AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO INCREASE THE MONTHLY FEE FROM THIRTY DOLLARS TO THIRTY-FIVE DOLLARS TO BE PAID BY OFFENDERS WHO ARE ON PROBATION, PAROLE, EARNED-RELEASE SUPERVISION, POST-RELEASE SUPERVISION, EARNED PROBATION OR UNDER OTHER FIELD SUPERVISION OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS COMMUNITY SERVICE DIVISION; TO PROVIDE THAT THE INITIAL MONTHLY PAYMENT THAT SUCH AN OFFENDER MUST MAKE TO THE DEPARTMENT WILL BE MADE WITHIN 30 DAYS AFTER THE OFFENDER IS RELEASED FROM IMPRISONMENT; TO PROVIDE THAT THE REQUIREMENT FOR SUCH PAYMENTS SHALL END WHEN AN OFFENDER HAS COMPLETED HIS PROBATION, PAROLE, EARNED-RELEASE SUPERVISION, POST-RELEASE SUPERVISION, EARNED PROBATION OR OTHER SUPERVISION OF THE COMMUNITY SERVICES DIVISION OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; 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 Services Division of the department shall pay to the department the sum of Thirty-five Dollars ($35.00) per month by certified check or money order unless a hardship waiver is granted. An offender shall make the initial payment within thirty (30) days after being released from imprisonment 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 Thirty Dollars ($30.00) of each payment 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 Thirty Dollars
($30.00) may be used for salaries and to purchase equipment,
supplies and vehicles to be used by the Community Services
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 each
payment shall be deposited in the Crime Victims' Compensation Fund
created in Section 99-41-29, and 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.

The requirement for the monthly payments under this section
shall end when the offender has completed the probation, parole,
earned-release supervision, post-release supervision, earned
probation or other field supervision of the Community Services
Division of the Mississippi Department of Corrections, and no
offender shall be required to make the payments for a period of
time longer than ten (10) years. However, if an offender is in arrears in the monthly payments required under this section, the offender shall remain liable for such payments until the payments are made.

(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, 2004.

SECTION 2. This act shall take effect and be in force from and after July 1, 2003.