

By: Representative Malone

To: Corrections

HOUSE BILL NO. 1004

1 AN ACT TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL FROM JUNE 30, 2006, TO JUNE 30, 2007, ON
3 THE COMMUNITY SERVICES REVOLVING FUND; AND FOR RELATED PURPOSES.

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

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

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

28 Division in the performance of its duties. Expenditures for the
29 purposes established in this section may be made from the fund
30 upon requisition by the commissioner, or his designee.

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

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

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

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

59 (3) This section shall stand repealed from and after June
60 30, 2007.

61 **SECTION 2.** This act shall take effect and be in force from
62 and after June 30, 2006.