

By: Senator(s) Posey

To: Judiciary

SENATE BILL NO. 2213

1 AN ACT TO AMEND SECTION 99-37-3, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE MAXIMUM AMOUNT OF RESTITUTION THAT CAN BE ORDERED BY A
3 JUSTICE COURT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 99-37-3, Mississippi Code of 1972, is
6 amended as follows:

7 99-37-3. (1) When a person is convicted of criminal
8 activities which have resulted in pecuniary damages, in addition
9 to any other sentence it may impose, the court may order that the
10 defendant make restitution to the victim; provided, however, that
11 the justice court shall not order restitution in an amount
12 exceeding Five Thousand Dollars (\$5,000.00).

13 (2) In determining whether to order restitution which may be
14 complete, partial or nominal, the court shall take into account:

15 (a) The financial resources of the defendant and the
16 burden that payment of restitution will impose, with due regard to
17 the other obligations of the defendant;

18 (b) The ability of the defendant to pay restitution on
19 an installment basis or on other conditions to be fixed by the
20 court; and

21 (c) The rehabilitative effect on the defendant of the
22 payment of restitution and the method of payment.

23 (3) If the defendant objects to the imposition, amount or
24 distribution of the restitution, the court shall, at the time of
25 sentencing, allow him to be heard on such issue.

26 (4) If the court determines that restitution is
27 inappropriate or undesirable, an order reciting such finding shall



28 be entered, which should also state the underlying circumstances
29 for such determination.

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

