

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; \* \* \*

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 ( \* \* \* c) "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 \* \* \*

111 (d) "Evidence-based practices" means supervision  
112 policies, procedures and practices that scientific research  
113 demonstrates reduce recidivism.

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

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

120 9-23-9. (1) The State Drug Courts Advisory Committee is  
121 established to develop and periodically update proposed statewide  
122 evaluation plans and models for monitoring all critical aspects of



123 drug courts. The committee must provide the proposed evaluation  
124 plans to the Chief Justice and the Administrative Office of  
125 Courts. The committee shall be chaired by the Director of the  
126 Administrative Office of Courts and shall consist of not less than  
127 seven (7) members nor more than eleven (11) members appointed by  
128 the Supreme Court and broadly representative of the courts, law  
129 enforcement, corrections, juvenile justice, child protective  
130 services and substance abuse treatment communities.

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

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

143 (4) The State Drug Courts Advisory Committee shall establish  
144 through rules and regulations a viable and fiscally responsible  
145 plan to expand the number of adult and juvenile drug court  
146 programs operating in Mississippi. These rules and regulations



147 shall include plans to increase participation in existing and  
148 future programs while maintaining their voluntary nature.

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

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

156 9-23-11. (1) \* \* \* The Administrative Office of Courts  
157 shall establish, implement and operate a uniform certification  
158 process for all drug courts and other problem-solving courts  
159 including juvenile courts, veterans courts or any other court  
160 designed to adjudicate criminal actions involving an identified  
161 classification of criminal defendant to ensure funding for drug  
162 courts supports effective and proven practices that reduce  
163 recidivism and substance dependency among their participants.

164 (2) \* \* \* The Administrative Office of Courts shall  
165 establish a certification process that ensures any new or existing  
166 drug court meets minimum standards for drug court operation.

167 (a) These standards shall include, but are not limited  
168 to:

169 (i) The use of evidence-based practices including,  
170 but not limited to, the use of a valid and reliable risk and needs



171 assessment tool to identify participants and deliver appropriate  
172 interventions;

173 (ii) Targeting medium to high risk offenders for  
174 participation;

175 (iii) The use of current, evidence-based  
176 interventions proven to reduce dependency on drugs or alcohol, or  
177 both;

178 (iv) Frequent testing for alcohol or drugs;

179 (v) Coordinated strategy between all drug court  
180 program personnel involving the use of graduated clinical  
181 interventions;

182 (vi) Ongoing judicial interaction with each  
183 participant; and

184 (vii) Monitoring and evaluation of drug court  
185 program implementation and outcomes through data collection and  
186 reporting.

187 (b) Drug court certification applications shall  
188 include:

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

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

191 (iii) The eligibility criteria for drug court

192 participants;

193 (iv) A description of the process for identifying  
194 appropriate participants including the use of a risk and needs  
195 assessment and a clinical assessment;



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

198 (vi) The data collection plan which shall include  
199 collecting the following data:

200 1. Total number of participants;

201 2. Total number of successful participants;

202 3. Total number of unsuccessful participants  
203 and the reason why each participant did not complete the program;

204 4. Total number of participants who were  
205 arrested for a new criminal offense while in the drug court  
206 program;

207 5. Total number of participants who were  
208 convicted of a new felony or misdemeanor offense while in the drug  
209 court program;

210 6. Total number of participants who committed  
211 at least one (1) violation while in the drug court program and the  
212 resulting sanction(s);

213 7. Results of the initial risk and needs  
214 assessment or other clinical assessment conducted on each  
215 participant; and

216 8. Any other data or information as required  
217 by the Administrative Office of Courts.

218 (c) Every drug court shall be certified under the  
219 following schedule:





220 (i) A drug court application submitted after the  
221 effective date of this act shall require certification of the drug  
222 court based on the proposed drug court plan;

223 (ii) A drug court established after the effective  
224 date of this act shall be recertified after its second year of  
225 funded operation;

226 (iii) A drug court in existence on the effective  
227 date of this act must submit a certification petition within one  
228 (1) year of the effective date of this act and be certified  
229 pursuant to the requirements of this section prior to expending  
230 drug court resources budgeted for fiscal year 2016; and

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

234 (3) \* \* \* All certified drug courts shall measure successful  
235 completion of the drug court based on those participants who  
236 complete the program without a new criminal conviction.

237 (4) \* \* \* (a) All certified drug courts must collect and  
238 submit to the Administrative Office of Courts each month, the  
239 following data:

240 (i) Total number of participants at the beginning  
241 of the month;

242 (ii) Total number of participants at the end of  
243 the month;



244 (iii) Total number of participants who began the  
245 program in the month;

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

248 (v) Total number of participants who left the  
249 program in the month;

250 (vi) Total number of participants who were  
251 arrested for a new criminal offense while in the drug court  
252 program in the month;

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

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

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

263 (5) \* \* \* All certified drug courts may individually  
264 establish rules and may make special orders and rules as necessary  
265 that do not conflict with the rules promulgated by the Supreme  
266 Court or the Administrative Office of Courts.

267 (6) \* \* \* A certified drug court may appoint the full- or  
268 part-time employees it deems necessary for the work of the drug



269 court and shall fix the compensation of those employees. Such  
270 employees shall serve at the will and pleasure of the judge or the  
271 judge's designee.

272 (7) \* \* \* The Administrative Office of Courts shall  
273 promulgate rules and regulations to carry out the certification  
274 and re-certification process and make any other policies not  
275 inconsistent with this section to carry out this process.

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

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

281 9-23-13. (1) A drug court's alcohol and drug intervention  
282 component \* \* \* shall provide for eligible individuals, either  
283 directly or through referrals, a range of necessary court  
284 intervention services, including, but not limited to, the  
285 following:

286 (a) Screening using a valid and reliable assessment  
287 tool effective for identifying alcohol and drug dependent persons  
288 for eligibility and \* \* \* appropriate services;

289 (b) Clinical assessment;

290 (c) Education;

291 (d) Referral;

292 (e) Service coordination and case management; and

293 (f) Counseling and rehabilitative care.



294 (2) Any inpatient treatment or inpatient detoxification  
295 program ordered by the court shall be certified by the Department  
296 of Mental Health, other appropriate state agency or the equivalent  
297 agency of another state.

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

300 9-23-15. (1) In order to be eligible for alternative  
301 sentencing through a local drug court, the participant must  
302 satisfy each of the following criteria:

303 (a) The participant cannot have any felony convictions  
304 for any offenses that are crimes of violence as defined in Section  
305 97-3-2 within the previous ten (10) years.

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

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

310 (d) The participant cannot \* \* \* be currently charged  
311 with burglary of \* \* \* a dwelling under Section 97-17-23(2) or  
312 97-17-37.

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

316 (f) The crime charged cannot be one of \* \* \*  
317 trafficking in controlled substances under Section 41-29-139(f),  
318 nor can the participant have a prior conviction for same.



319           (2) Participation in the services of an alcohol and drug  
320 intervention component shall be open only to the individuals over  
321 whom the court has jurisdiction, except that the court may agree  
322 to provide the services for individuals referred from another drug  
323 court. In cases transferred from another jurisdiction, the  
324 receiving judge shall act as a special master and make  
325 recommendations to the sentencing judge.

326           (3) (a) As a condition of participation in a drug court, a  
327 participant may be required to undergo a chemical test or a series  
328 of chemical tests as specified by the drug court. A participant  
329 is liable for the costs of all chemical tests required under this  
330 section, regardless of whether the costs are paid to the drug  
331 court or the laboratory; however, if testing is available from  
332 other sources or the program itself, the judge may waive any fees  
333 for testing.

334           (b) A laboratory that performs a chemical test under  
335 this section shall report the results of the test to the drug  
336 court.

337           (4) A person does not have a right to participate in drug  
338 court under this chapter. The court having jurisdiction over a  
339 person for a matter before the court shall have the final  
340 determination about whether the person may participate in drug  
341 court under this chapter.

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



344 9-23-17. With regard to any drug court established under  
345 this chapter, the Administrative Office of Courts \* \* \* shall do  
346 the following:

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

350 ( \* \* \* b) Ensure that the structure of the intervention  
351 component complies with rules adopted under this section and  
352 applicable federal regulations.

353 ( \* \* \* c) Revoke the authorization of a program upon a  
354 determination that the program does not comply with rules adopted  
355 under this section and applicable federal regulations.

356 ( \* \* \* d) Make agreements and contracts to effectuate  
357 the purposes of this chapter with:

358 (i) Another department, authority or agency of the  
359 state;

360 (ii) Another state;

361 (iii) The federal government;

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

363 (v) A public or private agency, foundation,  
364 corporation or individual.

365 ( \* \* \* e) Directly, or by contract, approve and certify  
366 any intervention component established under this \* \* \* chapter.



367 ( \* \* \*f) Require, as a condition of operation, that  
368 each drug court created or funded under this chapter be certified  
369 by the Administrative Office of Courts.

370 (g) Collect monthly data reports submitted by all  
371 certified drug courts, provide those reports to the State Drug  
372 Courts Advisory Committee, compile an annual report summarizing  
373 the data collected and the outcomes achieved by all certified drug  
374 courts and submit the annual report to the Oversight Task Force.

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

380 ( \* \* \*i) Adopt rules to implement this chapter.

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

383 9-23-19. (1) All monies received from any source by the  
384 drug court shall be accumulated in a fund to be used only for drug  
385 court purposes. Any funds remaining in this fund at the end of a  
386 fiscal year shall not lapse into any general fund, but shall be  
387 retained in the drug court fund for the funding of further  
388 activities by the drug court.

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

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

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



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

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

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

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

404 99-15-26. (1) (a) In all criminal cases, felony and  
405 misdemeanor, other than crimes against the person, a crime of  
406 violence as defined in Section 97-3-2 or a violation of Section  
407 97-11-31, the circuit or county court shall be empowered, upon the  
408 entry of a plea of guilty by a criminal defendant made on or after  
409 July 1, 2014, to withhold acceptance of the plea and sentence  
410 thereon pending successful completion of such conditions as may be  
411 imposed by the court pursuant to subsection (2) of this section.

412 (b) In all misdemeanor criminal cases, other than  
413 crimes against the person, the justice or municipal court shall be  
414 empowered, upon the entry of a plea of guilty by a criminal  
415 defendant, to withhold acceptance of the plea and sentence thereon





416 pending successful completion of such conditions as may be imposed  
417 by the court pursuant to subsection (2) of this section.

418 (c) Notwithstanding Section 97-3-2, in all criminal  
419 cases charging a misdemeanor of domestic violence as defined in  
420 Section 99-3-7(5) or aggravated domestic violence as defined in  
421 Section 97-3-7(4), a circuit, county, justice or municipal court  
422 shall be empowered, upon the entry of a plea of guilty by the  
423 criminal defendant, to withhold acceptance of the plea and  
424 sentence thereon pending successful completion of such conditions  
425 as may be imposed by the court pursuant to subsection (2) of this  
426 section.

427 (d) No person having previously qualified under the  
428 provisions of this section \* \* \* shall be eligible to qualify for  
429 release in accordance with this section for a repeat offense. A  
430 person shall not be eligible to qualify for release in accordance  
431 with this section if \* \* \* charged with the offense of trafficking  
432 of a controlled substance as provided in Section 41-29-139(f).

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

436 (i) Reasonable restitution to the victim of the  
437 crime.

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



440 (iii) Payment of a fine not to exceed the  
441 statutory limit.

442 (iv) Successful completion of drug, alcohol,  
443 psychological or psychiatric treatment, successful completion of a  
444 program designed to bring about the cessation of domestic abuse,  
445 or any combination thereof, if the court deems treatment  
446 necessary.

447 (v) The circuit or county court, in its  
448 discretion, may require the defendant to remain in the program  
449 subject to good behavior for a period of time not to exceed five  
450 (5) years. The justice or municipal court, in its discretion, may  
451 require the defendant to remain in the program subject to good  
452 behavior for a period of time not to exceed two (2) years.

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

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

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

462 (5) Upon petition therefor, the court shall expunge the  
463 record of any case in which an arrest was made, the person



464 arrested was released and the case was dismissed or the charges  
465 were dropped or there was no disposition of such case.

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

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

470 47-7-33. (1) When it appears to the satisfaction of any  
471 circuit court or county court in the State of Mississippi having  
472 original jurisdiction over criminal actions, or to the judge  
473 thereof, that the ends of justice and the best interest of the  
474 public, as well as the defendant, will be served thereby, such  
475 court, in termtime or in vacation, shall have the power, after  
476 conviction or a plea of guilty, except in a case where a death  
477 sentence or life imprisonment is the maximum penalty which may be  
478 imposed \* \* \*, to suspend the imposition or execution of sentence,  
479 and place the defendant on probation as herein provided, except  
480 that the court shall not suspend the execution of a sentence of  
481 imprisonment after the defendant shall have begun to serve such  
482 sentence. In placing any defendant on probation, the court, or  
483 judge, shall direct that such defendant be under the supervision  
484 of the Department of Corrections.

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



489 delivered to the central office of the Mississippi Department of  
490 Corrections and to the regional office of the department which  
491 will be providing supervision to the offender on probation.

492 (3) When any circuit court or county court places a person  
493 on probation in accordance with the provisions of this section and  
494 that person is ordered to make any payments to his family, if any  
495 member of his family whom he is ordered to support is receiving  
496 public assistance through the State Department of \* \* \* Human  
497 Services, the court shall order him to make such payments to the  
498 county welfare officer of the county rendering public assistance  
499 to his family, for the sole use and benefit of said family.

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

502 47-5-1003. (1) An intensive supervision program may be used  
503 as an alternative to incarceration for offenders who are \* \* \* not  
504 convicted of a crime of violence pursuant to Section 97-3-2 as  
505 selected by the \* \* \* court and for juvenile offenders as provided  
506 in Section 43-21-605. Any offender convicted of a sex crime shall  
507 not be placed in the program.

508 (2) The court \* \* \* may place the defendant on intensive  
509 supervision, except when a death sentence or life imprisonment is  
510 the maximum penalty which may be imposed \* \* \* by a court or  
511 judge.

512 (3) To protect and to ensure the safety of the state's  
513 citizens, any offender who violates an order or condition of the



514 intensive supervision program may be arrested by the correctional  
515 field officer and placed in the actual custody of the Department  
516 of Corrections. Such offender is under the full and complete  
517 jurisdiction of the department and subject to removal from the  
518 program by the classification hearing officer.

519 (4) When any circuit or county court places an offender in  
520 an intensive supervision program, the court shall give notice to  
521 the Mississippi Department of Corrections within fifteen (15) days  
522 of the court's decision to place the offender in an intensive  
523 supervision program. Notice shall be delivered to the central  
524 office of the Mississippi Department of Corrections and to the  
525 regional office of the department which will be providing  
526 supervision to the offender in an intensive supervision program.

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

530 (5) The Department of Corrections shall \* \* \* provide to the  
531 Oversight Task Force all relevant data regarding the offenders  
532 participating in the intensive supervision program including the  
533 number of offenders admitted to the program annually, the number  
534 of offenders who leave the program annually and why they leave,  
535 the number of offenders who are arrested or convicted annually and  
536 the circumstances of the arrest and any other information  
537 requested.



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

540           47-5-1007. (1) Any participant in the intensive supervision  
541 program who engages in employment shall pay a monthly fee to the  
542 department for each month such person is enrolled in the program.  
543 The department may waive the monthly fee if the offender is a  
544 full-time student or is engaged in vocational training. Juvenile  
545 offenders shall pay a monthly fee of not less than Ten Dollars  
546 (\$10.00) but not more than Fifty Dollars (\$50.00) based on a  
547 sliding scale using the standard of need for each family that is  
548 used to calculate TANF benefits. Money received by the department  
549 from participants in the program shall be deposited into a special  
550 fund which is hereby created in the State Treasury. It shall be  
551 used, upon appropriation by the Legislature, for the purpose of  
552 helping to defray the costs involved in administering and  
553 supervising such program. Unexpended amounts remaining in such  
554 special fund at the end of a fiscal year shall not lapse into the  
555 State General Fund, and any interest earned on amounts in such  
556 special fund shall be deposited to the credit of the special fund.

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

560           (3) The participant shall make the necessary arrangements to  
561 allow for correctional officers to visit the participant's place  
562 of education or employment at any time, based upon the approval of



563 the educational institution or employer, for the purpose of  
564 verifying the participant's compliance with the conditions of his  
565 detention.

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

570 (5) The participant shall be responsible for and shall  
571 maintain the following:

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

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

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

577 (6) The participant shall obtain approval from the  
578 correctional field officer before the participant changes  
579 residence.

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

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

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



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

589           99-15-107. A person shall not be considered for intervention  
590 if he or she has \* \* \* been charged with any crime of  
591 violence \* \* \* pursuant to Section 97-3-2. A person shall not be  
592 eligible for acceptance into the intervention program provided by  
593 Sections 99-15-101 through 99-15-127 if such person has been  
594 charged \* \* \* with an offense pertaining to \* \* \* trafficking in a  
595 controlled substance, \* \* \* as provided in Section  
596 41-29-139 \* \* \* (f).

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

599           97-17-39. If any person, by any means whatever, shall \* \* \*  
600 willfully or mischievously injure or destroy any of the burial  
601 vaults, urns, memorials, vases, foundations, bases or other  
602 similar items in a cemetery, or injure or destroy any of the work,  
603 materials, or furniture of any courthouse or jail, or other public  
604 building, or schoolhouse or church, or deface any of the walls or  
605 other parts thereof, or shall write, or make any drawings or  
606 character, or do any other act, either on or in said building or  
607 the walls thereof, or shall deface or injure the trees, fences,  
608 pavements, or soil, on the grounds belonging thereto, or an  
609 ornamental or shade tree on any public road or street leading  
610 thereto, such person, upon conviction, for such offense, shall be  
611 punished as follows:





612 (a) If the damage caused by the destruction or  
613 defacement of such property has a value of less than \* \* \* Five  
614 Hundred Dollars (\$500.00), any person who is convicted of \* \* \*  
615 this offense \* \* \* may be fined not more than One Thousand Dollars  
616 (\$1,000.00) or be imprisoned in the county jail for not more than  
617 one (1) year, or both \* \* \* if the court finds substantial and  
618 compelling reasons why the offender cannot be safely and  
619 effectively supervised in the community, is not amenable to  
620 community-based treatment, or poses a significant risk to public  
621 safety. If such a finding is not made, the court shall suspend  
622 the sentence of imprisonment and impose a period of probation not  
623 exceeding one (1) year or a fine of not more than One Thousand  
624 Dollars (\$1,000.00), or both. Any person convicted of a third or  
625 subsequent offense under this subsection where the value of the  
626 property is not less than Five Hundred Dollars (\$500.00), shall be  
627 imprisoned in the Penitentiary for a term not exceeding three (3)  
628 years or fined an amount not exceeding Two Thousand Dollars  
629 (\$2,000.00), or both.

630 (b) If the damage caused by the destruction or  
631 defacement of such property has a value equal to or  
632 exceeding \* \* \* Five Hundred Dollars (\$500.00) or more but less  
633 than Five Thousand Dollars (\$5,000.00), any person who is  
634 convicted of \* \* \* this offense shall be fined not more than Five  
635 Thousand Dollars (\$5,000.00) or be imprisoned in the State  
636 Penitentiary for up to five (5) years, or both.



637           (c) If the damage caused by the destruction or  
638 defacement of such property has a value of Five Thousand Dollars  
639 (\$5,000.00) or more but less than Twenty-five Thousand Dollars  
640 (\$25,000.00), any person who is convicted of this offense shall be  
641 fined not more than Ten Thousand Dollars (\$10,000.00) or be  
642 imprisoned in the Penitentiary for up to ten (10) years, or both.

643           (d) If the damage caused by the destruction or  
644 defacement of such property has a value of Twenty-five Thousand  
645 Dollars (\$25,000.00) or more, any person who is convicted of this  
646 offense shall be fined not more than Ten Thousand Dollars  
647 (\$10,000.00) or be imprisoned in the Penitentiary for up to twenty  
648 (20) years, or both.

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

651           97-17-41. (1) \* \* \* Any person who shall be convicted of  
652 taking and carrying away, feloniously, the personal property of  
653 another, of the value of \* \* \* One Thousand Dollars (\$1,000.00) or  
654 more, but less than Five Thousand Dollars (\$5,000.00), shall be  
655 guilty of grand larceny, and shall be imprisoned in the  
656 Penitentiary for a term not exceeding \* \* \* five (5) years; or  
657 shall be fined not more than Ten Thousand Dollars (\$10,000.00), or  
658 both. The total value of property taken and carried away by the  
659 person from a single victim shall be aggregated in determining the  
660 gravity of the offense.



661           (2) Any person who shall be convicted of taking and carrying  
662 away, feloniously, the personal property of another, of the value  
663 of Five Thousand Dollars (\$5,000.00) or more, but less than  
664 Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of  
665 grand larceny, and shall be imprisoned in the Penitentiary for a  
666 term not exceeding ten (10) years; or shall be fined not more than  
667 Ten Thousand Dollars (\$10,000.00), or both. The total value of  
668 property taken and carried away by the person from a single victim  
669 shall be aggregated in determining the gravity of the offense.

670           (3) Any person who shall be convicted of taking and carrying  
671 away, feloniously, the personal property of another, of the value  
672 of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be  
673 guilty of grand larceny, and shall be imprisoned in the  
674 Penitentiary for a term not exceeding twenty (20) years; or shall  
675 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.  
676 The total value of property taken and carried away by the person  
677 from a single victim shall be aggregated in determining the  
678 gravity of the offense.

679           ( \* \* \*4) \* \* \* (a) Any person who shall be convicted of  
680 taking and carrying away, feloniously, the property of a church,  
681 synagogue, temple or other established place of worship, of the  
682 value of \* \* \* One Thousand Dollars (\$1,000.00) or more, shall be  
683 guilty of grand larceny, and shall be imprisoned in the  
684 Penitentiary for a term not exceeding ten (10) years, or shall be  
685 fined not more than Ten Thousand Dollars (\$10,000.00), or both.



686           (b) Any person who shall be convicted of taking and  
687 carrying away, feloniously, the property of a church, synagogue,  
688 temple or other established place of worship, of the value of  
689 Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty  
690 of grand larceny, and shall be imprisoned in the Penitentiary for  
691 a term not exceeding twenty (20) years, or shall be fined not more  
692 than Ten Thousand Dollars (\$10,000.00), or both. The total value  
693 of property taken and carried away by the person from a single  
694 victim shall be aggregated in determining the gravity of the  
695 offense.

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

698           97-17-42. (1) Any person who shall, willfully and without  
699 authority, take possession of or take away a motor vehicle of any  
700 value belonging to another, with intent to either permanently or  
701 temporarily convert it or to permanently or temporarily deprive  
702 the owner of possession or ownership, and any person who knowingly  
703 shall aid and abet in the taking possession or taking away of the  
704 motor vehicle, shall be guilty of \* \* \* larceny and shall be  
705 punished \* \* \* based on the value of the motor vehicle involved  
706 according to the schedule in Section 97-17-41. If the value of  
707 the motor vehicle involved is One Thousand Dollars (\$1,000.00) or  
708 less, the person shall be punished according to the schedule in  
709 Section 97-17-43.



710 (2) Any person convicted under this section who causes  
711 damage to any motor vehicle shall be ordered by the court to pay  
712 restitution to the owner or owners of the motor vehicle or  
713 vehicles damaged.

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

716 (4) Any person who shall be convicted for a second or  
717 subsequent offense under this section shall be imprisoned in the  
718 Penitentiary for a term not exceeding \* \* \* twice the term  
719 authorized based on the value of the motor vehicle involved in the  
720 subsequent offense according to the schedule in Section 97-17-41  
721 or shall be fined not more than Ten Thousand Dollars (\$10,000.00),  
722 or both.

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

725 97-17-43. (1) If any person shall feloniously take, steal  
726 and carry away any personal property of another under the value  
727 of \* \* \* One Thousand Dollars (\$1,000.00), he shall be guilty of  
728 petit larceny and, upon conviction, \* \* \* may be punished by \* \* \*  
729 imprisonment in the county jail not exceeding six (6) months or by  
730 a fine not exceeding One Thousand Dollars (\$1,000.00), or both if  
731 the court finds substantial and compelling reasons why the  
732 offender cannot be safely and effectively supervised in the  
733 community, is not amenable to community-based treatment, or poses  
734 a significant risk to public safety. If such a finding is not



735 made, the court shall suspend the sentence of imprisonment and  
736 impose a period of probation not exceeding one (1) year or a fine  
737 not exceeding One Thousand Dollars (\$1,000.00), or both. The  
738 total value of property taken, stolen or carried away by the  
739 person from a single victim shall be aggregated in determining the  
740 gravity of the offense. Any person convicted of a third or  
741 subsequent offense under this section where the value of the  
742 property is not less than Five Hundred Dollars (\$500.00), shall be  
743 imprisoned in the Penitentiary for a term not exceeding three (3)  
744 years or fined an amount not exceeding One Thousand Dollars  
745 (\$1,000.00), or both.

746 (2) If any person shall feloniously take, steal and carry  
747 away any property of a church, synagogue, temple or other  
748 established place of worship under the value of \* \* \* One Thousand  
749 Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon  
750 conviction, \* \* \* may be punished by \* \* \* imprisonment in the  
751 county jail not exceeding one (1) year or by fine not exceeding  
752 Two Thousand Dollars (\$2,000.00), or both if the court finds  
753 substantial and compelling reasons why the offender cannot be  
754 safely and effectively supervised in the community, is not  
755 amenable to community-based treatment, or poses a significant risk  
756 to public safety. If such a finding is not made, the court shall  
757 suspend the sentence of imprisonment and impose a period of  
758 probation not exceeding one (1) year or a fine not exceeding Two  
759 Thousand Dollars (\$2,000.00), or both. Any person convicted of a



760 third or subsequent offense under this section where the value of  
761 the property is not less than Five Hundred Dollars (\$500.00),  
762 shall be imprisoned in the Penitentiary for a term not exceeding  
763 three (3) years or fined an amount not exceeding Two Thousand  
764 Dollars (\$2,000.00), or both.

765 (3) Any person who leaves the premises of an establishment  
766 at which motor fuel offered for retail sale was dispensed into the  
767 fuel tank of a motor vehicle by driving away in that motor vehicle  
768 without having made due payment or authorized charge for the motor  
769 fuel so dispensed, with intent to defraud the retail  
770 establishment, shall be guilty of petit larceny and punished as  
771 provided in subsection (1) of this section and, upon any second or  
772 subsequent such offense, the driver's license of the person shall  
773 be suspended as follows:

774 (a) The person shall submit the driver's license to the  
775 court upon conviction and the court shall forward the driver's  
776 license to the Department of Public Safety.

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

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

782 (d) At the expiration of the suspension period, and  
783 upon payment of a restoration fee of Twenty-five Dollars (\$25.00),  
784 the suspension shall terminate and the Department of Public Safety



785 shall return the person's driver's license to the person. The  
786 restoration fee shall be in addition to the fees provided for in  
787 Title 63, Chapter 1, and shall be deposited into the State General  
788 Fund in accordance with Section 45-1-23.

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

791 97-17-47. If any person shall sever from the soil of another  
792 any produce growing thereon, or shall sever from any building,  
793 gate, fence, railing, or other improvement or enclosure any part  
794 thereof, and shall take and convert the same to his own use with  
795 intent to steal the same, he shall be guilty of larceny in the  
796 same manner and of the same degree as if the article so taken had  
797 been severed at some previous and different time and shall be  
798 punished based on the value of the property involved according to  
799 the schedule in Sections 97-17-41 and 97-17-43.

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

802 97-17-62. (1) (a) It is unlawful to obtain custody of  
803 personal property or equipment by trick, deceit, fraud or willful  
804 false representation with intent to defraud the owner or any  
805 person in lawful possession of the personal property or equipment.

806 (b) It is unlawful to hire or lease personal property  
807 or equipment from any person who is in lawful possession of the  
808 personal property or equipment with intent to defraud that person  
809 of the rental due under the rental agreement.





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

814 (d) A person who violates this subsection (1) shall be  
815 guilty of a misdemeanor, punishable as provided in Section  
816 97-17-43, unless the value of the personal property or equipment  
817 is of a value of \* \* \* One Thousand Dollars (\$1,000.00) or more;  
818 in that event the violation constitutes a felony, \* \* \* and shall  
819 be punished based on the property involved according to the  
820 schedule in Section 97-17-41.

821 (2) (a) In prosecutions under this section, the following  
822 acts are prima facie evidence of fraudulent intent: obtaining the  
823 property or equipment under false pretenses; absconding without  
824 payment; or removing or attempting to remove the property or  
825 equipment from the county without the express written consent of  
826 the lessor or the lessor's agent.

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

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

832 (i) Failure to redeliver the property or equipment  
833 within five (5) days after hand delivery to or return receipt from  
834 the lessee is prima facie evidence of fraudulent intent. Notice



835 that is returned undelivered after mailing to the address given by  
836 the lessee at the time of rental shall be deemed equivalent to  
837 return receipt from the lessee.

838 (ii) Failure to pay any amount due which is  
839 incurred as the result of the failure to redeliver property after  
840 the rental period expires is prima facie evidence of fraudulent  
841 intent. Amounts due include unpaid rental for the time period  
842 during which the property or equipment was not returned, and  
843 include the lesser of the cost of repairing or replacing the  
844 property or equipment, as necessary, if it has been damaged or not  
845 returned.

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

848 97-17-64. (1) A person who obtains personal property of  
849 another under a lease or rental agreement is guilty of theft if he  
850 exercises unlawful or unauthorized control over the property with  
851 purpose to deprive the owner thereof. As used in this section,  
852 the word "deprive" means to withhold property of another  
853 permanently or for so extended a period that a significant portion  
854 of its economic value, or the use or benefit thereof, is lost to  
855 the owner; or to withhold the property with intent to restore it  
856 to the owner only upon payment of a reward or other compensation;  
857 or to conceal, abandon or dispose of the property so as to make it  
858 unlikely that the owner will recover it; or to sell, give, pledge,  
859 or otherwise transfer any interest in the property.



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

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

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

870 (c) Fails to contact the owner or his representative to  
871 make arrangements to return such property within ten (10) days  
872 after proper notice following the expiration of the term for which  
873 such person's use, possession or control of such property is  
874 authorized.

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

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

883 (b) The written demand must be mailed to the defendant  
884 at either the address given at the time he obtained the property



885 or the defendant's last-known address if later furnished in  
886 writing by the defendant to the owner or his representative; and

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

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

891 (a) The defendant was unaware that the property was  
892 that of another; or

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

896 (c) The defendant was physically incapacitated and  
897 unable to request or obtain permission of the owner to retain the  
898 property; or

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

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

904 (a) Guilty of a misdemeanor when the value of the  
905 personal property is less than \* \* \* One Thousand Dollars  
906 (\$1,000.00) and may be punished by a fine of not more than Two  
907 Hundred Fifty Dollars (\$250.00), or by \* \* \* imprisonment in the  
908 county jail for a term of not more than six (6) months, by both  
909 such fine and imprisonment if the court finds substantial and



910 compelling reasons why the offender cannot be safely and  
911 effectively supervised in the community, is not amenable to  
912 community-based treatment, or poses a significant risk to public  
913 safety. If such a finding is not made, the court shall suspend  
914 the sentence of imprisonment and impose a period of probation not  
915 exceeding one (1) year or a fine not exceeding Two Hundred Fifty  
916 Dollars (\$250.00), or both. Any person convicted of a third or  
917 subsequent offense under this subsection where the value of the  
918 property is not less than Five Hundred Dollars (\$500.00), shall be  
919 imprisoned in the Penitentiary for a term not exceeding three (3)  
920 years or fined an amount not exceeding One Thousand Dollars  
921 (\$1,000.00); or

922 (b) Guilty of a felony when the value of the personal  
923 property is \* \* \* One Thousand Dollars (\$1,000.00) or more and  
924 punished by a fine of not more than One Thousand Dollars  
925 (\$1,000.00), or by imprisonment in the State Penitentiary for a  
926 term of not more than \* \* \* five (5) years, or by both such fine  
927 and imprisonment.

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

930 97-17-67. (1) Every person who shall maliciously or  
931 mischievously destroy, disfigure, or injure, or cause to be  
932 destroyed, disfigured, or injured, any property of another, either  
933 real or personal, shall be guilty of malicious mischief.



934 (2) If the value of the property destroyed, disfigured or  
935 injured is \* \* \* One Thousand Dollars (\$1,000.00) or less, it  
936 shall be a misdemeanor and may be punishable by a fine of not more  
937 than One Thousand Dollars (\$1,000.00) or \* \* \* imprisonment in the  
938 county jail not exceeding twelve (12) months \* \* \*, or both \* \* \*  
939 if the court finds substantial and compelling reasons why the  
940 offender cannot be safely and effectively supervised in the  
941 community, is not amenable to community-based treatment, or poses  
942 a significant risk to public safety. If such a finding is not  
943 made, the court shall suspend the sentence of imprisonment and  
944 impose a period of probation not exceeding one (1) year or a fine  
945 of not more than One Thousand Dollars (\$1,000.00), or both. Any  
946 person convicted of a third or subsequent offense under this  
947 subsection where the value of the property is not less than Five  
948 Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary  
949 for a term not exceeding three (3) years or fined an amount not  
950 exceeding One Thousand Dollars (\$1,000.00), or both.

951 (3) If the value of the property destroyed, disfigured or  
952 injured is in excess of \* \* \* One Thousand Dollars (\$1,000.00) but  
953 less than Five Thousand Dollars (\$5,000.00), it shall be a felony  
954 punishable by a fine not exceeding Ten Thousand Dollars  
955 (\$10,000.00) or imprisonment in the Penitentiary not exceeding  
956 five (5) years, or both.

957 (4) If the value of the property is Five Thousand Dollars  
958 (\$5,000.00) or more but less than Twenty-five Thousand Dollars



959 (\$25,000.00), it shall be punishable by a fine of not more than  
960 Ten Thousand Dollars (\$10,000.00) or imprisonment in the  
961 Penitentiary not exceeding ten (10) years, or both.

962 (5) If the value of the property is Twenty-five Thousand  
963 Dollars (\$25,000.00) or more, it shall be punishable by a fine of  
964 not more than Ten Thousand Dollars (\$10,000.00) or imprisonment in  
965 the Penitentiary not exceeding twenty (20) years, or both.

966 ( \* \* \*6) In all cases restitution to the victim for all  
967 damages shall be ordered. The value of property destroyed,  
968 disfigured or injured by the same party as part of a common crime  
969 against the same or multiple victims may be aggregated together  
970 and if the value exceeds One Thousand Dollars (\$1,000.00), shall  
971 be a felony.

972 ( \* \* \*7) For purposes of this statute, value shall be the  
973 cost of repair or replacement of the property damaged or  
974 destroyed.

975 ( \* \* \*8) Anyone who by any word, deed or act directly or  
976 indirectly urges, aids, abets, suggests or otherwise instills in  
977 the mind of another the will to so act shall be considered a  
978 principal in the commission of said crime and shall be punished in  
979 the same manner.

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

982 97-17-70. (1) A person commits the crime of receiving  
983 stolen property if he intentionally possesses, receives, retains



984 or disposes of stolen property knowing that it has been stolen or  
985 having reasonable grounds to believe it has been stolen, unless  
986 the property is possessed, received, retained or disposed of with  
987 intent to restore it to the owner.

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

991 (3) (a) Evidence that the person charged under this section  
992 stole the property that is the subject of the charge of receiving  
993 stolen property is not a defense to a charge under this section;  
994 however, dual charges of both stealing and receiving the same  
995 property shall not be brought against a single defendant in a  
996 single jurisdiction.

997 (b) Proof that a defendant stole the property that is  
998 the subject of a charge under this section shall be prima facie  
999 evidence that the defendant had knowledge that the property was  
1000 stolen.

1001 (4) Any person who shall be convicted of receiving stolen  
1002 property which exceeds \* \* \* One Thousand Dollars (\$1,000.00) or  
1003 more, but less than Five Thousand Dollars (\$5,000.00) in value  
1004 shall be \* \* \* punished by imprisonment in the custody of the  
1005 State Department of Corrections for a term not exceeding \* \* \*  
1006 five (5) years or by a fine of not more than Ten Thousand Dollars  
1007 (\$10,000.00), or both.





1008           (5) Any person who shall be convicted of receiving stolen  
1009 property which \* \* \* exceeds \* \* \* Five Thousand Dollars  
1010 (\$5,000.00) or more but less than Twenty-five Thousand Dollars  
1011 (\$25,000.00) in value shall be punished by imprisonment \* \* \* in  
1012 the custody of the State Department of Corrections for a term not  
1013 exceeding ten (10) years or by a fine of not more than Ten  
1014 Thousand Dollars (\$10,000.00), or both.

1015           (6) Any person who shall be convicted of receiving stolen  
1016 property which exceeds Twenty-five Thousand Dollars (\$25,000.00)  
1017 in value shall be punished by imprisonment in the custody of the  
1018 State Department of Corrections for a term not exceeding twenty  
1019 (20) years or by a fine of not more than Ten Thousand Dollars  
1020 (\$10,000.00), or both.

1021           (7) Any person who shall be convicted of receiving stolen  
1022 property which does not exceed One Thousand Dollars (\$1,000.00) in  
1023 value may be punished by imprisonment in the county jail for not  
1024 more than six (6) months or by a fine of not more than One  
1025 Thousand Dollars (\$1,000.00), or both if the court finds  
1026 substantial and compelling reasons why the offender cannot be  
1027 safely and effectively supervised in the community, is not  
1028 amenable to community-based treatment, or poses a significant risk  
1029 to public safety. If such a finding is not made, the court shall  
1030 suspend the sentence of imprisonment and impose a period of  
1031 probation not exceeding one (1) year or a fine of not more than  
1032 One Thousand Dollars (\$1,000.00), or both. Any person convicted



1033 of a third or subsequent offense under this subsection where the  
1034 value of the property is not less than Five Hundred Dollars  
1035 (\$500.00), shall be imprisoned in the Penitentiary for a term not  
1036 exceeding three (3) years or fined an amount not exceeding One  
1037 Thousand Dollars (\$1,000.00), or both.

1038         **SECTION 23.** Section 97-17-71, Mississippi Code of 1972, is  
1039 amended as follows:

1040             97-17-71. (1) For the purposes of this section, the  
1041 following terms shall have the meanings ascribed in this section:

1042             (a) "Railroad materials" means any materials, equipment  
1043 and parts used in the construction, operation, protection and  
1044 maintenance of a railroad.

1045             (b) "Copper materials" means any copper wire, bars,  
1046 rods or tubing, including copper wire or cable or coaxial cable of  
1047 the type used by public utilities, common carriers or  
1048 communication services providers, whether wireless or wire line,  
1049 copper air conditioner evaporator coil or condenser, aluminum  
1050 copper radiators not attached to a motor vehicle, or any  
1051 combination of these.

1052             (c) "Aluminum materials" means any aluminum cable,  
1053 bars, rods or tubing of the type used to construct utility,  
1054 communication or broadcasting towers, aluminum utility wire and  
1055 aluminum irrigation pipes or tubing. "Aluminum materials" does  
1056 not include aluminum cans that have served their original economic  
1057 purpose.



1058 (d) "Law enforcement officer" means any person  
1059 appointed or employed full time by the state or any political  
1060 subdivision thereof, or by the state military department as  
1061 provided in Section 33-1-33, who is duly sworn and vested with  
1062 authority to bear arms and make arrests, and whose primary  
1063 responsibility is the prevention and detection of crime, the  
1064 apprehension of criminals and the enforcement of the criminal  
1065 traffic laws of this state or the ordinances of any political  
1066 subdivision thereof.

1067 (e) "Metal property" means materials as defined in this  
1068 section as railroad track materials, copper materials and aluminum  
1069 materials and electrical, communications or utility brass, metal  
1070 covers for service access and entrances to sewers and storm  
1071 drains, metal bridge pilings, irrigation wiring and other metal  
1072 property attached to or part of center pivots, grain bins,  
1073 stainless steel sinks, catalytic converters not attached to a  
1074 motor vehicle and metal beer kegs. Metal property does not  
1075 include ferrous materials not listed in this section.

1076 (f) "Person" means an individual, partnership,  
1077 corporation, joint venture, trust, limited liability company,  
1078 association or any other legal or commercial entity.

1079 (g) "Personal identification card" means any government  
1080 issued photographic identification card.

1081 (h) "Photograph" or "photographically" means a still  
1082 photographic image, including images captured in digital format,



1083 that are of such quality that the persons and objects depicted are  
1084 clearly identifiable.

1085 (i) "Purchase transaction" means a transaction in which  
1086 a person gives consideration in exchange for metal property.

1087 (j) "Purchaser" means a person who gives consideration  
1088 in exchange for metal property.

1089 (k) "Record" or "records" means a paper, electronic or  
1090 other method of storing information.

1091 (l) "Scrap metal dealer" means any person who is  
1092 engaged, from a fixed location or otherwise, in the business of  
1093 paying compensation for metal property that has served its  
1094 original economic purpose, whether or not the person is engaged in  
1095 the business of performing the manufacturing process by which  
1096 metals are converted into raw material products consisting of  
1097 prepared grades and having an existing or potential economic  
1098 value.

1099 (2) Every scrap metal dealer or other purchaser shall keep  
1100 an accurate and legible record in which he shall enter the  
1101 following information for each purchase transaction:

1102 (a) The name, address and age of the person from whom  
1103 the metal property is purchased as obtained from the seller's  
1104 personal identification card;

1105 (b) The date and place of each acquisition of the metal  
1106 property;



1107           (c) The weight, quantity or volume and a general  
1108 physical description of the type of metal property, such as wire,  
1109 tubing, extrusions or casting, purchased in a purchase  
1110 transaction;

1111           (d) The amount of consideration given in a purchase  
1112 transaction for the metal property;

1113           (e) The vehicle license tag number, state of issue and  
1114 the make and type of the vehicle used to deliver the metal  
1115 property to the purchaser;

1116           (f) If a person other than the seller delivers the  
1117 metal property to the purchaser, the name, address and age of the  
1118 person who delivers the metal property;

1119           (g) A signed statement from the person receiving  
1120 consideration in the purchase transaction stating that he is the  
1121 rightful owner of the metal property or is entitled to sell the  
1122 metal property being sold;

1123           (h) (i) A scanned copy or a photocopy of the personal  
1124 identification card of the person receiving consideration in the  
1125 purchase transaction; or

1126           (ii) If a person other than the seller delivers  
1127 the metal property to the purchaser, a scanned copy or a photocopy  
1128 of the personal identification card of the person delivering the  
1129 metal property to the purchaser; and

1130           (i) A photograph, videotape or similar likeness of the  
1131 person receiving consideration or any person other than the seller



1132 who delivers the metal property to the purchaser in which the  
1133 person's facial features are clearly visible and in which the  
1134 metal property the person is selling or delivering is clearly  
1135 visible.

1136 Such records shall be maintained by the scrap metal dealer or  
1137 purchaser for not less than two (2) years from the date of the  
1138 purchase transaction, and such records shall be made available to  
1139 any law enforcement officer during usual and customary business  
1140 hours.

1141 (3) The purchaser of metal property must hold the metal  
1142 property separate and identifiable from other purchases for not  
1143 less than three (3) business days from the date of purchase. The  
1144 purchaser shall also photographically capture the metal property  
1145 in the same form, without change, in which the metal property was  
1146 acquired, and maintain the photograph for a period of not less  
1147 than two (2) years. The time and date shall be digitally recorded  
1148 on the photograph, and the identity of the person taking the  
1149 photograph shall be recorded. The purchaser shall permit any law  
1150 enforcement officer to make an inspection of the metal property  
1151 during the holding period, and of all photographs of the metal  
1152 property. Any photograph of metal property taken and maintained  
1153 pursuant to this subsection shall be admissible in any civil or  
1154 criminal proceeding.

1155 (4) During the usual and customary business hours of a scrap  
1156 metal dealer or other purchaser, a law enforcement officer, after



1157 proper identification as a law enforcement officer, shall have the  
1158 right to inspect all purchased metal property in the possession of  
1159 the scrap metal dealer or purchaser.

1160 (5) (a) Whenever a law enforcement officer has reasonable  
1161 cause to believe that any item of metal property in the possession  
1162 of a scrap metal dealer or other purchaser has been stolen, a law  
1163 enforcement officer who has an affidavit from the alleged rightful  
1164 owner of the property identifying the property with specificity,  
1165 including any identifying markings, may issue and deliver a  
1166 written hold notice to the scrap metal dealer or other purchaser.  
1167 The hold notice shall specifically identify those items of metal  
1168 property that are believed to have been stolen and that are  
1169 subject to the hold notice. Upon receipt of the notice, the scrap  
1170 metal dealer or other purchaser may not process or remove the  
1171 metal property identified in the notice from the place of business  
1172 of the scrap metal dealer or purchaser for fifteen (15) calendar  
1173 days after receipt of the notice, unless sooner released by a law  
1174 enforcement officer.

1175 (b) No later than the expiration of the fifteen-day  
1176 period, a law enforcement officer, after receiving additional  
1177 substantive evidence beyond the initial affidavit, may issue and  
1178 deliver a second written hold notice, which shall be an extended  
1179 hold notice. The extended hold notice shall specifically identify  
1180 those items of metal property that are believed to have been  
1181 stolen and that are subject to the extended hold notice. Upon



1182 receipt of the extended hold notice, the scrap metal dealer or  
1183 purchaser may not process or remove the items of metal property  
1184 identified in the notice from the place of business of the scrap  
1185 metal dealer or purchaser for fifteen (15) calendar days after  
1186 receipt of the extended hold notice, unless sooner released by a  
1187 law enforcement officer.

1188 (c) At the expiration of the hold period or, if  
1189 extended in accordance with this subsection, at the expiration of  
1190 the extended hold period, the hold is automatically released, then  
1191 the scrap metal dealer or purchaser may dispose of the metal  
1192 property unless other disposition has been ordered by a court of  
1193 competent jurisdiction.

1194 (d) If the scrap metal dealer or other purchaser  
1195 contests the identification or ownership of the metal property,  
1196 the party other than the scrap metal dealer or other purchaser  
1197 claiming ownership of any metal property in the possession of a  
1198 scrap metal dealer or other purchaser, provided that a timely  
1199 report of the theft of the metal property was made to the proper  
1200 authorities, may bring a civil action in the circuit court of the  
1201 county in which the scrap metal dealer or purchaser is located.  
1202 The petition for the action shall include the means of  
1203 identification of the metal property utilized by the petitioner to  
1204 determine ownership of the metal property in the possession of the  
1205 scrap metal dealer or other purchaser.





1206 (e) When a lawful owner recovers stolen metal property  
1207 from a scrap metal dealer or other purchaser who has complied with  
1208 this section, and the person who sold the metal property to the  
1209 scrap metal dealer or other purchaser is convicted of a violation  
1210 of this section, or theft by receiving stolen property under  
1211 Section 97-17-70, the court shall order the convicted person to  
1212 make full restitution to the scrap metal dealer or other  
1213 purchaser, including, without limitation, attorney's fees, court  
1214 costs and other expenses.

1215 (6) This section shall not apply to purchases of metal  
1216 property from any of the following:

1217 (a) A law enforcement officer acting in an official  
1218 capacity;

1219 (b) A trustee in bankruptcy, executor, administrator or  
1220 receiver who has presented proof of such status to the scrap metal  
1221 dealer;

1222 (c) Any public official acting under a court order who  
1223 has presented proof of such status to the scrap metal dealer;

1224 (d) A sale on the execution, or by virtue of any  
1225 process issued by a court, if proof thereof has been presented to  
1226 the scrap metal dealer; or

1227 (e) A manufacturing, industrial or other commercial  
1228 vendor that generates or sells regulated metal property in the  
1229 ordinary course of its business.



1230 (7) It shall be unlawful for any person to give a false  
1231 statement of ownership or to give a false or altered  
1232 identification or vehicle tag number and receive money or other  
1233 consideration from a scrap metal dealer or other purchaser in  
1234 return for metal property.

1235 (8) A scrap metal dealer or other purchaser shall not enter  
1236 into any cash transactions in payment for the purchase of metal  
1237 property. Payment shall be made by check issued to the seller of  
1238 the metal, made payable to the name and address of the seller and  
1239 mailed to the recorded address of the seller, or by electronic  
1240 funds transfer. Payment shall not be made for a period of three  
1241 (3) days after the purchase transaction.

1242 (9) If a person acquiring metal property fails to maintain  
1243 the records or to hold such materials for the period of time  
1244 prescribed by this section, such failure shall be prima facie  
1245 evidence that the person receiving the metal property received it  
1246 knowing it to be stolen in violation of Section 97-17-70.

1247 (10) It shall be unlawful for any person to transport or  
1248 cause to be transported for himself or another from any point  
1249 within this state to any point outside this state any metal  
1250 property, unless the person or entity first reports to the sheriff  
1251 of the county from which he departs this state transporting such  
1252 materials the same information that a purchaser in this state  
1253 would be required to obtain and keep in a record as set forth in  
1254 subsection (2) of this section. In such a case the sheriff



1255 receiving the report shall keep the information in records  
1256 maintained in his office as a public record available for  
1257 inspection by any person at all reasonable times. This section  
1258 shall not apply to a public utility, as that term is defined in  
1259 Section 77-3-3, engaged in carrying on utility operations; to a  
1260 railroad, as that term is defined in Section 77-9-5; to a  
1261 communications service provider, whether wireless or wire line; to  
1262 a scrap metal dealer; or to a person identified in subsection (6)  
1263 as being exempt from the provisions of this section.

1264 (11) It shall be unlawful for a scrap metal dealer or other  
1265 purchaser to knowingly purchase or possess a metal beer keg, or a  
1266 metal syrup tank generally used by the soft drink industry,  
1267 whether damaged or undamaged, or any reasonably recognizable part  
1268 thereof, on any premises that the dealer uses to buy, sell, store,  
1269 shred, melt, cut or otherwise alter scrap metal. However, it  
1270 shall not be unlawful to purchase or possess a metal syrup tank  
1271 generally used by the soft drink industry if the scrap metal  
1272 dealer or other purchaser obtains a bill of sale at the time of  
1273 purchase from a seller if the seller is a manufacturer of such  
1274 tanks, a soft drink company or a soft drink distributor.

1275 (12) It shall be unlawful to sell to a scrap metal dealer  
1276 any bronze vase and/or marker, memorial, statue, plaque, or other  
1277 bronze object used at a cemetery or other location where deceased  
1278 persons are interred or memorialized, or for any such dealer to  
1279 purchase those objects, unless the source of the bronze is known



1280 and notice is provided to the municipal or county law enforcement  
1281 agency where the dealer is located. The notice shall identify all  
1282 names, letters, dates and symbols on the bronze and a photograph  
1283 of the bronze shall be attached thereto. Written permission from  
1284 the cemetery and the appropriate law enforcement agency must be  
1285 received before any type of bronze described in this subsection  
1286 may be purchased, processed, sold or melted.

1287 (13) It shall be unlawful for any scrap metal dealer to  
1288 purchase any manhole cover and other similar types of utility  
1289 access covers, including storm drain covers, or any metal property  
1290 clearly identified as belonging to a political subdivision of the  
1291 state or a municipality, unless that metal property is purchased  
1292 from the political subdivision, the municipal utility or the  
1293 manufacturer of the metal. Any purchaser who purchases metal  
1294 property in bulk shall be allowed twenty-four (24) hours to  
1295 determine if any metal property prohibited by this subsection is  
1296 included in a bulk purchase. If such prohibited metal property is  
1297 included in a bulk purchase, the purchaser shall notify law  
1298 enforcement no later than twenty-four (24) hours after the  
1299 purchase.

1300 (14) It shall be unlawful for a scrap metal dealer or other  
1301 purchaser to purchase metal property from a person younger than  
1302 eighteen (18) years of age.

1303 (15) Metal property may not be purchased, acquired or  
1304 collected between the hours of 9:00 p.m. and 6:00 a.m.



1305 (16) Except as provided in this subsection, any person  
1306 willfully or knowingly violating the provisions of this section  
1307 shall, upon conviction thereof, be deemed guilty of a misdemeanor,  
1308 and shall be punished by a fine not to exceed One Thousand Dollars  
1309 (\$1,000.00) per offense, unless the purchase transaction or  
1310 transactions related to the violation, in addition to any costs  
1311 which are, or would be, incurred in repairing or in the attempt to  
1312 recover any property damaged in the theft of or removal of the  
1313 metal property, are in aggregate an amount which exceeds \* \* \* One  
1314 Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars  
1315 (\$5,000.00), in which case the person shall be guilty of a felony  
1316 and shall be imprisoned in the custody of the Department of  
1317 Corrections for a term not to exceed \* \* \* five (5) years, fined  
1318 not more than Ten Thousand Dollars (\$10,000.00), or both. Any  
1319 person found guilty of stealing metal property or receiving metal  
1320 property, knowing it to be stolen in violation of Section  
1321 97-17-70, shall be ordered to make full restitution to the victim,  
1322 including, without limitation, restitution for property damage  
1323 that resulted from the theft of the property.

1324 (17) If the purchase transaction or transactions related to  
1325 the violation, in addition to any costs which are, or would be,  
1326 incurred in repairing or in the attempt to recover any property  
1327 damaged in the theft of or removal of the metal property, are in  
1328 aggregate an amount which exceeds Five Thousand Dollars  
1329 (\$5,000.00) but less than Twenty-five Thousand Dollars



1330 (\$25,000.00), the person shall be guilty of a felony and shall be  
1331 imprisoned in the custody of the Department of Corrections for a  
1332 term not to exceed ten (10) years, fined not more than Ten  
1333 Thousand Dollars (\$10,000.00), or both.

1334 (18) If the purchase transaction or transactions related to  
1335 the violation, in addition to any costs which are, or would be,  
1336 incurred in repairing or in the attempt to recover any property  
1337 damaged in the theft of or removal of the metal property, are in  
1338 aggregate an amount which exceeds Twenty-five Thousand Dollars  
1339 (\$25,000.00), the person shall be guilty of a felony and shall be  
1340 imprisoned in the custody of the Department of Corrections for a  
1341 term not to exceed twenty (20) years, fined not more than Ten  
1342 Thousand Dollars (\$10,000.00), or both.

1343 ( \* \* \*19) This section shall not be construed to repeal  
1344 other criminal laws. Whenever conduct proscribed by any provision  
1345 of this section is also proscribed by any other provision of law,  
1346 the provision which carries the more serious penalty shall be  
1347 applied.

1348 ( \* \* \*20) This section shall apply to all businesses  
1349 regulated under this section without regard to the location within  
1350 the State of Mississippi.

1351 ( \* \* \*21) This section shall not be construed to prohibit  
1352 municipalities and counties from enacting and implementing  
1353 ordinances, rules and regulations that impose stricter  
1354 requirements relating to purchase transactions.



1355           **SECTION 24.** Section 97-21-29, Mississippi Code of 1972, is  
1356 amended as follows:

1357           97-21-29. If any person shall, with intent to injure or  
1358 defraud, make any instrument in his own name, intended to create,  
1359 increase, discharge, defeat, or diminish any pecuniary obligation,  
1360 right or interest, or to transfer or affect any property whatever,  
1361 and shall utter and pass it under the pretense that it is the act  
1362 of another who bears the same name, he shall be guilty of forgery  
1363 and shall be punished according to the schedule in Section  
1364 97-21-33.

1365           **SECTION 25.** Section 97-21-33, Mississippi Code of 1972, is  
1366 amended as follows:

1367           97-21-33. \* \* \* (1) Any person convicted of forgery \* \* \*  
1368 when the amount of value involved is under One Thousand Dollars  
1369 (\$1,000.00) may be punished by imprisonment in the \* \* \* county  
1370 jail for a term of not \* \* \* more than \* \* \* six (6) months, or by  
1371 a fine of not more than \* \* \* One Thousand Dollars (\$1,000.00), or  
1372 both \* \* \* if the court finds substantial and compelling reasons  
1373 why the offender cannot be safely and effectively supervised in  
1374 the community, is not amenable to community-based treatment, or  
1375 poses a significant risk to public safety. If such a finding is  
1376 not made, the court shall suspend the sentence of imprisonment and  
1377 impose a period of probation not exceeding one (1) year or a fine  
1378 of not more than One Thousand Dollars (\$1,000.00), or both. The  
1379 total value of the forgery by the person from a single victim



1380 shall be aggregated in determining the gravity of the offense.  
1381 Any person convicted of a third or subsequent offense under this  
1382 subsection where the value of the property is not less than Five  
1383 Hundred Dollars (\$500.00), shall be punished by imprisonment in  
1384 the Penitentiary for a term not exceeding three (3) years or by a  
1385 fine not exceeding One Thousand Dollars (\$1,000.00), or both.

1386 (2) Any person convicted of forgery when the amount of value  
1387 involved is \* \* \* One Thousand Dollars (\$1,000.00) or more but  
1388 less than Five Thousand Dollars (\$5,000.00) shall be punished by  
1389 imprisonment in the \* \* \* Penitentiary for a term not more than  
1390 five (5) years, or a fine of not more than Ten Thousand Dollars  
1391 (\$10,000.00), or both.

1392 (3) Any person convicted of forgery when the amount of value  
1393 involved is Five Thousand Dollars (\$5,000.00) or more, but less  
1394 than Twenty-five Thousand Dollars (\$25,000.00) shall be imprisoned  
1395 in the Penitentiary for a term not exceeding ten (10) years, or be  
1396 fined not more than Ten Thousand Dollars (\$10,000.00), or both.

1397 (4) Any person convicted of forgery when the amount of value  
1398 involved is Twenty-five Thousand Dollars (\$25,000.00) or more,  
1399 shall be imprisoned in the Penitentiary for a term not exceeding  
1400 twenty (20) years, or be fined not more than Ten Thousand Dollars  
1401 (\$10,000.00), or both. The total value of the forgery by the  
1402 person from a single victim shall be aggregated in determining the  
1403 gravity of the offense.





1404           **SECTION 26.** Section 97-21-37, Mississippi Code of 1972, is  
1405 amended as follows:

1406           97-21-37. Every person who shall have in his possession any  
1407 forged, altered or counterfeited negotiable note, bill, draft, or  
1408 other evidence of debt issued or purported to have been issued by  
1409 any corporation or company duly authorized for that purpose by the  
1410 laws of the United States or of this state, or of any other state,  
1411 government, or country, or any other forged, altered, or  
1412 counterfeit, instrument the forgery of which is declared by the  
1413 provisions of this chapter to be punishable, knowing the same to  
1414 be forged, altered, or counterfeited, with intention to utter the  
1415 same as true or as false, or to cause the same to be uttered, with  
1416 intent to injure or defraud, shall be guilty of forgery and shall  
1417 be punished according to the schedule in Section 97-21-33.

1418           **SECTION 27.** Section 97-21-59, Mississippi Code of 1972, is  
1419 amended as follows:

1420           97-21-59. Every person who shall be convicted of having  
1421 uttered or published as true, and with intent to defraud, any  
1422 forged, altered, or counterfeit instrument, or any counterfeit  
1423 gold or silver coin, the forgery, altering, or counterfeiting of  
1424 which is declared by the provisions of this chapter to be an  
1425 offense, knowing such instrument or coin to be forged, altered, or  
1426 counterfeited, shall suffer the punishment herein provided for  
1427 forgery, pursuant to Section 97-21-33.



1428           **SECTION 28.** Section 97-23-19, Mississippi Code of 1972, is  
1429 amended as follows:

1430           97-23-19. If any person shall embezzle or fraudulently  
1431 secrete, conceal, or convert to his own use, or make way with, or  
1432 secrete with intent to embezzle or convert to his own use, any  
1433 goods, rights in action, money, or other valuable security,  
1434 effects, or property of any kind or description which shall have  
1435 come or been entrusted to his care or possession by virtue of his  
1436 office, position, place, or employment, either in mass or  
1437 otherwise, he shall be guilty of embezzlement.

1438           (a) Any person guilty of embezzlement of any goods,  
1439 rights of action, money, or other valuable security, effects or  
1440 property of any kind or description with a value of less than One  
1441 Thousand Dollars (\$1,000.00), shall be guilty of misdemeanor  
1442 embezzlement, and, upon conviction thereof, may be sentenced to a  
1443 term of imprisonment in the county jail not exceeding six (6)  
1444 months, or fined not more than One Thousand Dollars (\$1,000.00),  
1445 or both if the court finds substantial and compelling reasons why  
1446 the offender cannot be safely and effectively supervised in the  
1447 community, is not amenable to community-based treatment or poses a  
1448 significant risk to public safety. If such a finding is not made,  
1449 the court shall suspend the sentence of imprisonment and impose a  
1450 period of probation not exceeding one (1) year or a fine of not  
1451 more than One Thousand Dollars (\$1,000.00) or both. Any person  
1452 convicted of a third or subsequent offense under this subsection



1453 where the value of the property is not less than Five Hundred  
1454 Dollars (\$500.00), shall be imprisoned in the Penitentiary for a  
1455 term not exceeding three (3) years or fined an amount not  
1456 exceeding Two Thousand Dollars (\$2,000.00), or both.

1457 (b) Any person guilty of embezzlement of any goods,  
1458 rights in action, money, or other valuable security, effects or  
1459 property of any kind or description with a value of \* \* \* One  
1460 Thousand Dollars (\$1,000.00) or more but less than Five Thousand  
1461 Dollars (\$5,000.00), \* \* \* shall be guilty of felony embezzlement,  
1462 and, upon conviction thereof, shall be imprisoned in the custody  
1463 of the Department of Corrections not more than \* \* \* five (5)  
1464 years, or fined not more than \* \* \* Five Thousand Dollars  
1465 (\$5,000.00), or both. \* \* \*

1466 (c) Any person guilty of embezzlement of any goods,  
1467 rights in action, money, or other valuable security, effects or  
1468 property of any kind or description with a value of Five Thousand  
1469 Dollars (\$5,000.00) or more but less than Twenty-five Thousand  
1470 Dollars (\$25,000.00), shall be guilty of felony embezzlement, and,  
1471 upon conviction thereof, shall be imprisoned in the Penitentiary  
1472 for not more than ten (10) years, or fined not more than  
1473 Twenty-five Thousand Dollars (\$25,000.00), or both.

1474 (d) Any person guilty of embezzlement of any goods,  
1475 rights in action, money, or other valuable security, effects or  
1476 property of any kind or description with a value of Twenty-five  
1477 Thousand Dollars (\$25,000.00) or more, shall be guilty of felony



1478 embezzlement, and, upon conviction thereof, shall be imprisoned in  
1479 the Penitentiary not more than twenty (20) years, or fined not  
1480 more than Twenty-five Thousand Dollars (\$25,000.00), or both.

1481       **SECTION 29.** Section 97-23-93, Mississippi Code of 1972, is  
1482 amended as follows:

1483       97-23-93. (1) Any person who shall \* \* \* willfully and  
1484 unlawfully take possession of any merchandise owned or held by and  
1485 offered or displayed for sale by any merchant, store or other  
1486 mercantile establishment with the intention and purpose of  
1487 converting such merchandise to his own use without paying the  
1488 merchant's stated price therefor shall be guilty of the crime of  
1489 shoplifting and, upon conviction, shall be punished as is provided  
1490 in this section.

1491       (2) The requisite intention to convert merchandise without  
1492 paying the merchant's stated price for the merchandise is  
1493 presumed, and shall be prima facie evidence thereof, when such  
1494 person, alone or in concert with another person, willfully:

1495               (a) Conceals the unpurchased merchandise;

1496               (b) Removes or causes the removal of unpurchased  
1497 merchandise from a store or other mercantile establishment;

1498               (c) Alters, transfers or removes any price-marking, any  
1499 other marking which aids in determining value affixed to the  
1500 unpurchased merchandise, or any tag or device used in electronic  
1501 surveillance of unpurchased merchandise;



1502 (d) Transfers the unpurchased merchandise from one  
1503 container to another; or

1504 (e) Causes the cash register or other sales recording  
1505 device to reflect less than the merchant's stated price for the  
1506 unpurchased merchandise.

1507 (3) Evidence of stated price or ownership of merchandise may  
1508 include, but is not limited to:

1509 (a) The actual merchandise or the container which held  
1510 the merchandise alleged to have been shoplifted; or

1511 (b) The content of the price tag or marking from such  
1512 merchandise; or

1513 (c) Properly identified photographs of such  
1514 merchandise.

1515 (4) Any merchant or his agent or employee may testify at a  
1516 trial as to the stated price or ownership of merchandise.

1517 (5) A person convicted of shoplifting merchandise for which  
1518 the merchant's stated price is less than or equal to \* \* \* One  
1519 Thousand Dollars (\$1,000.00) shall be punished as follows:

1520 (a) Upon a first shoplifting conviction the defendant  
1521 shall be guilty of a misdemeanor and fined not more than One  
1522 Thousand Dollars (\$1,000.00), or punished by imprisonment in the  
1523 county jail not to exceed six (6) months, or by both \* \* \* if the  
1524 court finds substantial and compelling reasons why the offender  
1525 cannot be safely and effectively supervised in the community, is  
1526 not amenable to community-based treatment, or poses a significant



1527 risk to public safety. If such a finding is not made, the court  
1528 shall suspend the sentence of imprisonment and impose a period of  
1529 probation not exceeding one (1) year or a fine of not more than  
1530 One Thousand Dollars (\$1,000.00).

1531 (b) Upon a second shoplifting conviction the defendant  
1532 shall be guilty of a misdemeanor and fined not more than One  
1533 Thousand Dollars (\$1,000.00) or punished by imprisonment in the  
1534 county jail for a term not to exceed six (6) months, or by  
1535 both \* \* \* if the court finds substantial and compelling reasons  
1536 why the offender cannot be safely and effectively supervised in  
1537 the community, is not amenable to community-based treatment, or  
1538 poses a significant risk to public safety. If such a finding is  
1539 not made, the court shall suspend the sentence of imprisonment and  
1540 impose a period of probation not exceeding one (1) year or a fine  
1541 of not more than One Thousand Dollars (\$1,000.00), or both.

1542 (6) Upon a third or subsequent shoplifting conviction where  
1543 the value of the shoplifted merchandise is not less than Five  
1544 Hundred Dollars (\$500.00) or greater than One Thousand Dollars  
1545 (\$1,000.00), the defendant shall be guilty of a felony and fined  
1546 not more than \* \* \* One Thousand Dollars (\$1,000.00), or  
1547 imprisoned for a term not exceeding \* \* \* three (3) years, or by  
1548 both such fine and imprisonment.

1549 (7) A person convicted of shoplifting merchandise for which  
1550 the merchant's stated price exceeds \* \* \* One Thousand Dollars  
1551 (\$1,000.00) shall be guilty of a felony and, upon conviction,



1552 punished as provided in Section 97-17-41 for the offense of grand  
1553 larceny.

1554 (8) In determining the number of prior shoplifting  
1555 convictions for purposes of imposing punishment under this  
1556 section, the court shall disregard all such convictions occurring  
1557 more than seven (7) years prior to the shoplifting offense in  
1558 question.

1559 (9) For the purpose of determining the gravity of the  
1560 offense under subsection (7) of this section, the prosecutor may  
1561 aggregate the value of merchandise shoplifted from three (3) or  
1562 more separate mercantile establishments within the same legal  
1563 jurisdiction over a period of thirty (30) or fewer days.

1564 **SECTION 30.** Section 97-23-94, Mississippi Code of 1972, is  
1565 amended as follows:

1566 97-23-94. (1) In addition to any other offense and penalty  
1567 provided by law, it shall be unlawful for any person eighteen (18)  
1568 years of age or older to encourage, aid or abet any person under  
1569 the age of eighteen (18) years to commit the crime of shoplifting  
1570 as defined in Section 97-23-93. In addition to any other penalty  
1571 provided by law, any person who violates this section shall be  
1572 punished as follows:

1573 (a) Upon a first conviction the defendant shall be  
1574 guilty of a misdemeanor and fined not more than Seven Hundred  
1575 Fifty Dollars (\$750.00), or punished by imprisonment not to exceed  
1576 thirty (30) days, or by both such fine and imprisonment.



1577 (b) Upon a second conviction the defendant shall be  
1578 guilty of a misdemeanor and fined not more than One Thousand  
1579 Dollars (\$1,000.00) or punished by imprisonment not to exceed  
1580 ninety (90) days, or by both such fine and imprisonment.

1581 (c) Upon a third or subsequent conviction the defendant  
1582 shall be guilty of a felony and fined One Thousand Dollars  
1583 (\$1,000.00), or imprisoned for a term not exceeding \* \* \* three  
1584 (3) years, or by both such fine and imprisonment.

1585 (2) In addition to the penalties prescribed in subsection  
1586 (1) of this section, the court is authorized to require the  
1587 defendant to make restitution to the owner of the property where  
1588 shoplifting occurred in an amount equal to twice the value of such  
1589 property.

1590 **SECTION 31.** Section 97-45-3, Mississippi Code of 1972, is  
1591 amended as follows:

1592 97-45-3. (1) Computer fraud is the accessing or causing to  
1593 be accessed of any computer, computer system, computer network or  
1594 any part thereof with the intent to:

1595 (a) Defraud;

1596 (b) Obtain money, property or services by means of  
1597 false or fraudulent conduct, practices or representations; or  
1598 through the false or fraudulent alteration, deletion or insertion  
1599 of programs or data; or

1600 (c) Insert or attach or knowingly create the  
1601 opportunity for an unknowing and unwanted insertion or attachment





1602 of a set of instructions or a computer program into a computer  
1603 program, computer, computer system, or computer network, that is  
1604 intended to acquire, alter, damage, delete, disrupt, or destroy  
1605 property or otherwise use the services of a computer program,  
1606 computer, computer system or computer network.

1607 (2) Whoever commits the offense of computer fraud \* \* \* when  
1608 the damage or loss or attempted damage or loss amounts to a value  
1609 of less than One Thousand Dollars (\$1,000.00) may be punished,  
1610 upon conviction, by a fine of not more than One Thousand Dollars  
1611 (\$1,000.00), or by imprisonment for not more than six (6) months  
1612 in the county jail, or by both \* \* \* if the court finds  
1613 substantial and compelling reasons why the offender cannot be  
1614 safely and effectively supervised in the community, is not  
1615 amenable to community-based treatment, or poses a significant risk  
1616 to public safety. If such a finding is not made, the court shall  
1617 suspend the sentence of imprisonment and impose a period of  
1618 probation not exceeding one (1) year or a fine of not more than  
1619 One Thousand Dollars (\$1,000.00), or both. Any person convicted  
1620 of a third or subsequent offense under this subsection where the  
1621 value of the property is not less than Five Hundred Dollars  
1622 (\$500.00), shall be imprisoned in the Penitentiary for a term not  
1623 exceeding three (3) years or fined an amount not exceeding Two  
1624 Thousand Dollars (\$2,000.00), or both.

1625 \* \* \* (3) Whoever commits the offense of computer fraud  
1626 when the damage or loss or attempted damage or loss amounts to a



1627 value of \* \* \* One Thousand Dollars (\$1,000.00) or more but less  
1628 than Five Thousand Dollars (\$5,000.00), \* \* \* may be punished,  
1629 upon conviction, by a fine of not more than Ten Thousand Dollars  
1630 (\$10,000.00) or by imprisonment for not more than five (5) years,  
1631 or by both such fine and imprisonment.

1632 (4) Whoever commits the offense of computer fraud when the  
1633 damage or loss or attempted damage or loss amounts to a value of  
1634 Five Thousand Dollars (\$5,000.00) or more but less than  
1635 Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon  
1636 conviction, by a fine of not more than Ten Thousand Dollars  
1637 (\$10,000.00) or by imprisonment for not more than ten (10) years,  
1638 or by both such fine and imprisonment.

1639 (5) Whoever commits the offense of computer fraud when the  
1640 damage or loss or attempted damage or loss amounts to a value of  
1641 Twenty-five Thousand Dollars (\$25,000.00) or more, may be  
1642 punished, upon conviction, by a fine of not more than Ten Thousand  
1643 Dollars (\$10,000.00) or by imprisonment for not more than twenty  
1644 (20) years, or by both such fine and imprisonment.

1645 ( \* \* \*6) The definition of the term "computer network"  
1646 includes the Internet, as defined in Section 230 of Title II of  
1647 the Communications Act of 1934, Chapter 652, 110 Stat. 137,  
1648 codified at 47 USCS 230.

1649 **SECTION 32.** Section 97-45-5, Mississippi Code of 1972, is  
1650 amended as follows:



1651 97-45-5. (1) An offense against computer users is the  
1652 intentional:

1653 (a) Denial to an authorized user, without consent, of  
1654 the full and effective use of or access to a computer, a computer  
1655 system, a computer network or computer services; or

1656 (b) Use or disclosure to another, without consent, of  
1657 the numbers, codes, passwords or other means of access to a  
1658 computer, a computer system, a computer network or computer  
1659 services.

1660 (2) Whoever commits an offense against computer users \* \* \*  
1661 when the damage or loss or attempted damage or loss amounts to a  
1662 value of less than One Thousand Dollars (\$1,000.00) may be  
1663 punished, upon conviction, by a fine of not more than One Thousand  
1664 Dollars (\$1,000.00), or by imprisonment for not more than six (6)  
1665 months in the county jail, or by both \* \* \* if the court finds  
1666 substantial and compelling reasons why the offender cannot be  
1667 safely and effectively supervised in the community, is not  
1668 amenable to community-based treatment, or poses a significant risk  
1669 to public safety. If such a finding is not made, the court shall  
1670 suspend the sentence of imprisonment and impose a period of  
1671 probation not exceeding one (1) year or a fine of not more than  
1672 One Thousand Dollars (\$1,000.00), or both. The total value of  
1673 property taken, stolen or carried away by the person from a single  
1674 victim shall be aggregated in determining the gravity of the  
1675 offense. Any person convicted of a third or subsequent offense



1676 under this subsection where the value of the property is not less  
1677 than Five Hundred Dollars (\$500.00), shall be imprisoned in the  
1678 Penitentiary for a term not exceeding three (3) years or fined an  
1679 amount not exceeding One Thousand Dollars (\$1,000.00), or both.

1680 (3) Whoever commits an offense against computer users when  
1681 the damage or loss amounts to a value of \* \* \* One Thousand  
1682 Dollars (\$1,000.00) or more but less than Five Thousand Dollars  
1683 (\$5,000.00), \* \* \* may be punished, upon conviction, by a fine of  
1684 not more than Ten Thousand Dollars (\$10,000.00), or imprisonment  
1685 for not more than five (5) years, or by both such fine and  
1686 imprisonment.

1687 (4) Whoever commits an offense against computer users when  
1688 the damage or loss amounts to a value of Five Thousand Dollars  
1689 (\$5,000.00) or more but less than Twenty-five Thousand Dollars  
1690 (\$25,000.00), may be punished, upon conviction, by a fine of not  
1691 more than Ten Thousand Dollars (\$10,000.00), or imprisonment for  
1692 not more than ten (10) years, or by both such fine and  
1693 imprisonment.

1694 (5) Whoever commits an offense against computer users when  
1695 the damage or loss amounts to a value of Twenty-five Thousand  
1696 Dollars (\$25,000.00) or more, may be punished, upon conviction, by  
1697 a fine of not more than Ten Thousand Dollars (\$10,000.00), or  
1698 imprisonment for not more than twenty (20) years, or by both such  
1699 fine and imprisonment.



1700           **SECTION 33.** Section 97-45-7, Mississippi Code of 1972, is  
1701 amended as follows:

1702           97-45-7. (1) An offense against computer equipment or  
1703 supplies is the intentional modification or destruction, without  
1704 consent, of computer equipment or supplies used or intended to be  
1705 used in a computer, computer system or computer network.

1706           (2) Whoever commits an offense against computer equipment or  
1707 supplies \* \* \* when the damage or loss or attempted damage or loss  
1708 amounts to a value of less than One Thousand Dollars (\$1,000.00)  
1709 may be punished, upon conviction, by a fine of not more than One  
1710 Thousand Dollars (\$1,000.00), or by imprisonment for not more than  
1711 six (6) months in the county jail, or both \* \* \* if the court  
1712 finds substantial and compelling reasons why the offender cannot  
1713 be safely and effectively supervised in the community, is not  
1714 amenable to community-based treatment, or poses a significant risk  
1715 to public safety. If such a finding is not made, the court shall  
1716 suspend the sentence of imprisonment and impose a period of  
1717 probation not exceeding one (1) year or a fine of not more than  
1718 One Thousand Dollars (\$1,000.00), or both. The total value of  
1719 property taken, stolen or carried away by the person from a single  
1720 victim shall be aggregated in determining the gravity of the  
1721 offense. Any person convicted of a third or subsequent offense  
1722 under this subsection where the value of the property is not less  
1723 than Five Hundred Dollars (\$500.00), shall be imprisoned in the



1724 Penitentiary for a term not exceeding three (3) years or fined an  
1725 amount not exceeding One Thousand Dollars (\$1,000.00), or both.

1726 (3) Whoever commits an offense against computer equipment or  
1727 supplies when the damage or loss amounts to a value of \* \* \* One  
1728 Thousand Dollars (\$1,000.00) or more \* \* \* but less than Five  
1729 Thousand Dollars (\$5,000.00), may be punished, upon conviction, by  
1730 a fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
1731 imprisonment for not more than five (5) years, or by both such  
1732 fine and imprisonment.

1733 (4) Whoever commits an offense against computer equipment or  
1734 supplies when the damage or loss amounts to a value of Five  
1735 Thousand Dollars (\$5,000.00) or more but less than Twenty-five  
1736 Thousand Dollars (\$25,000.00), may be punished, upon conviction,  
1737 by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
1738 imprisonment for not more than ten (10) years, or by both such  
1739 fine and imprisonment.

1740 (5) Whoever commits an offense against computer equipment or  
1741 supplies when the damage or loss amounts to a value of Twenty-five  
1742 Thousand Dollars (\$25,000.00) or more, may be punished, upon  
1743 conviction, by a fine of not more than Ten Thousand Dollars  
1744 (\$10,000.00) or by imprisonment for not more than twenty (20)  
1745 years, or by both such fine and imprisonment.

1746 **SECTION 34.** Section 97-45-9, Mississippi Code of 1972, is  
1747 amended as follows:



1748 97-45-9. (1) An offense against intellectual property is  
1749 the intentional:

1750 (a) Destruction, insertion or modification, without  
1751 consent, of intellectual property; or

1752 (b) Disclosure, use, copying, taking or accessing,  
1753 without consent, of intellectual property.

1754 (2) Whoever commits an offense against intellectual  
1755 property \* \* \* when the damage or loss or attempted damage or loss  
1756 amounts to a value of less than One Thousand Dollars (\$1,000.00)  
1757 may be punished, upon conviction, by a fine of not more than One  
1758 Thousand Dollars (\$1,000.00), or by imprisonment for not more than  
1759 six (6) months in the county jail, or by both \* \* \* if the court  
1760 finds substantial and compelling reasons why the offender cannot  
1761 be safely and effectively supervised in the community, is not  
1762 amenable to community-based treatment, or poses a significant risk  
1763 to public safety. If such a finding is not made, the court shall  
1764 suspend the sentence of imprisonment and impose a period of  
1765 probation not exceeding one (1) year or a fine of not more than  
1766 One Thousand Dollars (\$1,000.00), or both. The total value of  
1767 property taken, stolen or carried away by the person from a single  
1768 victim shall be aggregated in determining the gravity of the  
1769 offense. Any person convicted of a third or subsequent offense  
1770 under this subsection where the value of the property is not less  
1771 than Five Hundred Dollars (\$500.00), shall be imprisoned in the



1772 Penitentiary for a term not exceeding three (3) years or fined an  
1773 amount not exceeding One Thousand Dollars (\$1,000.00), or by both.

1774 (3) Whoever commits an offense against intellectual property  
1775 when the damage or loss amounts to a value of \* \* \* One Thousand  
1776 Dollars (\$1,000.00) or more but less than Five Thousand Dollars  
1777 (\$5,000.00), the offender may be punished, upon conviction, by a  
1778 fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
1779 imprisonment for not more than five (5) years, or by both such  
1780 fine and imprisonment.

1781 (4) Whoever commits an offense against intellectual property  
1782 when the damage or loss amounts to a value of Five Thousand  
1783 Dollars (\$5,000.00) or more but less than Twenty-five Thousand  
1784 Dollars (\$25,000.00), may be punished, upon conviction, by a fine  
1785 of not more than Ten Thousand Dollars (\$10,000.00) or by  
1786 imprisonment for not more than ten (10) years, or by both such  
1787 fine and imprisonment.

1788 (5) Whoever commits an offense against intellectual property  
1789 when the damage or loss amounts to a value of Twenty-five Thousand  
1790 Dollars (\$25,000.00) or more, may be punished, upon conviction, by  
1791 a fine of not more than Ten Thousand Dollars (\$10,000.00) or by  
1792 imprisonment for not more than twenty (20) years, or by both such  
1793 fine and imprisonment.

1794 ( \* \* \*6) The provisions of this section shall not apply to  
1795 the disclosure, use, copying, taking, or accessing by proper means  
1796 as defined in this chapter.





1797           **SECTION 35.** Section 97-45-19, Mississippi Code of 1972, is  
1798 brought forward as follows:

1799           97-45-19. (1) A person shall not obtain or attempt to  
1800 obtain personal identity information of another person with the  
1801 intent to unlawfully use that information for any of the following  
1802 purposes without that person's authorization:

1803                   (a) To obtain financial credit.

1804                   (b) To purchase or otherwise obtain or lease any real  
1805 or personal property.

1806                   (c) To obtain employment.

1807                   (d) To obtain access to medical records or information  
1808 contained in medical records.

1809                   (e) To commit any illegal act.

1810           (2) (a) A person who violates this section is guilty of a  
1811 felony punishable by imprisonment for not less than two (2) nor  
1812 more than fifteen (15) years or a fine of not more than Ten  
1813 Thousand Dollars (\$10,000.00), or both.

1814                   (b) Notwithstanding the provisions of paragraph (a) of  
1815 this subsection (2), if the violation involves an amount of less  
1816 than Two Hundred Fifty Dollars (\$250.00), a person who violates  
1817 this section may be found guilty of a misdemeanor punishable by  
1818 imprisonment in the county jail for a term of not more than six  
1819 (6) months, or by a fine of not more than One Thousand Dollars  
1820 (\$1,000.00), or both, in the discretion of the court.



1821 (c) For purposes of determining the amount of the  
1822 violation, the value of all goods, property, services and other  
1823 things of value obtained or attempted to be obtained by the use of  
1824 an individual's identity information shall be aggregated.

1825 (3) This section does not prohibit the person from being  
1826 charged with, convicted of, or sentenced for any other violation  
1827 of law committed by that person using information obtained in  
1828 violation of this section.

1829 (4) This section does not apply to a person who obtains or  
1830 attempts to obtain personal identity information of another person  
1831 pursuant to the discovery process of a civil action, an  
1832 administrative proceeding or an arbitration proceeding.

1833 (5) Upon the request of a person whose identifying  
1834 information was appropriated, the Attorney General may provide  
1835 assistance to the victim in obtaining information to correct  
1836 inaccuracies or errors in the person's credit report or other  
1837 identifying information; however, no legal representation shall be  
1838 afforded such person by the Office of the Attorney General.

1839 (6) A person convicted under this section or under Section  
1840 97-19-85 shall be ordered to pay restitution as provided in  
1841 Section 99-37-1 et seq., and any legal interest in addition to any  
1842 other fine or imprisonment which may be imposed.

1843 **SECTION 36.** The following shall be codified as Section  
1844 97-43-3.1., Mississippi Code of 1972:



1845           97-43-3.1. (1) It shall be unlawful for any person to  
1846 conduct, organize, supervise or manage, directly or indirectly, an  
1847 organized theft or fraud enterprise. Organized theft or fraud  
1848 enterprise applies to conduct proscribed in the following  
1849 provisions:

1850                   (a) Section 97-23-93, which relates to shoplifting;

1851                   (b) Sections 97-45-3 and 97-45-5, which relate to  
1852 computer fraud;

1853                   (c) Section 97-45-19, which relates to fraudulent use  
1854 of identity;

1855                   (d) Section 97-9-79, which relates to false  
1856 information;

1857                   (e) Section 97-19-83, which relates to fraud by mail or  
1858 other means of communication;

1859                   (f) Section 97-19-85, which relates to the fraudulent  
1860 use of a social security number, credit card or debit card number  
1861 or other identifying information; and

1862                   (g) Section 97-45-19, which relates to obtaining  
1863 personal identity information of another person without  
1864 authorization.

1865           (2) It shall be unlawful for any person who has, with  
1866 criminal intent, received any proceeds or services derived,  
1867 directly or indirectly, from an organized theft or fraud  
1868 enterprise.



1869           (3) For the purposes of this section, an "organized theft or  
1870 fraud enterprise" means any association of two (2) or more persons  
1871 who engage in the conduct of or are associated for the purpose of  
1872 effectuating the transfer or sale of merchandise, services or  
1873 information that has a pecuniary value that causes a loss to the  
1874 victim.

1875           (4) The value of the merchandise or services or the  
1876 pecuniary loss involved in a violation of this section may be  
1877 aggregated in determining the grade of the offense where the acts  
1878 or conduct constituting a violation were committed pursuant to one  
1879 (1) scheme or course of conduct, whether from the same person or  
1880 several persons, or were committed in furtherance of or in  
1881 conjunction with an organized theft or fraud enterprise.

1882           (5) Any person convicted under this section shall be, upon  
1883 conviction, guilty of a felony and punished by a term of  
1884 imprisonment of not more than twenty (20) years or fined not more  
1885 than Twenty-five Thousand Dollars (\$25,000.00), or both.

1886           **SECTION 37.** Section 41-29-139, Mississippi Code of 1972, is  
1887 amended as follows:

1888           41-29-139. (a) Except as authorized by this article, it is  
1889 unlawful for any person knowingly or intentionally:

1890           (1) To sell, barter, transfer, manufacture, distribute,  
1891 dispense or possess with intent to sell, barter, transfer,  
1892 manufacture, distribute or dispense, a controlled substance; or



1893           (2) To create, sell, barter, transfer, distribute,  
1894 dispense or possess with intent to create, sell, barter, transfer,  
1895 distribute or dispense, a counterfeit substance.

1896           (b) Except as otherwise provided in \* \* \* Section 41-29-142,  
1897 any person who violates subsection (a) of this section in the  
1898 following amounts shall be, if convicted, sentenced as follows:

1899           (1) In the case of controlled substances classified in  
1900 Schedule I or II, as set out in Sections 41-29-113 and 41-29-115,  
1901 except thirty (30) grams or less of marijuana or synthetic  
1902 cannabinoids, and except a first offender as defined in Section  
1903 41-29-149(e) who violates subsection (a) of this section with  
1904 respect to less than one (1) kilogram but more than thirty (30)  
1905 grams of marijuana or synthetic cannabinoids, such person may,  
1906 upon conviction \* \* \* for an amount of the controlled substance  
1907 of:

1908                   (A) Less than two (2) grams or ten (10) dosage  
1909 units, be imprisoned for not more than eight (8) years or fined  
1910 not more than Fifty Thousand Dollars (\$50,000.00), or both.

1911                   (B) Two (2) grams or ten (10) dosage units or more  
1912 but less than ten (10) grams or twenty (20) dosage units, be  
1913 imprisoned for not less than three (3) years nor more than twenty  
1914 (20) years or fined not more than Two Hundred Fifty Thousand  
1915 Dollars (\$250,000.00), or both.

1916                   (C) Ten (10) grams or twenty (20) dosage units or  
1917 more, but less than thirty (30) grams or forty (40) dosage units,



1918 be imprisoned for not less five (5) years nor more than thirty  
1919 (30) years or fined not more than Five Hundred Thousand Dollars  
1920 (\$500,000.00).

1921 (2) In the case of a first offender who violates  
1922 subsection (a) of this section with an amount less than one (1)  
1923 kilogram but more than thirty (30) grams of marijuana or synthetic  
1924 cannabinoids as classified in Schedule I, as set out in Section  
1925 41-29-113, such person is guilty of a felony and, upon conviction,  
1926 may be imprisoned for not more than \* \* \* five (5) years or fined  
1927 not more than Thirty Thousand Dollars (\$30,000.00), or both;

1928 (3) In the case of thirty (30) grams or less of  
1929 marijuana or synthetic cannabinoids, such person may, upon  
1930 conviction, be imprisoned for not more than three (3) years or  
1931 fined not more than Three Thousand Dollars (\$3,000.00), or both;

1932 (4) In the case of controlled substances classified in  
1933 Schedules III and IV, as set out in Sections 41-29-117 and  
1934 41-29-119, such person may, upon conviction \* \* \* for an amount of  
1935 the controlled substance of:

1936 (A) Less than two (2) grams or ten (10) dosage  
1937 units, be imprisoned for not more than eight (8) years or fined  
1938 not more than Five Thousand Dollars (\$5,000.00), or both;

1939 (B) Two (2) grams or ten (10) dosage units or more  
1940 but less than ten (10) grams or twenty (20) dosage units, be  
1941 imprisoned for not more than eight (8) years or fined not more  
1942 than Fifty Thousand Dollars (\$50,000.00), or both;



1943                    (C) Ten (10) grams or twenty (20) dosage units or  
1944 more but less than thirty (30) grams or forty (40) dosage units,  
1945 be imprisoned for not more than fifteen (15) years or fined not  
1946 more than One Hundred Thousand Dollars (\$100,000.00).

1947                    (5) In the case of controlled substances classified in  
1948 Schedule V, as set out in Section 41-29-121, such person may, upon  
1949 conviction \* \* \* for an amount of the controlled substance of:

1950                    (A) Less than two (2) grams or ten (10) dosage  
1951 units, be imprisoned for not more than one (1) year or fined not  
1952 more than Five Thousand Dollars (\$5,000.00), or both;

1953                    (B) Two (2) grams or ten (10) dosage units or more  
1954 but less than ten (10) grams or twenty (20) dosage units, be  
1955 imprisoned for not more than five (5) years or fined not more than  
1956 Ten Thousand Dollars (\$10,000.00), or both;

1957                    (C) Ten (10) grams or twenty (20) dosage units or  
1958 more but less than thirty (30) grams or forty (40) dosage units,  
1959 be imprisoned for not more than ten (10) years or fined not more  
1960 than Twenty Thousand Dollars (\$20,000.00).

1961                    (c) It is unlawful for any person knowingly or intentionally  
1962 to possess any controlled substance unless the substance was  
1963 obtained directly from, or pursuant to, a valid prescription or  
1964 order of a practitioner while acting in the course of his  
1965 professional practice, or except as otherwise authorized by this  
1966 article. The penalties for any violation of this subsection (c)  
1967 with respect to a controlled substance classified in Schedules I,



1968 II, III, IV or V, as set out in Section 41-29-113, 41-29-115,  
1969 41-29-117, 41-29-119 or 41-29-121, including marijuana or  
1970 synthetic cannabinoids, shall be based on dosage unit as defined  
1971 herein or the weight of the controlled substance as set forth  
1972 herein as appropriate:

1973 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
1974 case of a liquid solution, one (1) milliliter. In the case of  
1975 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
1976 stamp, square, dot, microdot, tablet or capsule of a controlled  
1977 substance.

1978 For any controlled substance that does not fall within the  
1979 definition of the term "dosage unit," the penalties shall be based  
1980 upon the weight of the controlled substance.

1981 The weight set forth refers to the entire weight of any  
1982 mixture or substance containing a detectable amount of the  
1983 controlled substance.

1984 If a mixture or substance contains more than one (1)  
1985 controlled substance, the weight of the mixture or substance is  
1986 assigned to the controlled substance that results in the greater  
1987 punishment.

1988 Any person who violates this subsection with respect to:

1989 (1) A controlled substance classified in Schedule I or  
1990 II, except marijuana or synthetic cannabinoids, in the following  
1991 amounts shall be charged and sentenced as follows:





1992 (A) Less than one-tenth (0.1) gram or \* \* \* two  
1993 (2) dosage units \* \* \* shall be charged as a misdemeanor \* \* \*  
1994 and, upon conviction, may be imprisoned \* \* \* for up to one (1)  
1995 year \* \* \* or fined not more than One Thousand Dollars  
1996 (\$1,000.00), or both.

1997 (B) One-tenth (0.1) gram or two (2) dosage units  
1998 or more but less than two (2) grams or \* \* \* ten (10) dosage  
1999 units, \* \* \* may be imprisoned for not \* \* \* more than \* \* \* three  
2000 (3) years \* \* \* or a fine of not more than Fifty Thousand Dollars  
2001 (\$50,000.00), or both.

2002 (C) Two (2) grams or ten (10) dosage units or more  
2003 but less than ten (10) grams or \* \* \* twenty (20) dosage  
2004 units, \* \* \* may be imprisoned for not \* \* \* more than \* \* \* eight  
2005 (8) years and \* \* \* fined not more than Two Hundred Fifty Thousand  
2006 Dollars (\$250,000.00), or both.

2007 (D) Ten (10) grams or twenty (20) dosage units or  
2008 more but less than thirty (30) grams or \* \* \* forty (40) dosage  
2009 units, \* \* \* may be imprisoned for not less than \* \* \* three (3)  
2010 years nor more than \* \* \* twenty (20) years and \* \* \* fined not  
2011 more than Five Hundred Thousand Dollars (\$500,000.00), or both.

2012 \* \* \*

2013 (2) Marijuana or synthetic cannabinoids in the  
2014 following amounts shall be charged and sentenced as follows:

2015 (A) Thirty (30) grams or less by a fine of not  
2016 less than One Hundred Dollars (\$100.00) nor more than Two Hundred



2017 Fifty Dollars (\$250.00). The provisions of this paragraph shall  
2018 be enforceable by summons, provided the offender provides proof of  
2019 identity satisfactory to the arresting officer and gives written  
2020 promise to appear in court satisfactory to the arresting officer,  
2021 as directed by the summons. A second conviction under this  
2022 section within two (2) years shall be punished by a fine of Two  
2023 Hundred Fifty Dollars (\$250.00) and not less than five (5) days  
2024 nor more than sixty (60) days in the county jail and mandatory  
2025 participation in a drug education program, approved by the  
2026 Division of Alcohol and Drug Abuse of the State Department of  
2027 Mental Health, unless the court enters a written finding that such  
2028 drug education program is inappropriate. A third or subsequent  
2029 conviction under this section within two (2) years is a  
2030 misdemeanor punishable by a fine of not less than Two Hundred  
2031 Fifty Dollars (\$250.00) nor more than Five Hundred Dollars  
2032 (\$500.00) and confinement for not less than five (5) days nor more  
2033 than six (6) months in the county jail. Upon a first or second  
2034 conviction under this section, the courts shall forward a report  
2035 of such conviction to the Mississippi Bureau of Narcotics which  
2036 shall make and maintain a private, nonpublic record for a period  
2037 not to exceed two (2) years from the date of conviction. The  
2038 private, nonpublic record shall be solely for the use of the  
2039 courts in determining the penalties which attach upon conviction  
2040 under this section and shall not constitute a criminal record for  
2041 the purpose of private or administrative inquiry and the record of



2042 each conviction shall be expunged at the end of the period of two  
2043 (2) years following the date of such conviction;

2044 (B) Additionally, a person who is the operator of  
2045 a motor vehicle, who possesses on his person or knowingly keeps or  
2046 allows to be kept in a motor vehicle within the area of the  
2047 vehicle normally occupied by the driver or passengers, more than  
2048 one (1) gram, but not more than thirty (30) grams, of marijuana or  
2049 synthetic cannabinoids is guilty of a misdemeanor and, upon  
2050 conviction, may be fined not more than One Thousand Dollars  
2051 (\$1,000.00) and confined for not more than ninety (90) days in the  
2052 county jail. For the purposes of this subsection, such area of  
2053 the vehicle shall not include the trunk of the motor vehicle or  
2054 the areas not normally occupied by the driver or passengers if the  
2055 vehicle is not equipped with a trunk. A utility or glove  
2056 compartment shall be deemed to be within the area occupied by the  
2057 driver and passengers;

2058 (C) More than thirty (30) grams but less than two  
2059 hundred fifty (250) grams may be fined not more than One Thousand  
2060 Dollars (\$1,000.00), or confined in the county jail for not more  
2061 than one (1) year, or both; or fined not more than Three Thousand  
2062 Dollars (\$3,000.00), or imprisoned in the State Penitentiary for  
2063 not more than three (3) years, or both;

2064 (D) Two hundred fifty (250) grams but less than  
2065 five hundred (500) grams, by imprisonment for not less than two



2066 (2) years nor more than eight (8) years \* \* \* or by a fine of not  
2067 more than Fifty Thousand Dollars (\$50,000.00), or both;

2068 (E) Five hundred (500) grams but less than one (1)  
2069 kilogram, by imprisonment for not less than four (4) years nor  
2070 more than sixteen (16) years \* \* \* or a fine of less than Two  
2071 Hundred Fifty Thousand Dollars (\$250,000.00), or both;

2072 (F) One (1) kilogram but less than five (5)  
2073 kilograms, by imprisonment for not less than six (6) years nor  
2074 more than twenty-four (24) years \* \* \* or a fine of not more than  
2075 Five Hundred Thousand Dollars (\$500,000.00), or both;

2076 (G) Five (5) kilograms or more, by imprisonment  
2077 for not less than ten (10) years nor more than thirty (30)  
2078 years \* \* \* or a fine of not more than One Million Dollars  
2079 (\$1,000,000.00), or both.

2080 (3) A controlled substance classified in Schedule III,  
2081 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
2082 conviction, may be punished as follows:

2083 (A) Less than fifty (50) grams or less than one  
2084 hundred (100) dosage units is a misdemeanor and punishable by not  
2085 more than one (1) year \* \* \* or a fine of not more than One  
2086 Thousand Dollars (\$1,000.00), or both.

2087 (B) Fifty (50) grams \* \* \* or one hundred (100)  
2088 dosage units or more but less than one hundred fifty (150) grams  
2089 or five hundred (500) dosage units, by imprisonment for not less



2090 than one (1) year nor more than four (4) years \* \* \* or a fine of  
2091 not more than Ten Thousand Dollars (\$10,000.00), or both.

2092 (C) One hundred fifty (150) grams or Five Hundred  
2093 (500) dosage units or more but less than three hundred (300) grams  
2094 or \* \* \* one thousand (1,000) dosage units, by imprisonment for  
2095 not less than two (2) years nor more than eight (8) years \* \* \* or  
2096 a fine of not more than Fifty Thousand Dollars (\$50,000.00), or  
2097 both.

2098 (D) Three hundred (300) grams or one thousand  
2099 (1,000) dosage units or more but less than five hundred (500)  
2100 grams or \* \* \* two thousand five hundred (2,500) dosage units, by  
2101 imprisonment for not less than four (4) years nor more than  
2102 sixteen (16) years \* \* \* or a fine of not more than Two Hundred  
2103 Fifty Thousand Dollars (\$250,000.00), or both.

2104 \* \* \*

2105 (d) (1) It is unlawful for a person who is not authorized  
2106 by the State Board of Medical Licensure, State Board of Pharmacy,  
2107 or other lawful authority to use, or to possess with intent to  
2108 use, paraphernalia to plant, propagate, cultivate, grow, harvest,  
2109 manufacture, compound, convert, produce, process, prepare, test,  
2110 analyze, pack, repack, store, contain, conceal, inject, ingest,  
2111 inhale or otherwise introduce into the human body a controlled  
2112 substance in violation of the Uniform Controlled Substances Law.  
2113 Any person who violates this subsection is guilty of a misdemeanor  
2114 and, upon conviction, may be confined in the county jail for not



2115 more than six (6) months, or fined not more than Five Hundred  
2116 Dollars (\$500.00), or both; however, no person shall be charged  
2117 with a violation of this subsection when such person is also  
2118 charged with the possession of one (1) ounce or less of marijuana  
2119 or synthetic cannabinoids under subsection (c) (2) (A) of this  
2120 section.

2121           (2) It is unlawful for any person to deliver, sell,  
2122 possess with intent to deliver or sell, or manufacture with intent  
2123 to deliver or sell, paraphernalia, knowing, or under circumstances  
2124 where one reasonably should know, that it will be used to plant,  
2125 propagate, cultivate, grow, harvest, manufacture, compound,  
2126 convert, produce, process, prepare, test, analyze, pack, repack,  
2127 store, contain, conceal, inject, ingest, inhale, or otherwise  
2128 introduce into the human body a controlled substance in violation  
2129 of the Uniform Controlled Substances Law. Any person who violates  
2130 this subsection is guilty of a misdemeanor and, upon conviction,  
2131 may be confined in the county jail for not more than six (6)  
2132 months, or fined not more than Five Hundred Dollars (\$500.00), or  
2133 both.

2134           (3) Any person eighteen (18) years of age or over who  
2135 violates subsection (d) (2) of this section by delivering or  
2136 selling paraphernalia to a person under eighteen (18) years of age  
2137 who is at least three (3) years his junior is guilty of a  
2138 misdemeanor and, upon conviction, may be confined in the county



2139 jail for not more than one (1) year, or fined not more than One  
2140 Thousand Dollars (\$1,000.00), or both.

2141 (4) It is unlawful for any person to place in any  
2142 newspaper, magazine, handbill, or other publication any  
2143 advertisement, knowing, or under circumstances where one  
2144 reasonably should know, that the purpose of the advertisement, in  
2145 whole or in part, is to promote the sale of objects designed or  
2146 intended for use as paraphernalia. Any person who violates this  
2147 subsection is guilty of a misdemeanor and, upon conviction, may be  
2148 confined in the county jail for not more than six (6) months, or  
2149 fined not more than Five Hundred Dollars (\$500.00), or both.

2150 (e) It shall be unlawful for any physician practicing  
2151 medicine in this state to prescribe, dispense or administer any  
2152 amphetamine or amphetamine-like anorectics and/or central nervous  
2153 system stimulants classified in Schedule II, pursuant to Section  
2154 41-29-115, for the exclusive treatment of obesity, weight control  
2155 or weight loss. Any person who violates this subsection, upon  
2156 conviction, is guilty of a misdemeanor and may be confined for a  
2157 period not to exceed six (6) months, or fined not more than One  
2158 Thousand Dollars (\$1,000.00), or both.

2159 \* \* \*

2160 ( \* \* \* f) (1) Any person trafficking in controlled  
2161 substances shall be guilty of a felony and, upon conviction, shall  
2162 be imprisoned for a term of \* \* \* not less than ten (10) years nor  
2163 more than forty (40) years. \* \* \* The ten-year mandatory sentence



2164 shall not be reduced or suspended \* \* \*. The person shall not be  
2165 eligible for probation or parole, the provisions of Sections  
2166 41-29-149, 47-5-139, 47-7-3 and 47-7-33, Mississippi Code of 1972,  
2167 to the contrary notwithstanding during the sentence and shall be  
2168 fined not less than Five Thousand Dollars (\$5,000.00) nor more  
2169 than One Million Dollars (\$1,000,000.00).

2170 (2) "Trafficking in controlled substances" as used  
2171 herein means \* \* \*:

2172 (A) A violation of subsection (a) of this section  
2173 involving thirty (30) grams or forty (40) dosage units or more of  
2174 a Schedule I or II substance except marijuana;

2175 (B) A violation of subsection (c) of this section  
2176 involving five hundred (500) grams or two thousand five hundred  
2177 (2,500) dosage units of a Schedule III, IV or V substance;

2178 (C) A violation of subsection (c) of this section  
2179 involving thirty (30) grams or forty (40) dosage units or more of  
2180 a Schedule I or II substance except marijuana; or

2181 (D) A violation of subsection (a) of this section  
2182 involving one (1) kilogram or more of marijuana or synthetic  
2183 cannabinoids.

2184 (3) \* \* \* The provisions of this subsection shall not  
2185 apply to any person who furnishes information and assistance to  
2186 the bureau, or its designee, which, in the opinion of the trial  
2187 judge objectively should or would have aided in the arrest or  
2188 prosecution of others who violate this subsection. The accused





2189 shall have adequate opportunity to develop and make a record of  
2190 all information and assistance so furnished.

2191 (g) Any person trafficking in Schedule I or II substances,  
2192 except marijuana, of two hundred (200) grams or more shall be  
2193 guilty of aggravated trafficking and, upon conviction, shall be  
2194 sentenced to a term of not less than twenty-five (25) years nor  
2195 more than life in prison. The twenty-five-year sentence shall be  
2196 a mandatory sentence and shall not be reduced or suspended. The  
2197 person shall not be eligible for probation or parole, the  
2198 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33,  
2199 Mississippi Code of 1972, to the contrary notwithstanding during  
2200 the sentence and shall be fined not less than Five Thousand  
2201 Dollars (\$5,000.00) nor more than One Million Dollars  
2202 (\$1,000,000.00).

2203 (h) (1) Notwithstanding any provision of this section, a  
2204 person who has been convicted of an offense under this section  
2205 that requires the judge to impose a prison sentence which cannot  
2206 be suspended or reduced and is ineligible for probation or parole  
2207 may, at the discretion of the court, receive a sentence of  
2208 imprisonment that is no less than twenty-five percent (25%) of the  
2209 sentence prescribed by the applicable statute. In considering  
2210 whether to apply the departure from the sentence prescribed, the  
2211 court shall conclude that:

2212 (A) The offender was not a leader of the criminal  
2213 enterprise;



2214                   (B) The offender did not use violence or a weapon  
2215 during the crime;

2216                   (C) The offense did not result in a death or  
2217 serious bodily injury of a person not a party to the criminal  
2218 enterprise; and

2219                   (D) The interests of justice are not served by the  
2220 imposition of the prescribed mandatory sentence.

2221                   (2) If the court reduces the prescribed sentence  
2222 pursuant to this subsection, it must specify on the record the  
2223 circumstances warranting the departure.

2224           **SECTION 38.** Section 41-29-313, Mississippi Code of 1972, is  
2225 amended as follows:

2226           41-29-313. (1) (a) Except as authorized in this section,  
2227 it is unlawful for any person to knowingly or intentionally:

2228                   (i) Purchase, possess, transfer, manufacture,  
2229 attempt to manufacture or distribute any two (2) or more of the  
2230 listed precursor chemicals or drugs in any amount with the intent  
2231 to unlawfully manufacture a controlled substance;

2232                   (ii) Purchase, possess, transfer, manufacture,  
2233 attempt to manufacture or distribute any two (2) or more of the  
2234 listed precursor chemicals or drugs in any amount, knowing, or  
2235 under circumstances where one reasonably should know, that the  
2236 listed precursor chemical or drug will be used to unlawfully  
2237 manufacture a controlled substance;



2238 (b) The term "precursor drug or chemical" means a drug  
2239 or chemical that, in addition to legitimate uses, may be used in  
2240 manufacturing a controlled substance in violation of this chapter.  
2241 The term includes any salt, optical isomer or salt of an optical  
2242 isomer, whenever the existence of a salt, optical isomer or salt  
2243 of optical isomer is possible within the specific chemical  
2244 designation. The chemicals or drugs listed in this section are  
2245 included by whatever official, common, usual, chemical or trade  
2246 name designated. A "precursor drug or chemical" includes, but is  
2247 not limited to, the following:

- 2248 (i) Ether;
- 2249 (ii) Anhydrous ammonia;
- 2250 (iii) Ammonium nitrate;
- 2251 (iv) Pseudoephedrine;
- 2252 (v) Ephedrine;
- 2253 (vi) Denatured alcohol (Ethanol);
- 2254 (vii) Lithium;
- 2255 (viii) Freon;
- 2256 (ix) Hydrochloric acid;
- 2257 (x) Hydriodic acid;
- 2258 (xi) Red phosphorous;
- 2259 (xii) Iodine;
- 2260 (xiii) Sodium metal;
- 2261 (xiv) Sodium hydroxide;
- 2262 (xv) Muriatic acid;



- 2263 (xvi) Sulfuric acid;
- 2264 (xvii) Hydrogen chloride gas;
- 2265 (xviii) Potassium;
- 2266 (xix) Methanol;
- 2267 (xx) Isopropyl alcohol;
- 2268 (xxi) Hydrogen peroxide;
- 2269 (xxii) Hexanes;
- 2270 (xxiii) Heptanes;
- 2271 (xxiv) Acetone;
- 2272 (xxv) Toluene;
- 2273 (xxvi) Xylenes.

2274 (c) Any person who violates this subsection (1), upon  
2275 conviction, is guilty of a felony and may be imprisoned for a  
2276 period not to exceed \* \* \* eight (8) years \* \* \* or shall be fined  
2277 not less than Five Thousand Dollars (\$5,000.00) nor more  
2278 than \* \* \* Fifty Thousand Dollars (\$50,000.00), or both \* \* \*.

2279 (d) Any person who violates this subsection (1) while  
2280 also in possession of two (2) grams or less of a controlled  
2281 substance that can be manufactured by using the precursor drugs or  
2282 chemicals, upon conviction, is guilty of a felony and may be  
2283 imprisoned for a period not to exceed eight (8) years or a fine of  
2284 not less than Fifty Thousand Dollars (\$50,000.00), or both.

2285 (e) Any person who violates this subsection (1) while  
2286 also in possession of more than two (2) grams but less than ten  
2287 (10) grams of a controlled substance that can be manufactured by



2288 using the precursor drugs or chemicals, upon conviction, is guilty  
2289 of a felony and may be imprisoned for a period not to exceed ten  
2290 (10) years or a fine of not less than Fifty Thousand Dollars  
2291 (\$50,000.00), or both.

2292 (f) Any person who violates this subsection (1) while  
2293 also in possession of more than ten (10) grams but less than  
2294 thirty (30) grams of a controlled substance that can be  
2295 manufactured by using the precursor drugs or chemicals, upon  
2296 conviction, is guilty of a felony and may be imprisoned for a  
2297 period no less than three (3) years nor more than twenty (20)  
2298 years or a fine of not less than Two Hundred Fifty Thousand  
2299 Dollars (\$250,000.00), or both.

2300 (g) Any person who violates this subsection (1) while  
2301 also in possession of a quantity of more than thirty (30) grams of  
2302 a controlled substance that can be manufactured by using the  
2303 precursor drugs or chemicals, upon conviction, is guilty of a  
2304 felony and may be imprisoned for a period no less than three (3)  
2305 years nor more than twenty (20) years or a fine of not less than  
2306 Two Hundred Fifty Thousand Dollars (\$250,000.00), or both.

2307 (2) (a) It is unlawful for any person to knowingly or  
2308 intentionally steal or unlawfully take or carry away any amount of  
2309 anhydrous ammonia or to break, cut, or in any manner damage the  
2310 valve or locking mechanism on an anhydrous ammonia tank with the  
2311 intent to steal or unlawfully take or carry away anhydrous  
2312 ammonia.



2313           (b) (i) It is unlawful for any person to purchase,  
2314 possess, transfer or distribute any amount of anhydrous ammonia  
2315 knowing, or under circumstances where one reasonably should know,  
2316 that the anhydrous ammonia will be used to unlawfully manufacture  
2317 a controlled substance.

2318           (ii) The possession of any amount of anhydrous  
2319 ammonia in a container unauthorized for containment of anhydrous  
2320 ammonia pursuant to Section 75-57-9 shall be prima facie evidence  
2321 of intent to use the anhydrous ammonia to unlawfully manufacture a  
2322 controlled substance.

2323           (c) (i) It is unlawful for any person to purchase,  
2324 possess, transfer or distribute two hundred fifty (250) dosage  
2325 units or fifteen (15) grams in weight (dosage unit and weight as  
2326 defined in Section 41-29-139) of pseudoephedrine or ephedrine,  
2327 knowing, or under circumstances where one reasonably should know,  
2328 that the pseudoephedrine or ephedrine will be used to unlawfully  
2329 manufacture a controlled substance.

2330           (ii) Except as provided in this subparagraph,  
2331 possession of one or more products containing more than  
2332 twenty-four (24) grams of ephedrine or pseudoephedrine shall  
2333 constitute a rebuttable presumption of intent to use the product  
2334 as a precursor to methamphetamine or another controlled substance.  
2335 The rebuttable presumption established by this subparagraph shall  
2336 not apply to the following persons who are lawfully possessing the  
2337 identified drug products in the course of legitimate business:



2338                   1. A retail distributor of the drug products  
2339 described in this subparagraph possessing a valid business license  
2340 or wholesaler;

2341                   2. A wholesale drug distributor, or its  
2342 agents, licensed by the Mississippi State Board of Pharmacy;

2343                   3. A manufacturer of drug products described  
2344 in this subparagraph, or its agents, licensed by the Mississippi  
2345 State Board of Pharmacy;

2346                   4. A pharmacist licensed by the Mississippi  
2347 State Board of Pharmacy; or

2348                   5. A licensed health care professional  
2349 possessing the drug products described in this subparagraph (ii)  
2350 in the course of carrying out his profession.

2351           (d) Any person who violates this subsection (2), upon  
2352 conviction, is guilty of a felony and may be imprisoned for a  
2353 period not to exceed five (5) years and shall be fined not more  
2354 than Five Thousand Dollars (\$5,000.00), or both fine and  
2355 imprisonment.

2356           (3) Nothing in this section shall preclude any farmer from  
2357 storing or using any of the listed precursor drugs or chemicals  
2358 listed in this section in the normal pursuit of farming  
2359 operations.

2360           (4) Nothing in this section shall preclude any wholesaler,  
2361 retailer or pharmacist from possessing or selling the listed  
2362 precursor drugs or chemicals in the normal pursuit of business.



2363 (5) Any person who violates the provisions of this section  
2364 with children under the age of eighteen (18) years present may be  
2365 subject to a term of imprisonment or a fine, or both, of twice  
2366 that provided in this section.

2367 (6) Any person who violates the provisions of this section  
2368 when the offense occurs in any hotel or apartment building or  
2369 complex may be subject to a term of imprisonment or a fine, or  
2370 both, of twice that provided in this section. For the purposes of  
2371 this subsection (6), the following terms shall have the meanings  
2372 ascribed to them:

2373 (a) "Hotel" means a hotel, inn, motel, tourist court,  
2374 apartment house, rooming house or any other place where sleeping  
2375 accommodations are furnished or offered for pay if four (4) or  
2376 more rooms are available for transient guests.

2377 (b) "Apartment building" means any building having four  
2378 (4) or more dwelling units, including, without limitation, a  
2379 condominium building.

2380 (7) Any person who violates the provisions of this section  
2381 who has in his possession any firearm, either at the time of the  
2382 commission of the offense or at the time any arrest is made, may  
2383 be subject to a term of imprisonment or a fine, or both, of twice  
2384 that provided in this section.

2385 (8) Any person who violates the provisions of this section  
2386 upon any premises upon which any booby trap has been installed or  
2387 rigged may be subject to a term of imprisonment or a fine, or





2388 both, of twice that provided in this section. For the purposes of  
2389 this subsection, the term "booby trap" means any concealed or  
2390 camouflaged device designed to cause bodily injury when triggered  
2391 by any action of a person making contact with the device. The  
2392 term includes guns, ammunition or explosive devices attached to  
2393 trip wires or other triggering mechanisms, sharpened stakes,  
2394 nails, spikes, electrical devices, lines or wires with hooks  
2395 attached, and devices designed for the production of toxic fumes  
2396 or gases.

2397 **SECTION 39.** The following shall be codified as Section  
2398 97-3-2, Mississippi Code of 1972:

2399 97-3-2. (1) The following shall be classified as crimes of  
2400 violence:

2401 (a) Driving under the influence as provided in Sections  
2402 63-11-30(5) and 63-11-30(12)(d);

2403 (b) Murder and attempted murder as provided in Sections  
2404 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25;

2405 (c) Aggravated assault as provided in Sections  
2406 97-3-7(2)(a) and (b) and 97-3-7(4)(a);

2407 (d) Manslaughter as provided in Sections 97-3-27,  
2408 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43,  
2409 97-3-45 and 97-3-47;

2410 (e) Killing of an unborn child as provided in Sections  
2411 97-3-37(2)(a) and 97-3-37(2)(b);

2412 (f) Kidnapping as provided in Section 97-3-53;



2413 (g) Human trafficking as provided in Section 97-3-54.1;  
2414 (h) Poisoning as provided in Section 97-3-61;  
2415 (i) Rape as provided in Sections 97-3-65 and 97-3-71;  
2416 (j) Robbery as provided in Sections 97-3-73 and  
2417 97-3-79;  
2418 (k) Sexual battery as provided in Section 97-3-95;  
2419 (l) Drive-by shooting or bombing as provided in Section  
2420 97-3-109;  
2421 (m) Carjacking as provided in Section 97-3-117;  
2422 (n) Felonious neglect, abuse or battery of a child as  
2423 provided in Section 97-5-39;  
2424 (o) Burglary of a dwelling as provided in Sections  
2425 97-17-23 and 97-17-37;  
2426 (p) Use of explosives or weapons of mass destruction as  
2427 provided in Section 97-37-25;  
2428 (q) Statutory rape as provided in Section 97-3-65(1),  
2429 but this classification is rebuttable on hearing by a judge;  
2430 (r) Exploitation of a child as provided in Section  
2431 97-5-33;  
2432 (s) Gratification of lust as provided in Section  
2433 97-5-23; and  
2434 (t) Shooting into a dwelling as provided in Section  
2435 97-37-29.  
2436 (2) In any felony offense with a maximum sentence of no less  
2437 than five (5) years, upon conviction, the judge may find and place



2438 in the sentencing order, on the record in open court, that the  
2439 offense, while not listed in subsection (1) of this section, shall  
2440 be classified as a crime of violence if the facts show that the  
2441 defendant used physical force, or made a credible attempt or  
2442 threat of physical force against another person as part of the  
2443 criminal act. No person convicted of a crime of violence listed  
2444 in this section is eligible for parole or for early release from  
2445 the custody of the Department of Corrections until the person has  
2446 served at least fifty percent (50%) of the sentence imposed by the  
2447 court.

2448         **SECTION 40.** Section 47-7-3, Mississippi Code of 1972, is  
2449 amended as follows:

2450         47-7-3. (1) Every prisoner who has been convicted of any  
2451 offense against the State of Mississippi, and is confined in the  
2452 execution of a judgment of such conviction in the Mississippi  
2453 Department of Corrections for a definite term or terms of one (1)  
2454 year or over, or for the term of his or her natural life, whose  
2455 record of conduct shows that such prisoner has observed the rules  
2456 of the department, and who has served not less than one-fourth  
2457 (1/4) of the total of such term or terms for which such prisoner  
2458 was sentenced, or, if sentenced to serve a term or terms of thirty  
2459 (30) years or more, or, if sentenced for the term of the natural  
2460 life of such prisoner, has served not less than ten (10) years of  
2461 such life sentence, may be released on parole as hereinafter  
2462 provided, except that:



2463 (a) No prisoner convicted as a confirmed and habitual  
2464 criminal under the provisions of Sections 99-19-81 through  
2465 99-19-87 shall be eligible for parole;

2466 (b) Any person who shall have been convicted of a sex  
2467 crime shall not be released on parole except for a person under  
2468 the age of nineteen (19) who has been convicted under Section  
2469 97-3-67;

2470 \* \* \*

2471 ( \* \* \*c) (i) No person shall be eligible for parole  
2472 who shall, on or after January 1, 1977, be convicted of robbery or  
2473 attempted robbery through the display of a firearm until he shall  
2474 have served ten (10) years if sentenced to a term or terms of more  
2475 than ten (10) years or if sentenced for the term of the natural  
2476 life of such person. If such person is sentenced to a term or  
2477 terms of ten (10) years or less, then such person shall not be  
2478 eligible for parole. The provisions of this paragraph

2479 ( \* \* \*c)(i) shall also apply to any person who shall commit  
2480 robbery or attempted robbery on or after July 1, 1982, through the  
2481 display of a deadly weapon. This paragraph ( \* \* \*c)(i) shall not  
2482 apply to persons convicted after September 30, 1994;

2483 (ii) No person shall be eligible for parole who  
2484 shall, on or after October 1, 1994, be convicted of robbery,  
2485 attempted robbery or carjacking as provided in Section 97-3-115 et  
2486 seq., through the display of a firearm or drive-by shooting as  
2487 provided in Section 97-3-109. The provisions of this paragraph



2488 ( \* \* \*c) (ii) shall also apply to any person who shall commit  
2489 robbery, attempted robbery, carjacking or a drive-by shooting on  
2490 or after October 1, 1994, through the display of a deadly weapon.  
2491 This paragraph (c) (ii) shall not apply to persons convicted after  
2492 July 1, 2014;

2493 ( \* \* \*d) No person shall be eligible for parole who,  
2494 on or after July 1, 1994, is charged, tried, convicted and  
2495 sentenced to life imprisonment without eligibility for parole  
2496 under the provisions of Section 99-19-101;

2497 ( \* \* \*e) No person shall be eligible for parole who is  
2498 charged, tried, convicted and sentenced to life imprisonment under  
2499 the provisions of Section 99-19-101;

2500 \* \* \*

2501 ( \* \* \*f) No person shall be eligible for parole who is  
2502 convicted or whose suspended sentence is revoked after June 30,  
2503 1995, except that an offender convicted of only nonviolent crimes  
2504 after June 30, 1995, may be eligible for parole if the offender  
2505 meets the requirements in subsection (1) and this paragraph. In  
2506 addition to other requirements, if an offender is convicted of a  
2507 drug or driving under the influence felony, the offender must  
2508 complete a drug and alcohol rehabilitation program prior to parole  
2509 or the offender may be required to complete a post-release drug  
2510 and alcohol program as a condition of parole. For purposes of  
2511 this paragraph, "nonviolent crime" means a felony other than  
2512 homicide, robbery, manslaughter, sex crimes, arson, burglary of an



2513 occupied dwelling, aggravated assault, kidnapping, felonious abuse  
2514 of vulnerable adults, felonies with enhanced penalties, the sale  
2515 or manufacture of a controlled substance under the Uniform  
2516 Controlled Substances Law, felony child abuse, or exploitation or  
2517 any crime under Section 97-5-33 or Section 97-5-39(2) or  
2518 97-5-39(1) (b), 97-5-39(1) (c) or a violation of Section  
2519 63-11-30(5). An offender convicted of a violation under Section  
2520 41-29-139(a), not exceeding the amounts specified under Section  
2521 41-29-139(b), may be eligible for parole. In addition, an  
2522 offender incarcerated for committing the crime of possession of a  
2523 controlled substance under the Uniform Controlled Substances Law  
2524 after July 1, 1995, shall be eligible for parole. This paragraph  
2525 (f) shall not apply to persons convicted on or after July 1, 2014;  
2526 (g) (i) No person who, on or after July 1, 2014, is  
2527 convicted of a crime of violence pursuant to Section 97-3-2, a sex  
2528 crime or an offense that specifically prohibits parole release,  
2529 shall be eligible for parole. All persons convicted of any other  
2530 offense on or after July 1, 2014, are eligible for parole after  
2531 they have served one-fourth (1/4) of the sentence or sentences  
2532 imposed by the trial court.  
2533 (ii) Notwithstanding the provisions in paragraph  
2534 (i) of this subsection, a person serving a sentence who has  
2535 reached the age of sixty (60) or older and who has served no less  
2536 than ten (10) years of the sentence or sentences imposed by the  
2537 trial court shall be eligible for parole. Any person eligible for



2538 parole under this subsection shall be required to have a parole  
2539 hearing before the board prior to parole release. No inmate shall  
2540 be eligible for parole under this paragraph of this subsection if:

2541 1. The inmate is sentenced as a habitual  
2542 offender under Sections 99-19-81 through 99-19-87;

2543 2. The inmate is sentenced for a crime of  
2544 violence under Section 97-3-2;

2545 3. The inmate is sentenced for an offense  
2546 that specifically prohibits parole release;

2547 4. The inmate is sentenced for trafficking in  
2548 controlled substances under Section 41-29-139(f);

2549 5. The inmate is sentenced for a sex crime;  
2550 or

2551 6. The inmate has not served one-fourth (1/4)  
2552 of the sentence imposed by the court.

2553 (iii) Notwithstanding the provisions of paragraph  
2554 (1)(a) of this section, any nonviolent offender who has served  
2555 twenty-five percent (25%) or more of his sentence may be paroled  
2556 if the sentencing judge or if the sentencing judge is retired,  
2557 disabled or incapacitated, the senior circuit judge, recommends  
2558 parole to the Parole Board and the Parole Board approves.

2559 (2) Notwithstanding any other provision of law, an inmate  
2560 shall not be eligible to receive earned time, good time or any  
2561 other administrative reduction of time which shall reduce the time



2562 necessary to be served for parole eligibility as provided in  
2563 subsection (1) of this section \* \* \*.

2564 (3) The State Parole Board shall, by rules and regulations,  
2565 establish a method of determining a tentative parole hearing date  
2566 for each eligible offender taken into the custody of the  
2567 Department of Corrections. The tentative parole hearing date  
2568 shall be determined within ninety (90) days after the department  
2569 has assumed custody of the offender. \* \* \* The parole hearing  
2570 date shall occur when the offender is within thirty (30) days of  
2571 the month of his parole eligibility date. The parole eligibility  
2572 date shall not be earlier than one-fourth (1/4) of the prison  
2573 sentence or sentences imposed by the court.

2574 (4) Any inmate within twenty-four (24) months of his parole  
2575 eligibility date and who meets the criteria established by the  
2576 classification board shall receive priority for placement in any  
2577 educational development and job training programs that are part of  
2578 his or her parole case plan. Any inmate refusing to participate  
2579 in an educational development or job training program that is part  
2580 of the case plan may be \* \* \* in jeopardy of noncompliance with  
2581 the case plan and may be denied parole.

2582 **SECTION 41.** Section 47-5-138.1, Mississippi Code of 1972, is  
2583 amended as follows:

2584 47-5-138.1. (1) In addition to any other administrative  
2585 reduction of sentence, an offender in trusty status as defined by  
2586 the classification board of the Department of Corrections may be





2587 awarded a trusty\_time allowance of thirty (30) days' reduction of  
2588 sentence for each thirty (30) days of participation during any  
2589 calendar month in an approved program while in trusty status,  
2590 including satisfactory participation in education or instructional  
2591 programs, satisfactory participation in work projects and  
2592 satisfactory participation in any special incentive program.

2593 (2) An offender in trusty status shall not be eligible for a  
2594 reduction of sentence under this section if:

2595 (a) The offender was sentenced to life imprisonment;

2596 (b) The offender was convicted as an habitual offender  
2597 under Sections 99-19-81 through 99-19-87;

2598 (c) The offender was convicted of a sex crime;

2599 (d) The offender has not served the mandatory time  
2600 required for parole eligibility, as prescribed under Section  
2601 47-7-3, for a conviction of robbery or attempted robbery through  
2602 the display of a deadly weapon, carjacking through the display of  
2603 a deadly weapon or a drive-by shooting; or

2604 \* \* \*

2605 ( \* \* \*e) The offender was convicted of trafficking in  
2606 controlled substances under Section 41-29-139.

2607 **SECTION 42.** The following shall be codified in Chapter 7,  
2608 Title 47, Mississippi Code of 1972:

2609 47-7- . (1) Notwithstanding Sections 47-5-138, 47-5-139,  
2610 47-5-138.1 or 47-5-142, no person convicted of a criminal offense  
2611 on or after July 1, 2014, shall be released by the department



2612 until he or she has served no less than fifty percent (50%) of a  
2613 sentence for a crime of violence pursuant to Section 97-3-2 or  
2614 twenty-five percent (25%) of any other sentence imposed by the  
2615 court.

2616 (2) This section shall not apply to:

2617 (a) Offenders sentenced to life imprisonment;

2618 (b) Offenders convicted as habitual offenders pursuant  
2619 to Sections 99-19-81 through 99-19-87;

2620 (c) Offenders serving a sentence for a sex offense; or

2621 (d) Offenders serving a sentence for trafficking  
2622 pursuant to Section 41-29-139(f).

2623 **SECTION 43.** The following shall be codified in Chapter 7,  
2624 Title 47, Mississippi Code of 1972:

2625 47-7- . (1) In consultation with the Parole Board, the  
2626 department shall develop a case plan for all parole eligible  
2627 inmates to guide an inmate's rehabilitation while in the  
2628 department's custody and to reduce the likelihood of recidivism  
2629 after release.

2630 (2) Within ninety (90) days of admission, the department  
2631 shall complete a case plan on all inmates which shall include, but  
2632 not limited to:

2633 (a) Programming and treatment requirements based on the  
2634 results of a risk and needs assessment;

2635 (b) Any programming or treatment requirements contained  
2636 in the sentencing order; and



2637 (c) General behavior requirements in accordance with  
2638 the rules and policies of the department.

2639 (3) The department shall provide the inmate with a written  
2640 copy of the case plan and the inmate's caseworker shall explain  
2641 the conditions set forth in the case plan.

2642 (a) Within ninety (90) days of admission, the  
2643 caseworker shall notify the inmate of their parole eligibility  
2644 date as calculated in accordance with Section 47-7-3(3);

2645 (b) At the time a parole-eligible inmate receives the  
2646 case plan, the department shall send the case plan to the Parole  
2647 Board for approval.

2648 (4) The department shall ensure that the case plan is  
2649 achievable prior to inmate's parole eligibility date.

2650 (5) The caseworker shall meet with the inmate every eight  
2651 (8) weeks from the date the offender received the case plan to  
2652 review the inmate's case plan progress.

2653 (6) Every four (4) months the department shall  
2654 electronically submit a progress report on each parole-eligible  
2655 inmate's case plan to the Parole Board. The board may meet to  
2656 review an inmate's case plan and may provide written input to the  
2657 caseworker on the inmate's progress toward completion of the case  
2658 plan.

2659 (7) The Parole Board shall provide semiannually to the  
2660 Oversight Task Force the number of parole hearings held, the



2661 number of prisoners released to parole without a hearing and the  
2662 number of parolees released after a hearing.

2663           **SECTION 44.** The following shall be codified in Chapter 7,  
2664 Title 47, Mississippi Code of 1972:

2665           47-7- . (1) Each inmate eligible for parole pursuant to  
2666 Section 47-7-3, shall be released from incarceration to parole  
2667 supervision on the inmate's parole eligibility date, without a  
2668 hearing before the board, if:

2669                   (a) The inmate has met the requirements of the parole  
2670 case plan established pursuant to Section 43 of this act;

2671                   (b) A victim of the offense has not requested the board  
2672 conduct a hearing;

2673                   (c) The inmate has not received a serious or major  
2674 violation report within the past six (6) months;

2675                   (d) The inmate has agreed to the conditions of  
2676 supervision; and

2677                   (e) The inmate has a discharge plan approved by the  
2678 board.

2679           (2) At least thirty (30) days prior to an inmate's parole  
2680 eligibility date, the department shall notify the board in writing  
2681 of the inmate's compliance or noncompliance with the case plan.  
2682 If an inmate fails to meet a requirement of the case plan, prior  
2683 to the parole eligibility date, he or she shall have a hearing  
2684 before the board to determine if completion of the case plan can  
2685 occur while in the community.



2686 (3) Any inmate for whom there is insufficient information  
2687 for the department to determine compliance with the case plan  
2688 shall have a hearing with the board.

2689 (4) A hearing shall be held with the board if requested by  
2690 the victim following notification of the inmate's parole release  
2691 date pursuant to Section 47-7-17.

2692 (5) A hearing shall be held by the board if a law  
2693 enforcement official from the community to which the inmate will  
2694 return contacts the board or the department and requests a hearing  
2695 to consider information relevant to public safety risks posed by  
2696 the inmate if paroled at the initial parole eligibility date. The  
2697 law enforcement official shall submit an explanation documenting  
2698 these concerns for the board to consider.

2699 (6) If a parole hearing is held, the board may determine the  
2700 inmate has sufficiently complied with the case plan or that the  
2701 incomplete case plan is not the fault of the inmate and that  
2702 granting parole is not incompatible with public safety, the board  
2703 may then parole the inmate with appropriate conditions. If the  
2704 board determines that the inmate has sufficiently complied with  
2705 the case plan but the discharge plan indicates that the inmate  
2706 does not have appropriate housing immediately upon release, the  
2707 board may parole the inmate to a transitional reentry center with  
2708 the condition that the inmate spends no more than six (6) months  
2709 in the center. If the board determines that the inmate has not  
2710 substantively complied with the requirement(s) of the case plan it



2711 may deny parole. If the board denies parole, the board may  
2712 schedule a subsequent parole hearing and, if a new date is  
2713 scheduled, the board shall identify the corrective action the  
2714 inmate will need to take in order to be granted parole. Any  
2715 inmate not released at the time of the inmate's initial parole  
2716 date shall have a parole hearing at least every year.

2717 **SECTION 45.** Section 47-7-17, Mississippi Code of 1972, is  
2718 amended as follows:

2719 47-7-17. Within one (1) year after his admission and at such  
2720 intervals thereafter as it may determine, the board shall secure  
2721 and consider all pertinent information regarding each offender,  
2722 except any under sentence of death or otherwise ineligible for  
2723 parole, including the circumstances of his offense, his previous  
2724 social history, his previous criminal record, including any  
2725 records of law enforcement agencies or of a youth court regarding  
2726 that offender's juvenile criminal history, his conduct, employment  
2727 and attitude while in the custody of the department, the case plan  
2728 created to prepare the offender for parole, and the reports of  
2729 such physical and mental examinations as have been made. The  
2730 board shall furnish at least three (3) months' written notice to  
2731 each such offender of the date on which he is eligible for parole.

2732 Before ruling on the application for parole of any offender,  
2733 the board may \* \* \* require a parole-eligible offender \* \* \* to  
2734 have a hearing as required in this chapter before the board and to  
2735 be interviewed. The hearing shall be held \* \* \* no later than



2736 thirty (30) days prior to the month of eligibility \* \* \*. No  
2737 application for parole of a person convicted of a capital offense  
2738 shall be considered by the board unless and until notice of the  
2739 filing of such application shall have been published at least once  
2740 a week for two (2) weeks in a newspaper published in or having  
2741 general circulation in the county in which the crime was  
2742 committed. The board shall, within thirty (30) days prior to the  
2743 scheduled hearing, also give notice of the filing of the  
2744 application for parole to the victim of the offense for which the  
2745 prisoner is incarcerated and being considered for parole or, in  
2746 case the offense be homicide, a designee of the immediate family  
2747 of the victim, provided the victim or designated family member has  
2748 furnished in writing a current address to the board for such  
2749 purpose. \* \* \* Parole release shall, at the hearing, be ordered  
2750 only for the best interest of society, not as an award of  
2751 clemency; it shall not be considered to be a reduction of sentence  
2752 or pardon. An offender shall be placed on parole only when  
2753 arrangements have been made for his proper employment or for his  
2754 maintenance and care, and when the board believes that he is able  
2755 and willing to fulfill the obligations of a law-abiding citizen.  
2756 When the board determines that the offender will need transitional  
2757 housing upon release in order to improve the likelihood of him or  
2758 her becoming a law-abiding citizen, the board may parole the  
2759 offender with the condition that the inmate spends no more than  
2760 six (6) months in a transitional reentry center. \* \* \* At least



2761 fifteen (15) days prior to the release of an offender on parole,  
2762 the director of records of the department shall give the written  
2763 notice which is required pursuant to Section 47-5-177. Every  
2764 offender while on parole shall remain in the legal custody of the  
2765 department from which he was released and shall be amenable to the  
2766 orders of the board. \* \* \* Upon determination by the board that  
2767 an offender is eligible for release by parole, notice shall also  
2768 be given within at least fifteen (15) days before release, by the  
2769 board to the victim of the offense or the victim's family member,  
2770 as indicated above, regarding the date when the offender's release  
2771 shall occur, provided a current address of the victim or the  
2772 victim's family member has been furnished in writing to the board  
2773 for such purpose.

2774 Failure to provide notice to the victim or the victim's  
2775 family member of the filing of the application for parole or of  
2776 any decision made by the board regarding parole shall not  
2777 constitute grounds for vacating an otherwise lawful parole  
2778 determination nor shall it create any right or liability, civilly  
2779 or criminally, against the board or any member thereof.

2780 A letter of protest against granting an offender parole shall  
2781 not be treated as the conclusive and only reason for not granting  
2782 parole.

2783 The board may adopt such other rules not inconsistent with  
2784 law as it may deem proper or necessary with respect to the  
2785 eligibility of offenders for parole, the conduct of parole





2786 hearings, or conditions to be imposed upon parolees, including a  
2787 condition that the parolee submit, as provided in Section 47-5-601  
2788 to any type of breath, saliva or urine chemical analysis test, the  
2789 purpose of which is to detect the possible presence of alcohol or  
2790 a substance prohibited or controlled by any law of the State of  
2791 Mississippi or the United States. The board shall have the  
2792 authority to adopt rules \* \* \* related to the placement of certain  
2793 offenders \* \* \* on unsupervised parole and for the operation of  
2794 transitional reentry centers. However, in no case shall an  
2795 offender be placed on unsupervised parole before he has served a  
2796 minimum of \* \* \* fifty percent (50%) of the period of supervised  
2797 parole.

2798 **SECTION 46.** Section 47-5-157, Mississippi Code of 1972, is  
2799 amended as follows:

2800 47-5-157. When an offender is entitled to a discharge from  
2801 the custody of the department, or is released therefrom on parole,  
2802 pardon, or otherwise, the commissioner or his designee shall  
2803 prepare and deliver to him a written discharge or release, as the  
2804 case may be, dated and signed by him with seal annexed, giving the  
2805 offender's name, the name of the offense or offenses for which he  
2806 was convicted, the term of sentence imposed and the date thereof,  
2807 the county in which he was sentenced, the amount of commutation  
2808 received, if any, the trade he has learned, if any, his  
2809 proficiency in same, and such description of the offender as may  
2810 be practicable and the discharge plan developed as required by



2811 law. \* \* \* At least fifteen (15) days prior to the release of an  
2812 offender as described herein, the director of records of the  
2813 department shall give the written notice which is required  
2814 pursuant to Section 47-5-177. \* \* \* The offender shall be  
2815 furnished, if needed, suitable civilian clothes, a Mississippi  
2816 driver's license, or a state identification card that is not a  
2817 department-issued identification card and all money held to his  
2818 credit by any official of the correctional system shall be  
2819 delivered to him.

2820         The amount of money which an offender is entitled to receive  
2821 from the State of Mississippi when he is discharged from the state  
2822 correctional system shall be determined as follows:

2823             (a) If he has continuously served his sentence in one  
2824 (1) year or less flat time, he shall be given Fifteen Dollars  
2825 (\$15.00).

2826             (b) If he has served his sentence in more than one (1)  
2827 year flat time and in less than ten (10) years flat time, he shall  
2828 be given Twenty-five Dollars (\$25.00).

2829             (c) If he has continuously served his sentence in ten  
2830 (10) or more years flat time, he shall be given Seventy-five  
2831 Dollars (\$75.00).

2832             (d) If he has continuously served his sentence in  
2833 twenty (20) or more years flat time, he shall be given One Hundred  
2834 Dollars (\$100.00).



2835           There shall be given in addition to the above specified  
2836 monies in subsections (a), (b), (c) and (d), a bus ticket to the  
2837 county of conviction or to a state line of Mississippi.

2838           **SECTION 47.** Section 47-7-2, Mississippi Code of 1972, is  
2839 amended as follows:

2840           47-7-2. For purposes of this chapter, the following words  
2841 shall have the meaning ascribed herein unless the context shall  
2842 otherwise require:

2843           (a) "Adult" means a person who is seventeen (17) years  
2844 of age or older, or any person convicted of any crime not subject  
2845 to the provisions of the youth court law, or any person  
2846 "certified" to be tried as an adult by any youth court in the  
2847 state.

2848           (b) "Board" means the State Parole Board.

2849           (c) "Parole case plan" means an individualized, written  
2850 accountability and behavior change strategy developed by the  
2851 department in collaboration with the parole board to prepare  
2852 offenders for release on parole at the parole eligibility date.  
2853 The case plan shall focus on the offender's criminal risk factors  
2854 that, if addressed, reduce the likelihood of reoffending.

2855           ( \* \* \*d) "Commissioner" means the Commissioner of  
2856 Corrections.

2857           ( \* \* \*e) "Correctional system" means the facilities,  
2858 institutions, programs and personnel of the department utilized



2859 for adult offenders who are committed to the custody of the  
2860 department.

2861 (f) "Criminal risk factors" means characteristics that  
2862 increase a person's likelihood of reoffending. These  
2863 characteristics include: antisocial behavior; antisocial  
2864 personality; criminal thinking; criminal associates; dysfunctional  
2865 family; low levels of employment or education; poor use of leisure  
2866 and recreation; and substance abuse.

2867 ( \* \* \*g) "Department" means the Mississippi Department  
2868 of Corrections.

2869 ( \* \* \*h) "Detention" means the temporary care of  
2870 juveniles and adults who require secure custody for their own or  
2871 the community's protection in a physically restricting facility  
2872 prior to adjudication, or retention in a physically restricting  
2873 facility upon being taken into custody after an alleged parole or  
2874 probation violation.

2875 (i) "Discharge plan" means an individualized written  
2876 document that provides information to support the offender in  
2877 meeting the basic needs identified in the pre-release assessment.  
2878 This information shall include, but is not limited to: contact  
2879 names, phone numbers, and addresses of referrals and resources.

2880 (j) "Evidence-based practices" means supervision  
2881 policies, procedures, and practices that scientific research  
2882 demonstrates reduce recidivism.



2883 ( \* \* \*k) "Facility" or "institution" means any  
2884 facility for the custody, care, treatment and study of offenders  
2885 which is under the supervision and control of the department.

2886 ( \* \* \*l) "Juvenile," "minor" or "youthful" means a  
2887 person less than seventeen (17) years of age.

2888 ( \* \* \*m) "Offender" means any person convicted of a  
2889 crime or offense under the laws and ordinances of the state and  
2890 its political subdivisions.

2891 (n) "Pre-release assessment" means a determination of  
2892 an offender's ability to attend to basic needs, including, but not  
2893 limited to, transportation, clothing and food, financial  
2894 resources, personal identification documents, housing, employment,  
2895 education, and health care, following release.

2896 ( \* \* \*o) "Special meetings" means those meetings  
2897 called by the chairman with at least twenty-four (24) hours'  
2898 notice or a unanimous waiver of notice.

2899 (p) "Supervision plan" means a plan developed by the  
2900 community corrections department to manage offenders on probation  
2901 and parole in a way that reduces the likelihood they will commit a  
2902 new criminal offense or violate the terms of supervision and that  
2903 increases the likelihood of obtaining stable housing, employment  
2904 and skills necessary to sustain positive conduct.

2905 (q) "Technical violation" means an act or omission by  
2906 the probationer that violates a condition or conditions of



2907 probation placed on the probationer by the court or the probation  
2908 officer.

2909 (r) "Transitional reentry center" means a  
2910 state-operated or state-contracted facility used to house  
2911 offenders leaving the physical custody of the Department of  
2912 Corrections on parole, probation or post-release supervision who  
2913 are in need of temporary housing and services that reduce their  
2914 risk to reoffend.

2915 ( \* \* \*s) "Unit of local government" means a county,  
2916 city, town, village or other general purpose political subdivision  
2917 of the state.

2918 (t) "Risk and needs assessment" means the determination  
2919 of a person's risk to reoffend using an actuarial assessment tool  
2920 validated on Mississippi corrections populations and the needs  
2921 that, when addressed, reduce the risk to reoffend.

2922 **SECTION 48.** The following shall be codified in Chapter 7,  
2923 Title 47, Mississippi Code of 1972:

2924 47-7- . (1) The department shall create a discharge plan  
2925 for any offender returning to the community, regardless of whether  
2926 the person will discharge from the custody of the department, or  
2927 is released on parole, pardon, or otherwise. At least ninety (90)  
2928 days prior to an offender's earliest release date, the  
2929 commissioner shall conduct a pre-release assessment and complete a  
2930 written discharge plan based on the assessment results. The  
2931 discharge plan for parole eligible offenders shall be sent to the



2932 parole board at least thirty (30) days prior to the offender's  
2933 parole eligibility date for approval. The board may suggest  
2934 changes to the plan that it deems necessary to ensure a successful  
2935 transition.

2936 (2) The pre-release assessment shall identify whether an  
2937 inmate requires assistance obtaining the following basic needs  
2938 upon release: transportation, clothing and food, financial  
2939 resources, identification documents, housing, employment,  
2940 education, health care and support systems. The discharge plan  
2941 shall include information necessary to address these needs and the  
2942 steps being taken by the department to assist in this process.  
2943 Based on the findings of the assessment, the commissioner shall:

2944 (a) Arrange transportation for inmates from the  
2945 correctional facility to their release destination;

2946 (b) Ensure inmates have clean, seasonally appropriate  
2947 clothing, and provide inmates with a list of food providers and  
2948 other basic resources immediately accessible upon release;

2949 (c) Ensure inmates have a driver's license or a  
2950 state-issued identification card that is not a Department of  
2951 Corrections identification card;

2952 (d) Assist inmates in identifying safe, affordable  
2953 housing upon release. If accommodations are not available,  
2954 determine whether temporary housing is available for at least ten  
2955 (10) days after release. If temporary housing is not available,  
2956 the discharge plan shall reflect that satisfactory housing has not



2957 been established and the person may be a candidate for  
2958 transitional reentry center placement;

2959 (e) Refer inmates without secured employment to  
2960 employment opportunities;

2961 (f) Provide inmates with contact information of a  
2962 health care facility/provider in the community in which they plan  
2963 to reside;

2964 (g) Notify family members of the release date and  
2965 release plan, if inmate agrees; and

2966 (h) Refer inmates to a community or a faith-based  
2967 organization that can offer support within the first twenty-four  
2968 (24) hours of release;

2969 (3) A written discharge plan shall be provided to the  
2970 offender and supervising probation officer or parole officer, if  
2971 applicable.

2972 (4) A discharge plan created for a parole-eligible offender  
2973 shall also include supervision conditions and the intensity of  
2974 supervision based on the assessed risk to recidivate and whether  
2975 there is a need for transitional housing. The board shall approve  
2976 discharge plans before an offender is released on parole pursuant  
2977 to Section 47-7-X.

2978 **SECTION 49.** Section 47-5-28, Mississippi Code of 1972, is  
2979 amended as follows:

2980 47-5-28. The commissioner shall have the following powers  
2981 and duties:





2982 (a) To implement and administer laws and policy  
2983 relating to corrections and coordinate the efforts of the  
2984 department with those of the federal government and other state  
2985 departments and agencies, county governments, municipal  
2986 governments, and private agencies concerned with providing  
2987 offender services;

2988 (b) To establish standards, in cooperation with other  
2989 state agencies having responsibility as provided by law, provide  
2990 technical assistance, and exercise the requisite supervision as it  
2991 relates to correctional programs over all state-supported adult  
2992 correctional facilities and community-based programs;

2993 (c) To promulgate and publish such rules, regulations  
2994 and policies of the department as are needed for the efficient  
2995 government and maintenance of all facilities and programs in  
2996 accord insofar as possible with currently accepted standards of  
2997 adult offender care and treatment \* \* \*;

2998 (d) To provide the Parole Board with suitable and  
2999 sufficient office space and support resources and staff necessary  
3000 to conducting Parole Board business under the guidance of the  
3001 Chairman of the Parole Board;

3002 (e) To contract for transitional reentry center beds  
3003 that will be used as noncorrections housing for offenders released  
3004 from the department on parole, probation or post-release  
3005 supervision but do not have appropriate housing available upon  
3006 release. At least one hundred (100) transitional reentry center



3007 beds contracted by the department and chosen by the Parole Board  
3008 shall be available for the parole board to place parolees without  
3009 appropriate housing;

3010 ( \* \* \* f) To make an annual report to the Governor and  
3011 the Legislature reflecting the activities of the department and  
3012 make recommendations for improvement of the services to be  
3013 performed by the department;

3014 ( \* \* \* g) To cooperate fully with periodic independent  
3015 internal investigations of the department and to file the report  
3016 with the Governor and the Legislature;

3017 ( \* \* \* h) To perform such other duties necessary to  
3018 effectively and efficiently carry out the purposes of the  
3019 department as may be directed by the Governor \* \* \*.

3020 **SECTION 50.** Section 47-5-173, Mississippi Code of 1972, is  
3021 amended as follows:

3022 47-5-173. The commissioner, or his designees, may grant  
3023 leave to an offender and may take into consideration sickness or  
3024 death in the offender's family or the seeking of employment by the  
3025 offender in connection with application for parole, for a period  
3026 of time not to exceed ten (10) days. \* \* \* At least fifteen (15)  
3027 days prior to the release of an offender on leave, the director of  
3028 records of the department shall give the written notice required  
3029 pursuant to Section 47-5-177. However, if an offender is granted  
3030 leave because of sickness or death in the offender's family,  
3031 written notice shall not be required but the inmate shall be



3032 accompanied by a correctional officer or a law enforcement  
3033 officer. In all other cases the commissioner, or his designees,  
3034 shall provide required security when deemed necessary. The  
3035 commissioner, or his designees, in granting leave, shall take into  
3036 consideration the conduct and work performance of the offender.

3037 **SECTION 51.** Section 47-5-177, Mississippi Code of 1972, is  
3038 amended as follows:

3039 47-5-177. \* \* \* At least fifteen (15) days prior to the  
3040 release of an offender from the custody of the department because  
3041 of discharge, parole, pardon, temporary personal leave or pass, or  
3042 otherwise, except for sickness or death in the offender's family,  
3043 the director of records of the department shall give written or  
3044 electronic notice of such release to the sheriff of the county and  
3045 to the chief of police of the municipality where the offender was  
3046 convicted. If the offender is paroled to a county other than the  
3047 county of conviction, the director of records shall give written  
3048 or electronic notice of the release to the sheriff, district  
3049 attorney and circuit judge of the county and to the chief of  
3050 police of the municipality where the offender is paroled and to  
3051 the sheriff of the county and to the chief of police of the  
3052 municipality where the offender was convicted. The department  
3053 shall notify the parole officer of the county where the offender  
3054 is paroled or discharged to probation of any chronic mental  
3055 disorder incurred by the offender, of any type of infectious



3056 disease for which the offender has been examined and treated, and  
3057 of any medications provided to the offender for such conditions.

3058         The commissioner shall require the director of records to  
3059 clearly identify the notice of release of an offender who has been  
3060 convicted of arson at any time. The fact that the offender to be  
3061 released had been convicted of arson at any time shall appear  
3062 prominently on the notice of release and the sheriff shall notify  
3063 all officials who are responsible for investigation of arson  
3064 within the county of such offender's release and the chief of  
3065 police shall notify all such officials within the municipality of  
3066 such offender's release.

3067         **SECTION 52.** Section 47-7-5, Mississippi Code of 1972, is  
3068 amended as follows:

3069         47-7-5. (1) The State Parole Board, created under former  
3070 Section 47-7-5, is hereby created, continued and reconstituted and  
3071 shall be composed of five (5) members. The Governor shall appoint  
3072 the members with the advice and consent of the Senate. All terms  
3073 shall be at the will and pleasure of the Governor. Any vacancy  
3074 shall be filled by the Governor, with the advice and consent of  
3075 the Senate. The Governor shall appoint a chairman of the board.

3076         (2) Any person who is appointed to serve on the board shall  
3077 possess at least a bachelor's degree or a high school diploma and  
3078 four (4) years' work experience. Each member shall devote his  
3079 full time to the duties of his office and shall not engage in any  
3080 other business or profession or hold any other public office. A



3081 member shall not receive compensation or per diem in addition to  
3082 his salary as prohibited under Section 25-3-38. Each member shall  
3083 keep such hours and workdays as required of full-time state  
3084 employees under Section 25-1-98. Individuals shall be appointed  
3085 to serve on the board without reference to their political  
3086 affiliations. Each board member, including the chairman, may be  
3087 reimbursed for actual and necessary expenses as authorized by  
3088 Section 25-3-41. Each member of the board shall complete annual  
3089 training developed based on guidance from the National Institute  
3090 of Corrections, the Association of Paroling Authorities  
3091 International, or the American Probation and Parole Association.  
3092 Each first-time appointee of the board shall, within sixty (60)  
3093 days of appointment, or as soon as practical, complete training  
3094 for first-time Parole Board members developed in consideration of  
3095 information from the National Institute of Corrections, the  
3096 Association of Paroling Authorities International, or the American  
3097 Probation and Parole Association.

3098 (3) The board shall have exclusive responsibility for the  
3099 granting of parole as provided by Sections 47-7-3 and 47-7-17 and  
3100 shall have exclusive authority for revocation of the same. The  
3101 board shall have exclusive responsibility for investigating  
3102 clemency recommendations upon request of the Governor.

3103 (4) The board, its members and staff, shall be immune from  
3104 civil liability for any official acts taken in good faith and in  
3105 exercise of the board's legitimate governmental authority.



3106 (5) The budget of the board shall be funded through a  
3107 separate line item within the general appropriation bill for the  
3108 support and maintenance of the department. Employees of the  
3109 department which are employed by or assigned to the board shall  
3110 work under the guidance and supervision of the board. There shall  
3111 be an executive secretary to the board who shall be responsible  
3112 for all administrative and general accounting duties related to  
3113 the board. The executive secretary shall keep and preserve all  
3114 records and papers pertaining to the board.

3115 (6) The board shall have no authority or responsibility for  
3116 supervision of offenders granted a release for any reason,  
3117 including, but not limited to, probation, parole or executive  
3118 clemency or other offenders requiring the same through interstate  
3119 compact agreements. The supervision shall be provided exclusively  
3120 by the staff of the Division of Community Corrections of the  
3121 department.

3122 (7) (a) The Parole Board is authorized to select and place  
3123 offenders in an electronic monitoring program under the conditions  
3124 and criteria imposed by the Parole Board. The conditions,  
3125 restrictions and requirements of Section 47-7-17 and Sections  
3126 47-5-1001 through 47-5-1015 shall apply to the Parole Board and  
3127 any offender placed in an electronic monitoring program by the  
3128 Parole Board.

3129 (b) Any offender placed in an electronic monitoring  
3130 program under this subsection shall pay the program fee provided



3131 in Section 47-5-1013. The program fees shall be deposited in the  
3132 special fund created in Section 47-5-1007.

3133 (c) The department shall have absolute immunity from  
3134 liability for any injury resulting from a determination by the  
3135 Parole Board that an offender be placed in an electronic  
3136 monitoring program.

3137 (8) (a) The Parole Board shall maintain a central registry  
3138 of paroled inmates. The Parole Board shall place the following  
3139 information on the registry: name, address, photograph, crime for  
3140 which paroled, the date of the end of parole or flat-time date and  
3141 other information deemed necessary. The Parole Board shall  
3142 immediately remove information on a parolee at the end of his  
3143 parole or flat-time date.

3144 (b) When a person is placed on parole, the Parole Board  
3145 shall inform the parolee of the duty to report to the parole  
3146 officer any change in address ten (10) days before changing  
3147 address.

3148 (c) The Parole Board shall utilize an Internet website  
3149 or other electronic means to release or publish the information.

3150 (d) Records maintained on the registry shall be open to  
3151 law enforcement agencies and the public and shall be available no  
3152 later than July 1, 2003.

3153 (9) An affirmative vote of at least four (4) members of the  
3154 Parole Board shall be required to grant parole to an inmate  
3155 convicted of capital murder or a sex crime.



3156 (10) This section shall stand repealed on July 1, \* \* \*  
3157 2018.

3158 **SECTION 53.** Section 47-7-9, Mississippi Code of 1972, is  
3159 amended as follows:

3160 47-7-9. (1) The circuit judges and county judges in the  
3161 districts to which Division of Community Corrections personnel  
3162 have been assigned shall have the power to request of the  
3163 department transfer or removal of the division personnel from  
3164 their court.

3165 (2) (a) Division personnel shall investigate all cases  
3166 referred to them for investigation by the board, the division or  
3167 by any court in which they are authorized to serve. They shall  
3168 furnish to each person released under their supervision a written  
3169 statement of the conditions of probation, parole, earned-release  
3170 supervision, post-release supervision or suspension and shall  
3171 instruct \* \* \* the person regarding the same. They shall  
3172 administer a risk and needs assessment on each person under their  
3173 supervision to measure criminal risk factors and individual needs.  
3174 They shall use the results of the risk and needs assessment to  
3175 guide supervision responses consistent with evidence-based  
3176 practices as to the level of supervision and the practices used to  
3177 reduce recidivism. They shall develop a supervision plan for each  
3178 person assessed as moderate to high risk to reoffend. They shall  
3179 keep informed concerning the conduct and conditions of persons  
3180 under their supervision and use all suitable methods that are





3181 consistent with evidence-based practices to aid and encourage them  
3182 and to bring about improvements in their conduct and condition and  
3183 to reduce the risk of recidivism. They shall keep detailed  
3184 records of their work and shall make such reports in writing as  
3185 the court or the board may require.

3186 (b) Division personnel shall complete annual training  
3187 on evidence-based practices and criminal risk factors, as well as  
3188 instructions on how to target these factors to reduce recidivism.

3189 ( \* \* \*c) The division personnel duly assigned to court  
3190 districts are hereby vested with all the powers of police officers  
3191 or sheriffs to make arrests or perform any other duties required  
3192 of policemen or sheriffs which may be incident to the division  
3193 personnel responsibilities. All probation and parole officers  
3194 hired on or after July 1, 1994, will be placed in the Law  
3195 Enforcement Officers Training Program and will be required to meet  
3196 the standards outlined by that program.

3197 ( \* \* \*d) It is the intention of the Legislature that  
3198 insofar as practicable the case load of each division personnel  
3199 supervising offenders in the community (hereinafter field  
3200 supervisor) shall not exceed the number of cases that may be  
3201 adequately handled.

3202 (3) (a) Division personnel shall be provided to perform  
3203 investigation for the court as provided in this subsection.  
3204 Division personnel shall conduct presentence investigations on all  
3205 persons convicted of a felony in any circuit court of the state,



3206 prior to sentencing and at the request of the circuit court judge  
3207 of the court of conviction. The presentence evaluation report  
3208 shall consist of a complete record of the offender's criminal  
3209 history, educational level, employment history, psychological  
3210 condition and such other information as the department or judge  
3211 may deem necessary. Division personnel shall also prepare written  
3212 victim impact statements at the request of the sentencing judge as  
3213 provided in Section 99-19-157.

3214 (b) In order that offenders in the custody of the  
3215 department on July 1, 1976, may benefit from the kind of  
3216 evaluations authorized in this section, an evaluation report to  
3217 consist of the information required hereinabove, supplemented by  
3218 an examination of an offender's record while in custody, shall be  
3219 compiled by the division upon all offenders in the custody of the  
3220 department on July 1, 1976. After a study of such reports by the  
3221 State Parole Board those cases which the board believes would  
3222 merit some type of executive clemency shall be submitted by the  
3223 board to the Governor with its recommendation for the appropriate  
3224 executive action.

3225 (c) The department is authorized to accept gifts,  
3226 grants and subsidies to conduct this activity.

3227 **SECTION 54.** The following shall be codified in Chapter 7,  
3228 Title 47, Mississippi Code of 1972:

3229 47-7- . (1) The department shall have the authority to  
3230 impose graduated sanctions as an alternative to judicial



3231 modification or revocation, as provided in Sections 47-7-27 and  
3232 47-7-37, for offenders on probation, parole, or post-release  
3233 supervision who commit technical violations of the conditions of  
3234 supervision as defined by Section 47-7-2.

3235 (2) The commissioner shall develop a standardized graduated  
3236 sanctions system, which shall include a grid to guide field  
3237 officers in determining the suitable response to a technical  
3238 violation. The commissioner shall promulgate rules and  
3239 regulations for the development and application of the system of  
3240 sanctions. Field officers shall be required to conform to the  
3241 sanction grid developed.

3242 (3) The system of sanctions shall include a list of  
3243 sanctions for the most common types of violations. When  
3244 determining the sanction to impose, the field officer shall take  
3245 into account the offender's assessed risk level, previous  
3246 violations and sanctions, and severity of the current and prior  
3247 violations.

3248 (4) Field officers shall notify the sentencing court when a  
3249 probationer has committed a technical violation or the parole  
3250 board when a parolee has committed a technical violation of the  
3251 type of violation and the sanction imposed. When the technical  
3252 violation is an arrest for a new criminal offense, the field  
3253 officer shall notify the court within forty-eight (48) hours of  
3254 becoming aware of the arrest.



3255 (5) The graduated sanctions that the department may impose  
3256 include, but shall not be limited to:

3257 (a) Verbal warnings;

3258 (b) Increased reporting;

3259 (c) Increased drug and alcohol testing;

3260 (d) Mandatory substance abuse treatment;

3261 (e) Loss of earned-discharge credits; and

3262 (f) Incarceration in a county jail for no more than two

3263 (2) days. Incarceration as a sanction shall not be used more than

3264 two (2) times per month for a total period incarcerated of no more

3265 than four (4) days.

3266 (6) The system shall also define positive reinforcements

3267 that offenders will receive for compliance with conditions of

3268 supervision. These positive reinforcements shall include, but not

3269 limited to:

3270 (a) Verbal recognition;

3271 (b) Reduced reporting; and

3272 (c) Credits for earned discharge which shall be awarded

3273 pursuant to Section 70 of this act.

3274 (7) The Department of Corrections shall provide semiannually

3275 to the Oversight Task Force the number and percentage of offenders

3276 who have one or more violations during the year, the average

3277 number of violations per offender during the year and the total

3278 and average number of incarceration sanctions as defined in

3279 subsection (5) of this section imposed during the year.



3280           **SECTION 55.** The following shall be codified in Chapter 7,  
3281 Title 47, Mississippi Code of 1972:

3282           47-7- . (1) The commissioner shall establish rules and  
3283 regulations for implementing the earned-discharge program that  
3284 allows offenders on probation and parole to reduce the period of  
3285 supervision for complying with conditions of probation. The  
3286 department shall have the authority to award earned-discharge  
3287 credits to all offenders placed on probation, parole, or  
3288 post-release supervision who are in compliance with the terms and  
3289 conditions of supervision. An offender serving a Mississippi  
3290 sentence for an eligible offense in any jurisdiction under the  
3291 Interstate Compact for Adult Offender Supervision shall be  
3292 eligible for earned-discharge credits under this section.

3293           (2) For each full calendar month of compliance with the  
3294 conditions of supervision, earned-discharge credits equal to the  
3295 number of days in that month shall be deducted from the offenders  
3296 sentence discharge date established in this act. Credits begin to  
3297 accrue for eligible offenders after the first full calendar month  
3298 of compliance supervision conditions. For the purposes of this  
3299 section, an offender is deemed to be in compliance with the  
3300 conditions of supervision if there was no violation of the  
3301 conditions of supervision.

3302           (3) No earned-discharge credits may accrue for a calendar  
3303 month in which a violation report has been submitted, the offender  
3304 has absconded from supervision, the offender is serving a term of



3305 imprisonment in a technical violation center, or for the months  
3306 between the submission of the violation report and the final  
3307 action on the violation report by the court or the board.

3308 (4) Earned-discharge credits shall be applied to the  
3309 sentence within thirty (30) days of the end of the month in which  
3310 the credits were earned. At least every six (6) months, an  
3311 offender who is serving a sentence eligible for earned-discharge  
3312 credits shall be notified of the current sentence discharge date.

3313 (5) Once the combination of time served on probation, parole  
3314 or post-release supervision, and earned-discharge credits satisfy  
3315 the term of probation, parole, or post-release supervision, the  
3316 board or sentencing court shall order final discharge of the  
3317 offender. No less than sixty (60) days prior to the date of final  
3318 discharge, the department shall notify the sentencing court and  
3319 the board of the impending discharge.

3320 (6) The department shall provide semiannually to the  
3321 Oversight Task Force the number and percentage of offenders who  
3322 qualify for earned discharge in one or more months of the year and  
3323 the average amount of credits earned within the year.

3324 **SECTION 56.** Section 47-7-27, Mississippi Code of 1972, is  
3325 amended as follows:

3326 47-7-27. (1) The board may, at any time and upon a showing  
3327 of probable violation of parole, issue a warrant for the return of  
3328 any paroled offender to the custody of the department. The  
3329 warrant shall authorize all persons named therein to return the



3330 paroled offender to actual custody of the department from which he  
3331 was paroled. \* \* \*

3332 (2) Any field supervisor may arrest an offender without a  
3333 warrant or may deputize any other person with power of arrest by  
3334 giving him a written statement setting forth that the offender  
3335 has, in the judgment of that field supervisor, violated the  
3336 conditions of his parole or earned-release supervision. The  
3337 written statement delivered with the offender by the arresting  
3338 officer to the official in charge of the department facility from  
3339 which the offender was released or other place of detention  
3340 designated by the department shall be sufficient warrant for the  
3341 detention of the offender.

3342 (3) The field supervisor, after making an arrest, shall  
3343 present to the detaining authorities a similar statement of the  
3344 circumstances of violation. The field supervisor shall at once  
3345 notify the board or department of the arrest and detention of the  
3346 offender and shall submit a written report showing in what manner  
3347 the offender has violated the conditions of parole or  
3348 earned-release supervision. An offender for whose return a  
3349 warrant has been issued by the board shall, after the issuance of  
3350 the warrant, be deemed a fugitive from justice.

3351 (4) Whenever an offender is arrested on a warrant for an  
3352 alleged violation of parole as herein provided, the board shall  
3353 hold an informal preliminary hearing within seventy-two (72) hours  
3354 to determine whether there is reasonable cause to believe the



3355 person has violated a condition of parole. A preliminary hearing  
3356 shall not be required when the offender is not under arrest on a  
3357 warrant or the offender signed a waiver of a preliminary hearing.  
3358 The preliminary hearing may be conducted electronically.

3359 ( \* \* \*5) The right of the State of Mississippi to extradite  
3360 persons and return fugitives from justice, from other states to  
3361 this state, shall not be impaired by this chapter and shall remain  
3362 in full force and effect. An offender convicted of a felony  
3363 committed while on parole, whether in the State of Mississippi or  
3364 another state, shall immediately have his parole revoked upon  
3365 presentment of a certified copy of the commitment order to the  
3366 board. If an offender is on parole and the offender is convicted  
3367 of a felony for a crime committed prior to the offender being  
3368 placed on parole, whether in the State of Mississippi or another  
3369 state, the offender may have his parole revoked upon presentment  
3370 of a certified copy of the commitment order to the board.

3371 ( \* \* \*6) (a) The board shall hold a hearing for any  
3372 parolee who is detained as a result of a warrant or a violation  
3373 report within twenty-one (21) days of the parolee's admission to  
3374 detention. The board may, in its discretion, terminate the parole  
3375 or modify the terms and conditions thereof. If the board revokes  
3376 parole for a technical violation the board shall impose a period  
3377 of imprisonment to be served in a technical violation center  
3378 operated by the department not to exceed ninety (90) days for the  
3379 first technical violation and not to exceed one hundred twenty





3380 (120) days for the second technical violation. For the third  
3381 technical violation, the board may impose a period of imprisonment  
3382 to be served in a technical violation center for up to one hundred  
3383 and eighty (180) days or the board may impose the remainder of the  
3384 suspended portion of the sentence. For the fourth and any  
3385 subsequent technical violation, the board may impose up to the  
3386 remainder of the suspended portion of the sentence. The period of  
3387 imprisonment in a technical violation center imposed under this  
3388 section shall not be reduced in any manner.

3389 (b) If the board does not hold a hearing or does not  
3390 take action on the violation within the twenty-one-day time frame  
3391 in paragraph (a) of this subsection, the parolee shall be released  
3392 from detention and shall return to parole status. The board may  
3393 subsequently hold a hearing and may revoke parole or may continue  
3394 parole and modify the terms and conditions of parole. If the  
3395 board revokes parole for a technical violation the board shall  
3396 impose a period of imprisonment to be served in a technical  
3397 violation center operated by the department not to exceed ninety  
3398 (90) days for the first technical violation and not to exceed one  
3399 hundred twenty (120) days for the second technical violation. For  
3400 the third technical violation, the board may impose a period of  
3401 imprisonment to be served in a technical violation center for up  
3402 to one hundred eighty (180) days or the board may impose the  
3403 remainder of the suspended portion of the sentence. For the  
3404 fourth and any subsequent technical violation, the board may



3405 impose up to the remainder of the suspended portion of the  
3406 sentence. The period of imprisonment in a technical violation  
3407 center imposed under this section shall not be reduced in any  
3408 manner.

3409 (c) For a parolee charged with a technical violation  
3410 who has not been detained awaiting the revocation hearing, the  
3411 board may hold a hearing within a reasonable time. The board may  
3412 revoke parole or may continue parole and modify the terms and  
3413 conditions of parole. If the board revokes parole for a technical  
3414 violation the board shall impose a period of imprisonment to be  
3415 served in a technical violation center operated by the department  
3416 not to exceed ninety (90) days for the first technical violation  
3417 and not to exceed one hundred twenty (120) days for the second  
3418 technical violation. For the third technical violation, the board  
3419 may impose a period of imprisonment to be served in a technical  
3420 violation center for up to one hundred eighty (180) days or the  
3421 board may impose the remainder of the suspended portion of the  
3422 sentence. For the fourth and any subsequent technical violation,  
3423 the board may impose up to the remainder of the suspended portion  
3424 of the sentence. The period of imprisonment in a technical  
3425 violation center imposed under this section shall not be reduced  
3426 in any manner.

3427 (7) Unless good cause for the delay is established in the  
3428 record of the proceeding, the parole revocation charge shall be



3429 dismissed if the revocation hearing is not held within the thirty  
3430 (30) days of the issuance of the warrant.

3431 ( \* \* \*8) The chairman and each member of the board and the  
3432 designated parole revocation hearing officer may, in the discharge  
3433 of their duties, administer oaths, summon and examine witnesses,  
3434 and take other steps as may be necessary to ascertain the truth of  
3435 any matter about which they have the right to inquire.

3436 (9) The board shall provide semiannually to the Oversight  
3437 Task Force the number of warrants issued for an alleged violation  
3438 of parole, the average time between detention on a warrant and  
3439 preliminary hearing, the average time between detention on a  
3440 warrant and revocation hearing, the number of ninety-day sentences  
3441 in a technical violation center issued by the board, the number of  
3442 one-hundred-twenty-day sentences in a technical violation center  
3443 issued by the board, the number of one-hundred-eighty-day  
3444 sentences issued by the board, and the number and average length  
3445 of the suspended sentences imposed by the board in response to a  
3446 violation.

3447 **SECTION 57.** Section 47-7-34, Mississippi Code of 1972, is  
3448 amended as follows:

3449 47-7-34. (1) When a court imposes a sentence upon a  
3450 conviction for any felony committed after June 30, 1995, the  
3451 court, in addition to any other punishment imposed if the other  
3452 punishment includes a term of incarceration in a state or local  
3453 correctional facility, may impose a term of post-release



3454 supervision. However, the total number of years of incarceration  
3455 plus the total number of years of post-release supervision shall  
3456 not exceed the maximum sentence authorized to be imposed by law  
3457 for the felony committed. The defendant shall be placed under  
3458 post-release supervision upon release from the term of  
3459 incarceration. The period of supervision shall be established by  
3460 the court.

3461 (2) The period of post-release supervision shall be  
3462 conducted in the same manner as a like period of supervised  
3463 probation, including a requirement that the defendant shall abide  
3464 by any terms and conditions as the court may establish. Failure  
3465 to successfully abide by the terms and conditions shall be grounds  
3466 to terminate the period of post-release supervision and to  
3467 recommit the defendant to the correctional facility from which he  
3468 was previously released. Procedures for termination and  
3469 recommitment shall be conducted in the same manner as procedures  
3470 for the revocation of probation and imposition of a suspended  
3471 sentence as required pursuant to Section 47-7-37.

3472 (3) Post-release supervision programs shall be operated  
3473 through the probation and parole unit of the Division of Community  
3474 Corrections of the department. The maximum amount of time that  
3475 the Mississippi Department of Corrections may supervise an  
3476 offender on the post-release supervision program is five (5)  
3477 years.



3478           **SECTION 58.** Section 47-7-37, Mississippi Code of 1972, is  
3479 amended as follows:

3480           47-7-37. (1) The period of probation shall be fixed by the  
3481 court, and may at any time be extended or terminated by the court,  
3482 or judge in vacation. Such period with any extension thereof  
3483 shall not exceed five (5) years, except that in cases of desertion  
3484 and/or failure to support minor children, the period of probation  
3485 may be fixed and/or extended by the court for so long as the duty  
3486 to support such minor children exists. The time served on  
3487 probation or post-release supervision may be reduced pursuant to  
3488 Section 55 of this act.

3489           (2) At any time during the period of probation, the court,  
3490 or judge in vacation, may issue a warrant for violating any of the  
3491 conditions of probation or suspension of sentence and cause the  
3492 probationer to be arrested. Any probation and parole officer may  
3493 arrest a probationer without a warrant, or may deputize any other  
3494 officer with power of arrest to do so by giving him a written  
3495 statement setting forth that the probationer has, in the judgment  
3496 of the probation and parole officer, violated the conditions of  
3497 probation. Such written statement delivered with the probationer  
3498 by the arresting officer to the official in charge of a county  
3499 jail or other place of detention shall be sufficient warrant for  
3500 the detention of the probationer.

3501           (3) Whenever an offender is arrested on a warrant for an  
3502 alleged violation of probation as herein provided, the department



3503 shall hold an informal preliminary hearing within seventy-two (72)  
3504 hours of the arrest to determine whether there is reasonable cause  
3505 to believe the person has violated a condition of probation. A  
3506 preliminary hearing shall not be required when the offender is not  
3507 under arrest on a warrant or the offender signed a waiver of a  
3508 preliminary hearing. The preliminary hearing may be conducted  
3509 electronically. If reasonable cause is found, the offender may be  
3510 confined no more than twenty-one (21) days from the admission to  
3511 detention until a revocation hearing is held. If the revocation  
3512 hearing is not held within twenty-one (21) days, the probationer  
3513 shall be released from custody and returned to probation status.

3514       (4) If a probationer or offender is subject to registration  
3515 as a sex offender, the court must make a finding that the  
3516 probationer or offender is not a danger to the public prior to  
3517 release with or without bail. In determining the danger posed by  
3518 the release of the offender or probationer, the court may consider  
3519 the nature and circumstances of the violation and any new offenses  
3520 charged; the offender or probationer's past and present conduct,  
3521 including convictions of crimes and any record of arrests without  
3522 conviction for crimes involving violence or sex crimes; any other  
3523 evidence of allegations of unlawful sexual conduct or the use of  
3524 violence by the offender or probationer; the offender or  
3525 probationer's family ties, length of residence in the community,  
3526 employment history and mental condition; the offender or  
3527 probationer's history and conduct during the probation or other



3528 supervised release and any other previous supervisions, including  
3529 disciplinary records of previous incarcerations; the likelihood  
3530 that the offender or probationer will engage again in a criminal  
3531 course of conduct; the weight of the evidence against the offender  
3532 or probationer; and any other facts the court considers relevant.

3533       (5) (a) The probation and parole officer after making an  
3534 arrest shall present to the detaining authorities a similar  
3535 statement of the circumstances of violation. The probation and  
3536 parole officer shall at once notify the court of the arrest and  
3537 detention of the probationer and shall submit a report in writing  
3538 showing in what manner the probationer has violated the conditions  
3539 of probation. \* \* \* Within twenty-one (21) days of arrest and  
3540 detention by warrant as herein provided, the court \* \* \* shall  
3541 cause the probationer to be brought before it and may continue or  
3542 revoke all or any part of the probation or the suspension of  
3543 sentence \* \* \*. If the court revokes probation for a technical  
3544 violation, the court shall impose a period of imprisonment to be  
3545 served in either a technical violation center or a restitution  
3546 center not to exceed ninety (90) days for the first technical  
3547 violation and not to exceed one hundred twenty (120) days for the  
3548 second technical violation. For the third technical violation,  
3549 the court may impose a period of imprisonment to be served in  
3550 either a technical violation center or a restitution center for up  
3551 to one hundred eighty (180) days or the court may impose the  
3552 remainder of the suspended portion of the sentence. For the



3553 fourth and any subsequent technical violation, the court may  
3554 impose up to the remainder of the suspended portion of the  
3555 sentence. The period of imprisonment in a technical violation  
3556 center imposed under this section shall not be reduced in any  
3557 manner.

3558 (b) If the offender is not detained as a result of the  
3559 warrant, the court shall cause the probationer to be brought  
3560 before it within a reasonable time and may continue or revoke all  
3561 or any part of the probation or the suspension of sentence, and  
3562 may cause the sentence imposed to be executed or may impose any  
3563 part of the sentence which might have been imposed at the time of  
3564 conviction. If the court revokes probation for a technical  
3565 violation, the court shall impose a period of imprisonment to be  
3566 served in either a technical violation center or a restitution  
3567 center not to exceed ninety (90) days for the first technical  
3568 violation and not to exceed one hundred twenty (120) days for the  
3569 second technical violation. For the third technical violation,  
3570 the court may impose a period of imprisonment to be served in  
3571 either a technical violation center or a restitution center for up  
3572 to one hundred eighty (180) days or the court may impose the  
3573 remainder of the suspended portion of the sentence. For the  
3574 fourth and any subsequent technical violation, the court may  
3575 impose up to the remainder of the suspended portion of the  
3576 sentence. The period of imprisonment in a technical violation





3577 center imposed under this section shall not be reduced in any  
3578 manner.

3579 (c) If the court does not hold a hearing or does not  
3580 take action on the violation within the twenty-one-day period, the  
3581 offender shall be released from detention and shall return to  
3582 probation status. The court may subsequently hold a hearing and  
3583 may revoke probation or may continue probation and modify the  
3584 terms and conditions of probation. If the court revokes probation  
3585 for a technical violation, the court shall impose a period of  
3586 imprisonment to be served in either a technical violation center  
3587 operated by the department or a restitution center not to exceed  
3588 ninety (90) days for the first technical violation and not to  
3589 exceed one hundred twenty (120) days for the second technical  
3590 violation. For the third technical violation, the court may  
3591 impose a period of imprisonment to be served in either a technical  
3592 violation center or a restitution center for up to one hundred and  
3593 eighty (180) days or the court may impose the remainder of the  
3594 suspended portion of the sentence. For the fourth and any  
3595 subsequent technical violation, the court may impose up to the  
3596 remainder of the suspended portion of the sentence. The period of  
3597 imprisonment in a technical violation center imposed under this  
3598 section shall not be reduced in any manner.

3599 (d) For an offender charged with a technical violation  
3600 who has not been detained awaiting the revocation hearing, the  
3601 court may hold a hearing within a reasonable time. The court may



3602 revoke probation or may continue probation and modify the terms  
3603 and conditions of probation. If the court revokes probation for a  
3604 technical violation the court shall impose a period of  
3605 imprisonment to be served in either a technical violation center  
3606 operated by the department or a restitution center not to exceed  
3607 ninety (90) days for the first technical violation and not to  
3608 exceed one hundred twenty (120) days for the second technical  
3609 violation. For the third technical violation, the court may  
3610 impose a period of imprisonment to be served in either a technical  
3611 violation center or a restitution center for up to one hundred  
3612 eighty (180) days or the court may impose the remainder of the  
3613 suspended portion of the sentence. For the fourth and any  
3614 subsequent technical violation, the court may impose up to the  
3615 remainder of the suspended portion of the sentence. The period of  
3616 imprisonment in a technical violation center imposed under this  
3617 section shall not be reduced in any manner.

3618       (6) If the probationer is arrested in a circuit court  
3619 district in the State of Mississippi other than that in which he  
3620 was convicted, the probation and parole officer, upon the written  
3621 request of the sentencing judge, shall furnish to the circuit  
3622 court or the county court of the county in which the arrest is  
3623 made, or to the judge of such court, a report concerning the  
3624 probationer, and such court or the judge in vacation shall have  
3625 authority, after a hearing, to continue or revoke all or any part  
3626 of probation or all or any part of the suspension of sentence, and



3627 may in case of revocation proceed to deal with the case as if  
3628 there had been no probation. In such case, the clerk of the court  
3629 in which the order of revocation is issued shall forward a  
3630 transcript of such order to the clerk of the court of original  
3631 jurisdiction, and the clerk of that court shall proceed as if the  
3632 order of revocation had been issued by the court of original  
3633 jurisdiction. Upon the revocation of probation or suspension of  
3634 sentence of any offender, such offender shall be placed in the  
3635 legal custody of the State Department of Corrections and shall be  
3636 subject to the requirements thereof.

3637       (7) Any probationer who removes himself from the State of  
3638 Mississippi without permission of the court placing him on  
3639 probation, or the court to which jurisdiction has been  
3640 transferred, shall be deemed and considered a fugitive from  
3641 justice and shall be subject to extradition as now provided by  
3642 law. No part of the time that one is on probation shall be  
3643 considered as any part of the time that he shall be sentenced to  
3644 serve.

3645       (8) The arresting officer, except when a probation and  
3646 parole officer, shall be allowed the same fees as now provided by  
3647 law for arrest on warrant, and such fees shall be taxed against  
3648 the probationer and paid as now provided by law.

3649       (9) The arrest, revocation and recommitment procedures of  
3650 this section also apply to persons who are serving a period of  
3651 post-release supervision imposed by the court.



3652           (10) Unless good cause for the delay is established in the  
3653 record of the proceeding, the probation revocation charge shall be  
3654 dismissed if the revocation hearing is not held within thirty (30)  
3655 days of the warrant being issued.

3656           (11) The Department of Corrections shall provide  
3657 semiannually to the Oversight Task Force the number of warrants  
3658 issued for an alleged violation of probation or post-release  
3659 supervision, the average time between detention on a warrant and  
3660 preliminary hearing, the average time between detention on a  
3661 warrant and revocation hearing, the number of ninety-day sentences  
3662 in a technical violation center issued by the court, the number of  
3663 one-hundred-twenty-day sentences in a technical violation center  
3664 issued by the court, the number of one-hundred-eighty-day  
3665 sentences issued by the court, and the number and average length  
3666 of the suspended sentences imposed by the court in response to a  
3667 violation.

3668           **SECTION 59.** Section 47-5-901, Mississippi Code of 1972, is  
3669 amended as follows:

3670           47-5-901. (1) Any person committed, sentenced or otherwise  
3671 placed under the custody of the Department of Corrections, on  
3672 order of the sentencing court and subject to the other conditions  
3673 of this subsection, may serve all or any part of his sentence in  
3674 the county jail of the county wherein such person was convicted if  
3675 the Commissioner of Corrections determines that physical space is  
3676 not available for confinement of such person in the state



3677 correctional institutions. Such determination shall be promptly  
3678 made by the Department of Corrections upon receipt of notice of  
3679 the conviction of such person. The commissioner shall certify in  
3680 writing that space is not available to the sheriff or other  
3681 officer having custody of the person. Any person serving his  
3682 sentence in a county jail shall be classified in accordance with  
3683 Section 47-5-905.

3684 (2) If state prisoners are housed in county jails due to a  
3685 lack of capacity at state correctional institutions, the  
3686 Department of Corrections shall determine the cost for food and  
3687 medical attention for such prisoners. The cost of feeding and  
3688 housing offenders confined in such county jails shall be based on  
3689 actual costs or contract price per prisoner. In order to maximize  
3690 the potential use of county jail space, the Department of  
3691 Corrections is encouraged to negotiate a reasonable per day cost  
3692 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)  
3693 per day per offender.

3694 (3) (a) Upon vouchers submitted by the board of supervisors  
3695 of any county housing persons due to lack of space at state  
3696 institutions, the Department of Corrections shall pay to such  
3697 county, out of any available funds, the actual cost of food, or  
3698 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)  
3699 per day per offender, as determined under subsection (2) of this  
3700 section for each day an offender is so confined beginning the day  
3701 that the Department of Corrections receives a certified copy of



3702 the sentencing order and will terminate on the date on which the  
3703 offender is released or otherwise removed from the custody of the  
3704 county jail. The department, or its contracted medical provider,  
3705 will pay to a provider of a medical service for any and all  
3706 incarcerated persons from a correctional or detention facility an  
3707 amount based upon negotiated fees as agreed to by the medical care  
3708 service providers and the department and/or its contracted medical  
3709 provider. In the absence of negotiated discounted fee schedule,  
3710 medical care service providers will be paid by the department, or  
3711 its contracted medical service provider, an amount no greater than  
3712 the reimbursement rate applicable based on the Mississippi  
3713 Medicaid reimbursement rate. The board of supervisors of any  
3714 county shall not be liable for any cost associated with medical  
3715 attention for prisoners who are pretrial detainees or for  
3716 prisoners who have been convicted that exceeds the Mississippi  
3717 Medicaid reimbursement rate or the reimbursement provided by the  
3718 Department of Corrections, whichever is greater. This limitation  
3719 applies to all medical care services, durable and nondurable  
3720 goods, prescription drugs and medications. Such payment shall be  
3721 placed in the county general fund and shall be expended only for  
3722 food and medical attention for such persons.

3723 (b) Upon vouchers submitted by the board of supervisors  
3724 of any county housing offenders in county jails pending a  
3725 probation or parole revocation hearing, the department shall  
3726 pay \* \* \* the reimbursement costs provided in paragraph (a).



3727 (c) If the probation or parole of an offender is  
3728 revoked, the additional cost of housing the offender pending the  
3729 revocation hearing shall be assessed as part of the offender's  
3730 court cost and shall be remitted to the department.

3731 (4) A person, on order of the sentencing court, may serve  
3732 not more than twenty-four (24) months of his sentence in a county  
3733 jail if the person is classified in accordance with Section  
3734 47-5-905 and the county jail is an approved county jail for  
3735 housing state inmates under federal court order. The sheriff of  
3736 the county shall have the right to petition the Commissioner of  
3737 Corrections to remove the inmate from the county jail. The county  
3738 shall be reimbursed in accordance with subsection (2) of this  
3739 section.

3740 (5) The Attorney General of the State of Mississippi shall  
3741 defend the employees of the Department of Corrections and  
3742 officials and employees of political subdivisions against any  
3743 action brought by any person who was committed to a county jail  
3744 under the provisions of this section.

3745 (6) This section does not create in the Department of  
3746 Corrections, or its employees or agents, any new liability,  
3747 express or implied, nor shall it create in the Department of  
3748 Corrections any administrative authority or responsibility for the  
3749 construction, funding, administration or operation of county or  
3750 other local jails or other places of confinement which are not  
3751 staffed and operated on a full-time basis by the Department of



3752 Corrections. The correctional system under the jurisdiction of  
3753 the Department of Corrections shall include only those facilities  
3754 fully staffed by the Department of Corrections and operated by it  
3755 on a full-time basis.

3756 (7) An offender returned to a county for post-conviction  
3757 proceedings shall be subject to the provisions of Section 99-19-42  
3758 and the county shall not receive the per-day allotment for such  
3759 offender after the time prescribed for returning the offender to  
3760 the Department of Corrections as provided in Section 99-19-42.

3761 **SECTION 60.** Section 47-5-911, Mississippi Code of 1972, is  
3762 amended as follows:

3763 47-5-911. Sections 47-5-901 through 47-5-911 shall stand  
3764 repealed on July 1, \* \* \* 2016.

3765 **SECTION 61.** The following shall be codified in Chapter 7, of  
3766 Title 47, Mississippi Code of 1972:

3767 47-7- . (1) The Department of Corrections shall establish  
3768 technical violation centers to detain probation and parole  
3769 violators revoked by the court or parole board.

3770 (2) The department shall place an offender in a violation  
3771 center for a technical violation as ordered by the board pursuant  
3772 to Section 47-7-27 and the sentencing court pursuant to Section  
3773 47-7-37.

3774 (3) The violation centers shall be equipped to address the  
3775 underlying factors that led to the offender's violation as  
3776 identified based on the results of a risk and needs assessment.





3777 At a minimum each violation center shall include substance abuse  
3778 services shown to reduce recidivism and a reduction in the use of  
3779 illicit substances or alcohol, education programs, employment  
3780 preparation and training programs and behavioral programs.

3781 (4) As required by Section 47-5-20(b), the department shall  
3782 notify, by certified mail, each member of the board of supervisors  
3783 of the county in which the violation center shall be located of  
3784 the department's intent to convert an existing department facility  
3785 to a technical violation center.

3786 (5) The department shall establish rules and regulations for  
3787 the implementation and operation of the technical violation  
3788 centers.

3789 (6) The Department of Corrections shall provide to the  
3790 Oversight Task Force semiannually the average daily population of  
3791 the technical violation centers, the number of admissions to the  
3792 technical violation centers, and the average time served in the  
3793 technical violation centers.

3794 **SECTION 62.** Section 47-5-10, Mississippi Code of 1972, is  
3795 amended as follows:

3796 47-5-10. The department shall have the following powers and  
3797 duties:

3798 (a) To accept adult offenders committed to it by the  
3799 courts of this state for incarceration, care, custody, treatment  
3800 and rehabilitation;



3801 (b) To provide for the care, custody, study, training,  
3802 supervision and treatment of adult offenders committed to the  
3803 department;

3804 (c) To maintain, administer and exercise executive and  
3805 administrative supervision over all state correctional  
3806 institutions and facilities used for the custody, training, care,  
3807 treatment and after-care supervision of adult offenders committed  
3808 to the department; provided, however, that such supervision shall  
3809 not extend to any institution or facility for which executive and  
3810 administrative supervision has been provided by law through  
3811 another agency;

3812 (d) To plan, develop and coordinate a statewide,  
3813 comprehensive correctional program designed to train and  
3814 rehabilitate offenders in order to prevent, control and retard  
3815 recidivism;

3816 (e) To maintain records of persons committed to it, and  
3817 to establish programs of research, statistics and planning:

3818 (i) An offender's records shall include a single  
3819 cover sheet that contains the following information about the  
3820 offender: name, including any aliases; department inmate number;  
3821 social security number; photograph; court of conviction; cause  
3822 number; date of conviction; date of sentence; total number of days  
3823 in the department's custody or number of days creditable toward  
3824 time served on each charge; date of actual custody; and date of  
3825 any revocation of a suspended sentence;



3826                   (ii) The department shall maintain an offender's  
3827 cover sheet in the course of its regularly conducted business  
3828 activities and shall include an offender's cover sheet in each  
3829 request from a court, prosecutor or law enforcement agency for a  
3830 summary of an offender's records with the department, also known  
3831 as a "pen-pack." The cover sheet shall conform to Rules 803(6)  
3832 and 803(8) of the Mississippi Rules of Evidence for admission as  
3833 an exception to the hearsay rule and may be admissible when  
3834 properly authenticated according to evidentiary rules and when  
3835 offered for the purpose of enhanced sentencing under Section  
3836 41-29-147, 99-19-81 or 99-19-83 or other similar purposes; and

3837                   (iii) This subsection is not intended to conflict  
3838 with an offender's right of confrontation in criminal proceedings  
3839 under the state or federal constitution;

3840                   (f) To investigate the grievances of any person  
3841 committed to the department, and to inquire into any alleged  
3842 misconduct by employees; and for this purpose it may issue  
3843 subpoenas and compel the attendance of witnesses and the  
3844 production of writings and papers, and may examine under oath any  
3845 witnesses who may appear before it;

3846                   (g) To administer programs of training and development  
3847 of personnel of the department;

3848                   (h) To develop and implement diversified programs and  
3849 facilities to promote, enhance, provide and assure the  
3850 opportunities for the successful custody, training and treatment



3851 of adult offenders properly committed to the department or  
3852 confined in any facility under its control. Such programs and  
3853 facilities may include, but not be limited to, institutions, group  
3854 homes, halfway houses, diagnostic centers, work and educational  
3855 release centers, technical violation centers, restitution centers,  
3856 counseling and supervision of probation, parole, suspension and  
3857 compact cases, presentence investigating and other state and local  
3858 community-based programs and facilities;

3859 (i) To receive, hold and use, as a corporate body, any  
3860 real, personal and mixed property donated to the department, and  
3861 any other corporate authority as shall be necessary for the  
3862 operation of any facility at present or hereafter;

3863 (j) To provide those personnel, facilities, programs  
3864 and services the department shall find necessary in the operation  
3865 of a modern correctional system for the custody, care, study and  
3866 treatment of adult offenders placed under its jurisdiction by the  
3867 courts and other agencies in accordance with law;

3868 (k) To develop the capacity and administrative network  
3869 necessary to deliver advisory consultation and technical  
3870 assistance to units of local government for the purpose of  
3871 assisting them in developing model local correctional programs for  
3872 adult offenders;

3873 (l) To cooperate with other departments and agencies  
3874 and with local communities for the development of standards and  
3875 programs for better correctional services in this state;



3876 (m) To administer all monies and properties of the  
3877 department;

3878 (n) To report annually to the Legislature and the  
3879 Governor on the committed persons, institutions and programs of  
3880 the department;

3881 (o) To cooperate with the courts and with public and  
3882 private agencies and officials to assist in attaining the purposes  
3883 of this chapter and Chapter 7 of this title. The department may  
3884 enter into agreements and contracts with other departments of  
3885 federal, state or local government and with private agencies  
3886 concerning the discharge of its responsibilities or theirs. The  
3887 department shall have the authority to accept and expend or use  
3888 gifts, grants and subsidies from public and private sources;

3889 (p) To make all rules and regulations and exercise all  
3890 powers and duties vested by law in the department;

3891 (q) The department may require a search of all persons  
3892 entering the grounds and facilities at the correctional system;

3893 (r) To submit, in a timely manner, to the Oversight  
3894 Task Force established in Section 68 of this act any reports  
3895 required by law or regulation or requested by the task force.

3896 ( \* \* \*s) To discharge any other power or duty imposed  
3897 or established by law.

3898 **SECTION 63.** Section 47-5-26, Mississippi Code of 1972, is  
3899 amended as follows:



3900 47-5-26. (1) The commissioner shall employ the following  
3901 personnel:

3902 (a) A Deputy Commissioner for Administration and  
3903 Finance, who shall supervise and implement all fiscal policies and  
3904 programs within the department, supervise and implement all hiring  
3905 and personnel matters within the department, supervise the  
3906 department's personnel director, supervise and implement all  
3907 purchasing within the department and supervise and implement all  
3908 data processing activities within the department, and who shall  
3909 serve as the Chief Executive Officer of the Division of  
3910 Administration and Finance. He shall possess either:

3911 (i) A master's degree from an accredited four-year  
3912 college or university in public or business administration,  
3913 accounting, economics or a directly related field, and four (4)  
3914 years of experience in work related to the above-described duties,  
3915 one (1) year of which must have included line or functional  
3916 supervision; or

3917 (ii) A bachelor's degree from an accredited  
3918 four-year college or university in public or business  
3919 administration, accounting, economics or a directly related field,  
3920 and six (6) years of experience in work related to the  
3921 above-described duties, one (1) year of which must have included  
3922 line or functional supervision. Certification by the State of  
3923 Mississippi as a certified public accountant may be substituted  
3924 for one (1) year of the required experience.



3925 (b) A Deputy Commissioner for Community Corrections,  
3926 who shall initiate and administer programs, including, but not  
3927 limited to, supervision of probationers, parolees and  
3928 suspensioners, counseling, community-based treatment, interstate  
3929 compact administration and enforcement, prevention programs,  
3930 halfway houses and group homes, technical violation centers,  
3931 restitution centers, presentence investigations, and work and  
3932 educational releases, and shall serve as the Chief Executive  
3933 Officer of the Division of Community Services. The Deputy  
3934 Commissioner for Community Corrections is charged with full and  
3935 complete cooperation with the State Parole Board and shall make  
3936 monthly reports to the Chairman of the Parole Board in the form  
3937 and type required by the chairman, in his discretion, for the  
3938 proper performance of the probation and parole functions. After a  
3939 plea or verdict of guilty to a felony is entered against a person  
3940 and before he is sentenced, the Deputy Commissioner for Community  
3941 Corrections shall procure from any available source and shall file  
3942 in the presentence records any information regarding any criminal  
3943 history of the person such as fingerprints, dates of arrests,  
3944 complaints, civil and criminal charges, investigative reports of  
3945 arresting and prosecuting agencies, reports of the National Crime  
3946 Information Center, the nature and character of each offense,  
3947 noting all particular circumstances thereof and any similar data  
3948 about the person. The Deputy Commissioner for Community  
3949 Corrections shall keep an accurate and complete duplicate record



3950 of this file and shall furnish the duplicate to the department.  
3951 This file shall be placed in and shall constitute a part of the  
3952 inmate's master file. The Deputy Commissioner for Community  
3953 Corrections shall furnish this file to the State Parole Board when  
3954 the file is needed in the course of its official duties. He shall  
3955 possess either: (i) a master's degree in counseling, corrections  
3956 psychology, guidance, social work, criminal justice or some  
3957 related field and at least four (4) years' full-time experience in  
3958 such field, including at least one (1) year of supervisory  
3959 experience; or (ii) a bachelor's degree in a field described in  
3960 subparagraph (i) of this paragraph and at least six (6) years'  
3961 full-time work in corrections, one (1) year of which shall have  
3962 been at the supervisory level.

3963 (c) A Deputy Commissioner for Institutions, who shall  
3964 administer institutions, reception and diagnostic centers,  
3965 prerelease centers and other facilities and programs provided  
3966 therein, and shall serve as the Chief Executive Officer of the  
3967 Division of Institutions. He shall possess either: (i) a  
3968 master's degree in counseling, criminal justice, psychology,  
3969 guidance, social work, business or some related field, and at  
3970 least four (4) years' full-time experience in corrections,  
3971 including at least one (1) year of correctional management  
3972 experience; or (ii) a bachelor's degree in a field described in  
3973 subparagraph (i) of this paragraph and at least six (6) years'





3974 full-time work in corrections, four (4) years of which shall have  
3975 been at the correctional management level.

3976 (2) The commissioner shall employ an administrative  
3977 assistant for parole matters, who shall be an employee of the  
3978 department assigned to the State Parole Board and who shall work  
3979 under the guidance and supervision of the board.

3980 (3) The administrative assistant for parole matters shall  
3981 receive an annual salary to be established by the Legislature.  
3982 The salaries of department employees not established by the  
3983 Legislature shall receive an annual salary established by the  
3984 State Personnel Board.

3985 (4) The commissioner shall employ a superintendent for the  
3986 Parchman facility, Central Mississippi Correctional Facility and  
3987 South Mississippi Correctional Institution of the Department of  
3988 Corrections. The Superintendent of the Mississippi State  
3989 Penitentiary shall reside on the grounds of the Parchman facility.  
3990 Each superintendent shall appoint an officer in charge when he is  
3991 absent.

3992 Each superintendent shall develop and implement a plan for  
3993 the prevention and control of an inmate riot and shall file a  
3994 report with the Chairman of the Senate Corrections Committee and  
3995 the Chairman of the House Penitentiary Committee on the first day  
3996 of each regular session of the Legislature regarding the status of  
3997 the plan.



3998 In order that the grievances and complaints of inmates,  
3999 employees and visitors at each facility may be heard in a timely  
4000 and orderly manner, each superintendent shall appoint or designate  
4001 an employee at the facility to hear grievances and complaints and  
4002 to report grievances and complaints to the superintendent. Each  
4003 superintendent shall institute procedures as are necessary to  
4004 provide confidentiality to those who file grievances and  
4005 complaints.

4006 **SECTION 64.** (1) As used in this section, "fiscal note"  
4007 means the estimated dollar cost to the state for the first year  
4008 and the annual cost thereafter. The term "ten-year fiscal note"  
4009 means the estimated dollar cost to the state over the ten-year  
4010 period following passage or adoption of the subject of the fiscal  
4011 note.

4012 (2) Whenever legislation is introduced in the Legislature,  
4013 which would establish a new criminal offense or would amend the  
4014 sentencing provisions of an existing criminal offense, the  
4015 Department of Corrections shall provide a fiscal note and a  
4016 ten-year fiscal note on the proposed legislation upon the request  
4017 of any member of the Legislature. The fiscal note shall be  
4018 published in electronic form on the Mississippi Legislature  
4019 website as provided in Section 5-1-85.

4020 (3) State agencies and political subdivisions shall  
4021 cooperate with the department in preparing fiscal notes and the  
4022 ten-year fiscal notes. Such agencies and political subdivisions



4023 shall submit requested information to the department in a timely  
4024 fashion.

4025 (4) In preparing fiscal notes and the ten-year fiscal notes,  
4026 the department must accurately report to the Legislature  
4027 information provided to the department by state agencies and  
4028 political subdivisions.

4029 (5) The department may request information from  
4030 nongovernmental agencies and organizations to assist in preparing  
4031 the fiscal note and the ten-year fiscal note.

4032 **SECTION 65.** (1) Semiannually, the circuit clerks of each  
4033 county, the municipal court clerks of each municipality, and the  
4034 justice court clerks of each county shall report to the  
4035 Administrative Office of Courts the following information:

4036 (a) Individual misdemeanor and felony case records by  
4037 offense, from the circuit clerk for all circuit and county court  
4038 criminal proceedings, and from the municipal and justice court  
4039 clerks for all misdemeanors, electronically when available,  
4040 containing the date on which the criminal charges were filed,  
4041 charge code and name of indicted offenses, count number of  
4042 indicted offenses, the disposition of the charges, date disposed,  
4043 date sentenced, charge code and name of sentenced offenses, and  
4044 sentence length.

4045 (b) Data should be kept individually by case number and  
4046 misdemeanor charges or indicted felony offense, and include, for  
4047 criminal docket purposes, demographic information necessary for



4048 tracking individuals across multiple databases should be  
4049 collected, including date of birth, city and state of residence,  
4050 race, and gender.

4051 (2) The Administrative Office of Courts shall be empowered  
4052 to establish a uniform reporting format for all court clerks  
4053 described in subsection (1) of this section. Such reporting  
4054 format shall emphasize the need for reporting information in a  
4055 sortable, electronic format. All clerks who submit required  
4056 information in other formats shall report to the Administrative  
4057 Office of Courts a schedule for conversion to technology to enable  
4058 the reporting of all required data in a sortable, electronic  
4059 format.

4060 (3) Semiannual reports shall be made to the Administrative  
4061 Office of Courts by December 31, 2014, or as soon thereafter as  
4062 practicable, and every year thereafter, and on June 30, 2015, or  
4063 as soon thereafter as practicable, and every year thereafter. On  
4064 August 1, 2015, and each year thereafter, the Administrative  
4065 Office of Courts shall provide to PEER sortable, electronic copies  
4066 of all reports required by this section.

4067 (4) The Administrative Office of Courts shall share the  
4068 information required under this section with the Oversight Task  
4069 Force.

4070 **SECTION 66.** (1) The Mississippi Department of Corrections  
4071 shall collect the following information:

4072 (a) Prison data shall include:



4073 (i) The number of offenders entering prison on a  
4074 new offense;

4075 (ii) The number of offenders entering prison as a  
4076 revocation of supervision;

4077 (iii) The average sentence length for new prison  
4078 sentences by offense type;

4079 (iv) The average sentence length for offenders  
4080 entering prison for a probation revocation;

4081 (v) The average sentence length for offenders  
4082 entering prison for a parole revocation;

4083 (vi) The average percentage of prison sentence  
4084 served in prison by offense type;

4085 (vii) The average length of stay by offense type;

4086 (viii) Recidivism rates. For the purposes of this  
4087 report, "recidivism" means conviction of a new felony offense  
4088 within three (3) years of release from prison;

4089 1. Recidivism rates by offense type;

4090 2. Recidivism rates by risk level;

4091 (ix) Total prison population;

4092 1. By offense type;

4093 2. By type of admission into prison.

4094 (b) Probation data shall include:

4095 (i) The number of offenders supervised on  
4096 probation;

4097 (ii) The number of offenders placed on probation;



4098 (iii) The number of probationers revoked for a  
4099 technical violation and sentenced to a term of imprisonment in a  
4100 technical violation center;

4101 (iv) The number of probationers revoked for a  
4102 technical violation and sentenced to a term of imprisonment in  
4103 another type of department of correction;

4104 (v) The number of probationers who are convicted  
4105 of a new felony offense and sentenced to a term of imprisonment;

4106 (vi) The number of probationers held on a  
4107 violation in a county jail awaiting a revocation hearing; and

4108 (vii) The average length of stay in a county jail  
4109 for probationers awaiting a revocation hearing.

4110 (c) Post-release supervision data shall include:

4111 (i) The number of offenders supervised on  
4112 post-release supervision;

4113 (ii) The number of offenders placed on  
4114 post-release supervision;

4115 (iii) The number of post-release probationers  
4116 revoked for a technical violation and sentenced to a term of  
4117 imprisonment in a technical violation center;

4118 (iv) The number of post-release probationers  
4119 revoked for a technical violation and sentenced to a term of  
4120 imprisonment in another type of department of correction facility;



4121 (v) The number of post-release probationers who  
4122 are convicted of a new felony offense and sentenced to a term of  
4123 imprisonment;

4124 (vi) The number of post-release probationers held  
4125 on a violation in a county jail awaiting a revocation hearing; and

4126 (vii) The average length of stay in a county jail  
4127 for post-release probationers awaiting a revocation hearing.

4128 (2) The Department of Corrections shall semiannually report  
4129 information required in subsection (1) of this section to the  
4130 Oversight Task Force, and upon request, shall report the  
4131 information to the PEER Committee.

4132 **SECTION 67.** (1) The Parole Board, with the assistance of  
4133 the Department of Corrections, shall collect the following  
4134 information:

4135 (a) The number of offenders supervised on parole;

4136 (b) The number of offenders released on parole;

4137 (c) The number of parole hearings held;

4138 (d) The parole grant rate for parolees released with  
4139 and without a hearing;

4140 (e) The average length of time offenders spend on  
4141 parole;

4142 (f) The number and percentage of parolees revoked for a  
4143 technical violation and returned for a term of imprisonment in a  
4144 technical violation center;



4145 (g) The number and percentage of parolees revoked for a  
4146 technical violation and returned for a term of imprisonment in  
4147 another type of Department of Corrections' facility;

4148 (h) The number and percentage of parolees who are  
4149 convicted of a new offense and returned for a term of imprisonment  
4150 on their current crime as well as the new crime;

4151 (i) The number of parolees held on a violation in  
4152 county jail awaiting a revocation hearing; and

4153 (j) The average length of stay in a county jail for  
4154 parolees awaiting a revocation hearing.

4155 (2) The Parole Board shall semiannually report information  
4156 required in subsection (1) to the Oversight Task Force, and upon  
4157 request, shall report such information to the PEER Committee.

4158 **SECTION 68.** (1) There is hereby established a committee to  
4159 be known as the Corrections and Criminal Justice Oversight Task  
4160 Force, hereinafter called the Oversight Task Force, which must  
4161 exercise the powers and fulfill the duties described in this  
4162 chapter.

4163 (2) The Oversight Task Force shall be composed of the  
4164 following members:

4165 (a) The Lieutenant Governor shall appoint two (2)  
4166 members;

4167 (b) The Speaker of the House of Representatives shall  
4168 appoint two (2) members;





4169                   (c) The Commissioner of the Department of Corrections,  
4170 or his designee;

4171                   (d) The Chief Justice of the Mississippi Supreme Court  
4172 shall appoint one (1) member of the circuit court;

4173                   (e) The Governor shall appoint one (1) member from the  
4174 Parole Board;

4175                   (f) The Director of the Joint Legislative Committee on  
4176 Performance Evaluation and Expenditure Review, or his designee;

4177                   (g) The Attorney General shall appoint one (1) member  
4178 representing the victims' community;

4179                   (h) The Mississippi Association of Supervisors shall  
4180 appoint one (1) person to represent the association;

4181                   (i) The President of the Mississippi Prosecutors'  
4182 Association;

4183                   (j) The President of the Mississippi Sheriffs'  
4184 Association, or his designee; and

4185                   (k) The Office of the State Public Defender shall  
4186 appoint one (1) person to represent the public defender's office.

4187                   (3) The task force shall meet on or before July 15, 2015, at  
4188 the call of the Commissioner of the Department of Corrections and  
4189 organize itself by electing one (1) of its members as chair and  
4190 such other officers as the task force may consider necessary.  
4191 Thereafter, the task force shall meet at least biannually and at  
4192 the call of the chair or by a majority of the members. A quorum  
4193 consists of seven (7) members.



4194 (4) The task force shall have the following powers and  
4195 duties:

4196 (a) Track and assess outcomes from the recommendations  
4197 in the Corrections and Criminal Justice Task Force report of  
4198 December 2013;

4199 (b) Prepare and submit an annual report no later than  
4200 the first day of the second full week of each regular session of  
4201 the Legislature on the outcome and performance measures to the  
4202 Legislature, Governor and Chief Justice. The report shall include  
4203 recommendations for improvements, recommendations on transfers of  
4204 funding based on the success or failure of implementation of the  
4205 recommendations, and a summary of savings. The report may also  
4206 present additional recommendations to the Legislature on future  
4207 legislation and policy options to enhance public safety and  
4208 control corrections costs;

4209 (c) Monitor compliance with sentencing standards,  
4210 assess their impact on the correctional resources of the state and  
4211 determine if the standards advance the adopted sentencing policy  
4212 goals of the state;

4213 (d) Review the classifications of crimes and sentences  
4214 and make recommendations for change when supported by information  
4215 that change is advisable to further the adopted sentencing policy  
4216 goals of the state;



4217           (e) Develop a research and analysis system to determine  
4218 the feasibility, impact on resources, and budget consequences of  
4219 any proposed or existing legislation affecting sentence length;  
4220           (f) Request, review, and receive data and reports on  
4221 performance outcome measures as related to this act;  
4222           (g) To undertake such additional studies or evaluations  
4223 as the Oversight Task Force considers necessary to provide  
4224 sentencing reform information and analysis;  
4225           (h) Prepare and conduct annual continuing legal  
4226 education seminars regarding the sentencing guidelines to be  
4227 presented to judges, prosecuting attorneys and their deputies, and  
4228 public defenders and their deputies, as so required;  
4229           (i) The Oversight Task Force shall use clerical and  
4230 professional employees of the Department of Corrections for its  
4231 staff;  
4232           (j) The Oversight Task Force may employ or retain other  
4233 professional staff, upon the determination of the necessity for  
4234 other staff;  
4235           (k) The Oversight Task Force may employ consultants to  
4236 assist in the evaluations and, when necessary, the implementation  
4237 of the recommendations of the Corrections and Criminal Justice  
4238 Task Force report of December 2013;  
4239           (l) The Oversight Task Force is encouraged to apply for  
4240 and may expend grants, gifts, or federal funds it receives from  
4241 other sources to carry out its duties and responsibilities.



4242           **SECTION 69.** Section 9-7-122, Mississippi Code of 1972, is  
4243 amended as follows:

4244           9-7-122. (1) Except as otherwise provided herein, no  
4245 circuit clerk elected for a full term of office commencing on or  
4246 after January 1, 1996, shall exercise any functions of office or  
4247 be eligible to take the oath of office unless and until the  
4248 circuit clerk has filed in the office of the chancery clerk a  
4249 certificate of completion of a course of training and education  
4250 conducted by the Mississippi Judicial College of the University of  
4251 Mississippi Law Center within six (6) months of the beginning of  
4252 the term for which such circuit clerk is elected. A circuit clerk  
4253 who has completed the course of training and education and has  
4254 satisfied his annual continuing education course requirements, and  
4255 who is then elected for a succeeding term of office subsequent to  
4256 the initial term for which he completed the training course, shall  
4257 not be required to repeat the training and education course upon  
4258 reelection. A circuit clerk that has served either a full term of  
4259 office or part of a term of office before January 1, 1996, shall  
4260 be exempt from the requirements of this subsection.

4261           (2) In addition to meeting the requirements of subsection  
4262 (1) of this section, after taking office by election or otherwise,  
4263 each circuit clerk shall be required to file annually in the  
4264 office of the chancery clerk a certificate of completion of a  
4265 course of continuing education conducted by the Mississippi  
4266 Judicial College. No circuit clerk shall have to comply with this



4267 subsection unless he will have been in office for five (5) months  
4268 or more during a calendar year.

4269 (3) Each circuit clerk elected for a term commencing on or  
4270 after January 1, 1992, shall be required to file annually the  
4271 certificate required in subsection (2) of this action commencing  
4272 January 1, 1993.

4273 (4) The requirements for obtaining the certificates in this  
4274 section shall be as provided in subsection (6) of this section.

4275 (5) Upon the failure of any circuit clerk to file with the  
4276 chancery clerk the certificates of completion as provided in this  
4277 section, such circuit clerk shall, in addition to any other fine  
4278 or punishment provided by law for such conduct, not be entitled to  
4279 any fee, compensation or salary, from any source, for services  
4280 rendered as circuit clerk, for the period of time during which  
4281 such certificate remains unfiled.

4282 (6) The Mississippi Judicial College of the University of  
4283 Mississippi Law Center shall prepare and conduct courses of  
4284 training for basic and continuing education for circuit clerks of  
4285 this state. The basic course of training shall be known as the  
4286 "Circuit Clerks Training Course" and shall consist of at least  
4287 thirty-two (32) hours of training. The continuing education  
4288 course shall be known as the "Continuing Education Course for  
4289 Circuit Clerks" and shall consist of at least eighteen (18) hours  
4290 of training. The content of the basic and continuing education  
4291 courses and when and where such courses are to be conducted shall



4292 be determined by the judicial college. The judicial college shall  
4293 issue certificates of completion to those circuit clerks who  
4294 complete such courses.

4295 (7) The expenses of the training, including training of  
4296 those elected as circuit clerk who have not yet begun their term  
4297 of office, shall be borne as an expense of the office of the  
4298 circuit clerk.

4299 (8) Circuit clerks shall be allowed credit toward their  
4300 continuing education course requirements for attendance at circuit  
4301 court proceedings if the presiding circuit court judge certifies  
4302 that the circuit clerk was in actual attendance at a term or terms  
4303 of court; provided, however, that at least twelve (12) hours per  
4304 year of the continuing education course requirements must be  
4305 completed at a regularly established program or programs conducted  
4306 by the Mississippi Judicial College.

4307 (9) By August 1, 2015, and each year thereafter, the  
4308 Administrative Office of Courts shall certify to the Mississippi  
4309 Judicial College the names of all circuit clerks who have failed  
4310 to provide the information required by Section 65 of this act.  
4311 The judicial college shall not issue a certificate of continuing  
4312 education required by subsection (2) of this section to any such  
4313 clerk, and shall report to the State Auditor, and the board of  
4314 supervisors of the county the clerk is elected from that the clerk  
4315 shall not be entitled to receive the compensation set out in  
4316 subsection (5) of this section. A clerk may be certified after



4317 coming into compliance with the requirements of Section 65 of this  
4318 act.

4319           **SECTION 70.** Section 9-11-27, Mississippi Code of 1972, is  
4320 amended as follows:

4321           9-11-27. (1) The board of supervisors of each county shall,  
4322 at its own expense, appoint one (1) person to serve as clerk of  
4323 the justice court system of the county, and may appoint such other  
4324 employees for the justice court of the county as it deems  
4325 necessary, including a person or persons to serve as deputy clerk  
4326 or deputy clerks. The board of supervisors of each county with  
4327 two (2) judicial districts may, at its own expense, appoint two  
4328 (2) persons to serve as clerks of the justice court system of the  
4329 county, one (1) for each judicial district, and may appoint such  
4330 other employees for the justice court system of the county as it  
4331 deems necessary including persons to serve as deputy clerks. The  
4332 clerk and deputy clerks shall be empowered to file and record  
4333 actions and pleadings, to receive and receipt for monies, to  
4334 acknowledge affidavits, to issue warrants in criminal cases upon  
4335 direction by a justice court judge in the county, to approve the  
4336 sufficiency of bonds in civil and criminal cases, to certify and  
4337 issue copies of all records, documents and pleadings filed in the  
4338 justice court and to issue all process necessary for the operation  
4339 of the justice court. The clerk or deputy clerks may refuse to  
4340 accept a personal check in payment of any fine or cost or to  
4341 satisfy any other payment required to be made to the justice



4342 court. All orders from the justice court judge to the clerk of  
4343 the justice court shall be written. All cases, civil and  
4344 criminal, shall be assigned by the clerk to the justice court  
4345 judges of the county in the manner provided in Section 11-9-105  
4346 and Section 99-33-2. A deputy clerk who works in an office  
4347 separate from the clerk and who is the head deputy clerk of the  
4348 separate office may be designated to be trained as a clerk as  
4349 provided in Section 9-11-29.

4350 (2) By August 1, 2015, and each year thereafter, the  
4351 Administrative Office of Courts shall report the names of all  
4352 justice court clerks who have failed to comply with the reporting  
4353 requirements of Section 65 of this act to the boards of  
4354 supervisors that selected them. Each clerk shall be given three  
4355 (3) months from the date on which the board was given notice to  
4356 come into compliance with the requirements of Section 65 of this  
4357 act. The Administrative Office of Courts shall notify the board  
4358 of supervisors of any justice court clerk who fails to come into  
4359 compliance after the three-month notice required in this  
4360 subsection. Any noncompliant clerks shall be terminated for  
4361 failure to comply with Section 65 of this act reporting  
4362 requirement.

4363 **SECTION 71.** Section 21-23-12, Mississippi Code of 1972, is  
4364 amended as follows:

4365 21-23-12. (1) Every person appointed as clerk of the  
4366 municipal court shall be required annually to attend and complete





4367 a comprehensive course of training and education conducted or  
4368 approved by the Mississippi Judicial College of the University of  
4369 Mississippi Law Center. Attendance shall be required beginning  
4370 with the first training seminar conducted after said clerk is  
4371 appointed.

4372 (2) The Mississippi Judicial College of the University of  
4373 Mississippi Law Center shall prepare and conduct a course of  
4374 training and education for municipal court clerks of the state.  
4375 The course shall consist of at least twelve (12) hours of training  
4376 per year. After completion of the first year's requirement, a  
4377 maximum of six (6) hours training, over and above the required  
4378 twelve (12) hours, may be carried forward from the previous year.  
4379 The content of the course of training and when and where it is to  
4380 be conducted shall be determined by the judicial college. A  
4381 certificate of completion shall be furnished to those municipal  
4382 court clerks who complete such course, and each certificate shall  
4383 be made a permanent record of the minutes of the board of aldermen  
4384 or city council in the municipality from which the municipal clerk  
4385 is appointed.

4386 (3) Upon the failure of any person appointed as clerk of the  
4387 municipal court to file the certificate of completion as provided  
4388 in subsection (2) of this section, within the first year of  
4389 appointment, such person shall then not be allowed to carry out  
4390 any of the duties of the office of clerk of the municipal court



4391 and shall not be entitled to compensation for the period of time  
4392 during which such certificate remains unfiled.

4393 (4) After August 1, 2015, and each year thereafter, the  
4394 Administrative Office of Courts shall notify the judicial college  
4395 of the name of any municipal court clerk who has not complied with  
4396 the requirements of Section 65 of this act. The Mississippi  
4397 Judicial College shall not provide such clerk with a certificate  
4398 of completion of course work until such time that the  
4399 Administrative Office of Courts has reported that the clerk is in  
4400 compliance with the requirements of Section 65 of this act.  
4401 Further, the Administrative Office of Courts shall report the  
4402 names of all noncompliant clerks to the State Auditor and to the  
4403 mayor of the municipality that employs the clerk.

4404 **SECTION 72.** Section 47-5-138, Mississippi Code of 1972, is  
4405 brought forward as follows:

4406 47-5-138. (1) The department may promulgate rules and  
4407 regulations to carry out an earned time allowance program based on  
4408 the good conduct and performance of an inmate. An inmate is  
4409 eligible to receive an earned time allowance of one-half (1/2) of  
4410 the period of confinement imposed by the court except those  
4411 inmates excluded by law. When an inmate is committed to the  
4412 custody of the department, the department shall determine a  
4413 conditional earned time release date by subtracting the earned  
4414 time allowance from an inmate's term of sentence. This subsection  
4415 does not apply to any sentence imposed after June 30, 1995.



4416 (2) An inmate may forfeit all or part of his earned time  
4417 allowance for a serious violation of rules. No forfeiture of the  
4418 earned time allowance shall be effective except upon approval of  
4419 the commissioner, or his designee, and forfeited earned time may  
4420 not be restored.

4421 (3) (a) For the purposes of this subsection, "final order"  
4422 means an order of a state or federal court that dismisses a  
4423 lawsuit brought by an inmate while the inmate was in the custody  
4424 of the Department of Corrections as frivolous, malicious or for  
4425 failure to state a claim upon which relief could be granted.

4426 (b) On receipt of a final order, the department shall  
4427 forfeit:

4428 (i) Sixty (60) days of an inmate's accrued earned  
4429 time if the department has received one (1) final order as defined  
4430 herein;

4431 (ii) One hundred twenty (120) days of an inmate's  
4432 accrued earned time if the department has received two (2) final  
4433 orders as defined herein;

4434 (iii) One hundred eighty (180) days of an inmate's  
4435 accrued earned time if the department has received three (3) or  
4436 more final orders as defined herein.

4437 (c) The department may not restore earned time  
4438 forfeited under this subsection.



4439           (4) An inmate who meets the good conduct and performance  
4440 requirements of the earned time allowance program may be released  
4441 on his conditional earned time release date.

4442           (5) For any sentence imposed after June 30, 1995, an inmate  
4443 may receive an earned time allowance of four and one-half (4-1/2)  
4444 days for each thirty (30) days served if the department determines  
4445 that the inmate has complied with the good conduct and performance  
4446 requirements of the earned time allowance program. The earned  
4447 time allowance under this subsection shall not exceed fifteen  
4448 percent (15%) of an inmate's term of sentence; however, beginning  
4449 July 1, 2006, no person under the age of twenty-one (21) who has  
4450 committed a nonviolent offense, and who is under the jurisdiction  
4451 of the Department of Corrections, shall be subject to the fifteen  
4452 percent (15%) limitation for earned time allowances as described  
4453 in this subsection (5).

4454           (6) Any inmate, who is released before the expiration of his  
4455 term of sentence under this section, shall be placed under  
4456 earned-release supervision until the expiration of the term of  
4457 sentence. The inmate shall retain inmate status and remain under  
4458 the jurisdiction of the department. The period of earned-release  
4459 supervision shall be conducted in the same manner as a period of  
4460 supervised parole. The department shall develop rules, terms and  
4461 conditions for the earned-release supervision program. The  
4462 commissioner shall designate the appropriate hearing officer



4463 within the department to conduct revocation hearings for inmates  
4464 violating the conditions of earned-release supervision.

4465 (7) If the earned-release supervision is revoked, the inmate  
4466 shall serve the remainder of the sentence, but the time the inmate  
4467 served on earned-release supervision before revocation, shall be  
4468 applied to reduce his sentence.

4469 **SECTION 73.** Section 47-5-142, Mississippi Code of 1972, is  
4470 brought forward as follows:

4471 47-5-142. (1) In order to provide incentive for offenders  
4472 to achieve positive and worthwhile accomplishments for their  
4473 personal benefit or the benefit of others, and in addition to any  
4474 other administrative reductions of the length of an offender's  
4475 sentence, any offender shall be eligible, subject to the  
4476 provisions of this section, to receive meritorious earned time as  
4477 distinguished from earned time for good conduct and performance.

4478 (2) Subject to approval by the commissioner of the terms and  
4479 conditions of the program or project, meritorious earned time may  
4480 be awarded for the following: (a) successful completion of  
4481 educational or instructional programs; (b) satisfactory  
4482 participation in work projects; and (c) satisfactory participation  
4483 in any special incentive program.

4484 (3) The programs and activities through which meritorious  
4485 earned time may be received shall be published in writing and  
4486 posted in conspicuous places at all facilities of the department



4487 and such publication shall be made available to all offenders in  
4488 the custody of the department.

4489 (4) The commissioner shall make a determination of the  
4490 number of days of reduction of sentence which may be awarded an  
4491 offender as meritorious earned time for participation in approved  
4492 programs or projects; the number of days shall be determined by  
4493 the commissioner on the basis of each particular program or  
4494 project.

4495 (5) No offender shall be awarded any meritorious earned time  
4496 while assigned to the maximum security facilities for disciplinary  
4497 purposes.

4498 (6) All meritorious earned time shall be forfeited by the  
4499 offender in the event of escape and/or aiding and abetting an  
4500 escape.

4501 (7) Any officer or employee of the department who shall  
4502 willfully violate the provisions of this section and be convicted  
4503 therefor shall be removed from office or employment.

4504 (8) An offender may forfeit all or any part of his  
4505 meritorious earned time allowance for just cause upon the written  
4506 order of the commissioner or his designee. Any meritorious earned  
4507 time allowance forfeited under this section shall not be restored  
4508 nor shall it be re-earned by the offender.

4509 **SECTION 74.** Section 97-9-79, Mississippi Code of 1972, is  
4510 brought forward as follows:



4511           97-9-79. Any person who shall make or cause to be made any  
4512 false statement or representation as to his or another person's  
4513 identity, social security account number or other identifying  
4514 information to a law enforcement officer in the course of the  
4515 officer's duties with the intent to mislead the officer shall be  
4516 guilty of a misdemeanor and upon conviction thereof shall be fined  
4517 not more than Five Thousand Dollars (\$5,000.00) or imprisoned for  
4518 a term not to exceed one (1) year, or both.

4519           **SECTION 75.** Section 97-19-83, Mississippi Code of 1972, is  
4520 brought forward as follows:

4521           97-19-83. (1) Whoever, having devised or intending to  
4522 devise any scheme or artifice to defraud, or for obtaining money,  
4523 property or services, or for unlawfully avoiding the payment or  
4524 loss of money, property or services, or for securing business or  
4525 personal advantage by means of false or fraudulent pretenses,  
4526 representations or promises, or to sell, dispose of, loan,  
4527 exchange, alter, give away, distribute, supply, or furnish or  
4528 procure for unlawful use any counterfeit or spurious coin,  
4529 obligation, security or other article, or anything represented to  
4530 be or intimated or held out to be such counterfeit or spurious  
4531 article, for the purpose of executing such scheme or artifice or  
4532 attempting so to do, transmits or causes to be transmitted by  
4533 mail, telephone, newspaper, radio, television, wire,  
4534 electromagnetic waves, microwaves, or other means of communication  
4535 or by person, any writings, signs, signals, pictures, sounds,



4536 data, or other matter across county or state jurisdictional lines,  
4537 shall, upon conviction, be punished by a fine of not more than Ten  
4538 Thousand Dollars (\$10,000.00) or by imprisonment for not more than  
4539 five (5) years, or by both such fine and imprisonment.

4540 (2) For the purposes of venue under the provisions of this  
4541 section, any violation of this section may be prosecuted in the  
4542 county in which the delivery or transmission originated, the  
4543 county in which the delivery or transmission was made, or the  
4544 county in which any act in execution or furtherance of the scheme  
4545 occurred.

4546 (3) This section shall not prohibit the prosecution under  
4547 any other criminal statute of the state.

4548 **SECTION 76.** Section 97-19-85, Mississippi Code of 1972, is  
4549 brought forward as follows:

4550 97-19-85. (1) Any person who shall make or cause to be made  
4551 any false statement or representation as to his or another  
4552 person's or entity's identity, social security account number,  
4553 credit card number, debit card number or other identifying  
4554 information for the purpose of fraudulently obtaining or with the  
4555 intent to obtain goods, services or any thing of value, shall be  
4556 guilty of a felony and upon conviction thereof for a first offense  
4557 shall be fined not more than Five Thousand Dollars (\$5,000.00) or  
4558 imprisoned for a term not to exceed five (5) years, or both. For  
4559 a second or subsequent offense such person, upon conviction, shall  
4560 be fined not more than Ten Thousand Dollars (\$10,000.00) or





4561 imprisoned for a term not to exceed ten (10) years, or both. In  
4562 addition to the fines and imprisonment provided in this section, a  
4563 person convicted under this section shall be ordered to pay  
4564 restitution as provided in Section 99-37-1 et seq.

4565 (2) A person is guilty of fraud under subsection (1) who:

4566 (a) Shall furnish false information willfully,  
4567 knowingly and with intent to deceive anyone as to his true  
4568 identity or the true identity of another person; or

4569 (b) Willfully, knowingly, and with intent to deceive,  
4570 uses a social security account number to establish and maintain  
4571 business or other records; or

4572 (c) With intent to deceive, falsely represents a number  
4573 to be the social security account number assigned to him or  
4574 another person, when in fact the number is not the social security  
4575 account number assigned to him or such other person; or

4576 (d) With intent to deceive, falsely represents to be a  
4577 representative of an entity in order to open banking accounts,  
4578 obtain credit cards, or other services and supplies in the  
4579 entity's name; or

4580 (e) Knowingly alters a social security card, buys or  
4581 sells a social security card or counterfeit or altered social  
4582 security card, counterfeits a social security card, or possesses a  
4583 social security card or counterfeit social security card with  
4584 intent to sell or alter it.



4585           **SECTION 77.** Section 45-33-41, Mississippi Code of 1972, is  
4586 amended as follows:

4587           45-33-41. (1) The Department of Corrections or any person  
4588 having charge of a county or municipal jail or any juvenile  
4589 detention facility shall provide written notification to an inmate  
4590 or offender in the custody of the jail or other facility due to a  
4591 conviction of or adjudication for a sex offense of the  
4592 registration and notification requirements of Sections 45-33-25,  
4593 45-33-31, 45-33-32 and 45-33-59 at the time of the inmate's or  
4594 offender's confinement and release from confinement, and shall  
4595 receive a signed acknowledgment of receipt on both occasions.

4596           (2) At least \* \* \* fifteen (15) days prior to the inmate's  
4597 release from confinement, the Department of Corrections shall  
4598 notify the victim of the offense or a designee of the immediate  
4599 family of the victim regarding the date when the offender's  
4600 release shall occur, provided a current address of the victim or  
4601 designated family member has been furnished in writing to the  
4602 Director of Records for such purpose.

4603           **SECTION 78.** Section 99-19-83, Mississippi Code of 1972, is  
4604 amended as follows:

4605           99-19-83. Every person convicted in this state of a felony  
4606 who shall have been convicted twice previously of any felony or  
4607 federal crime upon charges separately brought and arising out of  
4608 separate incidents at different times and who shall have been  
4609 sentenced to and served separate terms of one (1) year or more,



4610 whether served concurrently or not, in any state and/or federal  
4611 penal institution, whether in this state or elsewhere, and where  
4612 any one (1) of such felonies shall have been a crime of violence,  
4613 as defined by Section 97-3-2, shall be sentenced to life  
4614 imprisonment, and such sentence shall not be reduced or suspended  
4615 nor shall such person be eligible for parole \* \* \*,  
4616 probation or any other form of early release from actual physical custody  
4617 within the Department of Corrections.

4618       **SECTION 79.** Section 99-19-81, Mississippi Code of 1972, is  
4619 brought forward as follows:

4620       99-19-81. Every person convicted in this state of a felony  
4621 who shall have been convicted twice previously of any felony or  
4622 federal crime upon charges separately brought and arising out of  
4623 separate incidents at different times and who shall have been  
4624 sentenced to separate terms of one (1) year or more in any state  
4625 and/or federal penal institution, whether in this state or  
4626 elsewhere, shall be sentenced to the maximum term of imprisonment  
4627 prescribed for such felony, and such sentence shall not be reduced  
4628 or suspended nor shall such person be eligible for parole or  
4629 probation.

4630       **SECTION 80.** Section 99-19-84, Mississippi Code of 1972, is  
4631 brought forward as follows:

4632       99-19-84. Whenever probation is a part of a sentence  
4633 prescribed for an offense for which registration as a sex offender  
4634 is required under Title 45, Chapter 33, the court may include as a



4635 condition of probation that the sex offender be placed on  
4636 electronic monitoring. The Department of Corrections shall  
4637 promulgate rules and regulations for the implementation of  
4638 electronic monitoring of sex offenders on probation.

4639 **SECTION 81.** Section 99-19-87, Mississippi Code of 1972, is  
4640 brought forward as follows:

4641 99-19-87. Nothing in Sections 99-19-81 through 99-19-87  
4642 shall abrogate or affect punishment by death in any and all crimes  
4643 now or hereafter punishable by death.

4644 **SECTION 82.** (1) The Legislature recognizes that our  
4645 military veterans have provided an invaluable service to our  
4646 country. In doing so, many may have suffered the effects of,  
4647 including, but not limited to, post-traumatic stress disorder,  
4648 traumatic brain injury and depression, and may also suffer drug  
4649 and alcohol dependency or addiction and co-occurring mental  
4650 illness and substance abuse problems. As a result of this, some  
4651 veterans come into contact with the criminal justice system and  
4652 are charged with felony offenses. There is a critical need for  
4653 the justice system to recognize these veterans, provide  
4654 accountability for their wrongdoing, provide for the safety of the  
4655 public, and provide for the treatment of our veterans. It is the  
4656 intent of the Legislature to create a framework for which  
4657 specialized veterans treatment courts may be established at the  
4658 circuit court level and at the discretion of the circuit court  
4659 judge.



4660           (2) **Authorization.** A circuit court judge may establish a  
4661 Veterans Treatment Court program. The Veterans Treatment Court  
4662 may, at the discretion of the circuit court judge, be a separate  
4663 court program or as a component of an existing drug court program.  
4664 At the discretion of the circuit court judge, the Veterans  
4665 Treatment Court may be operated in one (1) county within the  
4666 circuit court district, and allow veteran participants from all  
4667 counties within the circuit court district to participate.

4668           (3) **Eligibility.** (a) In order to be eligible to  
4669 participate in a Veterans Treatment Court program established  
4670 under this section, the attorney representing the state must  
4671 consent to the defendant's participation in the program. Further,  
4672 the court in which the criminal case is pending must have found  
4673 that the defendant is a veteran of the United States Armed Forces  
4674 as defined in Title 38 USCS.

4675                   (b) Participation in the services of an alcohol and  
4676 drug intervention component shall only be open to the individuals  
4677 over whom the court has jurisdiction, except that the court may  
4678 agree to provide the services for individuals referred from  
4679 another Veterans Treatment Court. In cases transferred from  
4680 another jurisdiction, the receiving judge shall act as a special  
4681 master and make recommendations to the sentencing judge.

4682                   (c) (i) As a condition of participation in a Veterans  
4683 Treatment Court, a participant may be required to undergo a  
4684 chemical test or a series of chemical tests as specified by the



4685 Veterans Treatment Court program. A participant may be held  
4686 liable for costs associated with all chemical tests required under  
4687 this section. However, a judge may waive any fees for testing.

4688 (ii) A laboratory that performs chemical tests  
4689 under this section shall report the results of the tests to the  
4690 Veterans Treatment Courts.

4691 (d) A person does not have the right to participate in  
4692 a Veterans Treatment Court program under this article. The court  
4693 having jurisdiction over a person for a matter before the court  
4694 shall have the final determination about whether the person may  
4695 participate in the Veterans Treatment Court program.

4696 (e) A defendant shall be excluded from participating in  
4697 a Veterans Treatment Court program if any one (1) of the following  
4698 applies:

4699 (i) The crime before the court is a crime of  
4700 violence as set forth in paragraph (c) of this subsection.

4701 (ii) The defendant does not demonstrate a  
4702 willingness to participate in a treatment program.

4703 (iii) The defendant has been previously convicted  
4704 of a felony crime of violence including, but not limited to:  
4705 murder, rape, sexual battery, statutory rape of a child under the  
4706 age of sixteen (16), armed robbery, arson, aggravated kidnapping,  
4707 aggravated assault, stalking, or any offense involving the  
4708 discharge of a firearm or where serious bodily injury or death  
4709 resulted to any person.



4710 (f) The court in which the criminal case is pending  
4711 shall allow an eligible defendant to choose whether to proceed  
4712 through the Veterans Treatment Court program or otherwise through  
4713 the justice system.

4714 (g) Proof of matters under this section may be  
4715 submitted to the court in which the criminal case is pending in  
4716 any form the court determines to be appropriate, including  
4717 military service and medical records, previous determinations of a  
4718 disability by a veteran's organization or by the United States  
4719 Department of Veterans Affairs, testimony or affidavits of other  
4720 veterans or service members, and prior determinations of  
4721 eligibility for benefits by any state or county veterans office.

4722 (4) **Administrative Office of Courts.** With regard to any  
4723 Veterans Treatment Court established under this article, the  
4724 Administrative Office of Courts may do the following:

4725 (a) Ensure that the structure of the intervention  
4726 component complies with rules adopted under this article and  
4727 applicable federal regulations.

4728 (b) Revoke the authorization of a program upon a  
4729 determination that the program does not comply with rules adopted  
4730 under this article and applicable federal regulations.

4731 (c) Enter into agreements and contracts to effectuate  
4732 the purposes of this article with:

4733 (i) Another department, authority, or agency of  
4734 the state;



4735 (ii) Another state;  
4736 (iii) The federal government;  
4737 (iv) A state-supported or private university; or  
4738 (v) A public or private agency, foundation,  
4739 corporation, or individual.

4740 (d) Directly, or by contract, approve and certify any  
4741 intervention component established under this article.

4742 (e) Require, as a condition of operation, that each  
4743 veterans court created or funded under this article be certified  
4744 by the Administrative Office of Courts.

4745 (f) Adopt rules to implement this article.

4746 (5) **State Drug Court Advisory Committee.** (a) The State  
4747 Drug Court Advisory Committee shall be responsible for developing  
4748 statewide rules and policies as they relate to Veterans Treatment  
4749 Court programs.

4750 (b) The State Drug Court Advisory Committee may also  
4751 make recommendations to the Chief Justice, the Director of the  
4752 Administrative Office of Courts and state officials concerning  
4753 improvements to Veterans Treatment Court policies and procedures.

4754 (c) The State Drug Court Advisory Committee shall act  
4755 as an arbiter of disputes arising out of the operation of Veterans  
4756 Treatment Court programs established under this article and make  
4757 recommendations to improve the Veterans Treatment Court programs.

4758 (6) **Funding for Veterans Treatment Courts.** (a) All monies  
4759 received from any source by the Veterans Treatment Court program





4760 shall be accumulated in a fund to be used only for Veterans  
4761 Treatment Court purposes. Any funds remaining in this fund at the  
4762 end of the fiscal year shall not lapse into the General Fund, but  
4763 shall be retained in the Veterans Treatment Court fund for the  
4764 funding of further activities by the Veterans Treatment Court  
4765 program.

4766 (b) A Veterans Treatment Court program may apply for  
4767 and receive the following:

4768 (i) Gifts, bequests and donations from private  
4769 sources.

4770 (ii) Grant and contract money from governmental  
4771 sources.

4772 (iii) Other forms of financial assistance approved  
4773 by the court to supplement the budget of the Veterans Treatment  
4774 Court program.

4775 (7) **Immunity.** The coordinator and members of the  
4776 professional and administrative staff of the Veterans Treatment  
4777 Court program who perform duties in good faith under this article  
4778 are immune from civil liability for:

4779 (a) Acts or omissions in providing services under this  
4780 article; and

4781 (b) The reasonable exercise of discretion in  
4782 determining eligibility to participate in the Veterans Treatment  
4783 Court program.



4784 (8) This section shall be codified as a separate article in  
4785 Title 9, Mississippi Code of 1972.

4786 **SECTION 83.** This act shall take effect and be in force from  
4787 and after July 1, 2014.

