

By: Representative Malone

To: Corrections

HOUSE BILL NO. 765

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE MONTHLY FEE FROM \$40.00 TO \$45.00 THAT IS PAID BY
3 OFFENDERS WHO ARE ON PROBATION, PAROLE OR UNDER OTHER FIELD
4 SUPERVISION OF THE COMMUNITY SERVICES DIVISION OF THE MISSISSIPPI
5 DEPARTMENT OF CORRECTIONS; AND FOR RELATED PURPOSES.

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

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

9 47-7-49. (1) Any offender on probation, parole,
10 earned-release supervision, post-release supervision, earned
11 probation or any other offender under the field supervision of the
12 Community Services Division of the department shall pay to the
13 department the sum of Forty-five Dollars (\$45.00) per month by
14 certified check or money order unless a hardship waiver is
15 granted. An offender shall make the initial payment within thirty
16 (30) days after being released from imprisonment unless a hardship
17 waiver is granted. A hardship waiver may be granted by the
18 sentencing court or the Department of Corrections. A hardship
19 waiver may not be granted for a period of time exceeding ninety
20 (90) days. The commissioner or his designee shall deposit Forty
21 Dollars (\$40.00) of each payment received into a special fund in
22 the State Treasury, which is hereby created, to be known as the
23 Community Service Revolving Fund. Expenditures from this fund
24 shall be made for: (a) the establishment of restitution and
25 satellite centers; and (b) the establishment, administration and
26 operation of the department's Drug Identification Program and the
27 intensive and field supervision program. The Forty Dollars
28 (\$40.00) may be used for salaries and to purchase equipment,

29 supplies and vehicles to be used by the Community Services
30 Division in the performance of its duties. Expenditures for the
31 purposes established in this section may be made from the fund
32 upon requisition by the commissioner, or his designee.

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

44 Any federal funds made available to the department for
45 training or for training facilities, equipment or services shall
46 be deposited in the Correctional Training Revolving Fund created
47 in Section 47-7-51. The funds deposited in this account shall be
48 used to support an expansion of the department's training program
49 to include the renovation of facilities for training purposes,
50 purchase of equipment and contracting of training services with
51 community colleges in the state.

52 No offender shall be required to make this payment for a
53 period of time longer than ten (10) years.

54 (2) The offender may be imprisoned until the payments are
55 made if the offender is financially able to make the payments and
56 the court in the county where the offender resides so finds,
57 subject to the limitations hereinafter set out. The offender
58 shall not be imprisoned if the offender is financially unable to
59 make the payments and so states to the court in writing, under
60 oath, and the court so finds.

61 (3) This section shall stand repealed from and after June
62 30, 2006.

63 **SECTION 2.** This act shall take effect and be in force from
64 and after its passage.