HOUSE BILL NO. 1173

AN ACT TO CREATE A DRIVING UNDER THE INFLUENCE REHABILITATION BOARD TO BE LOCATED WITHIN THE MISSISSIPPI STATE HOSPITAL AT WHITFIELD FOR THE PURPOSE OF ESTABLISHING A TREATMENT PROGRAM FOR REPEAT ALCOHOL OFFENDERS WHO ARE CONVICTED OF DRIVING UNDER THE INFLUENCE; TO CREATE THE DRIVING UNDER THE INFLUENCE REHABILITATION FUND; TO AMEND SECTION 63-11-30, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT REPEAT DRIVING UNDER THE INFLUENCE OFFENDERS SHALL BE COMMITTED TO THE MISSISSIPPI STATE HOSPITAL AT WHITFIELD; TO AMEND SECTION 41-17-1, MISSISSIPPI CODE OF 1972, TO INCLUDE REPEAT OFFENDERS CONVICTED OF DRIVING UNDER THE INFLUENCE AS PERSONS ELIGIBLE FOR CARE AND TREATMENT AT THE STATE MENTAL INSTITUTION; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF A STATE ASSESSMENT TO BE DEPOSITED IN THE DRIVING UNDER THE INFLUENCE REHABILITATION FUND; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There is hereby created a Driving Under the Influence Rehabilitation Board of Mental Health to be located within the Mississippi State Hospital at Whitfield to establish a treatment program for offenders who have been convicted under Section 63-11-30 of driving under the influence (DUI) more than once. The board shall consist of eight (8) members to be selected by the Director of the Mississippi State Board of Health. Each member shall at a minimum possess an advanced academic degree along with experience and training in an area of study providing knowledge of medical and social problems, specifically, alcoholism.

(2) There is created a special fund in the State Treasury to be known as the "Driving Under the Influence Rehabilitation Fund." Monies deposited in such fund shall be expended by the Board of DUI Rehabilitation as authorized and appropriated by the Legislature to defray the cost of providing counseling and
rehabilitation to repeat drunk drivers for the establishment of
programs and other related personnel matters.

(3) The board shall have the following duties:

(a) To formulate, develop and implement a plan for the
prevention of continued alcohol abuse by repeat DUI offenders, and
the care, treatment and rehabilitation of alcohol abusers.

(b) To coordinate the efforts and enlist the assistance
of all public and private agencies, organizations and individuals
interested in the prevention of alcoholism and treatment and
rehabilitation of repeat drunk drivers.

(c) To cooperate with the State Penitentiary Board, the
Probation and Parole Board, and other agencies having law
enforcement and corrections responsibilities in establishing and
conducting treatment and rehabilitation programs for repeat drunk
drivers who, after conviction, are committed to the State Hospital
at Whitfield.

(d) To cooperate with the division of alcohol and drug
misuse created under Section 41-30-5 in efforts to successfully
rehabilitate repeat drunk drivers.

(e) The board shall adopt, amend, promulgate and
enforce such rules and regulations as may be deemed necessary to
carry out the purposes of this act.

SECTION 2. Section 63-11-30, Mississippi Code of 1972, is
amended as follows:

63-11-30. (1) It is unlawful for any person to drive or
otherwise operate a vehicle within this state who (a) is under the
influence of intoxicating liquor; (b) is under the influence of
any other substance which has impaired such person's ability to
operate a motor vehicle; (c) has an alcohol concentration of eight
one-hundredths percent (.08%) or more for persons who are above
the legal age to purchase alcoholic beverages under state law, or
two one-hundredths percent (.02%) or more for persons who are
below the legal age to purchase alcoholic beverages under state
law, in the person's blood based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's breath, blood or urine administered as authorized by this chapter; (d) is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or (e) has an alcohol concentration of four one-hundredths percent (.04%) or more in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of such person's blood, breath or urine, administered as authorized by this chapter for persons operating a commercial motor vehicle.

(2) (a) Except as otherwise provided in subsection (3), upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, such person shall be fined not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00), or imprisoned for not more than forty-eight (48) hours in jail or both; and the court shall order such person to attend and complete an alcohol safety education program as provided in Section 63-11-32. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail. In addition, the Department of Public Safety, the Commissioner of Public Safety or his duly authorized agent shall, after conviction and upon receipt of the court abstract, suspend the driver's license and driving privileges of such person for a period of not less than ninety (90) days and until such person attends and successfully completes an alcohol safety education program as herein provided; provided, however, in no event shall such period of suspension exceed one (1) year. Commercial driving privileges shall be suspended as provided in Section 63-1-83.
The circuit court having jurisdiction in the county in which the conviction was had or the circuit court of the person's county of residence may reduce the suspension of driving privileges under Section 63-11-30(2)(a) if the denial of which would constitute a hardship on the offender, except that no court may issue such an order reducing the suspension of driving privileges under this subsection until thirty (30) days have elapsed from the effective date of the suspension. Hardships shall only apply to first offenses under Section 63-11-30(1), and shall not apply to second, third or subsequent convictions of any person violating subsection (1) of this section. A reduction of suspension on the basis of hardship shall not be available to any person who refused to submit to a chemical test upon the request of a law enforcement officer as provided in Section 63-11-5. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Fifty Dollars ($50.00), which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.

The petition filed under the provisions of this subsection shall contain the specific facts which the petitioner alleges to constitute a hardship and the driver's license number of the petitioner. A hearing may be held on any petition filed under this subsection only after ten (10) days' prior written notice to the Commissioner of Public Safety, or his designated agent, or the attorney designated to represent the state. At such hearing, the court may enter an order reducing the period of suspension.

The order entered under the provisions of this subsection shall contain the specific grounds upon which hardship was determined, and shall order the petitioner to attend and complete an alcohol safety education program as provided in Section...
63-11-32. A certified copy of such order shall be delivered to
the Commissioner of Public Safety by the clerk of the court within
five (5) days of the entry of the order. The certified copy of
such order shall contain information which will identify the
petitioner, including, but not limited to, the name, mailing
address, street address, social security number and driver's
license number of the petitioner.

At any time following at least thirty (30) days of suspension
for a first offense violation of this section, the court may grant
the person hardship driving privileges upon written petition of
the defendant, if it finds reasonable cause to believe that
revocation would hinder the person's ability to:

(i) Continue his employment;
(ii) Continue attending school or an educational
institution; or
(iii) Obtain necessary medical care.

Proof of the hardship shall be established by clear and
convincing evidence which shall be supported by independent
documentation.

(b) Except as otherwise provided in subsection (3),
upon any second conviction of any person violating subsection (1)
of this section, the offenses being committed within a period of
five (5) years, such person shall be committed to the Mississippi
State Hospital at Whitfield to receive an in-depth diagnostic
assessment to determine the need for treatment of any alcohol
abuse problem. If it is determined that an alcohol problem
exists, the person shall be required to remain at Whitfield until
he successfully completes a six-week treatment program to be
developed by the DUI Rehabilitation Board established in Section 1
of House Bill No.____, 2003 Regular Session. If it is determined
that such person does not have an alcohol problem, the person
shall be subject to the criminal provisions of paragraph (c) of
this subsection. The Commissioner of Public Safety shall suspend
the driver's license of such person upon a second conviction for
two (2) years. Suspension of a commercial driver's license shall
be governed by Section 63-1-83. Upon any second conviction as
described in this paragraph, the court shall ascertain whether the
defendant is married, and if the defendant is married shall obtain
the name and address of the defendant's spouse; the clerk of the
court shall submit this information to the Department of Public
Safety. Further, the commissioner shall notify in writing, by
certified mail, return receipt requested, the owner of the vehicle
and the spouse, if any, of the person convicted of the second
violation of the possibility of forfeiture of the vehicle if such
person is convicted of a third violation of subsection (1) of this
section. The owner of the vehicle and the spouse shall be
considered notified under this paragraph if the notice is
deposited in the United States mail and any claim that the notice
was not in fact received by the addressee shall not affect a
subsequent forfeiture proceeding. Such person shall be eligible
for reinstatement of his driving privileges upon the successful
completion of such treatment after a period of one (1) year after
such person's driver's license is suspended. Each person who
receives a diagnostic assessment shall pay a fee representing the
cost of such assessment. Each person who participates in a
treatment program shall pay a fee representing the cost of such
treatment in addition to any fee authorized under Section
99-19-73. This subsection shall not apply to persons under the
age of twenty-one (21).

For any second or subsequent conviction of any person under
this section, the person shall also be subject to the penalties
set forth in Section 63-11-31.

(c) Except as otherwise provided in subsections (2)(b)
and (3), for any third or subsequent conviction of any person
violating subsection (1) of this section, the offenses being
committed within a period of five (5) years, such person shall be
guilty of a felony and fined not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00), shall be imprisoned not less than one (1) year nor more than five (5) years in the State Penitentiary. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain. The law enforcement agency shall seize the vehicle operated by any person charged with a third or subsequent violation of subsection (1) of this section, if such convicted person was driving the vehicle at the time the offense was committed. Such vehicle may be forfeited in the manner provided by Sections 63-11-49 through 63-11-53. Except as may otherwise be provided by paragraph (e) of this subsection, the Commissioner of Public Safety shall suspend the driver's license of such person for five (5) years. The suspension of a commercial driver's license shall be governed by Section 63-1-83.

(d) Except as otherwise provided in subsection (3), any person convicted of a third or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of such assessment is determined to be in need of treatment of his alcohol and/or drug abuse problem, such person shall enter an alcohol and/or drug abuse program approved by the Department of Mental Health for treatment of such person's alcohol and/or drug abuse problem. If such person successfully completes such treatment, such person shall be eligible for reinstatement of his driving privileges after a period of three (3) years after such person's driver's license is suspended.

(e) The Department of Public Safety shall promulgate rules and regulations for the use of interlock ignition devices as provided in Section 63-11-31 and consistent with the provisions therein. Such rules and regulations shall provide for the calibration of such devices and shall provide that the cost of the
use of such systems shall be borne by the offender. The Department of Public Safety shall approve which vendors of such devices shall be used to furnish such systems.

(3) (a) This subsection shall be known and may be cited as Zero Tolerance for Minors. The provisions of this subsection shall apply only when a person under the age of twenty-one (21) years has a blood alcohol concentration two one-hundredths percent (.02%) or more, but lower than eight one-hundredths percent (.08%). If such person's blood alcohol concentration is eight one-hundredths percent (.08%) or more, the provisions of subsection (2) shall apply.

(b) Upon conviction of any person under the age of twenty-one (21) years for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, such person shall have his driver's license suspended for ninety (90) days and shall be fined Two Hundred Fifty Dollars ($250.00); and the court shall order such person to attend and complete an alcohol safety education program as provided in Section 63-11-32. The court may also require attendance at a victim impact panel.

The circuit court having jurisdiction in the county in which the conviction was had or the circuit court of the person's county of residence may reduce the suspension of driving privileges under Section 63-11-30(2)(a) if the denial of which would constitute a hardship on the offender, except that no court may issue such an order reducing the suspension of driving privileges under this subsection until thirty (30) days have elapsed from the effective date of the suspension. Hardships shall only apply to first offenses under Section 63-11-30(1), and shall not apply to second, third or subsequent convictions of any person violating subsection (1) of this section. A reduction of suspension on the basis of hardship shall not be available to any person who refused to
submit to a chemical test upon the request of a law enforcement officer as provided in Section 63-11-5. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Fifty Dollars ($50.00), which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.

The petition filed under the provisions of this subsection shall contain the specific facts which the petitioner alleges to constitute a hardship and the driver's license number of the petitioner. A hearing may be held on any petition filed under this subsection only after ten (10) days' prior written notice to the Commissioner of Public Safety, or his designated agent, or the attorney designated to represent the state. At such hearing, the court may enter an order reducing the period of suspension.

The order entered under the provisions of this subsection shall contain the specific grounds upon which hardship was determined, and shall order the petitioner to attend and complete an alcohol safety education program as provided in Section 63-11-32. A certified copy of such order shall be delivered to the Commissioner of Public Safety by the clerk of the court within five (5) days of the entry of the order. The certified copy of such order shall contain information which will identify the petitioner, including, but not limited to, the name, mailing address, street address, social security number and driver's license number of the petitioner.

At any time following at least thirty (30) days of suspension for a first offense violation of this section, the court may grant the person hardship driving privileges upon written petition of the defendant, if it finds reasonable cause to believe that revocation would hinder the person's ability to:
(i) Continue his employment;
(ii) Continue attending school or an educational institution; or
(iii) Obtain necessary medical care. Proof of the hardship shall be established by clear and convincing evidence which shall be supported by independent documentation.

(c) Upon any second conviction of any person under the age of twenty-one (21) years violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than Five Hundred Dollars ($500.00) and shall have his driver's license suspended for one (1) year.

(d) For any third or subsequent conviction of any person under the age of twenty-one (21) years violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than One Thousand Dollars ($1,000.00) and shall have his driver's license suspended until he reaches the age of twenty-one (21) or for two (2) years, whichever is longer.

(e) Any person under the age of twenty-one (21) years convicted of a second violation of subsection (1) of this section, may have the period that his driver's license is suspended reduced if such person receives an in-depth diagnostic assessment, and as a result of such assessment is determined to be in need of treatment of his alcohol and/or drug abuse problem and successfully completes treatment of his alcohol and/or drug abuse problem at a program site certified by the Department of Mental Health. Such person shall be eligible for reinstatement of his driving privileges upon the successful completion of such treatment after a period of six (6) months after such person's driver's license is suspended. Each person who receives a diagnostic assessment shall pay a fee representing the cost of
such assessment. Each person who participates in a treatment program shall pay a fee representing the cost of such treatment.

(f) Any person under the age of twenty-one (21) years convicted of a third or subsequent violation of subsection (1) of this section shall complete treatment of an alcohol and/or drug abuse program at a site certified by the Department of Mental Health.

(g) The court shall have the discretion to rule that a first offense of this subsection by a person under the age of twenty-one (21) years shall be nonadjudicated. Such person shall be eligible for nonadjudication only once. The Department of Public Safety shall maintain a confidential registry of all cases which are nonadjudicated as provided in this paragraph. A judge who rules that a case is nonadjudicated shall forward such ruling to the Department of Public Safety. Judges and prosecutors involved in implied consent violations shall have access to the confidential registry for the purpose of determining nonadjudication eligibility. A record of a person who has been nonadjudicated shall be maintained for five (5) years or until such person reaches the age of twenty-one (21) years. Any person whose confidential record has been disclosed in violation of this paragraph shall have a civil cause of action against the person and/or agency responsible for such disclosure.

(4) In addition to the other penalties provided in this section, every person refusing a law enforcement officer's request to submit to a chemical test of his breath as provided in this chapter, or who was unconscious at the time of a chemical test and refused to consent to the introduction of the results of such test in any prosecution, shall suffer an additional suspension of driving privileges as follows:

The Commissioner of Public Safety or his authorized agent shall suspend the driver's license or permit to drive or deny the issuance of a license or permit to such person as provided for
first, second and third or subsequent offenders in subsection (2) of this section. Such suspension shall be in addition to any suspension imposed pursuant to subsection (1) of Section 63-11-23. The minimum suspension imposed under this subsection shall not be reduced and no prosecutor is authorized to offer a reduction of such suspension as part of a plea bargain.

(5) Every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a felony and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years.

(6) Upon conviction of any violation of subsection (1) of this section, the trial judge shall sign in the place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The judge shall cause a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction, to be sent to the Commissioner of Public Safety. A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section.

(7) Convictions in other states of violations for driving or operating a vehicle while under the influence of an intoxicating
liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring after July 1, 1992, shall be counted for the purposes of determining if a violation of subsection (1) of this section is a first, second, third or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.

(8) For the purposes of determining how to impose the sentence for a second, third or subsequent conviction under this section, the indictment shall not be required to enumerate previous convictions. It shall only be necessary that the indictment state the number of times that the defendant has been convicted and sentenced within the past five (5) years under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be considered in calculating offenses to determine a second, third or subsequent offense of this section.

(9) Any person under the legal age to obtain a license to operate a motor vehicle convicted under this section shall not be eligible to receive such license until the person reaches the age of eighteen (18) years.

(10) Suspension of driving privileges for any person convicted of violations of Section 63-11-30(1) shall run consecutively.

(11) The court may order the use of any ignition interlock device as provided in Section 63-11-31.

SECTION 3. Section 41-17-1, Mississippi Code of 1972, is amended as follows:

41-17-1. Mississippi State Hospital at Whitfield, East Mississippi State Hospital at Meridian, North Mississippi State Hospital at Tupelo, South Mississippi State Hospital at Purvis, the Specialized Treatment Facility for the Emotionally Disturbed in Harrison County, and the Central Mississippi Residential Center
at Newton are established for the care and treatment of persons
with mental illness, and repeat offenders of the implied consent
law as provided under Section 63-11-30, free of charge, except as
otherwise provided.

SECTION 4. 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:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Court Education Fund</td>
<td>$ 1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Driver Training Penalty Assessment Fund</td>
<td>7.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>Spinal Cord and Head Injury Trust Fund</td>
<td></td>
</tr>
<tr>
<td>(for all moving violations)</td>
<td>4.00</td>
</tr>
<tr>
<td>Emergency Medical Services Operating Fund</td>
<td>10.00</td>
</tr>
<tr>
<td>Mississippi Leadership Council on Aging</td>
<td>1.00</td>
</tr>
<tr>
<td>Fund</td>
<td></td>
</tr>
<tr>
<td>Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund</td>
<td>.50</td>
</tr>
<tr>
<td>TOTAL STATE ASSESSMENT</td>
<td>$ 30.00</td>
</tr>
</tbody>
</table>

(2) Implied Consent Law 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 any other penalty
for any violation of the Mississippi Implied Consent Law (Section
63-11-1 et seq.):
<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victims' Compensation Fund</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>State Court Education Fund</td>
<td>1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Driver Training Penalty Assessment Fund</td>
<td>22.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>11.00</td>
</tr>
<tr>
<td>Emergency Medical Services Operating Fund</td>
<td>10.00</td>
</tr>
<tr>
<td>Mississippi Alcohol Safety Education Program Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>Driving Under the Influence Rehabilitation Fund</td>
<td>30.00</td>
</tr>
<tr>
<td>Federal-State Alcohol Program Fund</td>
<td>10.00</td>
</tr>
<tr>
<td>Mississippi Crime Laboratory</td>
<td></td>
</tr>
<tr>
<td>Implied Consent Law Fund</td>
<td>25.00</td>
</tr>
<tr>
<td>Spinal Cord and Head Injury Trust Fund</td>
<td>25.00</td>
</tr>
<tr>
<td>Capital Defense Counsel Special Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>State General Fund</td>
<td>35.00</td>
</tr>
<tr>
<td>Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund</td>
<td>.50</td>
</tr>
<tr>
<td>TOTAL STATE ASSESSMENT</td>
<td>$187.00</td>
</tr>
</tbody>
</table>

(3) **Game and Fish Law 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 of the game and fish statutes or regulations of this state:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Court Education Fund</td>
<td>$ 1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>Hunter Education and Training Program Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>State General Fund</td>
<td>30.00</td>
</tr>
<tr>
<td>Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund</td>
<td>.50</td>
</tr>
<tr>
<td>TOTAL STATE ASSESSMENT</td>
<td>$ 43.00</td>
</tr>
</tbody>
</table>
(4) **Litter Law 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 of Section 97-15-29 or 97-15-30:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statewide Litter Prevention Fund</td>
<td>$ 25.00</td>
</tr>
<tr>
<td><strong>TOTAL STATE ASSESSMENT</strong></td>
<td>$ 25.00</td>
</tr>
</tbody>
</table>

(5) **Other Misdemeanors.** 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 misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except offenses relating to vehicular parking or registration:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime Victims' Compensation Fund</td>
<td>$ 10.00</td>
</tr>
<tr>
<td>State Court Education Fund</td>
<td>1.50</td>
</tr>
<tr>
<td>State Prosecutor Education Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>Law Enforcement Officers Training Fund</td>
<td>5.00</td>
</tr>
<tr>
<td>Capital Defense Counsel Special Fund</td>
<td>1.00</td>
</tr>
<tr>
<td>State General Fund</td>
<td>30.00</td>
</tr>
<tr>
<td>State Crime Stoppers Fund</td>
<td>1.50</td>
</tr>
<tr>
<td>Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund</td>
<td>.50</td>
</tr>
<tr>
<td><strong>TOTAL STATE ASSESSMENT</strong></td>
<td>$ 50.50</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>FUND</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOTAL STATE ASSESSMENT</strong></td>
<td>$ 50.50</td>
</tr>
</tbody>
</table>
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
Capital Defense Counsel Special Fund: 1.00
State General Fund: 60.00
Criminal Justice Fund: 50.00
Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund: .50

TOTAL STATE ASSESSMENT: $129.00

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

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SECTION 5. This act shall take effect and be in force from and after July 1, 2003.