

By: Representative Moak

To: Corrections;
AppropriationsCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 169

1 AN ACT TO AMEND SECTION 99-37-19, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO CONTRACT WITH THE
3 BOARD OF SUPERVISORS OF ANY COUNTY WITHIN SOUTHWEST MISSISSIPPI
4 AND ANY COUNTY TRAVERSED BY INTERSTATE HIGHWAY 20 AND MISSISSIPPI
5 HIGHWAY 35 TO HOUSE TWO HUNDRED FIFTY OFFENDERS IN A RESTITUTION
6 CENTER; TO REQUIRE THE DEPARTMENT OF CORRECTIONS AND THE
7 DEPARTMENT OF HUMAN SERVICES TO INSTITUTE AND ADMINISTER SERVICES
8 AT ANY SUCH RESTITUTION CENTER; TO AMEND SECTION 99-37-21,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
10 THIS ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 99-37-19, Mississippi Code of 1972, is
13 amended as follows:

14 99-37-19. (1) The boards of supervisors of the several
15 counties and the governing authorities of municipalities are
16 hereby authorized to cooperate with the Department of Corrections
17 in the establishment of restitution centers. Such centers may
18 house both probationers referred by the circuit courts as well as
19 inmates transferred from other facilities of the Department of
20 Corrections as provided in Section 47-5-110. In order to qualify
21 for placement in a restitution center, an offender must: (a) be
22 convicted of a nonviolent offense that constitutes a felony, (b)
23 not be convicted of a sex crime, and (c) not have drug, alcohol,
24 emotional or physical problems so serious that the offender
25 appears unlikely to meet obligations of the restitution program.
26 Except as provided in subsection (3) of this section, such centers
27 shall be operated by the Department of Corrections. County or
28 municipal property may be utilized with the approval of the board
29 of supervisors or municipal governing authority for the
30 construction, renovation and maintenance of facilities owned by
31 the state or a local political subdivision. Such facility may be

32 leased to the Department of Corrections for a period of time for
33 use as a restitution center.

34 (2) Except as provided in subsection (3) of this section, it
35 is the intent of this section that county and local governments
36 contribute only to the establishment, renovation and maintenance
37 of the physical plant of a restitution center and that the
38 Department of Corrections support the operation of, and have sole
39 jurisdiction over and responsibility for offenders in, such
40 restitution program.

41 (3) The Department of Corrections may contract with the
42 board of supervisors of any county located in southwest
43 Mississippi (south of Interstate Highway 20 and west of the Pearl
44 River), and any county traversed by Interstate Highway 20 and
45 Mississippi Highway 35 to house two hundred fifty (250) offenders
46 in a restitution center owned or leased by the county. The board
47 of supervisors of any such county shall be responsible for the
48 housing, care and control of the offenders; however, the
49 Department of Corrections and the Department of Human Services
50 shall institute and administer services at any such restitution
51 center as provided in Section 99-37-21.

52 This section shall stand repealed on July 1, 2007.

53 **SECTION 2.** Section 99-37-21, Mississippi Code of 1972, is
54 amended as follows:

55 99-37-21. (1) The Department of Human Services and the
56 Department of Corrections may cooperate in the institution and
57 administration of services at restitution centers as authorized by
58 Section 99-37-19 and at other facilities which provide
59 opportunities for restitution for criminal acts.

60 (2) The Department of Human Services and the Department of
61 Corrections * * *, jointly or separately, shall:

62 (a) * * * Seek funding from federal or other sources to
63 provide the maximum supportive services for offenders and the

64 families of offenders who are participating in restitution
65 programs;

66 (b) * * * Develop additional programs whereby offenders
67 may be afforded opportunities to contribute to society and the
68 support of their families through restitution programs; and

69 (c) * * * Develop pilot programs of counseling,
70 training and supervision for parolees whereby restitution may be
71 accomplished. Such programs may be residential or nonresidential
72 as appropriate.

73 **SECTION 3.** This act shall take effect and be in force from
74 and after July 1, 2006.