HOUSE BILL NO. 477
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMUNITY SERVICE REVOLVING FUND, REQUIRE CERTAIN OFFENDERS TO MAKE PAYMENTS TO THE COMMUNITY SERVICES DIVISION OF THE DEPARTMENT, PROVIDE FOR THE DISPOSITION OF THE PAYMENTS AND PROVIDE A TIME LIMITATION ON THE PAYMENTS, TO EXTEND THE REPEAL DATE FROM JUNE 30, 2001, TO JUNE 30, 2002; TO PROVIDE THAT A HARDSHIP WAIVER MAY BE GRANTED BY THE SENTENCING COURT OR THE DEPARTMENT OF CORRECTIONS AND TO PROVIDE THAT A HARDSHIP WAIVER MAY NOT BE GRANTED FOR A PERIOD OF TIME EXCEEDING NINETY DAYS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 47-7-49, Mississippi Code of 1972, is amended as follows:

47-7-49. (1) Any offender on probation, parole, earned-release supervision, post-release supervision, earned probation or any other offender under the field supervision of the Community Corrections Division of the department shall pay to the department the sum of Thirty Dollars ($30.00) per month by certified check or money order unless a hardship waiver is granted. A hardship waiver may be granted by the sentencing court or the Department of Corrections. A hardship waiver may not be granted for a period of time exceeding ninety (90) days. The commissioner or his designee shall deposit Twenty-five Dollars ($25.00) of the payments received into a special fund in the State Treasury, which is hereby created, to be known as the Community Service Revolving Fund. Expenditures from this fund shall be made for: (a) the establishment of restitution and satellite centers; and (b) the establishment, administration and operation of the department's Drug Identification Program and the intensive and field supervision program. ** The Twenty-five Dollars ($25.00)
may be used for salaries and to purchase equipment, supplies and
vehicles to be used by the Community Corrections Division in the
performance of its duties. Expenditures for the purposes
established in this section may be made from the fund upon
requisition by the commissioner or his designee.

Of the remaining amount, Three Dollars ($3.00) of the
payments shall be deposited in the Crime Victims' Compensation
Fund created in Section 99-41-29, Two Dollars ($2.00) shall be
deposited into the Training Revolving Fund created pursuant to
Section 47-7-51. When a person is convicted of a felony in this
state, in addition to any other sentence it may impose, the court
may, in its discretion, order the offender to pay a state
assessment not to exceed the greater of One Thousand Dollars
($1,000.00) or the maximum fine that may be imposed for the
offense, into the Crime Victims' Compensation Fund created
pursuant to Section 99-41-29.

Any federal funds made available to the department for
training or for training facilities, equipment or services shall
be deposited in the Correctional Training Revolving Fund created
in Section 47-7-51. The funds deposited in this account shall be
used to support an expansion of the department's training program
to include the renovation of facilities for training purposes,
purchase of equipment and contracting of training services with
community colleges in the state.

No offender shall be required to make this payment for a
period of time longer than ten (10) years.

(2) The offender may be imprisoned until the payments are
made if the offender is financially able to make the payments and
the court in the county where the offender resides so finds,
subject to the limitations hereinafter set out. The offender
shall not be imprisoned if the offender is financially unable to
make the payments and so states to the court in writing, under
oath, and the court so finds.
(3) This section shall stand repealed from and after June 30, 2002.

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