

By: Representative Moak

To: Corrections;  
Appropriations

## HOUSE BILL NO. 2

1 AN ACT TO AMEND SECTION 99-37-19, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH THE  
3 BOARD OF SUPERVISORS OF ANY COUNTY WITHIN SOUTHWEST MISSISSIPPI TO  
4 HOUSE TWO HUNDRED FIFTY OFFENDERS IN A RESTITUTION CENTER; TO  
5 REQUIRE THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HUMAN  
6 SERVICES TO INSTITUTE AND ADMINISTER SERVICES AT ANY SUCH  
7 RESTITUTION CENTER; TO AMEND SECTION 99-37-21, MISSISSIPPI CODE OF  
8 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR  
9 RELATED PURPOSES.

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

11 **SECTION 1.** Section 99-37-19, Mississippi Code of 1972, is  
12 amended as follows:

13 99-37-19. (1) The boards of supervisors of the several  
14 counties and the governing authorities of municipalities are  
15 hereby authorized to cooperate with the Department of Corrections  
16 in the establishment of restitution centers. Such centers may  
17 house both probationers referred by the circuit courts as well as  
18 inmates transferred from other facilities of the Department of  
19 Corrections as provided in Section 47-5-110. In order to qualify  
20 for placement in a restitution center, an offender must: (a) be  
21 convicted of a nonviolent offense that constitutes a felony, (b)  
22 not be convicted of a sex crime and (c) not have drug, alcohol,  
23 emotional or physical problems so serious that the offender  
24 appears unlikely to meet obligations of the restitution program.  
25 Except as provided in subsection (3) of this section, such centers  
26 shall be operated by the Department of Corrections. County or  
27 municipal property may be utilized with the approval of the board  
28 of supervisors or municipal governing authority for the  
29 construction, renovation and maintenance of facilities owned by  
30 the state or a local political subdivision. Such facility may be

31 leased to the Department of Corrections for a period of time for  
32 use as a restitution center.

33 (2) Except as provided in subsection (3) of this section, it  
34 is the intent of this section that county and local governments  
35 contribute only to the establishment, renovation and maintenance  
36 of the physical plant of a restitution center and that the  
37 Department of Corrections support the operation of, and have sole  
38 jurisdiction over and responsibility for offenders in, such  
39 restitution program.

40 (3) The Department of Corrections may contract with the  
41 board of supervisors of any county located in southwest  
42 Mississippi (south of Interstate Highway 20 and west of the Pearl  
43 River) to house two hundred fifty (250) offenders in a restitution  
44 center owned or leased by the county. The board of supervisors of  
45 any such county shall be responsible for the housing, care and  
46 control of the offenders; however, the Department of Corrections  
47 and the Department of Human Services shall institute and  
48 administer services at any such restitution center as provided in  
49 Section 99-37-21.

50 This section shall stand repealed on July 1, 2005.

51 **SECTION 2.** Section 99-37-21, Mississippi Code of 1972, is  
52 amended as follows:

53 99-37-21. (1) The Department of Human Services and the  
54 Department of Corrections may cooperate in the institution and  
55 administration of services at restitution centers as authorized by  
56 Section 99-37-19 and at other facilities which provide  
57 opportunities for restitution for criminal acts.

58 (2) The Department of Human Services and the Department of  
59 Corrections \* \* \*, jointly or separately, shall:

60 (a) \* \* \* Seek funding from federal or other sources to  
61 provide the maximum supportive services for offenders and the  
62 families of offenders who are participating in restitution  
63 programs;

64                   (b) \* \* \* Develop additional programs whereby offenders  
65 may be afforded opportunities to contribute to society and the  
66 support of their families through restitution programs; and

67                   (c) \* \* \* Develop pilot programs of counseling,  
68 training and supervision for parolees whereby restitution may be  
69 accomplished. Such programs may be residential or nonresidential  
70 as appropriate.

71           **SECTION 3.** This act shall take effect and be in force from  
72 and after July 1, 2004.