

By: Representative Watson

To: Corrections

## HOUSE BILL NO. 407

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972,  
2 WHICH CREATES THE COMMUNITY SERVICE REVOLVING FUND, PROVIDES THAT  
3 A MONTHLY FEE BE PAID BY OFFENDERS WHO ARE ON PROBATION, PAROLE OR  
4 UNDER OTHER FIELD SUPERVISION OF THE MISSISSIPPI DEPARTMENT OF  
5 CORRECTIONS COMMUNITY SERVICES DIVISION, PROVIDES THAT SUCH  
6 INITIAL MONTHLY FEES SHALL BE PAID BY OFFENDERS WITHIN THIRTY DAYS  
7 OF RELEASE UNLESS A WAIVER IS GRANTED, TO EXTEND THE REPEAL DATE  
8 ON THIS SECTION FROM JUNE 30, 2004, TO JUNE 30, 2006; AND FOR  
9 RELATED PURPOSES.

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

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

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

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

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

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

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

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

63 make the payments and so states to the court in writing, under  
64 oath, and the court so finds.

65 (3) This section shall stand repealed from and after June  
66 30, 2006.

67 **SECTION 2.** This act shall take effect and be in force from  
68 and after July 1, 2004.