

By: Representative Warren

To: Judiciary A

HOUSE BILL NO. 763

1 AN ACT TO AMEND SECTION 99-19-20, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE A METHOD FOR THE RELEASE OF DEFENDANTS WHEN CERTAIN  
3 FEES ARE OWED AT THE END OF THE SENTENCE; AND FOR RELATED  
4 PURPOSES.

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

6 **SECTION 1.** Section 99-19-20, Mississippi Code of 1972, is  
7 amended as follows:

8 99-19-20. (1) When any court sentences a defendant to pay a  
9 fine, the court may order (a) that the fine be paid immediately,  
10 or (b) that the fine be paid in installments to the clerk of said  
11 court or to the judge, if there be no clerk, or (c) that payment  
12 of the fine be a condition of probation, or (d) that the defendant  
13 be required to work on public property for public benefit under  
14 the direction of the sheriff for a specific number of hours, or  
15 (e) any combination of the above.

16 (2) The defendant may be imprisoned until the fine is paid  
17 if the defendant is financially able to pay a fine and the court  
18 so finds, subject to the limitations hereinafter set out. The  
19 defendant shall not be imprisoned if the defendant is financially  
20 unable to pay a fine and so states to the court in writing, under  
21 oath, after sentence is pronounced, and the court so finds, except  
22 if the defendant is financially unable to pay a fine and such  
23 defendant failed or refused to comply with a prior sentence as  
24 specified in subsection (1) of this section, the defendant may be  
25 imprisoned.

26 This subsection shall be limited as follows:

27           (a) In no event shall such period of imprisonment  
28 exceed one (1) day for each Twenty-five Dollars (\$25.00) of the  
29 fine.

30           (b) If a sentence of imprisonment, as well as a fine,  
31 were imposed, the aggregate of such term for nonpayment of a fine  
32 and the original sentence of imprisonment shall not exceed the  
33 maximum authorized term of imprisonment.

34           (c) Credit shall be earned for work performed under  
35 subsection (1)(d) above at the rate of the highest current federal  
36 minimum wage.

37           (3) Periods of confinement imposed for nonpayment of two (2)  
38 or more fines shall run consecutively unless specified by the  
39 court to run concurrently.

40           (4) If a defendant performs work to pay a fine and  
41 satisfies the debt by the performance of such work but owes any  
42 turnkey fees, constable fees or any other fees, then the county in  
43 which the defendant is housed may pay such remaining fees or waive  
44 such fees if further incarceration of the defendant will be a  
45 financial burden to the county.

46           **SECTION 2.** This act shall take effect and be in force from  
47 and after July 1, 2007.