

By: Representative Ellis

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1004

1 AN ACT TO AMEND SECTION 63-9-31, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE IMPOSITION OF A SURCHARGE ON CERTAIN TRAFFIC VIOLATION
3 CITATIONS ISSUED BY MISSISSIPPI HIGHWAY SAFETY PATROL OFFICERS FOR
4 THE PURPOSE OF FUNDING THE AUTOMATION OF CITATIONS ISSUED BY
5 HIGHWAY PATROL OFFICERS AND A 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 a * * * wireless radio communications
13 program approved by the applicable governing authorities may
14 assess an additional surcharge in an amount not to exceed Ten
15 Dollars (\$10.00) on each person upon whom a court imposes a fine
16 or other penalty for each violation of Title 63, Mississippi Code
17 of 1972, except offenses relating to vehicular parking or
18 registration. * * * On all citations issued by Mississippi
19 Highway Safety Patrol officers, a surcharge in the amount of Ten
20 Dollars (\$10.00) shall be collected by the court and deposited as
21 provided in subsection (2) of this section. The proceeds from the
22 surcharge on citations issued by county and municipal law
23 enforcement officers may be used by a county or municipality only
24 to fund that county's or municipality's participation in the * * *
25 wireless radio communications program by funding public safety
26 wireless communications systems and related computer and
27 communications equipment. The proceeds from the surcharge on
28 citations issued by Mississippi Highway Safety Patrol officers
29 shall be used as provided in subsection (2) of this section. All



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

44 (2) Deposits into the special fund resulting from citations
45 issued by the Mississippi Highway Safety Patrol shall be utilized
46 as follows: Fifty percent (50%) of the deposits into the special
47 fund shall be used to automate the citations issued by Mississippi
48 Highway Safety Patrol officers (including the transmittal of
49 citations to the justice court, retrieval of the disposition from
50 the justice court, and updating the driver's records) and fifty
51 percent (50%) of the deposits into the special fund shall be used
52 for the purpose of funding wireless communications and related
53 computer equipment, subject to the approval of the Mississippi
54 Department of Information Technology Services.

55 (3) Approval of a * * * wireless radio communications
56 program must be given by the applicable governing authorities
57 when:

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



61 (b) The program includes the establishment of a mutual
62 aid system using common radio frequency channels between
63 participating entities; or

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

66 (4) Participating counties, municipalities and the
67 Mississippi Highway Safety Patrol must provide notification of
68 facilities available for interoperability to the Mississippi
69 Department of Information Technology Services annually.

70 (5) Counties and municipalities participating in a * * *
71 wireless radio communications program and the Mississippi Highway
72 Safety Patrol must comply with competitive bidding requirements
73 prescribed in Section 31-7-13 and are encouraged to utilize an
74 open architecture, nonproprietary system.

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

