

By: Representatives Malone, Coleman (29th)

To: Penitentiary

HOUSE BILL NO. 1035

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO
2 INCREASE FEE PAYMENT OF OFFENDERS UNDER THE SUPERVISION OF THE
3 COMMUNITY SERVICES DIVISION AND TO PROVIDE FOR THE DISBURSEMENT OF
4 THE INCREASE; TO EXTEND THE REPEAL DATE ON THE COMMUNITY SERVICE
5 REVOLVING FUND; AND FOR RELATED PURPOSES.

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

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

9 47-7-49. (1) Any offender on probation, parole,
10 earned-release supervision, post-release supervision, earned
11 probation or any other offender under the field supervision of the
12 Community Corrections Division of the department shall pay to the
13 department the sum of Thirty Dollars (\$30.00) per month by
14 certified check or money order unless a hardship waiver is granted
15 by the sentencing court. The commissioner or his designee shall
16 deposit Twenty-five Dollars (\$25.00) of the payments received into
17 a special fund in the State Treasury, which is hereby created, to
18 be known as the Community Service Revolving Fund. Expenditures
19 from this fund shall be made for: (a) the establishment of
20 restitution and satellite centers; and (b) the establishment,
21 administration and operation of the department's Drug
22 Identification Program and the intensive and field supervision
23 program. Fifteen Dollars (\$15.00) of the Twenty-five Dollars
24 (\$25.00) may be used for salaries and to purchase equipment,
25 supplies and vehicles to be used by the Community Corrections
26 Division in the performance of its duties. Expenditures for the
27 purposes established in this section may be made from the fund
28 upon requisition by the commissioner or his designee.

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

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

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

50 (2) The offender may be imprisoned until the payments are
51 made if the offender is financially able to make the payments and
52 the court in the county where the offender resides so finds,
53 subject to the limitations hereinafter set out. The offender
54 shall not be imprisoned if the offender is financially unable to
55 make the payments and so states to the court in writing, under
56 oath, and the court so finds.

57 (3) This section shall stand repealed from and after June
58 30, 2002.

59 SECTION 2. This act shall take effect and be in force from
60 and after July 1, 2001.