

By: Reeves

To: Judiciary A

HOUSE BILL NO. 950

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE STATE MONETARY ASSESSMENT IMPOSED UPON PERSONS  
3 VIOLATING THE IMPLIED CONSENT LAW FOR THE FEDERAL-STATE ALCOHOL  
4 PROGRAM FUND; AND FOR RELATED PURPOSE.

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

6 SECTION 1. Section 99-19-73, Mississippi Code of 1972, is  
7 amended as follows:[BD1]

8 99-19-73. (1) **Traffic Violations.** In addition to any  
9 monetary penalties and any other penalties imposed by law, there  
10 shall be imposed and collected the following state assessment from  
11 each person upon whom a court imposes a fine or other penalty for  
12 any violation in Title 63, Mississippi Code of 1972, except  
13 offenses relating to the Mississippi Implied Consent Law (Section  
14 63-11-1 et seq.) and offenses relating to vehicular parking or  
15 registration:

16 FUND	16 AMOUNT
17 State Court Education Fund.....	\$ 1.50
18 State Prosecutor Education Fund.....	.50
19 Driver Training Penalty Assessment Fund.....	7.00
20 Law Enforcement Officers Training Fund.....	5.00
21 Spinal Cord and Head Injury Trust Fund	
22 (for all moving violations).....	4.00
23 Emergency Medical Services Operating Fund.....	10.00
24 Mississippi Leadership Council on Aging Fund.....	1.00
25 TOTAL STATE ASSESSMENT.....	\$ 29.00

26 (2) **Implied Consent Law Violations.** In addition to any  
27 monetary penalties and any other penalties imposed by law, there

28 shall be imposed and collected the following state assessment from  
29 each person upon whom a court imposes a fine or any other penalty  
30 for any violation of the Mississippi Implied Consent Law (Section  
31 63-11-1 et seq.):

32 FUND	AMOUNT
33 Crime Victims' Compensation Fund.....	\$ 10.00
34 State Court Education Fund.....	1.50
35 State Prosecutor Education Fund.....	.50
36 Driver Training Penalty Assessment Fund.....	22.00
37 Law Enforcement Officers Training Fund.....	11.00
38 Emergency Medical Services Operating Fund.....	10.00
39 Mississippi Alcohol Safety Education Program Fund.....	5.00
40 Federal-State Alcohol Program Fund.....	<u>25.00</u>
41 Mississippi Crime Laboratory Implied Consent Law Fund.....	25.00
42 Spinal Cord and Head Injury Trust Fund.....	25.00
43 State General Fund.....	35.00
44 TOTAL STATE ASSESSMENT.....	<u>\$170.00</u>

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

51 FUND	AMOUNT
52 State Court Education Fund.....	\$ 1.50
53 State Prosecutor Education Fund.....	.50
54 Law Enforcement Officers Training Fund.....	5.00
55 Hunter Education and Training Program Fund.....	5.00
56 State General Fund.....	30.00
57 TOTAL STATE ASSESSMENT.....	\$ 42.00

58 (4) **Litter Law Violations.** In addition to any monetary  
59 penalties and any other penalties imposed by law, there shall be  
60 imposed and collected the following state assessment from each

61 person upon whom a court imposes a fine or other penalty for any  
62 violation of Section 97-15-29 or 97-15-30:

63 FUND	AMOUNT
64 Statewide Litter Prevention Fund.....	\$ 25.00
65 TOTAL STATE ASSESSMENT.....	\$ 25.00

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

73 FUND	AMOUNT
74 Crime Victims' Compensation Fund.....	\$ 10.00
75 State Court Education Fund.....	1.50
76 State Prosecutor Education Fund.....	.50
77 Law Enforcement Officers Training Fund.....	5.00
78 State General Fund.....	30.00
79 State Crime Stoppers Fund.....	1.50
80 TOTAL STATE ASSESSMENT.....	\$ 48.50

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

87 FUND	AMOUNT
88 Crime Victims' Compensation Fund.....	\$ 10.00
89 State Court Education Fund.....	1.50
90 State Prosecutor Education Fund.....	.50
91 Law Enforcement Officers Training Fund.....	5.00
92 State General Fund.....	60.00
93 Criminal Justice Fund.....	50.00

94 TOTAL STATE ASSESSMENT.....\$127.00

95 (7) If a fine or other penalty imposed is suspended, in  
96 whole or in part, such suspension shall not affect the state  
97 assessment under this section. No state assessment imposed under  
98 the provisions of this section may be suspended or reduced by the  
99 court.

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

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

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

145           SECTION 2. This act shall take effect and be in force from  
146 and after July 1, 2000.