

By: Representative Compretta

To: Judiciary B

HOUSE BILL NO. 820

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO INCREASE FROM FIFTY CENTS TO ONE DOLLAR THE ASSESSMENT ON THOSE
3 FIVE TYPES CRIMINAL VIOLATIONS WHICH FUND THE STATE PROSECUTOR
4 EDUCATION FUND; AND FOR RELATED PURPOSES.

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:

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	AMOUNT
17 State Court Education Fund.....	\$ 1.50
18 State Prosecutor Education Fund.....	<u>.1.00</u>
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	
25 Fund.....	1.00
26 TOTAL STATE ASSESSMENT.....	\$ <u>29.50</u>

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

33 FUND	AMOUNT
34 Crime Victims' Compensation Fund.....	\$ 10.00
35 State Court Education Fund.....	1.50
36 State Prosecutor Education Fund.....	<u>1.00</u>
37 Driver Training Penalty Assessment Fund.....	22.00
38 Law Enforcement Officers Training Fund.....	11.00
39 Emergency Medical Services Operating Fund.....	10.00
40 Mississippi Alcohol Safety Education Program Fund.....	5.00
41 Federal-State Alcohol Program Fund.....	10.00
42 Mississippi Crime Laboratory	
43 Implied Consent Law Fund.....	25.00
44 Spinal Cord and Head Injury Trust Fund.....	25.00
45 State General Fund.....	35.00
46 TOTAL STATE ASSESSMENT.....	<u>\$155.50</u>

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

53 FUND	AMOUNT
54 State Court Education Fund.....	\$ 1.50
55 State Prosecutor Education Fund.....	<u>1.00</u>
56 Law Enforcement Officers Training Fund.....	5.00
57 Hunter Education and Training Program Fund.....	5.00
58 State General Fund.....	30.00
59 TOTAL STATE ASSESSMENT.....	<u>\$ 42.50</u>

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

65 FUND	AMOUNT
66 Statewide Litter Prevention Fund.....	\$ 25.00
67 TOTAL STATE ASSESSMENT.....	\$ 25.00

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

75 FUND	AMOUNT
76 Crime Victims' Compensation Fund.....	\$ 10.00
77 State Court Education Fund.....	1.50
78 State Prosecutor Education Fund.....	<u>1.00</u>
79 Law Enforcement Officers Training Fund.....	5.00
80 State General Fund.....	30.00
81 State Crime Stoppers Fund.....	1.50
82 TOTAL STATE ASSESSMENT.....	\$ <u>49.00</u>

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

89 FUND	AMOUNT
90 Crime Victims' Compensation Fund.....	\$ 10.00
91 State Court Education Fund.....	1.50
92 State Prosecutor Education Fund.....	<u>1.00</u>

93	Law Enforcement Officers Training Fund.....	5.00
94	State General Fund.....	60.00
95	Criminal Justice Fund.....	50.00
96	TOTAL STATE ASSESSMENT.....	<u>\$127.50</u>

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

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

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

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

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

147 SECTION 2. This act shall take effect and be in force from
148 and after July 2, 2001.