

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 1121
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO
2 RENAME THE DIVISION OF COMMUNITY SERVICES AND THE POSITION OF THE
3 DEPUTY COMMISSIONER OF COMMUNITY SERVICES OF THE DEPARTMENT OF
4 CORRECTIONS; TO MAKE A TECHNICAL CHANGE TO QUALIFICATIONS OF THE
5 DEPUTY COMMISSIONER OF COMMUNITY SERVICES; TO AMEND SECTIONS
6 47-5-8, 47-5-158, 47-7-9, 47-7-34, 47-7-41, 99-15-127, 99-19-45
7 AND 99-19-48, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
8 PROVISIONS OF THIS ACT; TO AMEND REENACTED SECTION 47-5-901,
9 MISSISSIPPI CODE OF 1972, TO CHANGE THE DATE ON WHICH THE
10 DEPARTMENT OF CORRECTIONS MUST BEGIN TO PAY COUNTIES FOR HOUSING
11 STATE OFFENDERS AND TO PROVIDE THAT SUCH PAYMENTS SHALL NOT BE
12 MADE FOR OFFENDERS HOUSED IN COUNTY JAILS PENDING PROBATION AND
13 PAROLE REVOCATION HEARINGS; TO REENACT SECTION 47-7-49,
14 MISSISSIPPI CODE OF 1972, WHICH CREATES THE COMMUNITY SERVICE
15 REVOLVING FUND; TO AMEND REENACTED SECTION 47-7-49, MISSISSIPPI
16 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; TO
17 REQUIRE OFFENDERS TO PAY FOR THE COSTS OF REQUESTED TRANSFERS
18 BETWEEN FACILITIES; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 47-5-26, Mississippi Code of 1972, is
21 amended as follows:

22 47-5-26. (1) The commissioner shall employ the following
23 personnel:

24 (a) A Deputy Commissioner for Administration and
25 Finance, who shall supervise and implement all fiscal policies and
26 programs within the department, supervise and implement all hiring
27 and personnel matters within the department, supervise the
28 department's personnel director, supervise and implement all
29 purchasing within the department and supervise and implement all
30 data processing activities within the department, and who shall
31 serve as the Chief Executive Officer of the Division of
32 Administration and Finance. He shall possess either:

33 (i) A master's degree from an accredited four-year
34 college or university in public or business administration,
35 accounting, economics or a directly related field, and four (4)



36 years of experience in work related to the above-described duties,
37 one (1) year of which must have included line or functional
38 supervision; or

39 (ii) A bachelor's degree from an accredited
40 four-year college or university in public or business
41 administration, accounting, economics or a directly related field,
42 and six (6) years of experience in work related to the
43 above-described duties, one (1) year of which must have included
44 line or functional supervision. Certification by the State of
45 Mississippi as a certified public accountant may be substituted
46 for one (1) year of the required experience.

47 (b) A Deputy Commissioner for Community Corrections,
48 who shall initiate and administer programs, including, but not
49 limited to, supervision of probationers, parolees and
50 suspensioners, counseling, community-based treatment, interstate
51 compact administration and enforcement, prevention programs,
52 halfway houses and group homes, restitution centers, presentence
53 investigations, and work and educational releases, and shall serve
54 as the Chief Executive Officer of the Division of Community
55 Services. The Deputy Commissioner for Community Corrections is
56 charged with full and complete cooperation with the State Parole
57 Board and shall make monthly reports to the Chairman of the Parole
58 Board in the form and type required by the chairman, in his
59 discretion, for the proper performance of the probation and parole
60 functions. After a plea or verdict of guilty to a felony is
61 entered against a person and before he is sentenced, the Deputy
62 Commissioner for Community Corrections shall procure from any
63 available source and shall file in the presentence records any
64 information regarding any criminal history of the person such as
65 fingerprints, dates of arrests, complaints, civil and criminal
66 charges, investigative reports of arresting and prosecuting
67 agencies, reports of the National Crime Information Center, the
68 nature and character of each offense, noting all particular



69 circumstances thereof and any similar data about the person. The
70 Deputy Commissioner for Community Corrections shall keep an
71 accurate and complete duplicate record of this file and shall
72 furnish the duplicate to the department. This file shall be
73 placed in and shall constitute a part of the inmate's master file.
74 The Deputy Commissioner for Community Corrections shall furnish
75 this file to the State Parole Board when the file is needed in the
76 course of its official duties. He shall possess either: (i) a
77 master's degree in counseling, corrections psychology, guidance,
78 social work, criminal justice or some related field and at least
79 four (4) years' full-time experience in such field, including at
80 least one (1) year of supervisory experience; or (ii) a bachelor's
81 degree in a field described in subparagraph (i) of this paragraph
82 and at least six (6) years' full-time work in corrections, one (1)
83 year of which shall have been at the supervisory level.

84 (c) A Deputy Commissioner for Institutions, who shall
85 administer institutions, reception and diagnostic centers,
86 prerelease centers and other facilities and programs provided
87 therein, and shall serve as the chief executive officer of the
88 division of institutions. He shall possess either: (i) a
89 master's degree in counseling, criminal justice, psychology,
90 guidance, social work, business or some related field, and at
91 least four (4) years' full-time experience in corrections,
92 including at least one (1) year of correctional management
93 experience; or (ii) a bachelor's degree in a field described in
94 subparagraph (i) of this paragraph and at least six (6) years'
95 full-time work in corrections, four (4) years of which shall have
96 been at the correctional management level.

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



101 (3) The administrative assistant for parole matters shall
102 receive an annual salary to be established by the Legislature.
103 The salaries of department employees not established by the
104 Legislature shall receive an annual salary established by the
105 State Personnel Board.

106 (4) The commissioner shall employ a superintendent for the
107 Parchman facility, Central Mississippi Correctional Facility and
108 South Mississippi Correctional Institution of the Department of
109 Corrections. The superintendent of the Mississippi State
110 Penitentiary shall reside on the grounds of the Parchman facility.
111 Each superintendent shall appoint an officer in charge when he is
112 absent.

113 Each superintendent shall develop and implement a plan for
114 the prevention and control of an inmate riot and shall file a
115 report with the Chairman of the Senate Corrections Committee and
116 the Chairman of the House Penitentiary Committee on the first day
117 of each regular session of the Legislature regarding the status of
118 the plan.

119 In order that the grievances and complaints of inmates,
120 employees and visitors at each facility may be heard in a timely
121 and orderly manner, each superintendent shall appoint or designate
122 an employee at the facility to hear grievances and complaints and
123 to report grievances and complaints to the superintendent. Each
124 superintendent shall institute procedures as are necessary to
125 provide confidentiality to those who file grievances and
126 complaints.

127 **SECTION 2.** Section 47-5-8, Mississippi Code of 1972, is
128 amended as follows:

129 47-5-8. (1) There is * * * created the Mississippi
130 Department of Corrections, which shall be under the policy
131 direction of the Governor. The chief administrative officer of
132 the department shall be the Commissioner of Corrections.



133 (2) (a) There shall be a Division of Administration and
134 Finance within the department, which shall have as its chief
135 administrative officer a Deputy Commissioner for Administration
136 and Finance who shall be appointed by the commissioner, and shall
137 be directly responsible to the commissioner.

138 (b) There shall be a Division of Community Corrections
139 within the department, which shall have as its chief
140 administrative officer a Deputy Commissioner for Community
141 Corrections, who shall be appointed by the commissioner, and shall
142 be directly responsible to the commissioner. The Probation and
143 Parole Board shall continue to exercise the authority as provided
144 by law, but after July 1, 1976, the Division of Community
145 Corrections shall serve as the administrative agency for the
146 Probation and Parole Board.

147 (3) The department shall succeed to the exclusive control of
148 all records, books, papers, equipment and supplies, and all lands,
149 buildings and other real and personal property now or hereafter
150 belonging to or assigned to the use and benefit or under the
151 control of the Mississippi State Penitentiary and the Mississippi
152 Probation and Parole Board, except the records of parole process
153 and revocation and legal matters related thereto, and shall have
154 the exercise and control of the use, distribution and disbursement
155 of all funds, appropriations and taxes now or hereafter in
156 possession, levied, collected or received or appropriated for the
157 use, benefit, support and maintenance of these two (2) agencies
158 except as otherwise provided by law, and the department shall have
159 general supervision of all the affairs of the two (2) agencies
160 herein named except as otherwise provided by law, and the care and
161 conduct of all buildings and grounds, business methods and
162 arrangements of accounts and records, the organization of the
163 administrative plans of each institution, and all other matters
164 incident to the proper functioning of the two (2) agencies.



165 (4) The commissioner may lease the lands for oil, gas,
166 mineral exploration and other purposes, and contract with other
167 state agencies for the proper management of lands under such
168 leases or for the provision of other services, and the proceeds
169 thereof shall be paid into the General Fund of the state.

170 **SECTION 3.** Section 47-5-158, Mississippi Code of 1972, as
171 amended by Senate Bill 2983, 2002 Regular Session, is amended as
172 follows:

173 47-5-158. (1) The department is authorized to maintain a
174 bank account which shall be designated as the Inmate Welfare Fund.
175 All monies now held in a similar fund for the benefit and welfare
176 of inmates shall be deposited into the Inmate Welfare Fund. This
177 fund shall be used for the benefit and welfare of inmates in the
178 custody of the department.

179 (2) There shall be deposited into the Inmate Welfare Fund
180 interest previously earned on inmate deposits, all net profits
181 from the operation of inmate canteens, the annual prison rodeo,
182 performances of the Penitentiary band, interest earned on the
183 Inmate Welfare Fund and other revenues designated by the
184 commissioner. All money shall be deposited into the Inmate
185 Welfare Fund as provided in Section 7-9-21, Mississippi Code of
186 1972.

187 (3) All inmate telephone call commissions shall be paid to
188 the department. Monies in the fund may be expended by the
189 Department of Corrections, upon requisition by the commissioner or
190 his designee, only for the purposes established in this
191 subsection.

192 (a) * * * Twenty-five percent (25%) of the inmate
193 telephone call commissions shall be used to purchase and maintain
194 telecommunication equipment to be used by the department.

195 (b) Until July 1, 2007, twenty-five percent (25%) of
196 the inmate telephone call commissions shall be deposited into the
197 Prison Agricultural Enterprise Fund. Beginning on July 1, 2007,

198 fifty percent (50%) of the inmate telephone call commissions shall
199 be deposited into the Prison Agricultural Enterprise Fund. The
200 Mississippi Department of Corrections may use these funds to
201 supplement the Prison Agricultural Enterprise Fund created in
202 Section 47-5-66.

203 (c) Twenty-five percent (25%) of the inmate telephone
204 call commissions shall be deposited into the Inmate Welfare Fund.

205 (d) Until July 1, 2007, twenty-five percent (25%) shall
206 be deposited in a fund called the Inmate Technology Fund to
207 purchase an Inmate Information Technology System. This paragraph
208 (d) shall repeal on July 1, 2007.

209 (4) The commissioner may invest in the manner authorized by
210 law any money in the Inmate Welfare Fund that is not necessary for
211 immediate use, and the interest earned shall be deposited in the
212 Inmate Welfare Fund.

213 (5) The Deputy Commissioner for Administration and Finance
214 shall be the custodian of the Inmate Welfare Fund. He shall
215 establish and implement internal accounting controls that comply
216 with generally accepted accounting principles. The Deputy
217 Commissioner for Administration and Finance shall prepare and
218 issue quarterly consolidated and individual facility financial
219 statements to the prison auditor of the Joint Legislative
220 Committee on Performance Evaluation and Expenditure Review. The
221 deputy commissioner shall prepare an annual report which shall
222 include a summary of expenditures from the fund by major
223 categories and by individual facility. This annual report shall
224 be sent to the prison auditor, the Legislative Budget Office, the
225 Chairman of the Corrections Committee of the Senate, and the
226 Chairman of the Penitentiary Committee of the House of
227 Representatives.

228 (6) A portion of the Inmate Welfare Fund shall be deposited
229 in the Discharged Offenders Revolving Fund, as created under
230 Section 47-5-155, in amounts necessary to provide a balance not to



231 exceed One Hundred Thousand Dollars (\$100,000.00) in the
232 Discharged Offenders Revolving Fund, and shall be used to
233 supplement those amounts paid to discharged, paroled or pardoned
234 offenders from the department. The superintendent of the Parchman
235 facility shall establish equitable criteria for the making of
236 supplemental payments which shall not exceed Two Hundred Dollars
237 (\$200.00) for any offender. The supplemental payments shall be
238 subject to the approval of the commissioner. The State Treasurer
239 shall not be required to replenish the Discharged Offenders
240 Revolving Fund for the supplemental payments made to discharged,
241 paroled or pardoned offenders.

242 (7) The Inmate Welfare Fund Committee is hereby created and
243 shall be composed of seven (7) members: The Deputy Commissioner
244 for Community Corrections, the Deputy Commissioner of
245 Institutions, the Superintendent of the Parchman facility, the
246 Superintendent of the Rankin County facility, the Superintendent
247 of the Greene County facility, and two (2) members to be appointed
248 by the Commissioner of Corrections. The commissioner shall
249 appoint the chairman of the committee. The committee shall
250 administer and supervise the operations and expenditures from the
251 Inmate Welfare Fund and shall maintain an official minute book
252 upon which shall be spread its authorization and approval for all
253 such expenditures. The committee may promulgate regulations
254 governing the use and expenditures of the fund.

255 (8) The Department of Audit shall conduct an annual
256 comprehensive audit of the Inmate Welfare Fund.

257 **SECTION 4.** Section 47-5-901, Mississippi Code of 1972, as
258 reenacted by House Bill No. 682, 2002 Regular Session, is amended
259 as follows:

260 47-5-901. (1) Any person committed, sentenced or otherwise
261 placed under the custody of the Department of Corrections, on
262 order of the sentencing court and subject to the other conditions
263 of this subsection, may serve all or any part of his sentence in



264 the county jail of the county wherein such person was convicted if
265 the Commissioner of Corrections determines that physical space is
266 not available for confinement of such person in the state
267 correctional institutions. Such determination shall be promptly
268 made by the Department of Corrections upon receipt of notice of
269 the conviction of such person. The commissioner shall certify in
270 writing that space is not available to the sheriff or other
271 officer having custody of the person. Any person serving his
272 sentence in a county jail shall be classified in accordance with
273 Section 47-5-905.

274 (2) If state prisoners are housed in county jails due to a
275 lack of capacity at state correctional institutions, the
276 Department of Corrections shall determine the cost for food and
277 medical attention for such prisoners. The cost of feeding and
278 housing offenders confined in such county jails shall be based on
279 actual costs or contract price per prisoner. In order to maximize
280 the potential use of county jail space, the Department of
281 Corrections is encouraged to negotiate a reasonable per day cost
282 per prisoner, which in no event may exceed Twenty Dollars (\$20.00)
283 per day per offender.

284 (3) Upon vouchers submitted by the board of supervisors of
285 any county housing persons due to lack of space at state
286 institutions, the Department of Corrections shall pay to such
287 county, out of any available funds, the actual cost of food, or
288 contract price per prisoner, not to exceed Twenty Dollars (\$20.00)
289 per day per offender, as determined under subsection (2) of this
290 section for each day an offender is so confined beginning
291 the * * * day that the Department of Corrections receives a
292 certified copy of the sentencing order and will terminate on the
293 date on which the offender is released or otherwise removed from
294 the custody of the county jail, and shall pay the actual cost for
295 medical attention for prisoners unless the Commissioner of
296 Corrections shall find that the costs of any medical services



297 rendered are unreasonable. Such payment shall be placed in the
298 county general fund and shall be expended only for food and
299 medical attention for such persons. The Department of Corrections
300 shall not pay a county for offenders housed in county jails
301 pending a probation or parole revocation hearing.

302 (4) A person, on order of the sentencing court, may serve
303 not more than twenty-four (24) months of his sentence in a county
304 jail if the person is classified in accordance with Section
305 47-5-905 and the county jail is an approved county jail for
306 housing state inmates under federal court order. The sheriff of
307 the county shall have the right to petition the Commissioner of
308 Corrections to remove the inmate from the county jail. The county
309 shall be reimbursed in accordance with subsection (2).

310 (5) The Attorney General of the State of Mississippi shall
311 defend the employees of the Department of Corrections and
312 officials and employees of political subdivisions against any
313 action brought by any person who was committed to a county jail
314 under the provisions of this section.

315 (6) This section does not create in the Department of
316 Corrections, or its employees or agents, any new liability,
317 express or implied, nor shall it create in the Department of
318 Corrections any administrative authority or responsibility for the
319 construction, funding, administration or operation of county or
320 other local jails or other places of confinement which are not
321 staffed and operated on a full-time basis by the Department of
322 Corrections. The correctional system under the jurisdiction of
323 the Department of Corrections shall include only those facilities
324 fully staffed by the Department of Corrections and operated by it
325 on a full-time basis.

326 (7) An offender returned to a county for post-conviction
327 proceedings shall be subject to the provisions of Section 99-19-42
328 and the county shall not receive the per day allotment for such



329 offender after the time prescribed for returning the offender to
330 the Department of Corrections as provided in Section 99-19-42.

331 **SECTION 5.** Section 47-7-9, Mississippi Code of 1972, is
332 amended as follows:

333 47-7-9. (1) The circuit judges and county judges in the
334 districts to which Division of Community Corrections personnel
335 have been assigned shall have the power to request of the
336 department transfer or removal of the division personnel from
337 their court.

338 (2) (a) Division personnel shall investigate all cases
339 referred to them for investigation by the board, the division or
340 by any court in which they are authorized to serve. They shall
341 furnish to each person released under their supervision a written
342 statement of the conditions of probation, parole, earned-release
343 supervision, post-release supervision or suspension and shall
344 instruct him regarding the same. They shall keep informed
345 concerning the conduct and conditions of persons under their
346 supervision and use all suitable methods to aid and encourage them
347 and to bring about improvements in their conduct and condition.
348 They shall keep detailed records of their work and shall make such
349 reports in writing as the court or the board may require.

350 (b) The division personnel duly assigned to court
351 districts are hereby vested with all the powers of police officers
352 or sheriffs to make arrests or perform any other duties required
353 of policemen or sheriffs which may be incident to the division
354 personnel responsibilities. All probation and parole officers
355 hired on or after July 1, 1994, will be placed in the Law
356 Enforcement Officers' Training Program and will be required to
357 meet the standards outlined by that program.

358 (c) It is the intention of the Legislature that insofar
359 as practicable the case load of each division personnel
360 supervising offenders in the community (hereinafter field



361 supervisor) shall not exceed the number of cases that may be
362 adequately handled.

363 (3) (a) Division personnel shall be provided to perform
364 investigation for the court as provided in this subsection.
365 Division personnel shall conduct presentence investigations on all
366 persons convicted of a felony in any circuit court of the state,
367 prior to sentencing and at the request of the circuit court judge
368 of the court of conviction. The presentence evaluation report
369 shall consist of a complete record of the offender's criminal
370 history, educational level, employment history, psychological
371 condition and such other information as the department or judge
372 may deem necessary. Division personnel shall also prepare written
373 victim impact statements at the request of the sentencing judge as
374 provided in Section 99-19-157.

375 (b) In order that offenders in the custody of the
376 department on July 1, 1976, may benefit from the kind of
377 evaluations authorized in this section, an evaluation report to
378 consist of the information required hereinabove, supplemented by
379 an examination of an offender's record while in custody, shall be
380 compiled by the division upon all offenders in the custody of the
381 department on July 1, 1976. After a study of such reports by the
382 State Parole Board those cases which the board believes would
383 merit some type of executive clemency shall be submitted by the
384 board to the Governor with its recommendation for the appropriate
385 executive action.

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

388 **SECTION 6.** Section 47-7-34, Mississippi Code of 1972, is
389 amended as follows:

390 47-7-34. (1) When a court imposes a sentence upon a
391 conviction for any felony committed after June 30, 1995, the
392 court, in addition to any other punishment imposed if the other
393 punishment includes a term of incarceration in a state or local



394 correctional facility, may impose a term of post-release
395 supervision. However, the total number of years of incarceration
396 plus the total number of years of post-release supervision shall
397 not exceed the maximum sentence authorized to be imposed by law
398 for the felony committed. The defendant shall be placed under
399 post-release supervision upon release from the term of
400 incarceration. The period of supervision shall be established by
401 the court.

402 (2) The period of post-release supervision shall be
403 conducted in the same manner as a like period of supervised
404 probation, including a requirement that the defendant shall abide
405 by any terms and conditions as the court may establish. Failure
406 to successfully abide by the terms and conditions shall be grounds
407 to terminate the period of post-release supervision and to
408 recommit the defendant to the correctional facility from which he
409 was previously released. Procedures for termination and
410 recommitment shall be conducted in the same manner as procedures
411 for the revocation of probation and imposition of a suspended
412 sentence.

413 (3) Post-release supervision programs shall be operated
414 through the probation and parole unit of the Division of Community
415 Corrections of the department. The maximum amount of time that
416 the Mississippi Department of Corrections may supervise an
417 offender on the post-release supervision program is five (5)
418 years.

419 **SECTION 7.** Section 47-7-41, Mississippi Code of 1972, is
420 amended as follows:

421 47-7-41. When a probationer shall be discharged from
422 probation by the court of original jurisdiction, the field
423 supervisor, upon receiving a written request from the probationer,
424 shall forward a written report of the record of the probationer to
425 the Division of Community Corrections of the department, which
426 shall present a copy of this report to the Governor. The Governor



427 may, in his discretion, at any time thereafter by appropriate
428 executive order restore any civil rights lost by the probationer
429 by virtue of his conviction or plea of guilty in the court of
430 original jurisdiction.

431 **SECTION 8.** Section 47-7-49, Mississippi Code of 1972, as
432 amended by Senate Bill 2361, 2002 Regular Session, is reenacted
433 and amended as follows:

434 47-7-49. (1) Any offender on probation, parole,
435 earned-release supervision, post-release supervision, earned
436 probation or any other offender under the field supervision of the
437 Community Services Division of the department shall pay to the
438 department the sum of Thirty Dollars (\$30.00) per month by
439 certified check or money order unless a hardship waiver is
440 granted. A hardship waiver may be granted by the sentencing court
441 or the Department of Corrections. A hardship waiver may not be
442 granted for a period of time exceeding ninety (90) days. The
443 commissioner or his designee shall deposit Twenty-five Dollars
444 (\$25.00) of the payments received into a special fund in the State
445 Treasury, which is hereby created, to be known as the Community
446 Service Revolving Fund. Expenditures from this fund shall be made
447 for: (a) the establishment of restitution and satellite centers;
448 and (b) the establishment, administration and operation of the
449 department's Drug Identification Program and the intensive and
450 field supervision program. The Twenty-five Dollars (\$25.00) may
451 be used for salaries and to purchase equipment, supplies and
452 vehicles to be used by the Community Services Division in the
453 performance of its duties. Expenditures for the purposes
454 established in this section may be made from the fund upon
455 requisition by the commissioner, or his designee.

456 Of the remaining amount, Three Dollars (\$3.00) of the
457 payments shall be deposited in the Crime Victims' Compensation
458 Fund created in Section 99-41-29, Two Dollars (\$2.00) shall be
459 deposited into the Training Revolving Fund created pursuant to



460 Section 47-7-51. When a person is convicted of a felony in this
461 state, in addition to any other sentence it may impose, the court
462 may, in its discretion, order the offender to pay a state
463 assessment not to exceed the greater of One Thousand Dollars
464 (\$1,000.00) or the maximum fine that may be imposed for the
465 offense, into the Crime Victims' Compensation Fund created
466 pursuant to Section 99-41-29.

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

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

477 (2) The offender may be imprisoned until the payments are
478 made if the offender is financially able to make the payments and
479 the court in the county where the offender resides so finds,
480 subject to the limitations hereinafter set out. The offender
481 shall not be imprisoned if the offender is financially unable to
482 make the payments and so states to the court in writing, under
483 oath, and the court so finds.

484 (3) This section shall stand repealed from and after June
485 30, 2004.

486 **SECTION 9.** Section 99-15-127, Mississippi Code of 1972, is
487 amended as follows:

488 99-15-127. The Department of Corrections, Division of
489 Community Corrections, is * * * directed to support Sections
490 99-15-101 through 99-15-127 to the extent that field support
491 personnel are available in circuit court districts, and the
492 Commissioner of Corrections shall certify to the court that the



493 Division of Community Corrections has sufficient field parole
494 officers to supervise and oversee those individuals who may be
495 placed in this program by the court.

496 **SECTION 10.** Section 99-19-45, Mississippi Code of 1972, is
497 amended as follows:

498 99-19-45. The clerks of the circuit court of the counties in
499 the State of Mississippi shall furnish the Mississippi Department
500 of Corrections, within five (5) days after adjournment of court, a
501 commitment paper showing the name of the person convicted, the
502 crime, term of sentence, date of sentence, sex, race, and a brief
503 history of the crime committed.

504 The clerks shall also furnish the Department of Corrections,
505 within five (5) days after adjournment of such court, a certified
506 copy of the probation order of an individual who is placed on
507 probation under the supervision of the Division of Community
508 Corrections of the department. Such order shall provide the name
509 of the person placed on probation, the crime, term of sentence,
510 date of sentence, period of probation, sex, race, and a brief
511 history of the crime committed.

512 As compensation for such services they shall receive the sum
513 of Fifty Cents (50¢) for each transcript, and the sum shall be
514 paid out of the treasury of the county, with the approval of the
515 board of supervisors, on the filing of a bill for such service.

516 **SECTION 11.** Section 99-19-48, Mississippi Code of 1972, is
517 amended as follows:

518 99-19-48. The following form, to be furnished by the county,
519 shall be used in transmitting the required data for any individual
520 placed on probation under the supervision of the Division of
521 Community Corrections of the Department of Corrections:

522 "Circuit Court, County of _____.

523 To the Mississippi Department of Corrections:

524 You are hereby notified that at the _____ term, 2_____,
525 of the circuit court, Judge _____ presiding, the following



526 named person was tried, convicted and sentenced to a term in the
527 State Penitentiary. The sentence was suspended and the person was
528 placed on probation:

529 Name _____ Alias _____
530 Date of sentence _____ Crime _____
531 Term of sentence _____ Sex _____
532 Race _____ Appealed _____

533 Remarks: Give brief summary of crime committed. _____

534 _____

535 _____

536 _____

537 Dated _____, 2_____. _____ Clerk."

538 **SECTION 12.** Whenever an offender in the custody of the
539 Department of Corrections is transferred, upon request, from one
540 (1) facility to another, the offender must pay to the department
541 an amount equal to Thirty-five Cents (\$.35) per mile for each mile
542 traveled from the transferor facility to the transferee facility
543 or Twenty-five Dollars (\$25.00), whichever is greater, to cover
544 the costs of the transfer. An offender may not be required to pay
545 for the costs of any transfer that is initiated by the Department
546 of Corrections.

547 **SECTION 13.** This act shall take effect and be in force from
548 and after July 1, 2002.

