

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2645

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 TO DELETE THE AUTOMATIC REPEALER; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** The following shall be codified as Section
10 99-19-72, Mississippi Code of 1972:

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

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