

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2414

1 AN ACT TO CREATE NEW SECTION 99-19-72 MISSISSIPPI CODE OF  
2 1972, TO ALLOW THE COURT DISCRETION TO ASSESS AN ADDITIONAL FEE  
3 AGAINST MISDEMEANANTS FOR THE BENEFIT OF THE CRIME VICTIMS'  
4 COMPENSATION FUND AS WELL AS AGAINST FELONS AS PROVIDED UNDER  
5 CURRENT LAW; TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972,  
6 TO CONFORM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section  
9 99-19-72, Mississippi Code of 1972:

10 99-19-72. (1) When a person is convicted of a felony in  
11 this state, in addition to any other sentence it may impose, the  
12 court may, in its discretion, order the offender to pay a state  
13 assessment not to exceed the greater of One Thousand Dollars  
14 (\$1,000.00) or the maximum fine that may be imposed for the  
15 offense, into the Crime Victims' Compensation Fund created  
16 pursuant to Section 99-41-29.

17 (2) When a person is convicted of a misdemeanor in this  
18 state, in addition to any other sentence it may impose, the court  
19 may, in its discretion, order the offender to pay a state  
20 assessment not to exceed the greater of Ten Dollars (\$10.00) or  
21 the maximum fine that may be imposed for the offense into the  
22 Crime Victims' Compensation Fund created pursuant to Section  
23 99-41-29.

24 **SECTION 2.** Section 47-7-49, Mississippi Code of 1972, is  
25 amended as follows:

26 47-7-49. (1) Any offender on probation, parole,  
27 earned-release supervision, post-release supervision, earned  
28 probation or any other offender under the field supervision of the  
29 Community Services Division of the department shall pay to the

30 department the sum of Thirty-five Dollars (\$35.00) per month by  
31 certified check or money order unless a hardship waiver is  
32 granted. An offender shall make the initial payment within thirty  
33 (30) days after being released from imprisonment unless a hardship  
34 waiver is granted. A hardship waiver may be granted by the  
35 sentencing court or the Department of Corrections. A hardship  
36 waiver may not be granted for a period of time exceeding ninety  
37 (90) days. The commissioner or his designee shall deposit Thirty  
38 Dollars (\$30.00) of each payment received into a special fund in  
39 the State Treasury, which is hereby created, to be known as the  
40 Community Service Revolving Fund. Expenditures from this fund  
41 shall be made for: (a) the establishment of restitution and  
42 satellite centers; and (b) the establishment, administration and  
43 operation of the department's Drug Identification Program and the  
44 intensive and field supervision program. The Thirty Dollars  
45 (\$30.00) may be used for salaries and to purchase equipment,  
46 supplies and vehicles to be used by the Community Services  
47 Division in the performance of its duties. Expenditures for the  
48 purposes established in this section may be made from the fund  
49 upon requisition by the commissioner, or his designee.

50 Of the remaining amount, Three Dollars (\$3.00) of each  
51 payment shall be deposited in the Crime Victims' Compensation Fund  
52 created in Section 99-41-29, and Two Dollars (\$2.00) shall be  
53 deposited into the Training Revolving Fund created pursuant to  
54 Section 47-7-51. \* \* \*

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

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

65           (2) The offender may be imprisoned until the payments are  
66 made if the offender is financially able to make the payments and  
67 the court in the county where the offender resides so finds,  
68 subject to the limitations hereinafter set out. The offender  
69 shall not be imprisoned if the offender is financially unable to  
70 make the payments and so states to the court in writing, under  
71 oath, and the court so finds.

72           \* \* \*

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