

By: Representative Malone

To: Penitentiary

HOUSE BILL NO. 675
(As Passed the House)

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE MONTHLY FEE TO BE PAID BY OFFENDERS WHO ARE ON
3 PROBATION, PAROLE OR UNDER OTHER FIELD SUPERVISION OF THE
4 MISSISSIPPI DEPARTMENT OF CORRECTIONS COMMUNITY SERVICES DIVISION;
5 TO PROVIDE THAT SUCH INITIAL MONTHLY FEES SHALL BE PAID BY
6 OFFENDERS WITHIN THIRTY DAYS OF RELEASE UNLESS A WAIVER IS
7 GRANTED; AND FOR RELATED PURPOSES.

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

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

11 47-7-49. (1) Any offender on probation, parole,
12 earned-release supervision, post-release supervision, earned
13 probation or any other offender under the field supervision of the
14 Community Services Division of the department shall pay to the
15 department the sum of Thirty-five Dollars (\$35.00) per month by
16 certified check or money order unless a hardship waiver is
17 granted. An offender shall make the initial payment within thirty
18 (30) days after being released from imprisonment unless a hardship
19 waiver is granted. A hardship waiver may be granted by the
20 sentencing court or the Department of Corrections. A hardship
21 waiver may not be granted for a period of time exceeding ninety
22 (90) days. The commissioner or his designee shall deposit Thirty
23 Dollars (\$30.00) of each payment received into a special fund in
24 the State Treasury, which is hereby created, to be known as the
25 Community Service Revolving Fund. Expenditures from this fund
26 shall be made for: (a) the establishment of restitution and
27 satellite centers; and (b) the establishment, administration and
28 operation of the department's Drug Identification Program and the
29 intensive and field supervision program. The Thirty Dollars



30 (\$30.00) may be used for salaries and to purchase equipment,
31 supplies and vehicles to be used by the Community Services
32 Division in the performance of its duties. Expenditures for the
33 purposes established in this section may be made from the fund
34 upon requisition by the commissioner, or his designee.

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

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

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

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



63 (3) This section shall stand repealed from and after June
64 30, 2004.

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

