

By: Representative Rushing

To: Judiciary B

HOUSE BILL NO. 11

1 AN ACT TO AMEND SECTION 99-37-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT IF A JUSTICE, COUNTY OR MUNICIPAL COURT ORDERS
3 RESTITUTION TO A VICTIM, THE COURT-ORDERED RESTITUTION SHALL BE
4 PAID IN FULL TO THE VICTIM BEFORE ANY COURT-ORDERED COSTS AND
5 FINES MAY BE DISBURSED TO THE COURT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 99-37-3, Mississippi Code of 1972, is
8 amended as follows:

9 99-37-3. (1) When a person is convicted of criminal
10 activities which have resulted in pecuniary damages, in addition
11 to any other sentence it may impose, the court may order that the
12 defendant make restitution to the victim; provided, however, that
13 the justice court shall not order restitution in an amount
14 exceeding Five Thousand Dollars (\$5,000.00).

15 (2) In determining whether to order restitution which may be
16 complete, partial or nominal, the court shall take into account:

17 (a) The financial resources of the defendant and the
18 burden that payment of restitution will impose, with due regard to
19 the other obligations of the defendant;



20 (b) The ability of the defendant to pay restitution on
21 an installment basis or on other conditions to be fixed by the
22 court; and

23 (c) The rehabilitative effect on the defendant of the
24 payment of restitution and the method of payment.

25 (3) If the defendant objects to the imposition, amount or
26 distribution of the restitution, the court shall, at the time of
27 sentencing, allow him to be heard on such issue.

28 (4) If the court determines that restitution is
29 inappropriate or undesirable, an order reciting such finding shall
30 be entered, which should also state the underlying circumstances
31 for such determination.

32 (5) If a justice, county or municipal court orders
33 restitution to a victim, the court-ordered restitution shall be
34 paid in full to the victim before any court-ordered costs and
35 finances may be disbursed to the court.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2022.

