

By: Representative Mayo

To: Judiciary B

HOUSE BILL NO. 1005

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN ASSESSMENT ON IMPLIED CONSENT LAW VIOLATIONS, OTHER
3 MISDEMEANORS AND OTHER FELONIES TO BE DEPOSITED INTO THE CAPITAL
4 DEFENSE COUNSEL SPECIAL 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:

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
TOTAL STATE ASSESSMENT.....	\$ 29.50

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.....	1.00
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 <u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
46 State General Fund.....	35.00
47 TOTAL STATE ASSESSMENT.....	\$ <u>156.50</u>

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

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



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

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

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

76 FUND	AMOUNT
77 Crime Victims' Compensation Fund.....	\$ 10.00
78 State Court Education Fund.....	1.50
79 State Prosecutor Education Fund.....	1.00
80 Law Enforcement Officers Training Fund.....	5.00
81 <u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
82 State General Fund.....	30.00
83 State Crime Stoppers Fund.....	1.50
84 TOTAL STATE ASSESSMENT.....	\$ <u>50.00</u>

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.....	1.00
95	Law Enforcement Officers Training Fund.....	5.00
96	<u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
97	State General Fund.....	60.00
98	Criminal Justice Fund.....	50.00
99	TOTAL STATE ASSESSMENT.....	<u>\$128.50</u>

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

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



127 municipality under this section, and shall report to the
128 Department of Finance and Administration the total number of
129 violations under each subsection for which state assessments were
130 collected in the municipal court in such municipality during such
131 month.

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

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

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

