

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1005

AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
TO PROVIDE ASSESSMENTS ON CERTAIN VIOLATIONS TO BE DEPOSITED INTO
THE CAPITAL DEFENSE COUNSEL SPECIAL FUND AND THE LAW ENFORCEMENT
OFFICERS AND FIRE FIGHTERS DEATH BENEFITS TRUST FUND; AND FOR
RELATED PURPOSES.

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

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

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

FUND	AMOUNT
State Court Education Fund.....	\$ 1.50
State Prosecutor Education Fund.....	1.00
Driver Training Penalty Assessment Fund.....	7.00
Law Enforcement Officers Training Fund.....	5.00
Spinal Cord and Head Injury Trust Fund	
(for all moving violations).....	4.00
Emergency Medical Services Operating Fund.....	10.00
Mississippi Leadership Council on Aging	
Fund.....	1.00
<u>Law Enforcement Officers and Fire Fighters Death</u>	
<u>Benefits Trust Fund.....</u>	<u>1.00</u>

29 TOTAL STATE ASSESSMENT..... \$ 30.50

30 (2) **Implied Consent Law Violations.** In addition to any
31 monetary penalties and any other penalties imposed by law, there
32 shall be imposed and collected the following state assessment from
33 each person upon whom a court imposes a fine or any other penalty
34 for any violation of the Mississippi Implied Consent Law (Section
35 63-11-1 et seq.):

FUND	AMOUNT
Crime Victims' Compensation Fund.....	\$ 10.00
State Court Education Fund.....	1.50
State Prosecutor Education Fund.....	1.00
Driver Training Penalty Assessment Fund.....	22.00
Law Enforcement Officers Training Fund.....	11.00
Emergency Medical Services Operating Fund.....	10.00
Mississippi Alcohol Safety Education Program Fund....	5.00
Federal-State Alcohol Program Fund.....	10.00
Mississippi Crime Laboratory	
Implied Consent Law Fund.....	25.00
Spinal Cord and Head Injury Trust Fund.....	25.00
<u>Capital Defense Counsel Special Fund</u>	<u>1.00</u>
State General Fund.....	35.00
<u>Law Enforcement Officers and Fire Fighters Death</u>	
<u>Benefits Trust Fund</u>	<u>1.00</u>
TOTAL STATE ASSESSMENT.....	\$ <u>157.50</u>

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

FUND	AMOUNT
State Court Education Fund.....	\$ 1.50
State Prosecutor Education Fund.....	1.00

62	Law Enforcement Officers Training Fund.....	5.00
63	Hunter Education and Training Program Fund.....	5.00
64	State General Fund.....	30.00
65	<u>Law Enforcement Officers and Fire Fighters Death</u>	
66	<u>Benefits Trust Fund.....</u>	1.00
67	TOTAL STATE ASSESSMENT.....	\$ <u>43.50</u>

68 (4) **Litter Law Violations.** 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 violation of Section 97-15-29 or 97-15-30:

73	FUND	AMOUNT
74	Statewide Litter Prevention Fund.....	\$ 25.00
75	TOTAL STATE ASSESSMENT.....	\$ 25.00

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

83	FUND	AMOUNT
84	Crime Victims' Compensation Fund.....	\$ 10.00
85	State Court Education Fund.....	1.50
86	State Prosecutor Education Fund.....	1.00
87	Law Enforcement Officers Training Fund.....	5.00
88	<u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
89	State General Fund.....	30.00
90	State Crime Stoppers Fund.....	1.50
91	<u>Law Enforcement Officers and Fire Fighters Death</u>	
92	<u>Benefits Trust Fund.....</u>	<u>1.00</u>
93	TOTAL STATE ASSESSMENT.....	\$ <u>51.00</u>

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

FUND	AMOUNT
Crime Victims' Compensation Fund.....	\$ 10.00
State Court Education Fund.....	1.50
State Prosecutor Education Fund.....	1.00
Law Enforcement Officers Training Fund.....	5.00
<u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
State General Fund.....	60.00
Criminal Justice Fund.....	50.00
<u>Law Enforcement Officers and Fire Fighters Death</u>	
<u>Benefits Trust Fund.....</u>	<u>1.00</u>
TOTAL STATE ASSESSMENT.....	\$ <u>129.50</u>

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

(8) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check. It shall be the duty of the chancery clerk of each county to deposit all such state assessments collected in the circuit, county and justice courts in such county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county

and justice courts in such county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in such county during such month. It shall be the duty of the municipal clerk of each municipality to deposit all such state assessments collected in the municipal court in such municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in such municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in such municipality during such month.

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

(10) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in such regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which such defendant is entitled to a refund.



159 All refunds of state assessments shall be made in accordance with
160 the procedures established by the Auditor.

161 (11) This section shall stand repealed on July 1, 2003.

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

