

By: Representatives Coleman (65th),
Blackmon, Hudson, Nettles, Wallace

To: Judiciary B

HOUSE BILL NO. 1294

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE ASSESSMENT FOR THE STATE GENERAL FUND PAYABLE BY
3 PERSONS UPON WHOM A COURT IMPOSES A FINE OR PENALTY FOR CERTAIN
4 FELONY VIOLATIONS; TO REPEAL SECTION 83-39-31, MISSISSIPPI CODE OF
5 1972, WHICH IMPOSES A FEE ON APPEARANCE BONDS AND RECOGNIZANCES
6 FOR DEFENDANTS CHARGED WITH A CRIMINAL OFFENSE; AND FOR RELATED
7 PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
8 MISSISSIPPI:

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10 SECTION 1. Section 99-19-73, Mississippi Code of 1972, is
11 amended as follows:

12 99-19-73. (1) **Traffic Violations.** In addition to any
13 monetary penalties and any other penalties imposed by law, there
14 shall be imposed and collected the following state assessment from
15 each person upon whom a court imposes a fine or other penalty for
16 any violation in Title 63, Mississippi Code of 1972, except
17 offenses relating to the Mississippi Implied Consent Law (Section
18 63-11-1 et seq.) and offenses relating to vehicular parking or
19 registration:

20 FUND	AMOUNT
21 State Court Education Fund.....	\$ 1.50
22 State Prosecutor Education Fund.....	.50
23 Driver Training Penalty Assessment Fund.....	7.00
24 Law Enforcement Officers Training Fund.....	5.00
25 Spinal Cord and Head Injury Trust Fund	
26 (for all moving violations).....	4.00
27 Emergency Medical Services Operating Fund.....	10.00
28 Mississippi Leadership Council on Aging	
29 Fund.....	1.00

30 TOTAL STATE ASSESSMENT..... \$ 29.00

31 (2) **Implied Consent Law Violations.** In addition to any
32 monetary penalties and any other penalties imposed by law, there
33 shall be imposed and collected the following state assessment from
34 each person upon whom a court imposes a fine or any other penalty
35 for any violation of the Mississippi Implied Consent Law (Section
36 63-11-1 et seq.):

37 FUND	AMOUNT
38 Crime Victims' Compensation Fund.....	\$ 10.00
39 State Court Education Fund.....	1.50
40 State Prosecutor Education Fund.....	.50
41 Driver Training Penalty Assessment Fund.....	22.00
42 Law Enforcement Officers Training Fund.....	11.00
43 Emergency Medical Services Operating Fund.....	10.00
44 Mississippi Alcohol Safety Education Program Fund..	5.00
45 Federal-State Alcohol Program Fund.....	10.00
46 Mississippi Crime Laboratory	
47 Implied Consent Law Fund.....	25.00
48 Spinal Cord and Head Injury Trust Fund.....	25.00
49 State General Fund.....	35.00
50 TOTAL STATE ASSESSMENT.....	\$ 155.00

51 (3) **Game and Fish Law Violations.** In addition to any
52 monetary penalties and any other penalties imposed by law, there
53 shall be imposed and collected the following state assessment from
54 each person upon whom a court imposes a fine or other penalty for
55 any violation of the game and fish statutes or regulations of this
56 state:

57 FUND	AMOUNT
58 State Court Education Fund.....	\$ 1.50
59 State Prosecutor Education Fund.....	.50
60 Law Enforcement Officers Training Fund.....	5.00
61 Hunter Education and Training Program Fund.....	5.00
62 State General Fund.....	30.00

63 TOTAL STATE ASSESSMENT..... \$ 42.00

64 (4) **Litter Law Violations.** In addition to any monetary
65 penalties and any other penalties imposed by law, there shall be
66 imposed and collected the following state assessment from each
67 person upon whom a court imposes a fine or other penalty for any
68 violation of Section 97-15-29 or 97-15-30:

69 FUND	AMOUNT
70 Statewide Litter Prevention Fund.....	\$ 25.00
71 TOTAL STATE ASSESSMENT.....	\$ 25.00

72 (5) **Other Misdemeanors.** In addition to any monetary
73 penalties and any other penalties imposed by law, there shall be
74 imposed and collected the following state assessment from each
75 person upon whom a court imposes a fine or other penalty for any
76 misdemeanor violation not specified in subsection (1), (2) or (3)
77 of this section, except offenses relating to vehicular parking or
78 registration:

79 FUND	AMOUNT
80 Crime Victims' Compensation Fund.....	\$ 10.00
81 State Court Education Fund.....	1.50
82 State Prosecutor Education Fund.....	.50
83 Law Enforcement Officers Training Fund.....	5.00
84 State General Fund.....	30.00
85 State Crime Stoppers Fund.....	1.50
86 TOTAL STATE ASSESSMENT.....	\$ 48.50

87 (6) **Other Felonies.** In addition to any monetary penalties
88 and any other penalties imposed by law, there shall be imposed and
89 collected the following state assessment from each person upon
90 whom a court imposes a fine or other penalty for any felony
91 violation not specified in subsection (1), (2) or (3) of this
92 section:

93 FUND	AMOUNT
94 Crime Victims' Compensation Fund.....	\$ 10.00
95 State Court Education Fund.....	1.50

96	State Prosecutor Education Fund.....	.50
97	Law Enforcement Officers Training Fund.....	5.00
98	State General Fund.....	<u>160.00</u>
99	Criminal Justice Fund.....	50.00
100	TOTAL STATE ASSESSMENT.....	\$ <u>227.00</u>

101 (7) If a fine or other penalty imposed is suspended, in
102 whole or in part, such suspension shall not affect the state
103 assessment under this section. No state assessment imposed under
104 the provisions of this section may be suspended or reduced by the
105 court.

106 (8) After a determination by the court of the amount due, it
107 shall be the duty of the clerk of the court to promptly collect
108 all state assessments imposed under the provisions of this
109 section. The state assessments imposed under the provisions of
110 this section may not be paid by personal check. It shall be the
111 duty of the chancery clerk of each county to deposit all such
112 state assessments collected in the circuit, county and justice
113 courts in such county on a monthly basis with the State Treasurer
114 pursuant to appropriate procedures established by the State
115 Auditor. The chancery clerk shall make a monthly lump-sum deposit
116 of the total state assessments collected in the circuit, county
117 and justice courts in such county under this section, and shall
118 report to the Department of Finance and Administration the total
119 number of violations under each subsection for which state
120 assessments were collected in the circuit, county and justice
121 courts in such county during such month. It shall be the duty of
122 the municipal clerk of each municipality to deposit all such state
123 assessments collected in the municipal court in such municipality
124 on a monthly basis with the State Treasurer pursuant to
125 appropriate procedures established by the State Auditor. The
126 municipal clerk shall make a monthly lump-sum deposit of the total
127 state assessments collected in the municipal court in such
128 municipality under this section, and shall report to the

129 Department of Finance and Administration the total number of
130 violations under each subsection for which state assessments were
131 collected in the municipal court in such municipality during such
132 month.

133 (9) It shall be the duty of the Department of Finance and
134 Administration to deposit on a monthly basis all such state
135 assessments into the proper special fund in the State Treasury.
136 The monthly deposit shall be based upon the number of violations
137 reported under each subsection and the pro rata amount of such
138 assessment due to the appropriate special fund. The Department of
139 Finance and Administration shall issue regulations providing for
140 the proper allocation of these special funds.

141 (10) The State Auditor shall establish by regulation
142 procedures for refunds of state assessments, including refunds
143 associated with assessments imposed before July 1, 1990, and
144 refunds after appeals in which the defendant's conviction is
145 reversed. The Auditor shall provide in such regulations for
146 certification of eligibility for refunds and may require the
147 defendant seeking a refund to submit a verified copy of a court
148 order or abstract by which such defendant is entitled to a refund.
149 All refunds of state assessments shall be made in accordance with
150 the procedures established by the Auditor.

151 SECTION 2. Section 83-39-31, Mississippi Code of 1972, which
152 imposes a fee on appearance bonds and recognizances for defendants
153 charged with a criminal offense, is hereby repealed.

154 SECTION 3. This act shall take effect and be in force from
155 and after July 1, 1999.