

By: Representative Moak

To: Corrections;
Appropriations

HOUSE BILL NO. 81

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 TO
4 HOUSE TWO HUNDRED FIFTY OFFENDERS IN A RESTITUTION CENTER; TO
5 REQUIRE THE DEPARTMENT OF CORRECTIONS AND THE DEPARTMENT OF HUMAN
6 SERVICES TO INSTITUTE AND ADMINISTER SERVICES AT ANY SUCH
7 RESTITUTION CENTER; TO AMEND SECTION 99-37-21, MISSISSIPPI CODE OF
8 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND FOR
9 RELATED PURPOSES.

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

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

13 99-37-19. (1) The boards of supervisors of the several
14 counties and the governing authorities of municipalities are
15 hereby authorized to cooperate with the Department of Corrections
16 in the establishment of restitution centers. Such centers may
17 house both probationers referred by the circuit courts as well as
18 inmates transferred from other facilities of the Department of
19 Corrections as provided in Section 47-5-110. In order to qualify
20 for placement in a restitution center, an offender must: (a) be
21 convicted of a nonviolent offense that constitutes a felony, (b)
22 not be convicted of a sex crime and (c) not have drug, alcohol,
23 emotional or physical problems so serious that the offender
24 appears unlikely to meet obligations of the restitution program.
25 Except as provided in subsection (3) of this section, such centers
26 shall be operated by the Department of Corrections. County or
27 municipal property may be utilized with the approval of the board
28 of supervisors or municipal governing authority for the
29 construction, renovation and maintenance of facilities owned by
30 the state or a local political subdivision. Such facility may be

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

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

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

50 This section shall stand repealed on July 1, 2006.

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

53 99-37-21. (1) The Department of Human Services and the
54 Department of Corrections may cooperate in the institution and
55 administration of services at restitution centers as authorized by
56 Section 99-37-19 and at other facilities which provide
57 opportunities for restitution for criminal acts.

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

60 (a) * * * Seek funding from federal or other sources to
61 provide the maximum supportive services for offenders and the
62 families of offenders who are participating in restitution
63 programs;

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

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

71 **SECTION 3.** This act shall take effect and be in force from
72 and after July 1, 2005.