

April 13, 2018

TO THE MISSISSIPPI STATE SENATE

GOVERNOR'S VETO MESSAGE FOR SENATE BILL 2841:

I am returning Senate Bill 2841: "AN ACT TO AMEND SECTION 63-1-71, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT A PERSON'S LICENSE BE SUSPENDED FOR A CONTROLLED SUBSTANCE VIOLATION THAT IS UNRELATED TO OPERATING A MOTOR VEHICLE; TO AMEND SECTION 9-23-13, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL DRUG COURTS TO MAKE AVAILABLE THE OPTION FOR PARTICIPANTS IN A DRUG COURT PROGRAM TO USE MEDICATION-ASSISTED TREATMENT WHILE PARTICIPATING IN A DRUG COURT PROGRAM; TO AMEND SECTION 47-7-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OFFENDER SHALL MAKE HIS OR HER INITIAL PAYMENT FOR SUPERVISION FEES WITHIN 90 DAYS RATHER THAN 30 DAYS OF BEING RELEASED; TO PROVIDE CERTAIN CRITERIA FOR A DETERMINATION OF INDIGENCE FOR AN OFFENDER WHO IS UNABLE TO PAY FIELD SUPERVISION FEES AND TO EXTEND THE DATE OF REPEAL ON THIS SECTION; TO AMEND SECTION 47-7-40, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN OFFENDER SHALL NOT BE DENIED EARNED-DISCHARGE CREDITS SOLELY BASED ON NONPAYMENT OF FEES OR FINES IF A DETERMINATION OF INDIGENCE IS MADE; AND FOR RELATED PURPOSES.

I am vetoing Senate Bill 2841 because it will cause a financial and operational hardship on the Mississippi Department of Corrections. Currently, Mississippi Code Ann. Section 47-7-49(1) provides that "Any offender on probation, parole, earned-release supervision, post-release supervision, earned probation or any other offender under the field supervision of the Community Services Division of the department shall pay to the department the sum of Fifty-five Dollars (\$55.00) per month by certified check or money order unless a hardship waiver is granted." This hardship waiver may be granted by the sentencing court or the department. The code section further provides that the offender payments shall be distributed to the Community Service Revolving Fund for restitution and satellite centers; to the Community Services Division for salaries, equipment, supplies, and vehicles; to the Crime Victims' Compensation Fund; and to the Training Revolving Fund.

This bill replaces the discretion of the court or department to grant a hardship waiver to an offender with a statutory mandated "determination of indigence" based upon Federal Poverty Guidelines. The department estimates that this change in the law could cost millions of dollars annually. As described above, the current law provides a mechanism for offenders to help defray the costs of things such as worthy rehabilitation programs, victims' restitution, and salaries of supervision officers. The current "ability to pay" process has worked.

During my administration, we have made good criminal justice reforms, including House Bill 387 that I signed this year. I regret that other provisions of this bill have to suffer the fate of this veto. I support the removal of mandatory suspension of one's driver's license for a controlled substance violation that is unrelated to operating a motor vehicle, and I support the provisions requiring drug courts to make available the option for participants in a drug court program to use medication-assisted treatment. However, I cannot force the Department of Corrections to potentially suffer the loss of millions of dollars, particularly in light of the department's operational budget being cut for fiscal year 2019 by legislative appropriation.

Therefore, I am vetoing Senate Bill 2841.

Respectfully submitted,

PHIL BRYANT
GOVERNOR