

By: Representative Ford

To: Penitentiary

HOUSE BILL NO. 477  
(As Sent to Governor)

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

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

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

14 47-7-49. (1) Any offender on probation, parole,  
15 earned-release supervision, post-release supervision, earned  
16 probation or any other offender under the field supervision of the  
17 Community Corrections Division of the department shall pay to the  
18 department the sum of Thirty Dollars (\$30.00) per month by  
19 certified check or money order unless a hardship waiver is  
20 granted. A hardship waiver may be granted by the sentencing court  
21 or the Department of Corrections. A hardship waiver may not be  
22 granted for a period of time exceeding ninety (90) days. The  
23 commissioner or his designee shall deposit Twenty-five Dollars  
24 (\$25.00) of the payments received into a special fund in the State  
25 Treasury, which is hereby created, to be known as the Community  
26 Service Revolving Fund. Expenditures from this fund shall be made  
27 for: (a) the establishment of restitution and satellite centers;  
28 and (b) the establishment, administration and operation of the  
29 department's Drug Identification Program and the intensive and  
30 field supervision program. \* \* \* The Twenty-five Dollars (\$25.00)

31 may be used for salaries and to purchase equipment, supplies and  
32 vehicles to be used by the Community Corrections Division in the  
33 performance of its duties. Expenditures for the purposes  
34 established in this section may be made from the fund upon  
35 requisition by the commissioner or his designee.

36 Of the remaining amount, Three Dollars (\$3.00) of the  
37 payments shall be deposited in the Crime Victims' Compensation  
38 Fund created in Section 99-41-29, Two Dollars (\$2.00) shall be  
39 deposited into the Training Revolving Fund created pursuant to  
40 Section 47-7-51. When a person is convicted of a felony in this  
41 state, in addition to any other sentence it may impose, the court  
42 may, in its discretion, order the offender to pay a state  
43 assessment not to exceed the greater of One Thousand Dollars  
44 (\$1,000.00) or the maximum fine that may be imposed for the  
45 offense, into the Crime Victims' Compensation Fund created  
46 pursuant to Section 99-41-29.

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

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

57 (2) The offender may be imprisoned until the payments are  
58 made if the offender is financially able to make the payments and  
59 the court in the county where the offender resides so finds,  
60 subject to the limitations hereinafter set out. The offender  
61 shall not be imprisoned if the offender is financially unable to  
62 make the payments and so states to the court in writing, under  
63 oath, and the court so finds.

64           (3) This section shall stand repealed from and after June  
65 30, 2002.

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