

By: Representative Watson

To: Corrections

HOUSE BILL NO. 407
(As Sent to Governor)

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 its passage.