

By: Senator(s) Huggins

To: Judiciary

SENATE BILL NO. 2665

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE ASSESSMENT ON TRAFFIC VIOLATIONS AND IMPLIED  
3 CONSENT LAW VIOLATIONS FOR THE EMERGENCY MEDICAL SERVICES  
4 OPERATING 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.....	<u>15.00</u>
Mississippi Leadership Council on Aging Fund.....	1.00
TOTAL STATE ASSESSMENT.....	\$ <u>34.50</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.....	1.00
37 Driver Training Penalty Assessment Fund.....	22.00
38 Law Enforcement Officers Training Fund.....	11.00
39 Emergency Medical Services Operating Fund.....	<u>15.00</u>
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>\$160.50</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.....	1.00
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.....	\$ 42.50

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.....	1.00
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.....	\$ 49.00

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.....	1.00
93	Law Enforcement Officers Training Fund.....	5.00
94	State General Fund.....	60.00



95 Criminal Justice Fund..... 50.00  
96 TOTAL STATE ASSESSMENT..... \$127.50

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 1, 2002.

