodations are not available,  
3175 determine whether temporary housing is available for at least ten  
3176 (10) days after release. If temporary housing is not available,  
3177 the discharge plan shall reflect that satisfactory housing has not



3178 been established and the person may be a candidate for  
3179 transitional reentry center placement;

3180 (e) Refer inmates without secured employment to  
3181 employment opportunities;

3182 (f) Provide inmates with contact information of a  
3183 health care facility/provider in the community in which they plan  
3184 to reside;

3185 (g) Notify family members of the release date and  
3186 release plan, if inmate agrees; and

3187 (h) Refer inmates to a community or a faith-based  
3188 organization that can offer support within the first twenty-four  
3189 (24) hours of release;

3190 (3) A written discharge plan shall be provided to the  
3191 offender and supervising probation officer or parole officer, if  
3192 applicable.

3193 (4) A discharge plan created for a parole-eligible offender  
3194 shall also include supervision conditions and the intensity of  
3195 supervision based on the assessed risk to recidivate and whether  
3196 there is a need for transitional housing. The board shall approve  
3197 discharge plans before an offender is released on parole pursuant  
3198 to Section 47-7-X.

3199 **SECTION 49.** Section 47-5-28, Mississippi Code of 1972, is  
3200 amended as follows:

3201 47-5-28. The commissioner shall have the following powers  
3202 and duties:



3203 (a) To implement and administer laws and policy  
3204 relating to corrections and coordinate the efforts of the  
3205 department with those of the federal government and other state  
3206 departments and agencies, county governments, municipal  
3207 governments, and private agencies concerned with providing  
3208 offender services;

3209 (b) To establish standards, in cooperation with other  
3210 state agencies having responsibility as provided by law, provide  
3211 technical assistance, and exercise the requisite supervision as it  
3212 relates to correctional programs over all state-supported adult  
3213 correctional facilities and community-based programs;

3214 (c) To promulgate and publish such rules, regulations  
3215 and policies of the department as are needed for the efficient  
3216 government and maintenance of all facilities and programs in  
3217 accord insofar as possible with currently accepted standards of  
3218 adult offender care and treatment \* \* \*;

3219 (d) To provide the Parole Board with suitable and  
3220 sufficient office space and support resources and staff necessary  
3221 to conducting Parole Board business under the guidance of the  
3222 Chairman of the Parole Board;

3223 (e) To contract for transitional reentry center beds  
3224 that will be used as noncorrections housing for offenders released  
3225 from the department on parole, probation or post-release  
3226 supervision but do not have appropriate housing available upon  
3227 release. At least one hundred (100) transitional reentry center



3228 beds contracted by the department and chosen by the Parole Board  
3229 shall be available for the parole board to place parolees without  
3230 appropriate housing;

3231 ( \* \* \*ef) To make an annual report to the Governor and  
3232 the Legislature reflecting the activities of the department and  
3233 make recommendations for improvement of the services to be  
3234 performed by the department;

3235 ( \* \* \*fg) To cooperate fully with periodic independent  
3236 internal investigations of the department and to file the report  
3237 with the Governor and the Legislature;

3238 ( \* \* \*gh) To perform such other duties necessary to  
3239 effectively and efficiently carry out the purposes of the  
3240 department as may be directed by the Governor \* \* \*.

3241 **SECTION 50.** Section 47-5-173, Mississippi Code of 1972, is  
3242 amended as follows:

3243 47-5-173. The commissioner, or his designees, may grant  
3244 leave to an offender and may take into consideration sickness or  
3245 death in the offender's family or the seeking of employment by the  
3246 offender in connection with application for parole, for a period  
3247 of time not to exceed ten (10) days. \* \* \*~~Within forty-eight (48)~~  
3248 ~~hours~~ At least fifteen (15) days prior to the release of an  
3249 offender on leave, the director of records of the department shall  
3250 give the written notice required pursuant to Section 47-5-177.  
3251 However, if an offender is granted leave because of sickness or  
3252 death in the offender's family, written notice shall not be



3253 required but the inmate shall be accompanied by a correctional  
3254 officer or a law enforcement officer. In all other cases the  
3255 commissioner, or his designees, shall provide required security  
3256 when deemed necessary. The commissioner, or his designees, in  
3257 granting leave, shall take into consideration the conduct and work  
3258 performance of the offender.

3259 **SECTION 51.** Section 47-5-177, Mississippi Code of 1972, is  
3260 amended as follows:

3261 47-5-177. \* \* \*~~Within forty-eight (48) hours~~ At least  
3262 fifteen (15) days prior to the release of an offender from the  
3263 custody of the department because of discharge, parole, pardon,  
3264 temporary personal leave or pass, or otherwise, except for  
3265 sickness or death in the offender's family, the director of  
3266 records of the department shall give written or electronic notice  
3267 of such release to the sheriff of the county and to the chief of  
3268 police of the municipality where the offender was convicted. If  
3269 the offender is paroled to a county other than the county of  
3270 conviction, the director of records shall give written or  
3271 electronic notice of the release to the sheriff, district attorney  
3272 and circuit judge of the county and to the chief of police of the  
3273 municipality where the offender is paroled and to the sheriff of  
3274 the county and to the chief of police of the municipality where  
3275 the offender was convicted. The department shall notify the  
3276 parole officer of the county where the offender is paroled or  
3277 discharged to probation of any chronic mental disorder incurred by



3278 the offender, of any type of infectious disease for which the  
3279 offender has been examined and treated, and of any medications  
3280 provided to the offender for such conditions.

3281 The commissioner shall require the director of records to  
3282 clearly identify the notice of release of an offender who has been  
3283 convicted of arson at any time. The fact that the offender to be  
3284 released had been convicted of arson at any time shall appear  
3285 prominently on the notice of release and the sheriff shall notify  
3286 all officials who are responsible for investigation of arson  
3287 within the county of such offender's release and the chief of  
3288 police shall notify all such officials within the municipality of  
3289 such offender's release.

3290 **SECTION 52.** Section 47-7-5, Mississippi Code of 1972, is  
3291 amended as follows:

3292 47-7-5. (1) The State Parole Board, created under former  
3293 Section 47-7-5, is hereby created, continued and reconstituted and  
3294 shall be composed of five (5) members. The Governor shall appoint  
3295 the members with the advice and consent of the Senate. All terms  
3296 shall be at the will and pleasure of the Governor. Any vacancy  
3297 shall be filled by the Governor, with the advice and consent of  
3298 the Senate. The Governor shall appoint a chairman of the board.

3299 (2) Any person who is appointed to serve on the board shall  
3300 possess at least a bachelor's degree or a high school diploma and  
3301 four (4) years' work experience. Each member shall devote his  
3302 full time to the duties of his office and shall not engage in any



3303 other business or profession or hold any other public office. A  
3304 member shall not receive compensation or per diem in addition to  
3305 his salary as prohibited under Section 25-3-38. Each member shall  
3306 keep such hours and workdays as required of full-time state  
3307 employees under Section 25-1-98. Individuals shall be appointed  
3308 to serve on the board without reference to their political  
3309 affiliations. Each board member, including the chairman, may be  
3310 reimbursed for actual and necessary expenses as authorized by  
3311 Section 25-3-41. Each member of the board shall complete annual  
3312 training developed based on guidance from the National Institute  
3313 of Corrections, the Association of Paroling Authorities  
3314 International, or the American Probation and Parole Association.  
3315 Each first-time appointee of the board shall, within sixty (60)  
3316 days of appointment, or as soon as practical, complete training  
3317 for first-time Parole Board members developed in consideration of  
3318 information from the National Institute of Corrections, the  
3319 Association of Paroling Authorities International, or the American  
3320 Probation and Parole Association.

3321 (3) The board shall have exclusive responsibility for the  
3322 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
3323 shall have exclusive authority for revocation of the same. The  
3324 board shall have exclusive responsibility for investigating  
3325 clemency recommendations upon request of the Governor.



3326 (4) The board, its members and staff, shall be immune from  
3327 civil liability for any official acts taken in good faith and in  
3328 exercise of the board's legitimate governmental authority.

3329 (5) The budget of the board shall be funded through a  
3330 separate line item within the general appropriation bill for the  
3331 support and maintenance of the department. Employees of the  
3332 department which are employed by or assigned to the board shall  
3333 work under the guidance and supervision of the board. There shall  
3334 be an executive secretary to the board who shall be responsible  
3335 for all administrative and general accounting duties related to  
3336 the board. The executive secretary shall keep and preserve all  
3337 records and papers pertaining to the board.

3338 (6) The board shall have no authority or responsibility for  
3339 supervision of offenders granted a release for any reason,  
3340 including, but not limited to, probation, parole or executive  
3341 clemency or other offenders requiring the same through interstate  
3342 compact agreements. The supervision shall be provided exclusively  
3343 by the staff of the Division of Community Corrections of the  
3344 department.

3345 (7) (a) The Parole Board is authorized to select and place  
3346 offenders in an electronic monitoring program under the conditions  
3347 and criteria imposed by the Parole Board. The conditions,  
3348 restrictions and requirements of Section 47-7-17 and Sections  
3349 47-5-1001 through 47-5-1015 shall apply to the Parole Board and



3350 any offender placed in an electronic monitoring program by the  
3351 Parole Board.

3352 (b) Any offender placed in an electronic monitoring  
3353 program under this subsection shall pay the program fee provided  
3354 in Section 47-5-1013. The program fees shall be deposited in the  
3355 special fund created in Section 47-5-1007.

3356 (c) The department shall have absolute immunity from  
3357 liability for any injury resulting from a determination by the  
3358 Parole Board that an offender be placed in an electronic  
3359 monitoring program.

3360 (8) (a) The Parole Board shall maintain a central registry  
3361 of paroled inmates. The Parole Board shall place the following  
3362 information on the registry: name, address, photograph, crime for  
3363 which paroled, the date of the end of parole or flat-time date and  
3364 other information deemed necessary. The Parole Board shall  
3365 immediately remove information on a parolee at the end of his  
3366 parole or flat-time date.

3367 (b) When a person is placed on parole, the Parole Board  
3368 shall inform the parolee of the duty to report to the parole  
3369 officer any change in address ten (10) days before changing  
3370 address.

3371 (c) The Parole Board shall utilize an Internet website  
3372 or other electronic means to release or publish the information.



3373 (d) Records maintained on the registry shall be open to  
3374 law enforcement agencies and the public and shall be available no  
3375 later than July 1, 2003.

3376 (9) An affirmative vote of at least four (4) members of the  
3377 Parole Board shall be required to grant parole to an inmate  
3378 convicted of capital murder or a sex crime.

3379 (10) This section shall stand repealed on July 1, \* \* \* 2014  
3380 2018.

3381 **SECTION 53.** Section 47-7-9, Mississippi Code of 1972, is  
3382 amended as follows:

3383 47-7-9. (1) The circuit judges and county judges in the  
3384 districts to which Division of Community Corrections personnel  
3385 have been assigned shall have the power to request of the  
3386 department transfer or removal of the division personnel from  
3387 their court.

3388 (2) (a) Division personnel shall investigate all cases  
3389 referred to them for investigation by the board, the division or  
3390 by any court in which they are authorized to serve. They shall  
3391 furnish to each person released under their supervision a written  
3392 statement of the conditions of probation, parole, earned-release  
3393 supervision, post-release supervision or suspension and shall  
3394 instruct \* \* \* ~~him~~ the person regarding the same. They shall  
3395 administer a risk and needs assessment on each person under their  
3396 supervision to measure criminal risk factors and individual needs.  
3397 They shall use the results of the risk and needs assessment to



3398 guide supervision responses consistent with evidence-based  
3399 practices as to the level of supervision and the practices used to  
3400 reduce recidivism. They shall develop a supervision plan for each  
3401 person assessed as moderate to high risk to reoffend. They shall  
3402 keep informed concerning the conduct and conditions of persons  
3403 under their supervision and use all suitable methods that are  
3404 consistent with evidence-based practices to aid and encourage them  
3405 and to bring about improvements in their conduct and condition and  
3406 to reduce the risk of recidivism. They shall keep detailed  
3407 records of their work and shall make such reports in writing as  
3408 the court or the board may require.

3409 (b) Division personnel shall complete annual training  
3410 on evidence-based practices and criminal risk factors, as well as  
3411 instructions on how to target these factors to reduce recidivism.

3412 ( \* \* \*bc) The division personnel duly assigned to  
3413 court districts are hereby vested with all the powers of police  
3414 officers or sheriffs to make arrests or perform any other duties  
3415 required of policemen or sheriffs which may be incident to the  
3416 division personnel responsibilities. All probation and parole  
3417 officers hired on or after July 1, 1994, will be placed in the Law  
3418 Enforcement Officers Training Program and will be required to meet  
3419 the standards outlined by that program.

3420 ( \* \* \*ed) It is the intention of the Legislature that  
3421 insofar as practicable the case load of each division personnel  
3422 supervising offenders in the community (hereinafter field



3423 supervisor) shall not exceed the number of cases that may be  
3424 adequately handled.

3425 (3) (a) Division personnel shall be provided to perform  
3426 investigation for the court as provided in this subsection.  
3427 Division personnel shall conduct presentence investigations on all  
3428 persons convicted of a felony in any circuit court of the state,  
3429 prior to sentencing and at the request of the circuit court judge  
3430 of the court of conviction. The presentence evaluation report  
3431 shall consist of a complete record of the offender's criminal  
3432 history, educational level, employment history, psychological  
3433 condition and such other information as the department or judge  
3434 may deem necessary. Division personnel shall also prepare written  
3435 victim impact statements at the request of the sentencing judge as  
3436 provided in Section 99-19-157.

3437 (b) In order that offenders in the custody of the  
3438 department on July 1, 1976, may benefit from the kind of  
3439 evaluations authorized in this section, an evaluation report to  
3440 consist of the information required hereinabove, supplemented by  
3441 an examination of an offender's record while in custody, shall be  
3442 compiled by the division upon all offenders in the custody of the  
3443 department on July 1, 1976. After a study of such reports by the  
3444 State Parole Board those cases which the board believes would  
3445 merit some type of executive clemency shall be submitted by the  
3446 board to the Governor with its recommendation for the appropriate  
3447 executive action.



3448 (c) The department is authorized to accept gifts,  
3449 grants and subsidies to conduct this activity.

3450 **SECTION 54.** The following shall be codified in Chapter 7,  
3451 Title 47, Mississippi Code of 1972:

3452 47-7- . (1) The department shall have the authority to  
3453 impose graduated sanctions as an alternative to judicial  
3454 modification or revocation, as provided in Sections 47-7-27 and  
3455 47-7-37, for offenders on probation, parole, or post-release  
3456 supervision who commit technical violations of the conditions of  
3457 supervision as defined by Section 47-7-2.

3458 (2) The commissioner shall develop a standardized graduated  
3459 sanctions system, which shall include a grid to guide field  
3460 officers in determining the suitable response to a technical  
3461 violation. The commissioner shall promulgate rules and  
3462 regulations for the development and application of the system of  
3463 sanctions. Field officers shall be required to conform to the  
3464 sanction grid developed.

3465 (3) The system of sanctions shall include a list of  
3466 sanctions for the most common types of violations. When  
3467 determining the sanction to impose, the field officer shall take  
3468 into account the offender's assessed risk level, previous  
3469 violations and sanctions, and severity of the current and prior  
3470 violations.

3471 (4) Field officers shall notify the sentencing court when a  
3472 probationer has committed a technical violation or the parole



3473 board when a parolee has committed a technical violation of the  
3474 type of violation and the sanction imposed. When the technical  
3475 violation is an arrest for a new criminal offense, the field  
3476 officer shall notify the court within forty-eight (48) hours of  
3477 becoming aware of the arrest.

3478 (5) The graduated sanctions that the department may impose  
3479 include, but shall not be limited to:

- 3480 (a) Verbal warnings;
- 3481 (b) Increased reporting;
- 3482 (c) Increased drug and alcohol testing;
- 3483 (d) Mandatory substance abuse treatment;
- 3484 (e) Loss of earned-discharge credits; and
- 3485 (f) Incarceration in a county jail for no more than two  
3486 (2) days. Incarceration as a sanction shall not be used more than  
3487 two (2) times per month for a total period incarcerated of no more  
3488 than four (4) days.

3489 (6) The system shall also define positive reinforcements  
3490 that offenders will receive for compliance with conditions of  
3491 supervision. These positive reinforcements shall include, but not  
3492 limited to:

- 3493 (a) Verbal recognition;
- 3494 (b) Reduced reporting; and
- 3495 (c) Credits for earned discharge which shall be awarded  
3496 pursuant to Section 70 of this act.



3497 (7) The Department of Corrections shall provide semiannually  
3498 to the Oversight Task Force the number and percentage of offenders  
3499 who have one or more violations during the year, the average  
3500 number of violations per offender during the year and the total  
3501 and average number of incarceration sanctions as defined in  
3502 subsection (5) of this section imposed during the year.

3503 **SECTION 55.** The following shall be codified in Chapter 7,  
3504 Title 47, Mississippi Code of 1972:

3505 47-7- . (1) The commissioner shall establish rules and  
3506 regulations for implementing the earned-discharge program that  
3507 allows offenders on probation and parole to reduce the period of  
3508 supervision for complying with conditions of probation. The  
3509 department shall have the authority to award earned-discharge  
3510 credits to all offenders placed on probation, parole, or  
3511 post-release supervision who are in compliance with the terms and  
3512 conditions of supervision. An offender serving a Mississippi  
3513 sentence for an eligible offense in any jurisdiction under the  
3514 Interstate Compact for Adult Offender Supervision shall be  
3515 eligible for earned-discharge credits under this section.

3516 (2) For each full calendar month of compliance with the  
3517 conditions of supervision, earned-discharge credits equal to the  
3518 number of days in that month shall be deducted from the offenders  
3519 sentence discharge date established in this act. Credits begin to  
3520 accrue for eligible offenders after the first full calendar month  
3521 of compliance supervision conditions. For the purposes of this



3522 section, an offender is deemed to be in compliance with the  
3523 conditions of supervision if there was no violation of the  
3524 conditions of supervision.

3525 (3) No earned-discharge credits may accrue for a calendar  
3526 month in which a violation report has been submitted, the offender  
3527 has absconded from supervision, the offender is serving a term of  
3528 imprisonment in a technical violation center, or for the months  
3529 between the submission of the violation report and the final  
3530 action on the violation report by the court or the board.

3531 (4) Earned-discharge credits shall be applied to the  
3532 sentence within thirty (30) days of the end of the month in which  
3533 the credits were earned. At least every six (6) months, an  
3534 offender who is serving a sentence eligible for earned-discharge  
3535 credits shall be notified of the current sentence discharge date.

3536 (5) Once the combination of time served on probation, parole  
3537 or post-release supervision, and earned-discharge credits satisfy  
3538 the term of probation, parole, or post-release supervision, the  
3539 board or sentencing court shall order final discharge of the  
3540 offender. No less than sixty (60) days prior to the date of final  
3541 discharge, the department shall notify the sentencing court and  
3542 the board of the impending discharge.

3543 (6) The department shall provide semiannually to the  
3544 Oversight Task Force the number and percentage of offenders who  
3545 qualify for earned discharge in one or more months of the year and  
3546 the average amount of credits earned within the year.



3547           **SECTION 56.** Section 47-7-27, Mississippi Code of 1972, is  
3548 amended as follows:

3549           47-7-27. (1) The board may, at any time and upon a showing  
3550 of probable violation of parole, issue a warrant for the return of  
3551 any paroled offender to the custody of the department. The  
3552 warrant shall authorize all persons named therein to return the  
3553 paroled offender to actual custody of the department from which he  
3554 was paroled. \* \* \*~~Pending a hearing upon any charge of parole~~  
3555 ~~violation, the offender shall remain incarcerated in any place of~~  
3556 ~~detention designated by the department.~~

3557           (2) Any field supervisor may arrest an offender without a  
3558 warrant or may deputize any other person with power of arrest by  
3559 giving him a written statement setting forth that the offender  
3560 has, in the judgment of that field supervisor, violated the  
3561 conditions of his parole or earned-release supervision. The  
3562 written statement delivered with the offender by the arresting  
3563 officer to the official in charge of the department facility from  
3564 which the offender was released or other place of detention  
3565 designated by the department shall be sufficient warrant for the  
3566 detention of the offender.

3567           (3) The field supervisor, after making an arrest, shall  
3568 present to the detaining authorities a similar statement of the  
3569 circumstances of violation. The field supervisor shall at once  
3570 notify the board or department of the arrest and detention of the  
3571 offender and shall submit a written report showing in what manner



3572 the offender has violated the conditions of parole or  
3573 earned-release supervision. An offender for whose return a  
3574 warrant has been issued by the board shall, after the issuance of  
3575 the warrant, be deemed a fugitive from justice.

3576 (4) Whenever an offender is arrested on a warrant for an  
3577 alleged violation of parole as herein provided, the board shall  
3578 hold an informal preliminary hearing within seventy-two (72) hours  
3579 to determine whether there is reasonable cause to believe the  
3580 person has violated a condition of parole. A preliminary hearing  
3581 shall not be required when the offender is not under arrest on a  
3582 warrant or the offender signed a waiver of a preliminary hearing.  
3583 The preliminary hearing may be conducted electronically.

3584 ( \* \* \*45) The right of the State of Mississippi to  
3585 extradite persons and return fugitives from justice, from other  
3586 states to this state, shall not be impaired by this chapter and  
3587 shall remain in full force and effect. An offender convicted of a  
3588 felony committed while on parole, whether in the State of  
3589 Mississippi or another state, shall immediately have his parole  
3590 revoked upon presentment of a certified copy of the commitment  
3591 order to the board. If an offender is on parole and the offender  
3592 is convicted of a felony for a crime committed prior to the  
3593 offender being placed on parole, whether in the State of  
3594 Mississippi or another state, the offender may have his parole  
3595 revoked upon presentment of a certified copy of the commitment  
3596 order to the board.



3597           ( \* \* \*56)   (a) The board shall hold a hearing for any  
3598 parolee who is detained as a result of a warrant or a violation  
3599 report within twenty-one (21) days of the parolee's admission to  
3600 detention. The board may, in its discretion, terminate the parole  
3601 or modify the terms and conditions thereof. If the board revokes  
3602 parole for a technical violation the board shall impose a period  
3603 of imprisonment to be served in a technical violation center  
3604 operated by the department not to exceed ninety (90) days for the  
3605 first technical violation and not to exceed one hundred twenty  
3606 (120) days for the second technical violation. For the third  
3607 technical violation, the board may impose a period of imprisonment  
3608 to be served in a technical violation center for up to one hundred  
3609 and eighty (180) days or the board may impose the remainder of the  
3610 suspended portion of the sentence. For the fourth and any  
3611 subsequent technical violation, the board may impose up to the  
3612 remainder of the suspended portion of the sentence. The period of  
3613 imprisonment in a technical violation center imposed under this  
3614 section shall not be reduced in any manner.

3615           (b) If the board does not hold a hearing or does not  
3616 take action on the violation within the twenty-one-day time frame  
3617 in paragraph (a) of this subsection, the parolee shall be released  
3618 from detention and shall return to parole status. The board may  
3619 subsequently hold a hearing and may revoke parole or may continue  
3620 parole and modify the terms and conditions of parole. If the  
3621 board revokes parole for a technical violation the board shall



3622 impose a period of imprisonment to be served in a technical  
3623 violation center operated by the department not to exceed ninety  
3624 (90) days for the first technical violation and not to exceed one  
3625 hundred twenty (120) days for the second technical violation. For  
3626 the third technical violation, the board may impose a period of  
3627 imprisonment to be served in a technical violation center for up  
3628 to one hundred eighty (180) days or the board may impose the  
3629 remainder of the suspended portion of the sentence. For the  
3630 fourth and any subsequent technical violation, the board may  
3631 impose up to the remainder of the suspended portion of the  
3632 sentence. The period of imprisonment in a technical violation  
3633 center imposed under this section shall not be reduced in any  
3634 manner.

3635 (c) For a parolee charged with a technical violation  
3636 who has not been detained awaiting the revocation hearing, the  
3637 board may hold a hearing within a reasonable time. The board may  
3638 revoke parole or may continue parole and modify the terms and  
3639 conditions of parole. If the board revokes parole for a technical  
3640 violation the board shall impose a period of imprisonment to be  
3641 served in a technical violation center operated by the department  
3642 not to exceed ninety (90) days for the first technical violation  
3643 and not to exceed one hundred twenty (120) days for the second  
3644 technical violation. For the third technical violation, the board  
3645 may impose a period of imprisonment to be served in a technical  
3646 violation center for up to one hundred eighty (180) days or the



3647 board may impose the remainder of the suspended portion of the  
3648 sentence. For the fourth and any subsequent technical violation,  
3649 the board may impose up to the remainder of the suspended portion  
3650 of the sentence. The period of imprisonment in a technical  
3651 violation center imposed under this section shall not be reduced  
3652 in any manner.

3653 (7) Unless good cause for the delay is established in the  
3654 record of the proceeding, the parole revocation charge shall be  
3655 dismissed if the revocation hearing is not held within the thirty  
3656 (30) days of the issuance of the warrant.

3657 ( \* \* \*~~68~~) The chairman and each member of the board and the  
3658 designated parole revocation hearing officer may, in the discharge  
3659 of their duties, administer oaths, summon and examine witnesses,  
3660 and take other steps as may be necessary to ascertain the truth of  
3661 any matter about which they have the right to inquire.

3662 (9) The board shall provide semiannually to the Oversight  
3663 Task Force the number of warrants issued for an alleged violation  
3664 of parole, the average time between detention on a warrant and  
3665 preliminary hearing, the average time between detention on a  
3666 warrant and revocation hearing, the number of ninety-day sentences  
3667 in a technical violation center issued by the board, the number of  
3668 one-hundred-twenty-day sentences in a technical violation center  
3669 issued by the board, the number of one-hundred-eighty-day  
3670 sentences issued by the board, and the number and average length



3671 of the suspended sentences imposed by the board in response to a  
3672 violation.

3673 **SECTION 57.** Section 47-7-34, Mississippi Code of 1972, is  
3674 amended as follows:

3675 47-7-34. (1) When a court imposes a sentence upon a  
3676 conviction for any felony committed after June 30, 1995, the  
3677 court, in addition to any other punishment imposed if the other  
3678 punishment includes a term of incarceration in a state or local  
3679 correctional facility, may impose a term of post-release  
3680 supervision. However, the total number of years of incarceration  
3681 plus the total number of years of post-release supervision shall  
3682 not exceed the maximum sentence authorized to be imposed by law  
3683 for the felony committed. The defendant shall be placed under  
3684 post-release supervision upon release from the term of  
3685 incarceration. The period of supervision shall be established by  
3686 the court.

3687 (2) The period of post-release supervision shall be  
3688 conducted in the same manner as a like period of supervised  
3689 probation, including a requirement that the defendant shall abide  
3690 by any terms and conditions as the court may establish. Failure  
3691 to successfully abide by the terms and conditions shall be grounds  
3692 to terminate the period of post-release supervision and to  
3693 recommit the defendant to the correctional facility from which he  
3694 was previously released. Procedures for termination and  
3695 recommitment shall be conducted in the same manner as procedures



3696 for the revocation of probation and imposition of a suspended  
3697 sentence as required pursuant to Section 47-7-37.

3698 (3) Post-release supervision programs shall be operated  
3699 through the probation and parole unit of the Division of Community  
3700 Corrections of the department. The maximum amount of time that  
3701 the Mississippi Department of Corrections may supervise an  
3702 offender on the post-release supervision program is five (5)  
3703 years.

3704 **SECTION 58.** Section 47-7-37, Mississippi Code of 1972, is  
3705 amended as follows:

3706 47-7-37. (1) The period of probation shall be fixed by the  
3707 court, and may at any time be extended or terminated by the court,  
3708 or judge in vacation. Such period with any extension thereof  
3709 shall not exceed five (5) years, except that in cases of desertion  
3710 and/or failure to support minor children, the period of probation  
3711 may be fixed and/or extended by the court for so long as the duty  
3712 to support such minor children exists. The time served on  
3713 probation or post-release supervision may be reduced pursuant to  
3714 Section 55 of this act.

3715 (2) At any time during the period of probation, the court,  
3716 or judge in vacation, may issue a warrant for violating any of the  
3717 conditions of probation or suspension of sentence and cause the  
3718 probationer to be arrested. Any probation and parole officer may  
3719 arrest a probationer without a warrant, or may deputize any other  
3720 officer with power of arrest to do so by giving him a written



3721 statement setting forth that the probationer has, in the judgment  
3722 of the probation and parole officer, violated the conditions of  
3723 probation. Such written statement delivered with the probationer  
3724 by the arresting officer to the official in charge of a county  
3725 jail or other place of detention shall be sufficient warrant for  
3726 the detention of the probationer.

3727 (3) Whenever an offender is arrested on a warrant for an  
3728 alleged violation of probation as herein provided, the department  
3729 shall hold an informal preliminary hearing within seventy-two (72)  
3730 hours of the arrest to determine whether there is reasonable cause  
3731 to believe the person has violated a condition of probation. A  
3732 preliminary hearing shall not be required when the offender is not  
3733 under arrest on a warrant or the offender signed a waiver of a  
3734 preliminary hearing. The preliminary hearing may be conducted  
3735 electronically. If reasonable cause is found, the offender may be  
3736 confined no more than twenty-one (21) days from the admission to  
3737 detention until a revocation hearing is held. If the revocation  
3738 hearing is not held within twenty-one (21) days, the probationer  
3739 shall be released from custody and returned to probation status.

3740 (4) If a probationer or offender is subject to registration  
3741 as a sex offender, the court must make a finding that the  
3742 probationer or offender is not a danger to the public prior to  
3743 release with or without bail. In determining the danger posed by  
3744 the release of the offender or probationer, the court may consider  
3745 the nature and circumstances of the violation and any new offenses



3746 charged; the offender or probationer's past and present conduct,  
3747 including convictions of crimes and any record of arrests without  
3748 conviction for crimes involving violence or sex crimes; any other  
3749 evidence of allegations of unlawful sexual conduct or the use of  
3750 violence by the offender or probationer; the offender or  
3751 probationer's family ties, length of residence in the community,  
3752 employment history and mental condition; the offender or  
3753 probationer's history and conduct during the probation or other  
3754 supervised release and any other previous supervisions, including  
3755 disciplinary records of previous incarcerations; the likelihood  
3756 that the offender or probationer will engage again in a criminal  
3757 course of conduct; the weight of the evidence against the offender  
3758 or probationer; and any other facts the court considers relevant.

3759 (5) (a) The probation and parole officer after making an  
3760 arrest shall present to the detaining authorities a similar  
3761 statement of the circumstances of violation. The probation and  
3762 parole officer shall at once notify the court of the arrest and  
3763 detention of the probationer and shall submit a report in writing  
3764 showing in what manner the probationer has violated the conditions  
3765 of probation. \* \* \* ~~Thereupon, or upon an~~ Within twenty-one (21)  
3766 days of arrest and detention by warrant as herein provided, the  
3767 court \* \* \*, ~~in termtime or vacation,~~ shall cause the probationer  
3768 to be brought before it and may continue or revoke all or any part  
3769 of the probation or the suspension of sentence \* \* \*, ~~and may~~  
3770 ~~cause the sentence imposed to be executed or may impose any part~~



3771 ~~of the sentence which might have been imposed at the time of~~  
3772 ~~conviction.~~ If the court revokes probation for a technical  
3773 violation, the court shall impose a period of imprisonment to be  
3774 served in either a technical violation center or a restitution  
3775 center not to exceed ninety (90) days for the first technical  
3776 violation and not to exceed one hundred twenty (120) days for the  
3777 second technical violation. For the third technical violation,  
3778 the court may impose a period of imprisonment to be served in  
3779 either a technical violation center or a restitution center for up  
3780 to one hundred eighty (180) days or the court may impose the  
3781 remainder of the suspended portion of the sentence. For the  
3782 fourth and any subsequent technical violation, the court may  
3783 impose up to the remainder of the suspended portion of the  
3784 sentence. The period of imprisonment in a technical violation  
3785 center imposed under this section shall not be reduced in any  
3786 manner.

3787 (b) If the offender is not detained as a result of the  
3788 warrant, the court shall cause the probationer to be brought  
3789 before it within a reasonable time and may continue or revoke all  
3790 or any part of the probation or the suspension of sentence, and  
3791 may cause the sentence imposed to be executed or may impose any  
3792 part of the sentence which might have been imposed at the time of  
3793 conviction. If the court revokes probation for a technical  
3794 violation, the court shall impose a period of imprisonment to be  
3795 served in either a technical violation center or a restitution



3796 center not to exceed ninety (90) days for the first technical  
3797 violation and not to exceed one hundred twenty (120) days for the  
3798 second technical violation. For the third technical violation,  
3799 the court may impose a period of imprisonment to be served in  
3800 either a technical violation center or a restitution center for up  
3801 to one hundred eighty (180) days or the court may impose the  
3802 remainder of the suspended portion of the sentence. For the  
3803 fourth and any subsequent technical violation, the court may  
3804 impose up to the remainder of the suspended portion of the  
3805 sentence. The period of imprisonment in a technical violation  
3806 center imposed under this section shall not be reduced in any  
3807 manner.

3808 (c) If the court does not hold a hearing or does not  
3809 take action on the violation within the twenty-one-day period, the  
3810 offender shall be released from detention and shall return to  
3811 probation status. The court may subsequently hold a hearing and  
3812 may revoke probation or may continue probation and modify the  
3813 terms and conditions of probation. If the court revokes probation  
3814 for a technical violation, the court shall impose a period of  
3815 imprisonment to be served in either a technical violation center  
3816 operated by the department or a restitution center not to exceed  
3817 ninety (90) days for the first technical violation and not to  
3818 exceed one hundred twenty (120) days for the second technical  
3819 violation. For the third technical violation, the court may  
3820 impose a period of imprisonment to be served in either a technical



3821 violation center or a restitution center for up to one hundred and  
3822 eighty (180) days or the court may impose the remainder of the  
3823 suspended portion of the sentence. For the fourth and any  
3824 subsequent technical violation, the court may impose up to the  
3825 remainder of the suspended portion of the sentence. The period of  
3826 imprisonment in a technical violation center imposed under this  
3827 section shall not be reduced in any manner.

3828 (d) For an offender charged with a technical violation  
3829 who has not been detained awaiting the revocation hearing, the  
3830 court may hold a hearing within a reasonable time. The court may  
3831 revoke probation or may continue probation and modify the terms  
3832 and conditions of probation. If the court revokes probation for a  
3833 technical violation the court shall impose a period of  
3834 imprisonment to be served in either a technical violation center  
3835 operated by the department or a restitution center not to exceed  
3836 ninety (90) days for the first technical violation and not to  
3837 exceed one hundred twenty (120) days for the second technical  
3838 violation. For the third technical violation, the court may  
3839 impose a period of imprisonment to be served in either a technical  
3840 violation center or a restitution center for up to one hundred  
3841 eighty (180) days or the court may impose the remainder of the  
3842 suspended portion of the sentence. For the fourth and any  
3843 subsequent technical violation, the court may impose up to the  
3844 remainder of the suspended portion of the sentence. The period of



3845 imprisonment in a technical violation center imposed under this  
3846 section shall not be reduced in any manner.

3847       (6) If the probationer is arrested in a circuit court  
3848 district in the State of Mississippi other than that in which he  
3849 was convicted, the probation and parole officer, upon the written  
3850 request of the sentencing judge, shall furnish to the circuit  
3851 court or the county court of the county in which the arrest is  
3852 made, or to the judge of such court, a report concerning the  
3853 probationer, and such court or the judge in vacation shall have  
3854 authority, after a hearing, to continue or revoke all or any part  
3855 of probation or all or any part of the suspension of sentence, and  
3856 may in case of revocation proceed to deal with the case as if  
3857 there had been no probation. In such case, the clerk of the court  
3858 in which the order of revocation is issued shall forward a  
3859 transcript of such order to the clerk of the court of original  
3860 jurisdiction, and the clerk of that court shall proceed as if the  
3861 order of revocation had been issued by the court of original  
3862 jurisdiction. Upon the revocation of probation or suspension of  
3863 sentence of any offender, such offender shall be placed in the  
3864 legal custody of the State Department of Corrections and shall be  
3865 subject to the requirements thereof.

3866       (7) Any probationer who removes himself from the State of  
3867 Mississippi without permission of the court placing him on  
3868 probation, or the court to which jurisdiction has been  
3869 transferred, shall be deemed and considered a fugitive from



3870 justice and shall be subject to extradition as now provided by  
3871 law. No part of the time that one is on probation shall be  
3872 considered as any part of the time that he shall be sentenced to  
3873 serve.

3874 (8) The arresting officer, except when a probation and  
3875 parole officer, shall be allowed the same fees as now provided by  
3876 law for arrest on warrant, and such fees shall be taxed against  
3877 the probationer and paid as now provided by law.

3878 (9) The arrest, revocation and recommitment procedures of  
3879 this section also apply to persons who are serving a period of  
3880 post-release supervision imposed by the court.

3881 (10) Unless good cause for the delay is established in the  
3882 record of the proceeding, the probation revocation charge shall be  
3883 dismissed if the revocation hearing is not held within thirty (30)  
3884 days of the warrant being issued.

3885 (11) The Department of Corrections shall provide  
3886 semiannually to the Oversight Task Force the number of warrants  
3887 issued for an alleged violation of probation or post-release  
3888 supervision, the average time between detention on a warrant and  
3889 preliminary hearing, the average time between detention on a  
3890 warrant and revocation hearing, the number of ninety-day sentences  
3891 in a technical violation center issued by the court, the number of  
3892 one-hundred-twenty-day sentences in a technical violation center  
3893 issued by the court, the number of one-hundred-eighty-day  
3894 sentences issued by the court, and the number and average length



3895 of the suspended sentences imposed by the court in response to a  
3896 violation.

3897         **SECTION 59.** Section 47-5-901, Mississippi Code of 1972, is  
3898 amended as follows:

3899             47-5-901. (1) Any person committed, sentenced or otherwise  
3900 placed under the custody of the Department of Corrections, on  
3901 order of the sentencing court and subject to the other conditions  
3902 of this subsection, may serve all or any part of his sentence in  
3903 the county jail of the county wherein such person was convicted if  
3904 the Commissioner of Corrections determines that physical space is  
3905 not available for confinement of such person in the state  
3906 correctional institutions. Such determination shall be promptly  
3907 made by the Department of Corrections upon receipt of notice of  
3908 the conviction of such person. The commissioner shall certify in  
3909 writing that space is not available to the sheriff or other  
3910 officer having custody of the person. Any person serving his  
3911 sentence in a county jail shall be classified in accordance with  
3912 Section 47-5-905.

3913             (2) If state prisoners are housed in county jails due to a  
3914 lack of capacity at state correctional institutions, the  
3915 Department of Corrections shall determine the cost for food and  
3916 medical attention for such prisoners. The cost of feeding and  
3917 housing offenders confined in such county jails shall be based on  
3918 actual costs or contract price per prisoner. In order to maximize  
3919 the potential use of county jail space, the Department of



3920 Corrections is encouraged to negotiate a reasonable per day cost  
3921 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)  
3922 per day per offender.

3923 (3) (a) Upon vouchers submitted by the board of supervisors  
3924 of any county housing persons due to lack of space at state  
3925 institutions, the Department of Corrections shall pay to such  
3926 county, out of any available funds, the actual cost of food, or  
3927 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)  
3928 per day per offender, as determined under subsection (2) of this  
3929 section for each day an offender is so confined beginning the day  
3930 that the Department of Corrections receives a certified copy of  
3931 the sentencing order and will terminate on the date on which the  
3932 offender is released or otherwise removed from the custody of the  
3933 county jail. The department, or its contracted medical provider,  
3934 will pay to a provider of a medical service for any and all  
3935 incarcerated persons from a correctional or detention facility an  
3936 amount based upon negotiated fees as agreed to by the medical care  
3937 service providers and the department and/or its contracted medical  
3938 provider. In the absence of negotiated discounted fee schedule,  
3939 medical care service providers will be paid by the department, or  
3940 its contracted medical service provider, an amount no greater than  
3941 the reimbursement rate applicable based on the Mississippi  
3942 Medicaid reimbursement rate. The board of supervisors of any  
3943 county shall not be liable for any cost associated with medical  
3944 attention for prisoners who are pretrial detainees or for



3945 prisoners who have been convicted that exceeds the Mississippi  
3946 Medicaid reimbursement rate or the reimbursement provided by the  
3947 Department of Corrections, whichever is greater. This limitation  
3948 applies to all medical care services, durable and nondurable  
3949 goods, prescription drugs and medications. Such payment shall be  
3950 placed in the county general fund and shall be expended only for  
3951 food and medical attention for such persons.

3952 (b) Upon vouchers submitted by the board of supervisors  
3953 of any county housing offenders in county jails pending a  
3954 probation or parole revocation hearing, the department shall  
3955 pay \* \* \*, ~~out of any available funds,~~ the reimbursement costs  
3956 provided in paragraph (a).

3957 (c) If the probation or parole of an offender is  
3958 revoked, the additional cost of housing the offender pending the  
3959 revocation hearing shall be assessed as part of the offender's  
3960 court cost and shall be remitted to the department.

3961 (4) A person, on order of the sentencing court, may serve  
3962 not more than twenty-four (24) months of his sentence in a county  
3963 jail if the person is classified in accordance with Section  
3964 47-5-905 and the county jail is an approved county jail for  
3965 housing state inmates under federal court order. The sheriff of  
3966 the county shall have the right to petition the Commissioner of  
3967 Corrections to remove the inmate from the county jail. The county  
3968 shall be reimbursed in accordance with subsection (2) of this  
3969 section.



3970 (5) The Attorney General of the State of Mississippi shall  
3971 defend the employees of the Department of Corrections and  
3972 officials and employees of political subdivisions against any  
3973 action brought by any person who was committed to a county jail  
3974 under the provisions of this section.

3975 (6) This section does not create in the Department of  
3976 Corrections, or its employees or agents, any new liability,  
3977 express or implied, nor shall it create in the Department of  
3978 Corrections any administrative authority or responsibility for the  
3979 construction, funding, administration or operation of county or  
3980 other local jails or other places of confinement which are not  
3981 staffed and operated on a full-time basis by the Department of  
3982 Corrections. The correctional system under the jurisdiction of  
3983 the Department of Corrections shall include only those facilities  
3984 fully staffed by the Department of Corrections and operated by it  
3985 on a full-time basis.

3986 (7) An offender returned to a county for post-conviction  
3987 proceedings shall be subject to the provisions of Section 99-19-42  
3988 and the county shall not receive the per\_day allotment for such  
3989 offender after the time prescribed for returning the offender to  
3990 the Department of Corrections as provided in Section 99-19-42.

3991 **SECTION 60.** Section 47-5-911, Mississippi Code of 1972, is  
3992 amended as follows:

3993 47-5-911. Sections 47-5-901 through 47-5-911 shall stand  
3994 repealed on July 1, \* \* \*~~2014~~ 2016.



3995           **SECTION 61.** The following shall be codified in Chapter 7, of  
3996 Title 47, Mississippi Code of 1972:

3997           47-7- . (1) The Department of Corrections shall establish  
3998 technical violation centers to detain probation and parole  
3999 violators revoked by the court or parole board.

4000           (2) The department shall place an offender in a violation  
4001 center for a technical violation as ordered by the board pursuant  
4002 to Section 47-7-27 and the sentencing court pursuant to Section  
4003 47-7-37.

4004           (3) The violation centers shall be equipped to address the  
4005 underlying factors that led to the offender's violation as  
4006 identified based on the results of a risk and needs assessment.  
4007 At a minimum each violation center shall include substance abuse  
4008 services shown to reduce recidivism and a reduction in the use of  
4009 illicit substances or alcohol, education programs, employment  
4010 preparation and training programs and behavioral programs.

4011           (4) As required by Section 47-5-20(b), the department shall  
4012 notify, by certified mail, each member of the board of supervisors  
4013 of the county in which the violation center shall be located of  
4014 the department's intent to convert an existing department facility  
4015 to a technical violation center.

4016           (5) The department shall establish rules and regulations for  
4017 the implementation and operation of the technical violation  
4018 centers.



4019 (6) The Department of Corrections shall provide to the  
4020 Oversight Task Force semiannually the average daily population of  
4021 the technical violation centers, the number of admissions to the  
4022 technical violation centers, and the average time served in the  
4023 technical violation centers.

4024 **SECTION 62.** Section 47-5-10, Mississippi Code of 1972, is  
4025 amended as follows:

4026 47-5-10. The department shall have the following powers and  
4027 duties:

4028 (a) To accept adult offenders committed to it by the  
4029 courts of this state for incarceration, care, custody, treatment  
4030 and rehabilitation;

4031 (b) To provide for the care, custody, study, training,  
4032 supervision and treatment of adult offenders committed to the  
4033 department;

4034 (c) To maintain, administer and exercise executive and  
4035 administrative supervision over all state correctional  
4036 institutions and facilities used for the custody, training, care,  
4037 treatment and after-care supervision of adult offenders committed  
4038 to the department; provided, however, that such supervision shall  
4039 not extend to any institution or facility for which executive and  
4040 administrative supervision has been provided by law through  
4041 another agency;

4042 (d) To plan, develop and coordinate a statewide,  
4043 comprehensive correctional program designed to train and



4044 rehabilitate offenders in order to prevent, control and retard  
4045 recidivism;

4046 (e) To maintain records of persons committed to it, and  
4047 to establish programs of research, statistics and planning:

4048 (i) An offender's records shall include a single  
4049 cover sheet that contains the following information about the  
4050 offender: name, including any aliases; department inmate number;  
4051 social security number; photograph; court of conviction; cause  
4052 number; date of conviction; date of sentence; total number of days  
4053 in the department's custody or number of days creditable toward  
4054 time served on each charge; date of actual custody; and date of  
4055 any revocation of a suspended sentence;

4056 (ii) The department shall maintain an offender's  
4057 cover sheet in the course of its regularly conducted business  
4058 activities and shall include an offender's cover sheet in each  
4059 request from a court, prosecutor or law enforcement agency for a  
4060 summary of an offender's records with the department, also known  
4061 as a "pen-pack." The cover sheet shall conform to Rules 803(6)  
4062 and 803(8) of the Mississippi Rules of Evidence for admission as  
4063 an exception to the hearsay rule and may be admissible when  
4064 properly authenticated according to evidentiary rules and when  
4065 offered for the purpose of enhanced sentencing under Section  
4066 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and



4067 (iii) This subsection is not intended to conflict  
4068 with an offender's right of confrontation in criminal proceedings  
4069 under the state or federal constitution;

4070 (f) To investigate the grievances of any person  
4071 committed to the department, and to inquire into any alleged  
4072 misconduct by employees; and for this purpose it may issue  
4073 subpoenas and compel the attendance of witnesses and the  
4074 production of writings and papers, and may examine under oath any  
4075 witnesses who may appear before it;

4076 (g) To administer programs of training and development  
4077 of personnel of the department;

4078 (h) To develop and implement diversified programs and  
4079 facilities to promote, enhance, provide and assure the  
4080 opportunities for the successful custody, training and treatment  
4081 of adult offenders properly committed to the department or  
4082 confined in any facility under its control. Such programs and  
4083 facilities may include, but not be limited to, institutions, group  
4084 homes, halfway houses, diagnostic centers, work and educational  
4085 release centers, technical violation centers, restitution centers,  
4086 counseling and supervision of probation, parole, suspension and  
4087 compact cases, presentence investigating and other state and local  
4088 community-based programs and facilities;

4089 (i) To receive, hold and use, as a corporate body, any  
4090 real, personal and mixed property donated to the department, and



4091 any other corporate authority as shall be necessary for the  
4092 operation of any facility at present or hereafter;

4093 (j) To provide those personnel, facilities, programs  
4094 and services the department shall find necessary in the operation  
4095 of a modern correctional system for the custody, care, study and  
4096 treatment of adult offenders placed under its jurisdiction by the  
4097 courts and other agencies in accordance with law;

4098 (k) To develop the capacity and administrative network  
4099 necessary to deliver advisory consultation and technical  
4100 assistance to units of local government for the purpose of  
4101 assisting them in developing model local correctional programs for  
4102 adult offenders;

4103 (l) To cooperate with other departments and agencies  
4104 and with local communities for the development of standards and  
4105 programs for better correctional services in this state;

4106 (m) To administer all monies and properties of the  
4107 department;

4108 (n) To report annually to the Legislature and the  
4109 Governor on the committed persons, institutions and programs of  
4110 the department;

4111 (o) To cooperate with the courts and with public and  
4112 private agencies and officials to assist in attaining the purposes  
4113 of this chapter and Chapter 7 of this title. The department may  
4114 enter into agreements and contracts with other departments of  
4115 federal, state or local government and with private agencies



4116 concerning the discharge of its responsibilities or theirs. The  
4117 department shall have the authority to accept and expend or use  
4118 gifts, grants and subsidies from public and private sources;

4119 (p) To make all rules and regulations and exercise all  
4120 powers and duties vested by law in the department;

4121 (q) The department may require a search of all persons  
4122 entering the grounds and facilities at the correctional system;

4123 (r) To submit, in a timely manner, to the Oversight  
4124 Task Force established in Section 68 of this act any reports  
4125 required by law or regulation or requested by the task force.

4126 ( \* \* \*~~§~~) To discharge any other power or duty imposed  
4127 or established by law.

4128 **SECTION 63.** Section 47-5-26, Mississippi Code of 1972, is  
4129 amended as follows:

4130 47-5-26. (1) The commissioner shall employ the following  
4131 personnel:

4132 (a) A Deputy Commissioner for Administration and  
4133 Finance, who shall supervise and implement all fiscal policies and  
4134 programs within the department, supervise and implement all hiring  
4135 and personnel matters within the department, supervise the  
4136 department's personnel director, supervise and implement all  
4137 purchasing within the department and supervise and implement all  
4138 data processing activities within the department, and who shall  
4139 serve as the Chief Executive Officer of the Division of  
4140 Administration and Finance. He shall possess either:



4141 (i) A master's degree from an accredited four-year  
4142 college or university in public or business administration,  
4143 accounting, economics or a directly related field, and four (4)  
4144 years of experience in work related to the above-described duties,  
4145 one (1) year of which must have included line or functional  
4146 supervision; or

4147 (ii) A bachelor's degree from an accredited  
4148 four-year college or university in public or business  
4149 administration, accounting, economics or a directly related field,  
4150 and six (6) years of experience in work related to the  
4151 above-described duties, one (1) year of which must have included  
4152 line or functional supervision. Certification by the State of  
4153 Mississippi as a certified public accountant may be substituted  
4154 for one (1) year of the required experience.

4155 (b) A Deputy Commissioner for Community Corrections,  
4156 who shall initiate and administer programs, including, but not  
4157 limited to, supervision of probationers, parolees and  
4158 suspensioners, counseling, community-based treatment, interstate  
4159 compact administration and enforcement, prevention programs,  
4160 halfway houses and group homes, technical violation centers,  
4161 restitution centers, presentence investigations, and work and  
4162 educational releases, and shall serve as the Chief Executive  
4163 Officer of the Division of Community Services. The Deputy  
4164 Commissioner for Community Corrections is charged with full and  
4165 complete cooperation with the State Parole Board and shall make



4166 monthly reports to the Chairman of the Parole Board in the form  
4167 and type required by the chairman, in his discretion, for the  
4168 proper performance of the probation and parole functions. After a  
4169 plea or verdict of guilty to a felony is entered against a person  
4170 and before he is sentenced, the Deputy Commissioner for Community  
4171 Corrections shall procure from any available source and shall file  
4172 in the presentence records any information regarding any criminal  
4173 history of the person such as fingerprints, dates of arrests,  
4174 complaints, civil and criminal charges, investigative reports of  
4175 arresting and prosecuting agencies, reports of the National Crime  
4176 Information Center, the nature and character of each offense,  
4177 noting all particular circumstances thereof and any similar data  
4178 about the person. The Deputy Commissioner for Community  
4179 Corrections shall keep an accurate and complete duplicate record  
4180 of this file and shall furnish the duplicate to the department.  
4181 This file shall be placed in and shall constitute a part of the  
4182 inmate's master file. The Deputy Commissioner for Community  
4183 Corrections shall furnish this file to the State Parole Board when  
4184 the file is needed in the course of its official duties. He shall  
4185 possess either: (i) a master's degree in counseling, corrections  
4186 psychology, guidance, social work, criminal justice or some  
4187 related field and at least four (4) years' full-time experience in  
4188 such field, including at least one (1) year of supervisory  
4189 experience; or (ii) a bachelor's degree in a field described in  
4190 subparagraph (i) of this paragraph and at least six (6) years'



4191 full-time work in corrections, one (1) year of which shall have  
4192 been at the supervisory level.

4193 (c) A Deputy Commissioner for Institutions, who shall  
4194 administer institutions, reception and diagnostic centers,  
4195 prerelease centers and other facilities and programs provided  
4196 therein, and shall serve as the Chief Executive Officer of the  
4197 Division of Institutions. He shall possess either: (i) a  
4198 master's degree in counseling, criminal justice, psychology,  
4199 guidance, social work, business or some related field, and at  
4200 least four (4) years' full-time experience in corrections,  
4201 including at least one (1) year of correctional management  
4202 experience; or (ii) a bachelor's degree in a field described in  
4203 subparagraph (i) of this paragraph and at least six (6) years'  
4204 full-time work in corrections, four (4) years of which shall have  
4205 been at the correctional management level.

4206 (2) The commissioner shall employ an administrative  
4207 assistant for parole matters, who shall be an employee of the  
4208 department assigned to the State Parole Board and who shall work  
4209 under the guidance and supervision of the board.

4210 (3) The administrative assistant for parole matters shall  
4211 receive an annual salary to be established by the Legislature.  
4212 The salaries of department employees not established by the  
4213 Legislature shall receive an annual salary established by the  
4214 State Personnel Board.



4215 (4) The commissioner shall employ a superintendent for the  
4216 Parchman facility, Central Mississippi Correctional Facility and  
4217 South Mississippi Correctional Institution of the Department of  
4218 Corrections. The Superintendent of the Mississippi State  
4219 Penitentiary shall reside on the grounds of the Parchman facility.  
4220 Each superintendent shall appoint an officer in charge when he is  
4221 absent.

4222 Each superintendent shall develop and implement a plan for  
4223 the prevention and control of an inmate riot and shall file a  
4224 report with the Chairman of the Senate Corrections Committee and  
4225 the Chairman of the House Penitentiary Committee on the first day  
4226 of each regular session of the Legislature regarding the status of  
4227 the plan.

4228 In order that the grievances and complaints of inmates,  
4229 employees and visitors at each facility may be heard in a timely  
4230 and orderly manner, each superintendent shall appoint or designate  
4231 an employee at the facility to hear grievances and complaints and  
4232 to report grievances and complaints to the superintendent. Each  
4233 superintendent shall institute procedures as are necessary to  
4234 provide confidentiality to those who file grievances and  
4235 complaints.

4236 **SECTION 64.** (1) As used in this section, "fiscal note"  
4237 means the estimated dollar cost to the state for the first year  
4238 and the annual cost thereafter. The term "ten-year fiscal note"  
4239 means the estimated dollar cost to the state over the ten-year



4240 period following passage or adoption of the subject of the fiscal  
4241 note.

4242 (2) Whenever legislation is introduced in the Legislature,  
4243 which would establish a new criminal offense or would amend the  
4244 sentencing provisions of an existing criminal offense, the  
4245 Department of Corrections shall provide a fiscal note and a  
4246 ten-year fiscal note on the proposed legislation upon the request  
4247 of any member of the Legislature. The fiscal note shall be  
4248 published in electronic form on the Mississippi Legislature  
4249 website as provided in Section 5-1-85.

4250 (3) State agencies and political subdivisions shall  
4251 cooperate with the department in preparing fiscal notes and the  
4252 ten-year fiscal notes. Such agencies and political subdivisions  
4253 shall submit requested information to the department in a timely  
4254 fashion.

4255 (4) In preparing fiscal notes and the ten-year fiscal notes,  
4256 the department must accurately report to the Legislature  
4257 information provided to the department by state agencies and  
4258 political subdivisions.

4259 (5) The department may request information from  
4260 nongovernmental agencies and organizations to assist in preparing  
4261 the fiscal note and the ten-year fiscal note.

4262 **SECTION 65.** (1) Semiannually, the circuit clerks of each  
4263 county, the municipal court clerks of each municipality, and the



4264 justice court clerks of each county shall report to the  
4265 Administrative Office of Courts the following information:

4266 (a) Individual misdemeanor and felony case records by  
4267 offense, from the circuit clerk for all circuit and county court  
4268 criminal proceedings, and from the municipal and justice court  
4269 clerks for all misdemeanors, electronically when available,  
4270 containing the date on which the criminal charges were filed,  
4271 charge code and name of indicted offenses, count number of  
4272 indicted offenses, the disposition of the charges, date disposed,  
4273 date sentenced, charge code and name of sentenced offenses, and  
4274 sentence length.

4275 (b) Data should be kept individually by case number and  
4276 misdemeanor charges or indicted felony offense, and include, for  
4277 criminal docket purposes, demographic information necessary for  
4278 tracking individuals across multiple databases should be  
4279 collected, including date of birth, city and state of residence,  
4280 race, and gender.

4281 (2) The Administrative Office of Courts shall be empowered  
4282 to establish a uniform reporting format for all court clerks  
4283 described in subsection (1) of this section. Such reporting  
4284 format shall emphasize the need for reporting information in a  
4285 sortable, electronic format. All clerks who submit required  
4286 information in other formats shall report to the Administrative  
4287 Office of Courts a schedule for conversion to technology to enable



4288 the reporting of all required data in a sortable, electronic  
4289 format.

4290 (3) Semiannual reports shall be made to the Administrative  
4291 Office of Courts by December 31, 2014, or as soon thereafter as  
4292 practicable, and every year thereafter, and on June 30, 2015, or  
4293 as soon thereafter as practicable, and every year thereafter. On  
4294 August 1, 2015, and each year thereafter, the Administrative  
4295 Office of Courts shall provide to PEER sortable, electronic copies  
4296 of all reports required by this section.

4297 (4) The Administrative Office of Courts shall share the  
4298 information required under this section with the Oversight Task  
4299 Force.

4300 **SECTION 66.** (1) The Mississippi Department of Corrections  
4301 shall collect the following information:

4302 (a) Prison data shall include:

4303 (i) The number of offenders entering prison on a  
4304 new offense;

4305 (ii) The number of offenders entering prison as a  
4306 revocation of supervision;

4307 (iii) The average sentence length for new prison  
4308 sentences by offense type;

4309 (iv) The average sentence length for offenders  
4310 entering prison for a probation revocation;

4311 (v) The average sentence length for offenders  
4312 entering prison for a parole revocation;



4313 (vi) The average percentage of prison sentence  
4314 served in prison by offense type;

4315 (vii) The average length of stay by offense type;

4316 (viii) Recidivism rates. For the purposes of this  
4317 report, "recidivism" means conviction of a new felony offense  
4318 within three (3) years of release from prison;

4319 1. Recidivism rates by offense type;

4320 2. Recidivism rates by risk level;

4321 (ix) Total prison population;

4322 1. By offense type;

4323 2. By type of admission into prison.

4324 (b) Probation data shall include:

4325 (i) The number of offenders supervised on  
4326 probation;

4327 (ii) The number of offenders placed on probation;

4328 (iii) The number of probationers revoked for a  
4329 technical violation and sentenced to a term of imprisonment in a  
4330 technical violation center;

4331 (iv) The number of probationers revoked for a  
4332 technical violation and sentenced to a term of imprisonment in  
4333 another type of department of correction;

4334 (v) The number of probationers who are convicted  
4335 of a new felony offense and sentenced to a term of imprisonment;

4336 (vi) The number of probationers held on a  
4337 violation in a county jail awaiting a revocation hearing; and



4338 (vii) The average length of stay in a county jail  
4339 for probationers awaiting a revocation hearing.

4340 (c) Post-release supervision data shall include:

4341 (i) The number of offenders supervised on  
4342 post-release supervision;

4343 (ii) The number of offenders placed on  
4344 post-release supervision;

4345 (iii) The number of post-release probationers  
4346 revoked for a technical violation and sentenced to a term of  
4347 imprisonment in a technical violation center;

4348 (iv) The number of post-release probationers  
4349 revoked for a technical violation and sentenced to a term of  
4350 imprisonment in another type of department of correction facility;

4351 (v) The number of post-release probationers who  
4352 are convicted of a new felony offense and sentenced to a term of  
4353 imprisonment;

4354 (vi) The number of post-release probationers held  
4355 on a violation in a county jail awaiting a revocation hearing; and

4356 (vii) The average length of stay in a county jail  
4357 for post-release probationers awaiting a revocation hearing.

4358 (2) The Department of Corrections shall semiannually report  
4359 information required in subsection (1) of this section to the  
4360 Oversight Task Force, and upon request, shall report the  
4361 information to the PEER Committee.



4362           **SECTION 67.** (1) The Parole Board, with the assistance of  
4363 the Department of Corrections, shall collect the following  
4364 information:

4365                   (a) The number of offenders supervised on parole;

4366                   (b) The number of offenders released on parole;

4367                   (c) The number of parole hearings held;

4368                   (d) The parole grant rate for parolees released with  
4369 and without a hearing;

4370                   (e) The average length of time offenders spend on  
4371 parole;

4372                   (f) The number and percentage of parolees revoked for a  
4373 technical violation and returned for a term of imprisonment in a  
4374 technical violation center;

4375                   (g) The number and percentage of parolees revoked for a  
4376 technical violation and returned for a term of imprisonment in  
4377 another type of Department of Corrections' facility;

4378                   (h) The number and percentage of parolees who are  
4379 convicted of a new offense and returned for a term of imprisonment  
4380 on their current crime as well as the new crime;

4381                   (i) The number of parolees held on a violation in  
4382 county jail awaiting a revocation hearing; and

4383                   (j) The average length of stay in a county jail for  
4384 parolees awaiting a revocation hearing.



4385 (2) The Parole Board shall semiannually report information  
4386 required in subsection (1) to the Oversight Task Force, and upon  
4387 request, shall report such information to the PEER Committee.

4388 **SECTION 68.** (1) There is hereby established a committee to  
4389 be known as the Corrections and Criminal Justice Oversight Task  
4390 Force, hereinafter called the Oversight Task Force, which must  
4391 exercise the powers and fulfill the duties described in this  
4392 chapter.

4393 (2) The Oversight Task Force shall be composed of the  
4394 following members:

4395 (a) The Lieutenant Governor shall appoint two (2)  
4396 members;

4397 (b) The Speaker of the House of Representatives shall  
4398 appoint two (2) members;

4399 (c) The Commissioner of the Department of Corrections,  
4400 or his designee;

4401 (d) The Chief Justice of the Mississippi Supreme Court  
4402 shall appoint one (1) member of the circuit court;

4403 (e) The Governor shall appoint one (1) member from the  
4404 Parole Board;

4405 (f) The Director of the Joint Legislative Committee on  
4406 Performance Evaluation and Expenditure Review, or his designee;

4407 (g) The Attorney General shall appoint one (1) member  
4408 representing the victims' community;



4409 (h) The Mississippi Association of Supervisors shall  
4410 appoint one (1) person to represent the association;

4411 (i) The President of the Mississippi Prosecutors'  
4412 Association;

4413 (j) The President of the Mississippi Sheriffs'  
4414 Association, or his designee; and

4415 (k) The Office of the State Public Defender shall  
4416 appoint one (1) person to represent the public defender's office.

4417 (3) The task force shall meet on or before July 15, 2015, at  
4418 the call of the Commissioner of the Department of Corrections and  
4419 organize itself by electing one (1) of its members as chair and  
4420 such other officers as the task force may consider necessary.  
4421 Thereafter, the task force shall meet at least biannually and at  
4422 the call of the chair or by a majority of the members. A quorum  
4423 consists of seven (7) members.

4424 (4) The task force shall have the following powers and  
4425 duties:

4426 (a) Track and assess outcomes from the recommendations  
4427 in the Corrections and Criminal Justice Task Force report of  
4428 December 2013;

4429 (b) Prepare and submit an annual report no later than  
4430 the first day of the second full week of each regular session of  
4431 the Legislature on the outcome and performance measures to the  
4432 Legislature, Governor and Chief Justice. The report shall include  
4433 recommendations for improvements, recommendations on transfers of



4434 funding based on the success or failure of implementation of the  
4435 recommendations, and a summary of savings. The report may also  
4436 present additional recommendations to the Legislature on future  
4437 legislation and policy options to enhance public safety and  
4438 control corrections costs;

4439 (c) Monitor compliance with sentencing standards,  
4440 assess their impact on the correctional resources of the state and  
4441 determine if the standards advance the adopted sentencing policy  
4442 goals of the state;

4443 (d) Review the classifications of crimes and sentences  
4444 and make recommendations for change when supported by information  
4445 that change is advisable to further the adopted sentencing policy  
4446 goals of the state;

4447 (e) Develop a research and analysis system to determine  
4448 the feasibility, impact on resources, and budget consequences of  
4449 any proposed or existing legislation affecting sentence length;

4450 (f) Request, review, and receive data and reports on  
4451 performance outcome measures as related to this act;

4452 (g) To undertake such additional studies or evaluations  
4453 as the Oversight Task Force considers necessary to provide  
4454 sentencing reform information and analysis;

4455 (h) Prepare and conduct annual continuing legal  
4456 education seminars regarding the sentencing guidelines to be  
4457 presented to judges, prosecuting attorneys and their deputies, and  
4458 public defenders and their deputies, as so required;



4459 (i) The Oversight Task Force shall use clerical and  
4460 professional employees of the Department of Corrections for its  
4461 staff;

4462 (j) The Oversight Task Force may employ or retain other  
4463 professional staff, upon the determination of the necessity for  
4464 other staff;

4465 (k) The Oversight Task Force may employ consultants to  
4466 assist in the evaluations and, when necessary, the implementation  
4467 of the recommendations of the Corrections and Criminal Justice  
4468 Task Force report of December 2013;

4469 (l) The Oversight Task Force is encouraged to apply for  
4470 and may expend grants, gifts, or federal funds it receives from  
4471 other sources to carry out its duties and responsibilities.

4472 **SECTION 69.** Section 9-7-122, Mississippi Code of 1972, is  
4473 amended as follows:

4474 9-7-122. (1) Except as otherwise provided herein, no  
4475 circuit clerk elected for a full term of office commencing on or  
4476 after January 1, 1996, shall exercise any functions of office or  
4477 be eligible to take the oath of office unless and until the  
4478 circuit clerk has filed in the office of the chancery clerk a  
4479 certificate of completion of a course of training and education  
4480 conducted by the Mississippi Judicial College of the University of  
4481 Mississippi Law Center within six (6) months of the beginning of  
4482 the term for which such circuit clerk is elected. A circuit clerk  
4483 who has completed the course of training and education and has



4484 satisfied his annual continuing education course requirements, and  
4485 who is then elected for a succeeding term of office subsequent to  
4486 the initial term for which he completed the training course, shall  
4487 not be required to repeat the training and education course upon  
4488 reelection. A circuit clerk that has served either a full term of  
4489 office or part of a term of office before January 1, 1996, shall  
4490 be exempt from the requirements of this subsection.

4491 (2) In addition to meeting the requirements of subsection  
4492 (1) of this section, after taking office by election or otherwise,  
4493 each circuit clerk shall be required to file annually in the  
4494 office of the chancery clerk a certificate of completion of a  
4495 course of continuing education conducted by the Mississippi  
4496 Judicial College. No circuit clerk shall have to comply with this  
4497 subsection unless he will have been in office for five (5) months  
4498 or more during a calendar year.

4499 (3) Each circuit clerk elected for a term commencing on or  
4500 after January 1, 1992, shall be required to file annually the  
4501 certificate required in subsection (2) of this section commencing  
4502 January 1, 1993.

4503 (4) The requirements for obtaining the certificates in this  
4504 section shall be as provided in subsection (6) of this section.

4505 (5) Upon the failure of any circuit clerk to file with the  
4506 chancery clerk the certificates of completion as provided in this  
4507 section, such circuit clerk shall, in addition to any other fine  
4508 or punishment provided by law for such conduct, not be entitled to



4509 any fee, compensation or salary, from any source, for services  
4510 rendered as circuit clerk, for the period of time during which  
4511 such certificate remains unfiled.

4512 (6) The Mississippi Judicial College of the University of  
4513 Mississippi Law Center shall prepare and conduct courses of  
4514 training for basic and continuing education for circuit clerks of  
4515 this state. The basic course of training shall be known as the  
4516 "Circuit Clerks Training Course" and shall consist of at least  
4517 thirty-two (32) hours of training. The continuing education  
4518 course shall be known as the "Continuing Education Course for  
4519 Circuit Clerks" and shall consist of at least eighteen (18) hours  
4520 of training. The content of the basic and continuing education  
4521 courses and when and where such courses are to be conducted shall  
4522 be determined by the judicial college. The judicial college shall  
4523 issue certificates of completion to those circuit clerks who  
4524 complete such courses.

4525 (7) The expenses of the training, including training of  
4526 those elected as circuit clerk who have not yet begun their term  
4527 of office, shall be borne as an expense of the office of the  
4528 circuit clerk.

4529 (8) Circuit clerks shall be allowed credit toward their  
4530 continuing education course requirements for attendance at circuit  
4531 court proceedings if the presiding circuit court judge certifies  
4532 that the circuit clerk was in actual attendance at a term or terms  
4533 of court; provided, however, that at least twelve (12) hours per



4534 year of the continuing education course requirements must be  
4535 completed at a regularly established program or programs conducted  
4536 by the Mississippi Judicial College.

4537 (9) By August 1, 2015, and each year thereafter, the  
4538 Administrative Office of Courts shall certify to the Mississippi  
4539 Judicial College the names of all circuit clerks who have failed  
4540 to provide the information required by Section 65 of this act.  
4541 The judicial college shall not issue a certificate of continuing  
4542 education required by subsection (2) of this section to any such  
4543 clerk, and shall report to the State Auditor, and the board of  
4544 supervisors of the county the clerk is elected from that the clerk  
4545 shall not be entitled to receive the compensation set out in  
4546 subsection (5) of this section. A clerk may be certified after  
4547 coming into compliance with the requirements of Section 65 of this  
4548 act.

4549 **SECTION 70.** Section 9-11-27, Mississippi Code of 1972, is  
4550 amended as follows:

4551 9-11-27. (1) The board of supervisors of each county shall,  
4552 at its own expense, appoint one (1) person to serve as clerk of  
4553 the justice court system of the county, and may appoint such other  
4554 employees for the justice court of the county as it deems  
4555 necessary, including a person or persons to serve as deputy clerk  
4556 or deputy clerks. The board of supervisors of each county with  
4557 two (2) judicial districts may, at its own expense, appoint two  
4558 (2) persons to serve as clerks of the justice court system of the



4559 county, one (1) for each judicial district, and may appoint such  
4560 other employees for the justice court system of the county as it  
4561 deems necessary including persons to serve as deputy clerks. The  
4562 clerk and deputy clerks shall be empowered to file and record  
4563 actions and pleadings, to receive and receipt for monies, to  
4564 acknowledge affidavits, to issue warrants in criminal cases upon  
4565 direction by a justice court judge in the county, to approve the  
4566 sufficiency of bonds in civil and criminal cases, to certify and  
4567 issue copies of all records, documents and pleadings filed in the  
4568 justice court and to issue all process necessary for the operation  
4569 of the justice court. The clerk or deputy clerks may refuse to  
4570 accept a personal check in payment of any fine or cost or to  
4571 satisfy any other payment required to be made to the justice  
4572 court. All orders from the justice court judge to the clerk of  
4573 the justice court shall be written. All cases, civil and  
4574 criminal, shall be assigned by the clerk to the justice court  
4575 judges of the county in the manner provided in Section 11-9-105  
4576 and Section 99-33-2. A deputy clerk who works in an office  
4577 separate from the clerk and who is the head deputy clerk of the  
4578 separate office may be designated to be trained as a clerk as  
4579 provided in Section 9-11-29.

4580 (2) By August 1, 2015, and each year thereafter, the  
4581 Administrative Office of Courts shall report the names of all  
4582 justice court clerks who have failed to comply with the reporting  
4583 requirements of Section 65 of this act to the boards of



4584 supervisors that selected them. Each clerk shall be given three  
4585 (3) months from the date on which the board was given notice to  
4586 come into compliance with the requirements of Section 65 of this  
4587 act. The Administrative Office of Courts shall notify the board  
4588 of supervisors of any justice court clerk who fails to come into  
4589 compliance after the three-month notice required in this  
4590 subsection. Any noncompliant clerks shall be terminated for  
4591 failure to comply with Section 65 of this act reporting  
4592 requirement.

4593       **SECTION 71.** Section 21-23-12, Mississippi Code of 1972, is  
4594 amended as follows:

4595       21-23-12. (1) Every person appointed as clerk of the  
4596 municipal court shall be required annually to attend and complete  
4597 a comprehensive course of training and education conducted or  
4598 approved by the Mississippi Judicial College of the University of  
4599 Mississippi Law Center. Attendance shall be required beginning  
4600 with the first training seminar conducted after said clerk is  
4601 appointed.

4602       (2) The Mississippi Judicial College of the University of  
4603 Mississippi Law Center shall prepare and conduct a course of  
4604 training and education for municipal court clerks of the state.  
4605 The course shall consist of at least twelve (12) hours of training  
4606 per year. After completion of the first year's requirement, a  
4607 maximum of six (6) hours training, over and above the required  
4608 twelve (12) hours, may be carried forward from the previous year.



4609 The content of the course of training and when and where it is to  
4610 be conducted shall be determined by the judicial college. A  
4611 certificate of completion shall be furnished to those municipal  
4612 court clerks who complete such course, and each certificate shall  
4613 be made a permanent record of the minutes of the board of aldermen  
4614 or city council in the municipality from which the municipal clerk  
4615 is appointed.

4616 (3) Upon the failure of any person appointed as clerk of the  
4617 municipal court to file the certificate of completion as provided  
4618 in subsection (2) of this section, within the first year of  
4619 appointment, such person shall then not be allowed to carry out  
4620 any of the duties of the office of clerk of the municipal court  
4621 and shall not be entitled to compensation for the period of time  
4622 during which such certificate remains unfiled.

4623 (4) After August 1, 2015, and each year thereafter, the  
4624 Administrative Office of Courts shall notify the judicial college  
4625 of the name of any municipal court clerk who has not complied with  
4626 the requirements of Section 65 of this act. The Mississippi  
4627 Judicial College shall not provide such clerk with a certificate  
4628 of completion of course work until such time that the  
4629 Administrative Office of Courts has reported that the clerk is in  
4630 compliance with the requirements of Section 65 of this act.  
4631 Further, the Administrative Office of Courts shall report the  
4632 names of all noncompliant clerks to the State Auditor and to the  
4633 mayor of the municipality that employs the clerk.



4634           **SECTION 72.** Section 47-5-138, Mississippi Code of 1972, is  
4635 brought forward as follows:

4636           47-5-138. (1) The department may promulgate rules and  
4637 regulations to carry out an earned time allowance program based on  
4638 the good conduct and performance of an inmate. An inmate is  
4639 eligible to receive an earned time allowance of one-half (1/2) of  
4640 the period of confinement imposed by the court except those  
4641 inmates excluded by law. When an inmate is committed to the  
4642 custody of the department, the department shall determine a  
4643 conditional earned time release date by subtracting the earned  
4644 time allowance from an inmate's term of sentence. This subsection  
4645 does not apply to any sentence imposed after June 30, 1995.

4646           (2) An inmate may forfeit all or part of his earned time  
4647 allowance for a serious violation of rules. No forfeiture of the  
4648 earned time allowance shall be effective except upon approval of  
4649 the commissioner, or his designee, and forfeited earned time may  
4650 not be restored.

4651           (3) (a) For the purposes of this subsection, "final order"  
4652 means an order of a state or federal court that dismisses a  
4653 lawsuit brought by an inmate while the inmate was in the custody  
4654 of the Department of Corrections as frivolous, malicious or for  
4655 failure to state a claim upon which relief could be granted.

4656           (b) On receipt of a final order, the department shall  
4657 forfeit:



4658 (i) Sixty (60) days of an inmate's accrued earned  
4659 time if the department has received one (1) final order as defined  
4660 herein;

4661 (ii) One hundred twenty (120) days of an inmate's  
4662 accrued earned time if the department has received two (2) final  
4663 orders as defined herein;

4664 (iii) One hundred eighty (180) days of an inmate's  
4665 accrued earned time if the department has received three (3) or  
4666 more final orders as defined herein.

4667 (c) The department may not restore earned time  
4668 forfeited under this subsection.

4669 (4) An inmate who meets the good conduct and performance  
4670 requirements of the earned time allowance program may be released  
4671 on his conditional earned time release date.

4672 (5) For any sentence imposed after June 30, 1995, an inmate  
4673 may receive an earned time allowance of four and one-half (4-1/2)  
4674 days for each thirty (30) days served if the department determines  
4675 that the inmate has complied with the good conduct and performance  
4676 requirements of the earned time allowance program. The earned  
4677 time allowance under this subsection shall not exceed fifteen  
4678 percent (15%) of an inmate's term of sentence; however, beginning  
4679 July 1, 2006, no person under the age of twenty-one (21) who has  
4680 committed a nonviolent offense, and who is under the jurisdiction  
4681 of the Department of Corrections, shall be subject to the fifteen



4682 percent (15%) limitation for earned time allowances as described  
4683 in this subsection (5).

4684 (6) Any inmate, who is released before the expiration of his  
4685 term of sentence under this section, shall be placed under  
4686 earned-release supervision until the expiration of the term of  
4687 sentence. The inmate shall retain inmate status and remain under  
4688 the jurisdiction of the department. The period of earned-release  
4689 supervision shall be conducted in the same manner as a period of  
4690 supervised parole. The department shall develop rules, terms and  
4691 conditions for the earned-release supervision program. The  
4692 commissioner shall designate the appropriate hearing officer  
4693 within the department to conduct revocation hearings for inmates  
4694 violating the conditions of earned-release supervision.

4695 (7) If the earned-release supervision is revoked, the inmate  
4696 shall serve the remainder of the sentence, but the time the inmate  
4697 served on earned-release supervision before revocation, shall be  
4698 applied to reduce his sentence.

4699 **SECTION 73.** Section 47-5-142, Mississippi Code of 1972, is  
4700 brought forward as follows:

4701 47-5-142. (1) In order to provide incentive for offenders  
4702 to achieve positive and worthwhile accomplishments for their  
4703 personal benefit or the benefit of others, and in addition to any  
4704 other administrative reductions of the length of an offender's  
4705 sentence, any offender shall be eligible, subject to the



4706 provisions of this section, to receive meritorious earned time as  
4707 distinguished from earned time for good conduct and performance.

4708 (2) Subject to approval by the commissioner of the terms and  
4709 conditions of the program or project, meritorious earned time may  
4710 be awarded for the following: (a) successful completion of  
4711 educational or instructional programs; (b) satisfactory  
4712 participation in work projects; and (c) satisfactory participation  
4713 in any special incentive program.

4714 (3) The programs and activities through which meritorious  
4715 earned time may be received shall be published in writing and  
4716 posted in conspicuous places at all facilities of the department  
4717 and such publication shall be made available to all offenders in  
4718 the custody of the department.

4719 (4) The commissioner shall make a determination of the  
4720 number of days of reduction of sentence which may be awarded an  
4721 offender as meritorious earned time for participation in approved  
4722 programs or projects; the number of days shall be determined by  
4723 the commissioner on the basis of each particular program or  
4724 project.

4725 (5) No offender shall be awarded any meritorious earned time  
4726 while assigned to the maximum security facilities for disciplinary  
4727 purposes.

4728 (6) All meritorious earned time shall be forfeited by the  
4729 offender in the event of escape and/or aiding and abetting an  
4730 escape.



4731 (7) Any officer or employee of the department who shall  
4732 willfully violate the provisions of this section and be convicted  
4733 therefor shall be removed from office or employment.

4734 (8) An offender may forfeit all or any part of his  
4735 meritorious earned time allowance for just cause upon the written  
4736 order of the commissioner or his designee. Any meritorious earned  
4737 time allowance forfeited under this section shall not be restored  
4738 nor shall it be re-earned by the offender.

4739 **SECTION 74.** Section 97-9-79, Mississippi Code of 1972, is  
4740 brought forward as follows:

4741 97-9-79. Any person who shall make or cause to be made any  
4742 false statement or representation as to his or another person's  
4743 identity, social security account number or other identifying  
4744 information to a law enforcement officer in the course of the  
4745 officer's duties with the intent to mislead the officer shall be  
4746 guilty of a misdemeanor and upon conviction thereof shall be fined  
4747 not more than Five Thousand Dollars (\$5,000.00) or imprisoned for  
4748 a term not to exceed one (1) year, or both.

4749 **SECTION 75.** Section 97-19-83, Mississippi Code of 1972, is  
4750 brought forward as follows:

4751 97-19-83. (1) Whoever, having devised or intending to  
4752 devise any scheme or artifice to defraud, or for obtaining money,  
4753 property or services, or for unlawfully avoiding the payment or  
4754 loss of money, property or services, or for securing business or  
4755 personal advantage by means of false or fraudulent pretenses,



4756 representations or promises, or to sell, dispose of, loan,  
4757 exchange, alter, give away, distribute, supply, or furnish or  
4758 procure for unlawful use any counterfeit or spurious coin,  
4759 obligation, security or other article, or anything represented to  
4760 be or intimated or held out to be such counterfeit or spurious  
4761 article, for the purpose of executing such scheme or artifice or  
4762 attempting so to do, transmits or causes to be transmitted by  
4763 mail, telephone, newspaper, radio, television, wire,  
4764 electromagnetic waves, microwaves, or other means of communication  
4765 or by person, any writings, signs, signals, pictures, sounds,  
4766 data, or other matter across county or state jurisdictional lines,  
4767 shall, upon conviction, be punished by a fine of not more than Ten  
4768 Thousand Dollars (\$10,000.00) or by imprisonment for not more than  
4769 five (5) years, or by both such fine and imprisonment.

4770 (2) For the purposes of venue under the provisions of this  
4771 section, any violation of this section may be prosecuted in the  
4772 county in which the delivery or transmission originated, the  
4773 county in which the delivery or transmission was made, or the  
4774 county in which any act in execution or furtherance of the scheme  
4775 occurred.

4776 (3) This section shall not prohibit the prosecution under  
4777 any other criminal statute of the state.

4778 **SECTION 76.** Section 97-19-85, Mississippi Code of 1972, is  
4779 brought forward as follows:



4780           97-19-85. (1) Any person who shall make or cause to be made  
4781 any false statement or representation as to his or another  
4782 person's or entity's identity, social security account number,  
4783 credit card number, debit card number or other identifying  
4784 information for the purpose of fraudulently obtaining or with the  
4785 intent to obtain goods, services or any thing of value, shall be  
4786 guilty of a felony and upon conviction thereof for a first offense  
4787 shall be fined not more than Five Thousand Dollars (\$5,000.00) or  
4788 imprisoned for a term not to exceed five (5) years, or both. For  
4789 a second or subsequent offense such person, upon conviction, shall  
4790 be fined not more than Ten Thousand Dollars (\$10,000.00) or  
4791 imprisoned for a term not to exceed ten (10) years, or both. In  
4792 addition to the fines and imprisonment provided in this section, a  
4793 person convicted under this section shall be ordered to pay  
4794 restitution as provided in Section 99-37-1 et seq.

4795           (2) A person is guilty of fraud under subsection (1) who:

4796                   (a) Shall furnish false information willfully,  
4797 knowingly and with intent to deceive anyone as to his true  
4798 identity or the true identity of another person; or

4799                   (b) Willfully, knowingly, and with intent to deceive,  
4800 uses a social security account number to establish and maintain  
4801 business or other records; or

4802                   (c) With intent to deceive, falsely represents a number  
4803 to be the social security account number assigned to him or



4804 another person, when in fact the number is not the social security  
4805 account number assigned to him or such other person; or

4806 (d) With intent to deceive, falsely represents to be a  
4807 representative of an entity in order to open banking accounts,  
4808 obtain credit cards, or other services and supplies in the  
4809 entity's name; or

4810 (e) Knowingly alters a social security card, buys or  
4811 sells a social security card or counterfeit or altered social  
4812 security card, counterfeits a social security card, or possesses a  
4813 social security card or counterfeit social security card with  
4814 intent to sell or alter it.

4815 **SECTION 77.** Section 45-33-41, Mississippi Code of 1972, is  
4816 amended as follows:

4817 45-33-41. (1) The Department of Corrections or any person  
4818 having charge of a county or municipal jail or any juvenile  
4819 detention facility shall provide written notification to an inmate  
4820 or offender in the custody of the jail or other facility due to a  
4821 conviction of or adjudication for a sex offense of the  
4822 registration and notification requirements of Sections 45-33-25,  
4823 45-33-31, 45-33-32 and 45-33-59 at the time of the inmate's or  
4824 offender's confinement and release from confinement, and shall  
4825 receive a signed acknowledgment of receipt on both occasions.

4826 (2) At least \* \* \* ~~ten (10)~~ fifteen (15) days prior to the  
4827 inmate's release from confinement, the Department of Corrections  
4828 shall notify the victim of the offense or a designee of the



4829 immediate family of the victim regarding the date when the  
4830 offender's release shall occur, provided a current address of the  
4831 victim or designated family member has been furnished in writing  
4832 to the Director of Records for such purpose.

4833         **SECTION 78.** Section 99-19-83, Mississippi Code of 1972, is  
4834 amended as follows:

4835         99-19-83. Every person convicted in this state of a felony  
4836 who shall have been convicted twice previously of any felony or  
4837 federal crime upon charges separately brought and arising out of  
4838 separate incidents at different times and who shall have been  
4839 sentenced to and served separate terms of one (1) year or more,  
4840 whether served concurrently or not, in any state and/or federal  
4841 penal institution, whether in this state or elsewhere, and where  
4842 any one (1) of such felonies shall have been a crime of violence,  
4843 as defined by Section 97-3-2, shall be sentenced to life  
4844 imprisonment, and such sentence shall not be reduced or suspended  
4845 nor shall such person be eligible for parole \* \* \*~~or~~, probation  
4846 or any other form of early release from actual physical custody  
4847 within the Department of Corrections.

4848         **SECTION 79.** Section 99-19-81, Mississippi Code of 1972, is  
4849 brought forward as follows:

4850         99-19-81. Every person convicted in this state of a felony  
4851 who shall have been convicted twice previously of any felony or  
4852 federal crime upon charges separately brought and arising out of  
4853 separate incidents at different times and who shall have been



4854 sentenced to separate terms of one (1) year or more in any state  
4855 and/or federal penal institution, whether in this state or  
4856 elsewhere, shall be sentenced to the maximum term of imprisonment  
4857 prescribed for such felony, and such sentence shall not be reduced  
4858 or suspended nor shall such person be eligible for parole or  
4859 probation.

4860       **SECTION 80.** Section 99-19-84, Mississippi Code of 1972, is  
4861 brought forward as follows:

4862       99-19-84. Whenever probation is a part of a sentence  
4863 prescribed for an offense for which registration as a sex offender  
4864 is required under Title 45, Chapter 33, the court may include as a  
4865 condition of probation that the sex offender be placed on  
4866 electronic monitoring. The Department of Corrections shall  
4867 promulgate rules and regulations for the implementation of  
4868 electronic monitoring of sex offenders on probation.

4869       **SECTION 81.** Section 99-19-87, Mississippi Code of 1972, is  
4870 brought forward as follows:

4871       99-19-87. Nothing in Sections 99-19-81 through 99-19-87  
4872 shall abrogate or affect punishment by death in any and all crimes  
4873 now or hereafter punishable by death.

4874       **SECTION 82.** (1) The Legislature recognizes that our  
4875 military veterans have provided an invaluable service to our  
4876 country. In doing so, many may have suffered the effects of,  
4877 including, but not limited to, post-traumatic stress disorder,  
4878 traumatic brain injury and depression, and may also suffer drug



4879 and alcohol dependency or addiction and co-occurring mental  
4880 illness and substance abuse problems. As a result of this, some  
4881 veterans come into contact with the criminal justice system and  
4882 are charged with felony offenses. There is a critical need for  
4883 the justice system to recognize these veterans, provide  
4884 accountability for their wrongdoing, provide for the safety of the  
4885 public, and provide for the treatment of our veterans. It is the  
4886 intent of the Legislature to create a framework for which  
4887 specialized veterans treatment courts may be established at the  
4888 circuit court level and at the discretion of the circuit court  
4889 judge.

4890 (2) **Authorization.** A circuit court judge may establish a  
4891 Veterans Treatment Court program. The Veterans Treatment Court  
4892 may, at the discretion of the circuit court judge, be a separate  
4893 court program or as a component of an existing drug court program.  
4894 At the discretion of the circuit court judge, the Veterans  
4895 Treatment Court may be operated in one (1) county within the  
4896 circuit court district, and allow veteran participants from all  
4897 counties within the circuit court district to participate.

4898 (3) **Eligibility.** (a) In order to be eligible to  
4899 participate in a Veterans Treatment Court program established  
4900 under this section, the attorney representing the state must  
4901 consent to the defendant's participation in the program. Further,  
4902 the court in which the criminal case is pending must have found



4903 that the defendant is a veteran of the United States Armed Forces  
4904 as defined in Title 38 USCS.

4905 (b) Participation in the services of an alcohol and  
4906 drug intervention component shall only be open to the individuals  
4907 over whom the court has jurisdiction, except that the court may  
4908 agree to provide the services for individuals referred from  
4909 another Veterans Treatment Court. In cases transferred from  
4910 another jurisdiction, the receiving judge shall act as a special  
4911 master and make recommendations to the sentencing judge.

4912 (c) (i) As a condition of participation in a Veterans  
4913 Treatment Court, a participant may be required to undergo a  
4914 chemical test or a series of chemical tests as specified by the  
4915 Veterans Treatment Court program. A participant may be held  
4916 liable for costs associated with all chemical tests required under  
4917 this section. However, a judge may waive any fees for testing.

4918 (ii) A laboratory that performs chemical tests  
4919 under this section shall report the results of the tests to the  
4920 Veterans Treatment Courts.

4921 (d) A person does not have the right to participate in  
4922 a Veterans Treatment Court program under this article. The court  
4923 having jurisdiction over a person for a matter before the court  
4924 shall have the final determination about whether the person may  
4925 participate in the Veterans Treatment Court program.



4926 (e) A defendant shall be excluded from participating in  
4927 a Veterans Treatment Court program if any one (1) of the following  
4928 applies:

4929 (i) The crime before the court is a crime of  
4930 violence as set forth in paragraph (c) of this subsection.

4931 (ii) The defendant does not demonstrate a  
4932 willingness to participate in a treatment program.

4933 (iii) The defendant has been previously convicted  
4934 of a felony crime of violence including, but not limited to:  
4935 murder, rape, sexual battery, statutory rape of a child under the  
4936 age of sixteen (16), armed robbery, arson, aggravated kidnapping,  
4937 aggravated assault, stalking, or any offense involving the  
4938 discharge of a firearm or where serious bodily injury or death  
4939 resulted to any person.

4940 (f) The court in which the criminal case is pending  
4941 shall allow an eligible defendant to choose whether to proceed  
4942 through the Veterans Treatment Court program or otherwise through  
4943 the justice system.

4944 (g) Proof of matters under this section may be  
4945 submitted to the court in which the criminal case is pending in  
4946 any form the court determines to be appropriate, including  
4947 military service and medical records, previous determinations of a  
4948 disability by a veteran's organization or by the United States  
4949 Department of Veterans Affairs, testimony or affidavits of other



4950 veterans or service members, and prior determinations of  
4951 eligibility for benefits by any state or county veterans office.

4952 (4) **Administrative Office of Courts.** With regard to any  
4953 Veterans Treatment Court established under this article, the  
4954 Administrative Office of Courts may do the following:

4955 (a) Ensure that the structure of the intervention  
4956 component complies with rules adopted under this article and  
4957 applicable federal regulations.

4958 (b) Revoke the authorization of a program upon a  
4959 determination that the program does not comply with rules adopted  
4960 under this article and applicable federal regulations.

4961 (c) Enter into agreements and contracts to effectuate  
4962 the purposes of this article with:

4963 (i) Another department, authority, or agency of  
4964 the state;

4965 (ii) Another state;

4966 (iii) The federal government;

4967 (iv) A state-supported or private university; or

4968 (v) A public or private agency, foundation,  
4969 corporation, or individual.

4970 (d) Directly, or by contract, approve and certify any  
4971 intervention component established under this article.

4972 (e) Require, as a condition of operation, that each  
4973 veterans court created or funded under this article be certified  
4974 by the Administrative Office of Courts.



4975 (f) Adopt rules to implement this article.

4976 (5) **State Drug Court Advisory Committee.** (a) The State  
4977 Drug Court Advisory Committee shall be responsible for developing  
4978 statewide rules and policies as they relate to Veterans Treatment  
4979 Court programs.

4980 (b) The State Drug Court Advisory Committee may also  
4981 make recommendations to the Chief Justice, the Director of the  
4982 Administrative Office of Courts and state officials concerning  
4983 improvements to Veterans Treatment Court policies and procedures.

4984 (c) The State Drug Court Advisory Committee shall act  
4985 as an arbiter of disputes arising out of the operation of Veterans  
4986 Treatment Court programs established under this article and make  
4987 recommendations to improve the Veterans Treatment Court programs.

4988 (6) **Funding for Veterans Treatment Courts.** (a) All monies  
4989 received from any source by the Veterans Treatment Court program  
4990 shall be accumulated in a fund to be used only for Veterans  
4991 Treatment Court purposes. Any funds remaining in this fund at the  
4992 end of the fiscal year shall not lapse into the General Fund, but  
4993 shall be retained in the Veterans Treatment Court fund for the  
4994 funding of further activities by the Veterans Treatment Court  
4995 program.

4996 (b) A Veterans Treatment Court program may apply for  
4997 and receive the following:

4998 (i) Gifts, bequests and donations from private  
4999 sources.



5000 (ii) Grant and contract money from governmental  
5001 sources.

5002 (iii) Other forms of financial assistance approved  
5003 by the court to supplement the budget of the Veterans Treatment  
5004 Court program.

5005 (7) **Immunity.** The coordinator and members of the  
5006 professional and administrative staff of the Veterans Treatment  
5007 Court program who perform duties in good faith under this article  
5008 are immune from civil liability for:

5009 (a) Acts or omissions in providing services under this  
5010 article; and

5011 (b) The reasonable exercise of discretion in  
5012 determining eligibility to participate in the Veterans Treatment  
5013 Court program.

5014 (8) This section shall be codified as a separate article in  
5015 Title 9, Mississippi Code of 1972.

5016 **SECTION 83.** This act shall take effect and be in force from  
5017 and after July 1, 2014.

