

By: Representative Ellis

To: Public Utilities

HOUSE BILL NO. 1004

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE GOVERNING AUTHORITIES OF COUNTIES AND MUNICIPALITIES TO  
3 IMPOSE A SURCHARGE ON CERTAIN TRAFFIC VIOLATION CITATIONS ISSUED  
4 BY MISSISSIPPI HIGHWAY SAFETY PATROL OFFICERS FOR THE PURPOSE OF  
5 FUNDING AN INTERGOVERNMENTAL WIRELESS RADIO COMMUNICATIONS  
6 PROGRAM; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-9-31, Mississippi Code of 1972, is  
9 amended as follows:

10 63-9-31. (1) In addition to any other monetary penalties  
11 and other penalties imposed by law, any county or municipality  
12 which participates in an intergovernmental wireless radio  
13 communications program approved by the applicable governing  
14 authorities may assess an additional surcharge in an amount not to  
15 exceed Ten Dollars (\$10.00) on each person upon whom a court  
16 imposes a fine or other penalty for each violation of Title 63,  
17 Mississippi Code of 1972, except offenses relating to vehicular  
18 parking or registration. Governing authorities shall assess a  
19 surcharge in the amount of Ten Dollars (\$10.00) on all such  
20 citations issued by Mississippi Highway Safety Patrol officers.  
21 The proceeds from the surcharge on citations issued by county and  
22 municipal law enforcement officers may be used by a county or  
23 municipality only to fund that county's or municipality's  
24 participation in the intergovernmental wireless radio  
25 communications program by funding public safety wireless  
26 communications systems and related computer and communications  
27 equipment. The proceeds from the surcharge on citations issued by  
28 Mississippi Highway Safety Patrol officers shall be used as  
29 provided in subsection (2) of this section. All proceeds from



30 the surcharge imposed by this subsection shall be deposited into a  
31 special fund in the Department of Public Safety's Office of Public  
32 Safety Planning \* \* \*. The Office of Public Safety Planning shall  
33 promulgate rules and procedures relating to the administration of  
34 the special fund and the disbursement of monies in the fund to  
35 participating governmental entities. The maximum amount that a  
36 governmental entity may receive from the special fund shall be an  
37 amount equal to the deposits made into the fund by that entity,  
38 less one percent (1%) to be retained by the Office of Public  
39 Safety Planning to defray the costs of administering the special  
40 fund. Interest earned on the special fund shall remain in the  
41 fund and shall be used by the Office of Public Safety Planning to  
42 further defray the costs of administering the special fund.

43 (2) Deposits into the special fund resulting from citations  
44 issued by the Mississippi Highway Safety Patrol shall be utilized  
45 for the purpose of funding wireless communications and related  
46 computer equipment, subject to the approval of the Mississippi  
47 Department of Information Technology Services.

48 (3) Approval of an intergovernmental wireless radio  
49 communications program must be given by the applicable governing  
50 authorities when:

51 (a) The program includes the sharing of support  
52 facilities, including, but not limited to, towers, shelters and  
53 microwave, by participating entities; or

54 (b) The program includes the establishment of a mutual  
55 aid system using common radio frequency channels between  
56 participating entities; or

57 (c) The program sets forth a feasible methodology that  
58 utilizes the radio frequency spectrum in an efficient manner.

59 (4) Participating counties, municipalities and the  
60 Mississippi Highway Safety Patrol must provide notification of  
61 facilities available for interoperability to the Mississippi  
62 Department of Information Technology Services annually.



63           (5) Counties and municipalities participating in an  
64 intergovernmental wireless radio communications program and the  
65 Mississippi Highway Safety Patrol must comply with competitive  
66 bidding requirements prescribed in Section 31-7-13 and are  
67 encouraged to utilize an open architecture, nonproprietary system.

68           **SECTION 2.** This act shall take effect and be in force from  
69 and after July 1, 2002.

