

By: Gordon

To: Judiciary;  
Appropriations

SENATE BILL NO. 2690

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.

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

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

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

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

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

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

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

55           FUND	AMOUNT
56           State Court Education Fund.....	\$ 1.50
57           State Prosecutor Education Fund.....	.50
58           Law Enforcement Officers Training Fund.....	5.00
59           Hunter Education and Training Program Fund.....	5.00
60           State General Fund.....	30.00
61           TOTAL STATE ASSESSMENT.....	\$42.00

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

67           FUND	AMOUNT
68           Statewide Litter Prevention Fund.....	\$25.00
69           TOTAL STATE ASSESSMENT.....	\$25.00

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

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

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

91           FUND	AMOUNT
92           Crime Victims' Compensation Fund.....	\$ 10.00
93           State Court Education Fund.....	1.50
94           State Prosecutor Education Fund.....	.50

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

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

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

128 violations under each subsection for which state assessments were  
129 collected in the municipal court in such municipality during such  
130 month.

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

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

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

152 SECTION 3. This act shall take effect and be in force from  
153 and after July 1, 2000.