

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1005: State assessments; use for Capital Defense Counsel Special Fund & Law Enforcement Officers & Fire Fighters Death Benefits Trust Fund.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

9 99-19-73. (1) **Traffic Violations.** In addition to any
10 monetary penalties and any other penalties imposed by law, there
11 shall be imposed and collected the following state assessment from
12 each person upon whom a court imposes a fine or other penalty for
13 any violation in Title 63, Mississippi Code of 1972, except
14 offenses relating to the Mississippi Implied Consent Law (Section
15 63-11-1 et seq.) and offenses relating to vehicular parking or
16 registration:

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

28 Benefits Trust Fund..... .50

29 TOTAL STATE ASSESSMENT..... \$ 30.00

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>	

51 Benefits Trust Fund..... .50

52 TOTAL STATE ASSESSMENT..... \$157.00

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
Law Enforcement Officers Training Fund.....	5.00
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>	<u>.50</u>
67	TOTAL STATE ASSESSMENT.....	\$ <u>43.00</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>.50</u>
93	TOTAL STATE ASSESSMENT.....	\$ <u>50.50</u>

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

100	FUND	AMOUNT
101	Crime Victims' Compensation Fund.....	\$ 10.00
102	State Court Education Fund.....	1.50
103	State Prosecutor Education Fund.....	1.00
104	Law Enforcement Officers Training Fund.....	5.00
105	<u>Capital Defense Counsel Special Fund.....</u>	<u>1.00</u>
106	State General Fund.....	60.00
107	Criminal Justice Fund.....	50.00
108	<u>Law Enforcement Officers and Fire Fighters Death</u>	
109	<u>Benefits Trust Fund.....</u>	<u>.50</u>
110	TOTAL STATE ASSESSMENT.....	<u>\$129.00</u>

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

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

136 municipal clerk shall make a monthly lump-sum deposit of the total
137 state assessments collected in the municipal court in such
138 municipality under this section, and shall report to the
139 Department of Finance and Administration the total number of
140 violations under each subsection for which state assessments were
141 collected in the municipal court in such municipality during such
142 month.

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

151 (10) The State Auditor shall establish by regulation
152 procedures for refunds of state assessments, including refunds
153 associated with assessments imposed before July 1, 1990, and
154 refunds after appeals in which the defendant's conviction is
155 reversed. The Auditor shall provide in such regulations for
156 certification of eligibility for refunds and may require the
157 defendant seeking a refund to submit a verified copy of a court
158 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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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

CONFEREES FOR THE HOUSE

X

Edward Blackmon, Jr.

X

Warner F. McBride

X

Eric Robinson

CONFEREES FOR THE SENATE

X

Bennie L. Turner

X

Hob Bryan

X

Dean Kirby