

By: Representative Fleming

To: Penitentiary

HOUSE BILL NO. 347

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE INITIAL MONTHLY PAYMENT THAT AN OFFENDER ON
3 PROBATION, PAROLE, EARNED-RELEASE SUPERVISION, POST-RELEASE
4 SUPERVISION, EARNED PROBATION, OR ANY OTHER OFFENDER UNDER THE
5 FIELD SUPERVISION OF THE COMMUNITY SERVICES DIVISION OF THE
6 MISSISSIPPI DEPARTMENT OF CORRECTIONS, MUST MAKE TO THE DEPARTMENT
7 WILL BE MADE WITHIN 30 DAYS AFTER THE OFFENDER IS RELEASED FROM
8 IMPRISONMENT; TO PROVIDE THAT THE REQUIREMENT FOR SUCH PAYMENTS
9 SHALL END WHEN AN OFFENDER HAS COMPLETED HIS PROBATION, PAROLE,
10 EARNED-RELEASE SUPERVISION, POST-RELEASE SUPERVISION, EARNED
11 PROBATION OR OTHER SUPERVISION OF THE COMMUNITY SERVICES DIVISION
12 OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS; AND FOR RELATED
13 PURPOSES.

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

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

17 47-7-49. (1) Any offender on probation, parole,
18 earned-release supervision, post-release supervision, earned
19 probation or any other offender under the field supervision of the
20 Community Services Division of the department shall pay to the
21 department the sum of Thirty Dollars (\$30.00) per month by
22 certified check or money order unless a hardship waiver is
23 granted. An offender shall make the initial payment within thirty
24 (30) days after being released from imprisonment unless a hardship
25 waiver is granted. A hardship waiver may be granted by the
26 sentencing court or the Department of Corrections. A hardship
27 waiver may not be granted for a period of time exceeding ninety
28 (90) days. The commissioner or his designee shall deposit
29 Twenty-five Dollars (\$25.00) of the payments received into a
30 special fund in the State Treasury, which is hereby created, to be
31 known as the Community Service Revolving Fund. Expenditures from
32 this fund shall be made for: (a) the establishment of restitution



33 and satellite centers; and (b) the establishment, administration
34 and operation of the department's Drug Identification Program and
35 the intensive and field supervision program. The Twenty-five
36 Dollars (\$25.00) may be used for salaries and to purchase
37 equipment, supplies and vehicles to be used by the Community
38 Services Division in the performance of its duties. Expenditures
39 for the purposes established in this section may be made from the
40 fund upon requisition by the commissioner, or his designee.

41 Of the remaining amount, Three Dollars (\$3.00) of the
42 payments shall be deposited in the Crime Victims' Compensation
43 Fund created in Section 99-41-29, Two Dollars (\$2.00) shall be
44 deposited into the Training Revolving Fund created pursuant to
45 Section 47-7-51. When a person is convicted of a felony in this
46 state, in addition to any other sentence it may impose, the court
47 may, in its discretion, order the offender to pay a state
48 assessment not to exceed the greater of One Thousand Dollars
49 (\$1,000.00) or the maximum fine that may be imposed for the
50 offense, into the Crime Victims' Compensation Fund created
51 pursuant to Section 99-41-29.

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

60 The requirement for the monthly payments under this section
61 shall end when the offender has completed the probation, parole,
62 earned-release supervision, post-release supervision, earned
63 probation or other field supervision of the Community Services
64 Division of the Mississippi Department of Corrections, and no
65 offender shall be required to make the payments for a period of



66 time longer than ten (10) years. However, if an offender is in
67 arrears in the monthly payments required under this section, the
68 offender shall remain liable for such payments until the payments
69 are made.

70 (2) The offender may be imprisoned until the payments are
71 made if the offender is financially able to make the payments and
72 the court in the county where the offender resides so finds,
73 subject to the limitations hereinafter set out. The offender
74 shall not be imprisoned if the offender is financially unable to
75 make the payments and so states to the court in writing, under
76 oath, and the court so finds.

77 (3) This section shall stand repealed from and after June
78 30, 2004.

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

