

By: Representative Fleming

To: Penitentiary

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 347

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE MONTHLY FEE FROM THIRTY DOLLARS TO THIRTY-FIVE  
3 DOLLARS TO BE PAID BY OFFENDERS WHO ARE ON PROBATION, PAROLE,  
4 EARNED-RELEASE SUPERVISION, POST-RELEASE SUPERVISION, EARNED  
5 PROBATION OR UNDER OTHER FIELD SUPERVISION OF THE MISSISSIPPI  
6 DEPARTMENT OF CORRECTIONS COMMUNITY SERVICE DIVISION; TO PROVIDE  
7 THAT THE INITIAL MONTHLY PAYMENT THAT SUCH AN OFFENDER MUST MAKE  
8 TO THE DEPARTMENT WILL BE MADE WITHIN 30 DAYS AFTER THE OFFENDER  
9 IS RELEASED FROM IMPRISONMENT; TO PROVIDE THAT THE REQUIREMENT FOR  
10 SUCH PAYMENTS SHALL END WHEN AN OFFENDER HAS COMPLETED HIS  
11 PROBATION, PAROLE, EARNED-RELEASE SUPERVISION, POST-RELEASE  
12 SUPERVISION, EARNED PROBATION OR OTHER SUPERVISION OF THE  
13 COMMUNITY SERVICES DIVISION OF THE MISSISSIPPI DEPARTMENT OF  
14 CORRECTIONS; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** Section 47-7-49, Mississippi Code of 1972, is  
17 amended as follows:

18 47-7-49. (1) Any offender on probation, parole,  
19 earned-release supervision, post-release supervision, earned  
20 probation or any other offender under the field supervision of the  
21 Community Services Division of the department shall pay to the  
22 department the sum of Thirty-five Dollars (\$35.00) per month by  
23 certified check or money order unless a hardship waiver is  
24 granted. An offender shall make the initial payment within thirty  
25 (30) days after being released from imprisonment unless a hardship  
26 waiver is granted. A hardship waiver may be granted by the  
27 sentencing court or the Department of Corrections. A hardship  
28 waiver may not be granted for a period of time exceeding ninety  
29 (90) days. The commissioner or his designee shall deposit Thirty  
30 Dollars (\$30.00) of each payment received into a special fund in  
31 the State Treasury, which is hereby created, to be known as the  
32 Community Service Revolving Fund. Expenditures from this fund  
33 shall be made for: (a) the establishment of restitution and



34 satellite centers; and (b) the establishment, administration and  
35 operation of the department's Drug Identification Program and the  
36 intensive and field supervision program. The Thirty Dollars  
37 (\$30.00) may be used for salaries and to purchase equipment,  
38 supplies and vehicles to be used by the Community Services  
39 Division in the performance of its duties. Expenditures for the  
40 purposes established in this section may be made from the fund  
41 upon requisition by the commissioner, or his designee.

42 Of the remaining amount, Three Dollars (\$3.00) of each  
43 payment shall be deposited in the Crime Victims' Compensation Fund  
44 created in Section 99-41-29, and Two Dollars (\$2.00) shall be  
45 deposited into the Training Revolving Fund created pursuant to  
46 Section 47-7-51. When a person is convicted of a felony in this  
47 state, in addition to any other sentence it may impose, the court  
48 may, in its discretion, order the offender to pay a state  
49 assessment not to exceed the greater of One Thousand Dollars  
50 (\$1,000.00) or the maximum fine that may be imposed for the  
51 offense, into the Crime Victims' Compensation Fund created  
52 pursuant to Section 99-41-29.

53 Any federal funds made available to the department for  
54 training or for training facilities, equipment or services shall  
55 be deposited in the Correctional Training Revolving Fund created  
56 in Section 47-7-51. The funds deposited in this account shall be  
57 used to support an expansion of the department's training program  
58 to include the renovation of facilities for training purposes,  
59 purchase of equipment and contracting of training services with  
60 community colleges in the state.

61 The requirement for the monthly payments under this section  
62 shall end when the offender has completed the probation, parole,  
63 earned-release supervision, post-release supervision, earned  
64 probation or other field supervision of the Community Services  
65 Division of the Mississippi Department of Corrections, and no  
66 offender shall be required to make the payments for a period of



67 time longer than ten (10) years. However, if an offender is in  
68 arrears in the monthly payments required under this section, the  
69 offender shall remain liable for such payments until the payments  
70 are made.

71 (2) The offender may be imprisoned until the payments are  
72 made if the offender is financially able to make the payments and  
73 the court in the county where the offender resides so finds,  
74 subject to the limitations hereinafter set out. The offender  
75 shall not be imprisoned if the offender is financially unable to  
76 make the payments and so states to the court in writing, under  
77 oath, and the court so finds.

78 (3) This section shall stand repealed from and after June  
79 30, 2004.

80 **SECTION 2.** This act shall take effect and be in force from  
81 and after July 1, 2003.

