

By: Representative Watson

To: Corrections

HOUSE BILL NO. 407  
(As Passed the House)

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE MONTHLY FEE FROM \$35.00 TO \$40.00 THAT IS PAID BY  
3 OFFENDERS WHO ARE ON PROBATION, PAROLE OR UNDER OTHER FIELD  
4 SUPERVISION OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS COMMUNITY  
5 SERVICES DIVISION; TO EXTEND THE REPEAL DATE ON THIS SECTION FROM  
6 JUNE 30, 2004, TO JUNE 30, 2006; AND FOR RELATED PURPOSES.

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

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

10 47-7-49. (1) Any offender on probation, parole,  
11 earned-release supervision, post-release supervision, earned  
12 probation or any other offender under the field supervision of the  
13 Community Services Division of the department shall pay to the  
14 department the sum of Forty Dollars (\$40.00) per month by  
15 certified check or money order unless a hardship waiver is  
16 granted. An offender shall make the initial payment within thirty  
17 (30) days after being released from imprisonment unless a hardship  
18 waiver is granted. A hardship waiver may be granted by the  
19 sentencing court or the Department of Corrections. A hardship  
20 waiver may not be granted for a period of time exceeding ninety  
21 (90) days. The commissioner or his designee shall deposit  
22 Thirty-five Dollars (\$35.00) of each payment received into a  
23 special fund in the State Treasury, which is hereby created, to be  
24 known as the Community Service Revolving Fund. Expenditures from  
25 this fund shall be made for: (a) the establishment of restitution  
26 and satellite centers; and (b) the establishment, administration  
27 and operation of the department's Drug Identification Program and  
28 the intensive and field supervision program. The Thirty-five  
29 Dollars (\$35.00) may be used for salaries and to purchase

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

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

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

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

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

62           (3) This section shall stand repealed from and after June  
63 30, 2006.

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