

By: Representatives Byrd, Arnold, Carpenter, To: Judiciary B
Kinkade, McLeod, Turner

HOUSE BILL NO. 1192

1 AN ACT TO AMEND SECTION 99-19-20, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT WHEN A DEFENDANT MUST PAY A FINE AND HE OR SHE
3 PERFORMS WORK ON PUBLIC PROPERTY IN LIEU OF PAYING THE FINE, THE
4 WORK SHALL BE CREDITED TO HIS OR FINE AND SHALL NOT BE PAID TO THE
5 DEFENDANT MONETARILY; TO AMEND SECTIONS 47-1-41 AND 47-1-47,
6 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
7 FOR RELATED PURPOSES.

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

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

11 99-19-20. (1) Except as otherwise provided under Section
12 99-19-20.1, when any court sentences a defendant to pay a fine,
13 the court may order (a) that the fine be paid immediately, or (b)
14 that the fine be paid in installments to the clerk of the court or
15 to the judge, if there be no clerk, or (c) that payment of the
16 fine be a condition of probation, or (d) that the defendant be
17 required to work on public property for public benefit under the
18 direction of the sheriff for a specific number of hours, or (e)
19 any combination of the above.



(2) Except as otherwise provided under Section 99-19-20.1, the defendant may be imprisoned until the fine is paid if the defendant is financially able to pay a fine and the court so finds, subject to the limitations provided under this section. The defendant shall not be imprisoned if the defendant is financially unable to pay a fine and so states to the court in writing, under oath, after sentence is pronounced, and the court so finds, except if the defendant is financially unable to pay a fine and such defendant failed or refused to comply with a prior sentence as specified in subsection (1) of this section, the defendant may be imprisoned.

This subsection shall be limited as follows:

(a) In no event shall such period of imprisonment exceed one (1) day for each One Hundred Dollars (\$100.00) of the fine.

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

(c) It shall be in the discretion of the judge to determine the rate of the credit to be earned for work performed under subsection (1)(d), but the rate shall be no lower than the rate of the highest current federal minimum wage. Such rate of the credit for work performed by a defendant under subsection (1)(d) shall not be paid monetarily.



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

SECTION 2. Section 47-1-41, Mississippi Code of 1972, is amended as follows:

47-1-41. (1) Any person convicted of violating any ordinance of any city, town or village in this state and sentenced to pay a fine and costs therefor, and failing to do so, may be worked on the streets or other public works of the municipality in the custody of the street commissioner, or other person designated by the mayor and board of aldermen, or councilmen of such municipality and at its expense, and shall receive credit on such fine and costs as provided in Section 99-19-20 for each day so worked; however, in no event shall any convict be paid monetarily, but he or she shall only receive credit on such fines or costs * * *. Further, such municipality shall accord the same treatment to its convicts that is required by this chapter to county convicts. The responsibility of carrying out the provisions of this section shall devolve on the mayor and board of aldermen or board of councilmen of each municipality with reference to its convicts. In the event it is, in the judgment of the ruling authorities of any village in the state or of any small town in the state, unprofitable to work the convicts as above provided, then such village or town may contract with the board of supervisors of the county at the best price and take and work such



convicts on the county farm, but the convict shall receive credit at the rate provided in Section 99-19-20 for each day worked; however, in no event shall any convict be paid monetarily, but he or she shall only receive credit on such fines or costs.

(2) If a convict is unable to work or if the city, town or village is unable to provide work for the convict, the convict shall receive the credit provided in Section 99-19-20 for each day of confinement.

SECTION 3. Section 47-1-47, Mississippi Code of 1972, is amended as follows:

47-1-47. (1) Every county or municipal convict shall be comfortably clothed at the expense of the county or municipality, but all clothing furnished shall remain the property of the county or municipality, and shall be thoroughly fumigated and disinfected before being allotted to a convict after having been used by another, and every convict shall be sufficiently fed, to maintain his body and induce his good health, with substantial and suitable food to be furnished and prepared and paid for by the county or municipality. Every convict, for each day's work he is required to do, shall receive credit on his fine and costs assessed against him at the rate provided under Section 99-19-20, until such fine and costs are fully paid; however, in no event shall any convict be paid monetarily, but he or she shall only receive credit on such fines or costs. In case the convict is serving a sentence of imprisonment, each day that he works in serving such sentence



95 shall entitle him credit for equal time on his sentence of
96 imprisonment, but in no instance shall a convict receive credit on
97 the fine and costs and on the time sentenced to imprisonment for
98 the same work. No convict shall be allowed to labor more than
99 eight (8) hours per day, but shall be required, when able, to
100 perform eight (8) hours labor each day.

101 (2) If a convict is unable to work or if the county or the
102 municipality is unable to provide work for the convict, the
103 convict shall receive the credit provided in Section 99-19-20 for
104 each day of imprisonment.

105 **SECTION 4.** This act shall take effect and be in force from
106 and after July 1, 2019.

