

By: Representative Ford

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 847

1 AN ACT TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972,
2 WHICH PROVIDES STANDARD STATE MONETARY ASSESSMENTS FOR CERTAIN
3 VIOLATIONS, MISDEMEANORS AND FELONIES; TO CREATE THE STATE
4 PROSECUTOR COMPENSATION FUND TO PROVIDE ADDITIONAL COMPENSATION
5 FOR LEGAL ASSISTANTS TO DISTRICT ATTORNEYS; TO EXTEND THE DATE OF
6 REPEAL FROM JULY 1, 2003, TO JULY 1, 2004; AND FOR RELATED
7 PURPOSES.

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

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

11 99-19-73. (1) **Traffic Violations.** In addition to any
12 monetary penalties and any other penalties imposed by law, there
13 shall be imposed and collected the following state assessment from
14 each person upon whom a court imposes a fine or other penalty for
15 any violation in Title 63, Mississippi Code of 1972, except
16 offenses relating to the Mississippi Implied Consent Law (Section
17 63-11-1 et seq.) and offenses relating to vehicular parking or
18 registration:

19 FUND	AMOUNT
20 State Court Education Fund.....	\$ 1.50
21 State Prosecutor Education Fund.....	1.00
22 Driver Training Penalty Assessment Fund.....	7.00
23 Law Enforcement Officers Training Fund.....	5.00
24 Spinal Cord and Head Injury Trust Fund	
25 (for all moving violations).....	4.00
26 Emergency Medical Services Operating Fund.....	10.00
27 Mississippi Leadership Council on Aging Fund.....	1.00
28 Law Enforcement Officers and Fire Fighters Death	
29 Benefits Trust Fund.....	.50



30 State Prosecutor Compensation Fund for the purpose
 31 of providing additional compensation for legal
 32 assistants to district attorneys..... 1.00
 33 TOTAL STATE ASSESSMENT..... \$ 31.00

34 (2) **Implied Consent Law Violations.** In addition to any
 35 monetary penalties and any other penalties imposed by law, there
 36 shall be imposed and collected the following state assessment from
 37 each person upon whom a court imposes a fine or any other penalty
 38 for any violation of the Mississippi Implied Consent Law (Section
 39 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
Capital Defense Counsel Special Fund.....	1.00
State General Fund.....	35.00
Law Enforcement Officers and Fire Fighters Death	
Benefits Trust Fund.....	.50
36 <u>State Prosecutor Compensation Fund for the purpose</u> 37 <u>of providing additional compensation for legal</u> 38 <u>assistants to district attorneys</u> 1.00 39 TOTAL STATE ASSESSMENT..... \$ <u>158.00</u>	

60 (3) **Game and Fish Law Violations.** In addition to any
 61 monetary penalties and any other penalties imposed by law, there
 62 shall be imposed and collected the following state assessment from



63 each person upon whom a court imposes a fine or other penalty for
64 any violation of the game and fish statutes or regulations of this
65 state:

66	FUND	AMOUNT
67	State Court Education Fund.....	\$ 1.50
68	State Prosecutor Education Fund.....	1.00
69	Law Enforcement Officers Training Fund.....	5.00
70	Hunter Education and Training Program Fund.....	5.00
71	State General Fund.....	30.00
72	Law Enforcement Officers and Fire Fighters Death	
73	Benefits Trust Fund.....	.50
74	<u>State Prosecutor Compensation Fund for the purpose</u>	
75	<u>of providing additional compensation for legal</u>	
76	<u>assistants to district attorneys.....</u>	<u>1.00</u>
77	TOTAL STATE ASSESSMENT.....	\$ <u>44.00</u>

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

83	FUND	AMOUNT
84	Statewide Litter Prevention Fund.....	\$ 25.00
85	<u>State Prosecutor Compensation Fund for the purpose</u>	
86	<u>of providing additional compensation for legal</u>	
87	<u>assistants to district attorneys.....</u>	<u>1.00</u>
88	TOTAL STATE ASSESSMENT.....	\$ <u>26.00</u>

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



96	FUND	AMOUNT
97	Crime Victims' Compensation Fund.....	\$ 10.00
98	State Court Education Fund.....	1.50
99	State Prosecutor Education Fund.....	1.00
100	Law Enforcement Officers Training Fund.....	5.00
101	Capital Defense Counsel Special Fund.....	1.00
102	State General Fund.....	30.00
103	State Crime Stoppers Fund.....	1.50
104	Law Enforcement Officers and Fire Fighters Death	
105	Benefits Trust Fund.....	.50
106	<u>State Prosecutor Compensation Fund for the purpose</u>	
107	<u>of providing additional compensation for legal</u>	
108	<u>assistants to district attorneys.....</u>	<u>1.00</u>
109	TOTAL STATE ASSESSMENT.....	\$ <u>51.50</u>

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

116	FUND	AMOUNT
117	Crime Victims' Compensation Fund.....	\$ 10.00
118	State Court Education Fund.....	1.50
119	State Prosecutor Education Fund.....	1.00
120	Law Enforcement Officers Training Fund.....	5.00
121	Capital Defense Counsel Special Fund.....	1.00
122	State General Fund.....	60.00
123	Criminal Justice Fund.....	50.00
124	Law Enforcement Officers and Fire Fighters Death	
125	Benefits Trust Fund.....	.50
126	<u>State Prosecutor Compensation Fund for the purpose</u>	
127	<u>of providing additional compensation for legal</u>	
128	<u>assistants to district attorneys.....</u>	<u>1.00</u>



129 TOTAL STATE ASSESSMENT..... \$130.00

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

135 (8) After a determination by the court of the amount due, it
136 shall be the duty of the clerk of the court to promptly collect
137 all state assessments imposed under the provisions of this
138 section. The state assessments imposed under the provisions of
139 this section may not be paid by personal check. It shall be the
140 duty of the chancery clerk of each county to deposit all such
141 state assessments collected in the circuit, county and justice
142 courts in such county on a monthly basis with the State Treasurer
143 pursuant to appropriate procedures established by the State
144 Auditor. The chancery clerk shall make a monthly lump-sum deposit
145 of the total state assessments collected in the circuit, county
146 and justice courts in such county under this section, and shall
147 report to the Department of Finance and Administration the total
148 number of violations under each subsection for which state
149 assessments were collected in the circuit, county and justice
150 courts in such county during such month. It shall be the duty of
151 the municipal clerk of each municipality to deposit all such state
152 assessments collected in the municipal court in such municipality
153 on a monthly basis with the State Treasurer pursuant to
154 appropriate procedures established by the State Auditor. The
155 municipal clerk shall make a monthly lump-sum deposit of the total
156 state assessments collected in the municipal court in such
157 municipality under this section, and shall report to the
158 Department of Finance and Administration the total number of
159 violations under each subsection for which state assessments were
160 collected in the municipal court in such municipality during such
161 month.



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

170 (10) The State Auditor shall establish by regulation
171 procedures for refunds of state assessments, including refunds
172 associated with assessments imposed before July 1, 1990, and
173 refunds after appeals in which the defendant's conviction is
174 reversed. The Auditor shall provide in such regulations for
175 certification of eligibility for refunds and may require the
176 defendant seeking a refund to submit a verified copy of a court
177 order or abstract by which such defendant is entitled to a refund.
178 All refunds of state assessments shall be made in accordance with
179 the procedures established by the Auditor.

180 (11) This section shall stand repealed on July 1, 2004.

181 **SECTION 2.** This act shall take effect and be in force from
182 and after July 1, 2003.

